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Via eMail and Personal Delivery

Richard Coel
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255 North Forbes Street
Lakeport, CA 95453

***Re: Comments Regarding the Adequacy of the Draft
Environmental Impact Report for the
Cristallago Project***

Director Coel:

We own Hidden Lake Ranch, a 202 acre agricultural operation immediately adjacent to the westernmost edge of the Cristallago Development Project (the "Project"). Our property consists of one legal parcel but two assessor parcels (APN Numbers 003-046-090 and 005-007-030). We submit these comments regarding the inadequacy of the Draft Environmental Impact Report (DEIR) with respect to the proposed Cristallago development project.

Very much like the massive Cristallago project itself, the six hundred thirty (630) page Draft Environmental Impact Report (DEIR) and its nine hundred seventy four (974) pages of technical appendices prove that mere size does not make something good.

Overall Comment and Discussion

The comments in this response to the DEIR are without prejudice to the objections to the form and content of the Notice of Preparation of the DEIR set out in our letter dated July 13, 2007, regarding the scope and content of the DEIR.

The areas studied in the DEIR do not adequately reflect the comments and required areas for examination in the DEIR because they fail to examine all the areas of inquiry raised in the public Scoping Meeting and Notice of Preparation comment letters. The DEIR does not provide a correlation table between the comments (both at the Scoping Meeting and the written submissions) and the DEIR itself to show that the areas of inquiry have been covered in the DEIR.

Attached as Appendix 1 are the NOP comments we submitted, many of which have not adequately been addressed in the DEIR.

Discussion of Adequacy of DEIR

Section IV.A: Impacts Alleged to be Less Than Significant

Agricultural Resources (Page IV.A – 1). The DEIR fails to examine the environmental impact of the permanent loss of eighty acres of agricultural land that the permitting authority, Lake County, has designated as prime agricultural land. Just because the property is not shown on the Farmland Mapping and Monitoring maps does not make the land non-agricultural. The DEIR should examine in detail the environmental impacts of the destruction of the eighty acres of agricultural land.

Air Quality (Page IV.A – 1). The DEIR, relying upon the fact that Lake County has the cleanest air in California, avoids discussion of the significant air quality detriments likely to occur in the course of construction of the project and in the use of the completed resort, residential and second home project. There is no discussion of the environmental impact of the thousands of diesel truck runs that will be required to perform the massive million cubic yard cut and fill program or the thousands of hours of diesel bulldozer work needed to do the grading of the site. Those are one a few of the many significant potential air quality impacts from the project that the DEIR does not review.

Geology and Soils (Page IV.A – 2). The DEIR does not examine the potential impacts of even a moderate earthquake in the area on the huge quantities of fill that will be placed on the site. Over 500,000 cubic yards of fill will be placed, the equivalent of a building with a base an acre in size that towers over 30 stories in the air! It is common knowledge that fill, even if compacted according to existing standards, has a much more significant potential for liquefaction than similar natural soils. No examination of the potential earthquake impacts on the reformed soils on the site was done. Similarly, the fill will be “balanced” with the cuts on the site. In other words, the developers will scrape, blast and move 500,000 cubic yards of material from its current natural location, the equivalent to digging a hole an acre in size and over 300 feet deep.

The DEIR states at page IV.A-2: “The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The proposed project does not include the use of septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur and no further analysis of this issue is required.” However, there is not sewage capacity available for the project as proposed. Therefore, the environmental impact must take into account alternative methods of sewage and wastewater disposal, including septic tanks. The DEIR is inadequate for failure to evaluate that potential impact.

Mineral Resources (Page IV.A – 3). No mineral surveys were performed in connection with the DEIR.

Significant Environmental Impacts and Mitigation Measures

Impact AES-1: Impact on Scenic Vistas (Pages II – 4; IV.B – 10-12): Obviously, the proposed project would have a substantial and non-mitigatable adverse effect on the scenic vistas from the Clear Lake and Highway 29 side of the project. The DEIR does examine that impact. However, portions of the project will be visible from Scotts Valley and other areas. No analysis of the view impacts from Scotts Valley Road or properties adjacent to or off of Scotts Valley Road.

The DEIR also concludes: “Due to the distance from the project site to recreational boaters and other recreational users, impacts to the views from Clear Lake and Cow Mountain Recreation Area as a result of the proposed project would be less than significant.” (Page IV.B-12). The conclusion is fallacious. Given the present clear air quality in Lake County, a distance of a few miles does not make the destruction of the current aesthetics of the “less than significant.”

Impact AES-2: Impact on Scenic Corridors (Pages II – 4; IV.B – 13): The DEIR conclusion that the significant changes to the views from Highway 29 and Hill Road, which are both designated by the County as scenic corridors are somehow not significant is confusing and an inadequate and misleading statement of the environmental impacts of this project as related to scenic impacts.

The DEIR makes the following assumption: “This analysis will assume that the project is not within a State Scenic Highway and cannot be viewed from any County-designated scenic routes.” (Page IV.B-13). However, that assumption is completely inconsistent with the facts and even with the discussion in the paragraph that it concludes. State Route 29 is listed as an eligible highway and the Lake County General Plan and the Lakeport Area Plan both list SR 29 and Hill Road as scenic corridors. Therefore, to base the environmental assessment on the “assumption” that they are not scenic corridors is fundamentally flawed and makes the analysis incomplete.

Impact AES-3: Degradation of Scenic Views (Pages II - 4-5; IV.B – 13-14): It is certainly true that, as discussed in the DEIR, the proposed project would significantly degrade the existing visual character or quality of the site and its surroundings. However, the analysis focuses only on the views from Highway 29 and Hill Road. No analysis of the view impacts from Scotts Valley Road or properties adjacent to or off of Scotts Valley Road. The DEIR is inadequate for failure to perform such an examination and analysis.

The DEIR is also inadequate because it fails to examine the reduction in impacts that would occur from a reduction of the project’s density and scope. The DEIR rightly concludes that this project would result in a significant and unavoidable degrading of the visual character of the site. However, the discussion then concludes with the statement that “reduction of the project in density and extent, would reduce the amount of change, but would not likely reduce the visibility of the project to any significant extent.” The failure to explore the effects of a reduced project makes the DEIR inadequate. For

instance, the project proposes uses which would develop most of the ridges in the project area. (Page IV.B-14, first full paragraph). Ridgeline development creates some of the most significant visual impacts from the proposed project. The DEIR should include a full and complete analysis of the alternatives – including leaving all ridgelines undeveloped. Similarly, the project as proposed includes 1,000,000 (one million) cubic yards of cut and fill. That is equivalent to one acre of land with 620 (six hundred twenty) feet of dirt and rock above it! This is rock and dirt cut off the top of the existing ridges and scraped into the existing valleys. A smaller footprint, a reduced project, would have a much smaller impact on changing the existing visual character of the ridges and valleys on the property.

Impact AES-4: Lighting and Glare (Pages II – 5; IV.B – 14-16): The discussion of the nighttime light impacts and daytime glare impacts is void of any actual studying of the probable significant impacts and consists principally of a less-than believable story of why it wouldn't be “too” bad.

There are no studies of the lumens of light that would be added to the night sky. The DEIR undertakes no real evaluation of the impacts of adding the multiple thousands of light sources on nighttime views. The section on nighttime view notes that there would be added house lights, streetlights, and landscape lighting. However, no modeling or evaluation was done to examine what impact the addition of those thousands of light sources would have on nighttime skies. One of the significant environmental resources of Lake County, including North Lakeport and Scotts Valley, is the lack of significant light pollution. Massing thousands of additional sources of light on the subject property will generate significant light pollution, despite the use of any existing design standards. In order to make an informed decision, the permitting agency needs to know the actual light impacts – with detailed investigation and modeling rather than the summary dismissal of such impacts without analysis or study.

There are no studies of the actual glare the buildings and windows in the buildings now lining the hillsides and ridge tops would produce.

The DEIR relies up some “development standards” that “would be implemented” in connection with the massive Cristallago project to conclude that no mitigation of the light impacts is required to achieve the stated result of a “less than significant” impact. However, those “development standards,” to the extent required to achieve the “less than significant” impact conclusion must be identified as mitigations – otherwise nothing in the EIR would prevent some lesser standards from being applied later.

The whole area of lighting and glare needs a full and complete study – not a brush-off.

Impact AES-5: Conflict with Applicable Land Use Plans (Pages II – 5; IV.B – 14-16). The DEIR reaches the incredible conclusion that the proposed Cristallago project would not conflict with the Lake County General Plan or the Lakeport Area Plan. Nothing could be further from the actual facts either disclosed in the DEIR or existing as a matter of fact and law.

The DEIR ignores the fundamental divergence between the huge project located outside the designated urban growth boundaries in the Lake County General Plan. Esthetically, there can be no consistency between a project which should not be there at all and this proposal. To parcel out small pieces of the County's esthetic concepts and compare them to the marketing materials put out by the project proponent is not a fair and reasonable analysis of the environmental impacts of this project. This project conflicts at the highest level and at all intermediate levels with the applicable and enforceable land use plans.

The inconsistencies between the "analysis" in the DEIR and the Lake County General Plan are too many to detail specifically in this response. However, without waiving right to appeal all of the inconsistencies in the discussion of the esthetic rules, several stand out:

OSC-2.7: Landscaping Techniques. The DEIR finds the landscaping of the proposed project to be consistent with the General Plan. Nothing could be further from the truth. For instance, the project proposes to remove 95 acres of oak woodland, approximately 53% of the total 179 acres of oak woodland community on the site. (Pages IV.E – 75-76). That cannot possibly be consistent with the General Plan's goal : "[t]o preserve and protect existing viewsheds and visual quality found in the County." (Lake County General Plan, Goal OSC-2). Removal of 53% of the native oak woodland and replacing it with non-native olive trees and manicured golf courses, doing one million cubic yards of cut and fill and plastering the hillsides and ridge tops with "tuscan" villas cannot possibly be consistent with preservation of the existing viewsheds and visual quality now found in the County.

OSC-2.11: Grading Impacts. The DEIR reaches the conclusion that this project is "consistent" with the General Plan because "[t]he project proposes to minimize grading by conforming, to the greatest extent feasible, the building foundations to the site topography." (Page IV.B-20). How a project that proposes the cut and fill of 1,000,000 (one million) cubic yards of material is minimizing grading is simply incomprehensible. The "discussion" of the purported consistency between this project and the General Plan goes on to state that the project would be landscaped with "native plant and tree species" to create a "more natural" look. (*id.*). However, the predominate landscaping is olive trees and other decidedly non-native to Lake County species with the overall attempt to create a Tuscan Italy look to the project rather than a natural Lake County look.

OSC-2.15: Ridgeline Protections. The DEIR identifies this as "potentially inconsistent." There is no doubt that the ridgeline development proposed is entirely inconsistent with the General Plan. The DEIR attempts to deflect the analysis by stating that the far-off views of the Mayacamas Mountains would not be changed by the Tuscan Villas now dominating the ridgelines facing Clear

Lake. The proposed project indicates a clear plan and proposal to put houses all over the ridgelines and the slopes heading to the ridgelines. That plan and proposal is entirely inconsistent, not “potentially inconsistent” with the General Plan.

Every single element of the esthetics analysis of the DEIR as it relates to the General Plan and the Lakeport Area Plan is deficient. The entire analysis needs to be redone to accurately depict how this massive project relates to and is inconsistent with the applicable land use plans.

Agricultural Impacts

Impact AG-1 No Conflict with Existing Zoning or Williamson Act Contracts (pages IV.C – 17-18). The DEIR states that the nearest property under a Williamson Act Contract is one-quarter mile from the southernmost section of the project site. That is not an accurate statement: our property is under Williamson Act Contract and abuts the western edge of the Cristallago project.

One of the purported mitigations for the conflict between the dense residential development of the Cristallago project and adjacent agricultural uses is that fencing will be installed around the project so “trespassing is not expected to be a significant issue.” (page IV.C – 18). The design of such a fence is not disclosed in the DEIR so it is difficult to determine whether the blithe statement of “no problem” is accurate.*

Impact AG-2 Conversion of Farmland (page IV.C - 20). See discussion above re the dismissal of agricultural impacts in the Impacts Found to Be Less Than Significant.

Cumulative Impacts. The DEIR uses the fact that Lake County has generally been good about protecting its agricultural resources as justification for why the taking of the agricultural land in this case is somehow not a problem.

General Plan Consistency (Pages IV.C – 21-24, Table IV.C.7). There are many misstatements of the way that this project relates to the County’s General Plan set out in Table IV.C.7. The most incredible of those is where the DEIR attempts to characterize this project as consistent with AR-1.4 which states: “nonagricultural development should be directed to appropriate areas within the Community Growth Boundaries and the cities of Clearlake and Lakeport.” Adding six hundred fifty residences cannot possibly be called “consistent” with that policy. Similarly, the DEIR calls the extension of roads, waterlines and sewer lines into the project “consistent” with AR-1.7 of the General Plan which provides that “[e]xtension of services, such as sewer and water lines and roadways, into areas preserved for agriculture use should be

* Adding such a fence around the entire property is not discussed in the sections of the DEIR addressing the impacts on wildlife and their migratory and movement routes, making that discussion inadequate.

avoided.”. The fact that the DEIR attempts to mislead the policymakers relying upon by mischaracterizing what is consistent with the General Plan calls the entire EIR document into question.

Air Quality

Impact AQ – 2, Violation of Air Quality Standards (pages IV.D – 13-15). Although it is perhaps purposely unclear, it appears that no analysis of any kind was done with respect to air quality impacts in the construction of the project. Such a detailed analysis must be done; not only with respect to the “standard” air quality issues but also the greenhouse gas emission review required under State law.

Once again, the DEIR confuses trees for forest and appears to actively attempt to misdirect the attention of the permitting body by distributing the focus to the minutia of individual aspects of the air quality regulations while not discussing at all the overall negative impact of this project on local air quality and the emission of greenhouse gases.

Greenhouse Gas Emission. Table IV.D.7. Again, the DEIR attempts to mislead the policy makers relying upon it by stating consistency with applicable policies and goals where the absolute opposite is true. Buried in the table along with discussions of the consistency of the project with efforts to develop recycling standards is the incredible statement that this project is “consistent” with Smart Land Use and Intelligent Transportation Systems (page IV.D – 32). The discussion of the few trails and biking paths on the site ignores and does not discuss the huge carbon footprint (more a carbon stain) that the project generates both in its construction and in the long-term operation of a suburban sprawl neighborhood of 650 homes in what were agricultural and scenic rural lands. This project is the epitome of what bad planning and the creation of unsustainable greenhouse gas emitting development is all about. The discussion about on-site trip reduction ignores the fact that multiple trips from outside the county to the second homes will be generated and thousands of trips a day from the homes on the formerly scenic hillsides to town for work, to shop or to play will be generated. The idea of calling this suburban sprawl project a “smart land use” project is incomprehensible. The DEIR, instead of making the false and misleading statement of consistency with smart growth, must do a detailed analysis (including alternatives analysis) of the greenhouse gases that would be emitted in the development/construction of this massive project and in its long-term operation as a resort and first and second suburban home development. The DEIR is inadequate in its failure to do so.

Consistency with General Plan. Table IV.D – 9 (page IV.D – 35). Consistent with the efforts to mislead, the DEIR alleges that the project to be constructed outside the existing growth boundaries in the General Plan is somehow “consistent” with HS 3.3 which states: “Transportation and Air Quality. To reduce the number of vehicle trips and miles traveled, residential development should be in close proximity to places of shopping, play, and employment.” Simply because the project can be described as a

“mixed use development” does not mean that construction of the project outside the community growth boundaries is magically “consistent” with HS 3.3. Further, the limited commercial development in the project will not satisfy the needs of the thousands of full and part-time residents of the almost one thousand dwelling units to be constructed. This will result in a significant increase in vehicle trips between the project and Lakeport and the surrounding shopping areas, with accompanying air quality and greenhouse gas emission issues. Also, since a substantial (but not-identified in the DEIR) number of the houses constructed will be second homes, there will be a corresponding significant number of additional vehicle trips from areas outside Lake County to the project site.

Biological Resources

The DEIR is incomplete and inadequate because, although not clearly worded, it appears after reading the section several times, that the critical-to-analysis alignment of water and wastewater lines have not yet been surveyed – meaning that the entire biological impacts and mitigation analysis is just guesswork.

Because the proposed alignments of the water and wastewater lines were not previously surveyed . . ., it is **anticipated** that impacts on biological resources from the installation of the lines **may be similar to those described below . . .**

Page IV.E – 61 (emphasis added).

Further, all of the biological impact analysis is based upon outdated information. The DEIR relies upon protocol level surveys completed in 2005 and 2006. (Pages IV.E 62; II - 6). By its own terms, the DEIR admits that such plant surveys "would be considered outdated after three years by resource agencies, requiring additional survey work after 2008 or 2009." (Page II – 6). We are already at the end of 2008 and, by the time the final EIR is prepared and ready for consideration, it will be well into 2009. By its own terms, the DEIR admits the inadequacy of the plant surveys upon which it is based. Further, as noted in the peer review (Page IV.E-35), those outdated plant surveys were done in a limited time period which may have missed critical blooming/growing periods.

Similarly, the principal survey relied upon for determining whether any endangered or other special status animals are present on the project site is even more incredibly outdated. The DEIR relies upon a 1997 (over **ten year** old) protocol level survey! Also, many of the surveys related to fauna (animals) also were limited in the time periods in which they were conducted and may have undercounted or entirely missed counting the animal inhabitants in the project site. For instance, we understand that at least one nesting pair of bald eagles (*haliaeetus leucocephalus*) was established in the Scotts Creek area within the past ten years.

Finally, the fundamental principal of the biological mitigation is to do what the DEIR should do: identify whether there are protected species on the project site!

To avoid substantial adverse affects to special-status plants during project construction, focused surveys to determine the presence or absence of special-status plants in the development area shall be conducted no more than three years prior to the initiation of construction activities.

Mitigation Measure BIO-1a. Page IV.E – 62. The suggested “mitigation” of determining what species are on-site is what the EIR is required to discuss! The DEIR should rely upon detailed, current and viable plant and animal surveys to develop the information needed to determine the environmental impacts of the proposed project. To simply list what might be involved, dismiss what was not found in outdated surveys and defer to the future the facts which the permitting agency needs makes the DEIR hopelessly inadequate.

Species or subject specific issues with the DEIR follow:

Valley Elderberry Longhorn Beetle (VELB) Mitigation Measure BIO-1b (Pages II – 7-9;): The DEIR admits that there is habitat suited to the VELB on-site but defers all further examination of that habitat and the existence of the beetle to the future. That is not consistent with the requirements for a full and complete DEIR. Prior to certification of the EIR, there must be a full and complete survey conducted by a qualified biologist following the most current USFWS survey protocols.

Clear Lake Hitch. Mitigation Measure BIO-1c (Pages II – 9-10): "a qualified biologist shall further evaluate the habitat suitability of the intermittent tributary streams to Lyons and Scotts creeks and the constructed channel to Scotts Creek on the project site for Clear Lake hitch prior to project construction." This evaluation must be done as part of the EIR process. To defer the actual investigation of the habitat suitability to the future shows the inadequate nature of the DEIR.

California Red-Legged Frog (CRLF). Mitigation Measure BIO-1d (Pages II - 10-12): Same thing. While recognizing that the CRLF may be present on site, the DEIR simply defers the required site assessment to some future date. That is inadequate.

Western Pond Turtle (WPT). Mitigation Measure BIO-1e (Pages II - 12-13): Again, the DEIR defers the required biological survey to the future. This makes the DEIR inadequate.

Pallid Bat. Mitigation Measure BIO-1h (Page II - 16): The habitat site assessment, which should be part of the Draft EIR is deferred to some point in the future prior to construction. This makes the DEIR inadequate.

American Badger. Mitigation Measure BIO-1i (Pages II - 16-17): A survey to determine whether there are any active burrows in the proposed construction areas

needs to be conducted and made part of the EIR. The DEIR is inadequate because such a survey has not been conducted.

Jurisdictional Wetlands. The project applicant has apparently been trying to hide the status of wetlands on the property. As noted in the discussion of jurisdictional wetlands in Section IV.D (pages IV.D – 59 – 60), the delineation of wetlands on the property were **not submitted** to the U.S. Corps of Engineers for final determination as to whether the Corps would assert jurisdiction. The EIR, through the active failure of the applicant to provide the necessary jurisdictional bodies with required information is now fatally incomplete. The DEIR should be put on hold pending the decision of the Corps of Engineers on whether the wetlands and tributaries on the project site are within the jurisdiction of the Corps. The decision by the project developer and its consultants not to provide the Corps with the clearly required information means that they have tried to deprive the permitting authorities with the information they need to decide the environmental impacts of this proposed project. Put the Draft EIR on hold and don't allow the project proponents to benefit from their failure to provide the Corps of Engineers with information the project proponents were required to provide.

Oak Woodland. Mitigation Measure BIO-2a (Pages II - 17-18; IV.E – 85-90): The DEIR is inadequate in that a full and complete tree survey should be completed and made part of the EIR rather than being a "mitigation" to be done after. To put off to later, disparate project specific studies does not adequately reflect the potential impacts of this project on the oak woodlands in the area.

Riparian Woodland. Mitigation Measure BIO-3 (Pages II - 26-27): The DEIR is inadequate because it does not contain the required analysis as to whether there are jurisdictional wetlands in the area covered by the EIR (due to the active failure of the applicant and its consultant to submit the required materials to the Corps of Engineers). Also, the preliminary and incomplete Golden Bear Biostudies wetland delineation is outdated; it was developed more than three (3) years ago (2005-06).

Wildlife Corridors. Mitigation Measure BIO-4 (Pages IV.E – 83-84). The EIR concedes that the habitats on the project site "likely serve as travel routes" for wildlife species in the greater area. However, the DEIR is devoid of any analysis of the impacts on wildlife of constructing almost 1,000 residential and resort units, tens of thousands of square feet of commercial space and hundreds of acres of golf course. The only discussion in the EIR as to wildlife movement are a few sentences of reference to the SCS Engineering comment on the applicant's biological consultants work. However, the DEIR notes at page IV.E - 22 that "[w]ith the exception of SR 29 to the east of the project site, physical barriers to wildlife passage onto the site are generally not restricted. Scotts Valley Road and Scotts Creek south and west of the site, as well as the agricultural development in this area, may limit movement of some wildlife species; however, most species can pass through these areas." However, the EIR does not

show that any work was done to identify any local game trails or other migratory routes nor to address how the project will impact the currently free movement.*

General Plan Policy Analysis.

County General Plan OSC – 1.12. Management of Oak Woodland Communities (page IV.E – 90). It is very difficult to understand how this project is “consistent” with the General Plan Policy that “The County shall support the conservation and management of oak woodland communities and their habitats.” This is even more difficult to understand where the DEIR has conceded that the destruction of over 90 acres of oak woodland to create this project is a significant, unavoidable environmental impact.

Lakeport Area Plan 3.3.1.d. How removal of all the vegetation, including 90 acres of oak woodlands is consistent with the Lakeport Area Plan directive to “preserve and maintain native trees” is beyond comprehension. Similarly, the idea that preserving natural flow of water under 3.3.1.c is consistent with the massive grading and redirection of natural water flows on the site is mind boggling.

Geology and Soils

The geologic analysis is inadequate in that it relies principally on the 1984 Cleary Consultants work. That work is entirely outdated and cannot serve as the basis of the 2009 EIR. Slopes change, water tables change and the techniques and tools for examining geologic features become more precise. New and full geologic studies of the subject property need to be done in order for the final EIR to be complete and adequate.

Further, the limited geologic analysis that was done does not take into account the large quantity of fill that will be placed on the site. Over 500,000 cubic yards of fill will be placed on the site. It is common knowledge that fill, even if compacted according to existing standards, has a much more significant potential for liquefaction than similar natural soils. While lip service is paid to the fact that “deep fills may become unstable” and subject to differential settlement, no detailed examination of the potential earthquake impacts on the reformed soils on the site was done.

Unstable Soils. Mitigation Measure GEO-3a – 3b (Pages II - 31-32; IV.G – 14-): No geotechnical evaluation (other than the concededly outdated 1984 geotechnical investigation) has been conducted. The DEIR is inadequate in that no such geotechnical investigation has been done. Again, rather than do the undated geotechnical investigation that must be part of the EIR, the draft environmental report recommends it as a mitigation! (Mitigation Measures GEO 3a and 3b).

* Also not discussed in the DEIR is the whole displacement of animals from the project site to neighboring properties due to the destruction of their habitat in the project area. What are the impacts to neighboring properties from such a mass forced migration?

General Plan Policy Analysis.

General Plan HS – 1.1. The claim of consistency of this project with Lake County General Plan HS – 1.1 is unsupported because there is no updated geotechnical investigation.

Lakeport Area Plan 4.1.1. The DEIR claims consistency of the project with Lakeport Area Plan 4.1.1.c which prohibits development in areas most susceptible to landslides and seismic activity. That claim, given the substantial areas which are within the community growth boundary that do not have the slide and seismic issues of the proposed site, is misleading and makes the DEIR inadequate.

Hazardous Materials

Use and Disposal of Hazardous Materials. The DEIR fails to adequately describe and provide mitigation for the use of pesticides and fertilizers by homeowner residents of the project and the potential release and/or migration of such substances to adjacent properties. There is almost no discussion of the use of hazardous materials by the intended thousands of residents of the site and no quantification whatsoever of the use of hazardous materials (including herbicides, pesticides and fertilizers) on the site. A full and complete study and modeling of the use of such substances and the release/migration thereof off-site needs to be done and made part of the EIR.

Serpentine Rock. Mitigation Measure HAZ-2 (Pages II - 26-27; IV.H - 12): The DEIR notes that naturally occurring asbestos is “likely present” in the bedrock throughout much of the project site. However, no analysis or study has been done to identify where such asbestos bearing bedrock is located. Such a full and complete study (including core sampling and other studies as necessary) must be completed and made part of the DEIR. Failure to undertake such studies, where the DEIR concedes that asbestos bearing rock is “likely present” makes the DEIR inadequate.

Further, the mitigation measures as related to residents of the 650 single family residences in the suburban development are woefully inadequate and will not prevent homeowners and tenants from disturbing serpentine deposits with resulting hazardous materials releases.

Wildland Fires. Mitigation Measure HAZ-3. The DEIR fails to discuss fire truck and fire engine access restrictions to the site required to protect residents from wildland fires. The narrow streets and hilly conditions caused by the effort to build in the hilly area likely mean reduced ability to respond to fire events. However the EIR does not discuss that problem. Similarly, the DEIR does not address the lack of multiple escape routes for residents in the upper residential areas – much of the upper residential development has a single winding road out and allowing such development would expose those residents and their houses to significant injury and loss.

General Plan Policy Analysis

Lakeport Area Plan 4.3.1.b. The DEIR claims consistency with the obligation to implement recommendations of the CDF and the Lakeport County Fire Protection District **during evaluation** of development proposals. The fact is that the “consistency” is based upon a stated proposal to work with those agencies to develop a fire safety plan in the future. The fire safety plan, and the input of the relevant fire protection agencies must be part of the EIR, not part of some undefined post-approval process.

Lakeport Area Plan 4.3.1.e. The claim of consistency with respect to multiple roads and egresses for the residential development is misleading – there are not two roads to significant elements of the residential development as shown on the various development plans incorporated in the DEIR.

Hydrology and Water

The water and hydrology analysis is inadequate because it too is based principally upon the outdated 1984 report of Cleary Consultants.* Water levels and flows change over time and twenty-five years is too long to make this report a viable source of information for the EIR.

Drainage. Mitigation Measure HYDRO – 2. The mitigation measure calls for the development of a drainage plan. A drainage plan for the entire site must be part of the EIR. The Butler Engineering report prepared for the project applicant was found in the DEIR to be completely inadequate. (See pages IV.I – 19-21). This goes beyond just disagreement between consultants – it goes to the very validity and usability of the Butler Engineering work. However, after discrediting the Butler Engineering report, the DEIR and its consultants do not offer a valid and adequate alternative from which the County policy makers could determine the environmental impacts of this project (both within the project and, in this case, on adjacent properties which would be affected by improper changes in drainage from Cristallago). Thus, as is so often true in this (but not in most) EIR, the suggestion is that an adequate drainage study and plan be developed as a mitigation. A full, complete and adequate drainage plan must be **part** of the EIR and the failure to have one at this time makes the DEIR incomplete and inadequate.

The DEIR fails to address the ecological impacts of altering the flow of water from the subject property to adjacent properties. Obviously, the lack of a viable drainage plan makes such an evaluation practically impossible (see discussion about inadequacy of the Butler Engineering report discussed above).

* The DEIR states at page IV.I – 1 that the Cleary report was done in 1994 but all other references to the work show it being done in 1984. Even though the Cleary Consultants report is relied upon almost exclusively to support the work done in the Geotechnical and hydrological sections of the DEIR, it is not included in the technical appendices, further making the DEIR inadequate.

General Plan Policy Analysis

It is not feasible to evaluate the claims of consistency between the project and the Lake County General Plan and the Lakeport Area Plan due to the failure of the DEIR to include and incorporate a viable drainage plan.

Land Use and Planning

This project is fundamentally at odds with the Lake County General Plan and the Lakeport Area Plan.* However, the DEIR makes the incredible summary statement that this project would not conflict with any applicable land use plan, policy or regulation.

The whole discussion is, perhaps purposefully, confusing. At one point the DEIR notes:

Therefore, impacts related to a conflict between the proposed project and surrounding land uses and zoning would be **significant and unavoidable** because the proposed changes to General Plan and zoning designations on the site would result in an increase in density of residential development on the site, representing a substantial increase in density compared to existing surrounding land uses.

Page IV.J – 20 (emphasis in original).

But, then, after an obtuse discussion of the alternative ways in which duly enacted county general plans should be applied in the review process, the DEIR concludes:

The project is generally consistent with the applicable policies related to land use and planning. Therefore, impacts related to a conflict between the project and any applicable land use plan, policy, or regulation related to land use and planning would be **less than significant** and no mitigation measures are required.

Page IV.J – 20 (emphasis in original).

The DEIR correctly notes that it is up to the County to determine whether this project is consistent or inconsistent with the General Plan. However, the EIR needs to fairly and accurately address consistency or inconsistency between the proposal being considered and the general plan in effect. This DEIR abjectly fails to fairly and accurately address the fundamental disconnect between a General Plan that tries to keep development within well-established growth boundaries and preclude suburban

* The Land Use and Planning Section is inadequate because it states by omission that it does not use the 2008 Lake County General Plan for analysis (see page IV.J – 1 where the outdated 1981 plan is cited but not the plan approved and enacted in 2008).

development outside those boundaries and this massive subdivision project. The whole section is inadequate.

Noise

The DEIR is inadequate in that the noise analysis does not take into account the 2008 General Plan Table 8-1 levels of “normally acceptable” noise levels. The DEIR evaluates “acceptable” noise levels at the 65db level. However, the 2008 General Plan provides a lower 61db level as unacceptable for residential, low density areas (such as much of the land surrounding the proposed development). (See Lake County General Plan, Section 8: Noise, Table 8-1; DEIR, pages IV.K – 18-19).

Population and Housing

The DEIR again misleadingly misstates the impacts of the project on the environment, this time the population and housing stock in the greater Lakeport area. Impact POP - 1 makes the contention that the addition of almost one thousand residential units would not induce substantial population growth in the North Lakeport area. (Page IV.L - 11-12). However, the analysis is counter to the facts:

The population growth associated with buildout of the proposed project would be approximately 2,122 residents (560 employee-related residents plus 1,562 project residents). 14 When combined with the Lakeport Planning Area’s projected 2008 population (see Table IV.L-4), the population at project buildout (2028) would be 7,212 residents (low projection) and 8,010 residents (high projection). This would be approximately 16 percent higher than the Lakeport Planning Area’s low population projection for 2028 and approximately 8 percent lower than the Lakeport Planning Area’s high population projection for the same year.

Page IV.L – 14. When a single project creates more housing and thus more residents than the low estimate of future growth and sucks up almost all of the high estimate and then loads all that population growth into a single development, the project most definitely would “induce substantial population growth in an area.”

Appendix H: Economic Analysis

The economic analysis makes the assumption that “ the proposed development is financially feasible and that the results of the market analyses conducted for the project sponsor remain valid.” Apparently, no independent financial analysis was made as to the property values, occupancy levels, retail spending, golf rounds anticipated to be played and any of the other supporting elements to the revenue side of the economic analysis. The DEIR is deficient by reason of the unsupported reliance upon the economic assumptions made by in the marketing materials prepared for and by the developer of the proposed project.

Even if the original reliance upon the rosy financial picture painted by the developer was somehow valid, given the significant changes in the real estate and economic environment from the assumptions made in the marketing studies relied upon by the economic consultant, the economic analysis needs to be completely redone. The analysis is entirely inadequate and incomplete as it fails to account for the significant adverse changes in real estate values, the material changes in the costs of transportation and the material changes in the disposable incomes needed to support the project as described by its proponents. The economic analysis incorporated into and made a key part of the DEIR is not adequate to provide the permitting authorities the information required to consider and evaluate the significant changes that the project proponents demand in order to allow this project to proceed.

Without limiting the extent to which the economic analysis is misleading due to current circumstances, the County revenue assumptions are based upon the inflated purported real estate valuations for the residential and resort elements of the proposed project. All of the property tax revenue assumptions in Table A.1 are completely unsupported and unreasonably high.* Those assumptions underlie the most significant elements of the revenue assumptions of the economic consultant – real estate tax receipts.

Appendix _: Alternatives Analysis

The DEIR is inadequate for its failure adequately to explore the impacts of a project reduced in size, density and scope from the outrageous 650 dwelling units proposed. The cursory discussion hidden in the alternatives analysis (.

Despite its length, the DEIR is wholly inadequate for its failure to explore alternatives. There is no infill analysis – as a practical matter, this entire project (as overblown and unsuited to current reality as it is) could be accommodated completely within existing growth boundaries with a much smaller environmental impact. However, the DEIR fails completely to examine the infill alternatives. The DEIR rejected the concept of development of this project on another site in the Clear Lake area because “the project applicant does not own any other property that would be feasible for this project and can not “reasonably acquire, control or otherwise have access to [an] alternative site.” Page VI-3. The fact that the applicant may not be able to do the project as proposed on some other site it owns does not excuse the County (and this the EIR) from considering whether the purported benefits of this project (resort development, additional rental housing, etc.) can be better accommodated through infill development elsewhere in the County and/or Lakeport area. The EIR is deficient in its failure to fully evaluate the reasonable alternatives to construction of this project in its environmentally unsound location.

* It should be noted that the real estate values for even the smaller lots which were assumed for this project were roughly double the median value in 2006 (see DEIR, page IV.L-7). House values have dropped precipitously from those levels over the past two years.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
1) What is the purpose and goals of the Project? Can the purpose and/or goals of the Project be achieved with a plan that has fewer impacts than the Project plan as currently proposed? Would a smaller scale project and/or a project with a tighter footprint with greater setbacks from the property lines achieve the purpose and goals of the project with fewer and less substantial impacts to adjacent property owners and the public?	No. The alternatives analysis is inadequate and the developer's purpose has been confused with the County's purpose and benefits from the proposed project.

<p>Comment to NOP / Questions to be Answered in the EIR</p>	<p>Is the Comment or Question Answered in DEIR?</p>
<p>2) Is this Project consistent with the Goals and Policies of the Lake County General Plan (the “General Plan” or “GP”)? An analysis must be done in the EIR that reviews the consistency of the Project with each Goal and Policy element of the Lake County General Plan. By way of example, but not limitation: Is the Project as proposed consistent with GP Goal LU-2: “To clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses (i.e., high density residential, high density commercial, and industrial) from areas where rural or resource use should be emphasized” and the Policies (LU-2.1 through LU-2.6) that support that Goal?</p> <p>..</p> <p>Are there scale and siting alternatives to the Project plan that is currently proposed that would allow the revised Project to meet the General Plan Goals and Policies?</p>	<p>No. The DEIR has confusing and inconsistent conclusions regarding General Plan consistency.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>3) Would the Project as proposed be in conflict with general plan/community plan/specific plan designation(s) or zoning, or policies contained within such plans? By way of example, but not limitation: Is the Project in conflict with the North Lakeport Community Growth Boundary?</p>	<p>Yes; the DEIR concludes that the project is inconsistent with the community growth boundaries.</p>
<p>4) Does the number of residential dwelling units proposed for the Project exceed the applicable Density/Intensity maximum levels specified in the General Plan? The GP and applicable zoning regulations limit the number of units that can be built, reducing those maximums depending on watershed and slope factors where applicable. Taking the 153 acres proposed for residential use, and applying the maximum SR/SRe land use designation of one dwelling unit per acre, the maximum number of residential units that the Project can support is 153. That number must be reduced to reflect high slope levels and moderate-to-high landslide risk (GP Policy LU – 3.9). The Project’s proposed residential density of approximately 4.2 units per acre is well above the maximum permissible density of one unit per acre.⁶</p>	<p>No. Not reflected in the discussion of either zoning or compatibility with existing land use designations.</p>

1. If the applicant is seeking a zoning designation different than SR/SRe in order to allow a greater residential density, then the NOP is clearly inadequate and the deviations from the Goals and Policies of the General Plan even more significant.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>5) Do the portions of the Project site designated for residential use have an average cross-slope in excess of 30%? From the data contained in the Staff Report dated January 3, 2006, prepared for the Planning Commission, the eighty acre (approximately 10% of the Project site) APN 005-009-04 has an average slope of 39.5%. The 152 acre parcel 003-046-66 has an average slope of 33%. Parcels totaling 344 acres, approximately 40% of the Project site, have a weighted average slope in excess of 32.5%. Parcels totaling over half of the total Project area have slopes in excess of 29.9%.</p>	<p>No, not reflected in the discussion of housing density and development of the residential portions of the project.</p>
<p>6) Do portions of the Property designated for residential use have a moderate-to-high landslide risk? A full and complete geotechnical/geological review of the site must be done as part of the EIR to assess the landslide risk.</p>	<p>No. The DEIR relies upon an outdated and incomplete geotechnical analysis.</p>
<p>7) Is the Project site or any portion thereof located in a primary recharge area for the community's water system? A full and complete hydrological study of the Project site and adjacent areas must be completed as part of the EIR process.</p>	<p>No. The hydrological studies were either outdated or in the case of the drainage study, found to be completely inadequate.</p>
<p>8) Are the resort units planned for the Project "dwelling units" as defined in the General Plan? Do the number of resort units and/or the total square footage of the resort units proposed for the Project exceed the maximum levels specified in the General Plan?</p>	<p>Yes as to whether they are considered "dwelling units" but no as to how they factor into the maximum levels permitted under the General Plan.</p>

<p>Comment to NOP / Questions to be Answered in the EIR</p>	<p>Is the Comment or Question Answered in DEIR?</p>
<p>9) Since the portions of the Project site to be used PDC-CR/Resort and the portions of the property used for golf course and community uses are not counted in the acreage supporting the proposed number of residential units (see NOP, Figure 2 Site Plan), should the average percentage slope used to adjust SR/SRe and RR designation residential density/intensity, be adjusted to reflect the removal of the golf course and community portions of the site from the residential calculation? What is the difference in slope if that approach is applied? What is the difference in supported number of residential units if that approach is applied?</p>	<p>No.</p>
<p>10) Is there “adequate infrastructure . . . available” in the Project area, as that phrase is used in GP Policy LU – 2.1?</p>	<p>Unclear.</p>
<p>11) Is the massing of single family residential lots in and along the property-line of the narrow westernmost portion of the Project compatible with adjacent agricultural uses? Is there sufficient setback of the proposed residential use to provide a buffer between the residential uses of the Project and adjacent agricultural uses? It appears that there is no lot setback on the westernmost edge of the Project site and along both the north and south boundaries of the finger of the project that is westernmost.</p>	<p>No, the massing of single family residential lots is not discussed. There are discussions concerning setbacks but it is not clear from the un-amended plans whether they relate to the “westernmost edge of the Project site and along both the north and south boundaries of the finger of the project that is westernmost.”</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
12) Are there infill and other lower impact alternatives to the Project that would provide housing and recreational opportunities for existing and potential residents in the Lakeport area and tourist visitors to the area?	No. The infill alternative was discarded and the discussion of alternatives is inadequate.
13) Would the Project as proposed be incompatible with existing land uses in the vicinity?	Yes, partially. The DEIR concludes that the project is incompatible with many uses but the details on future uses of chemicals and future potential disturbances of serpentine materials, among other unknowns, makes the question of possible or probable additional elements of incompatibility uncertain.
14) Would the Project as proposed result in a substantial alteration of the present or planned land use of the North Lakeport area?	Yes.
15) Would the Project as proposed affect agricultural and timber resources or operations (e.g., impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)?	No. The DEIR is inadequate in its discussion of how operations on the subject property and run-off/migration of chemicals used on-site would affect agricultural and timber resources on adjacent properties.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>16) What other past, present and probable future projects are known that, when considered together with the Project, could compound or increase the environmental impacts of the Project? All related projects (i.e., those projects with pending applications, recently approved, under construction, or reasonably foreseeable projects that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed project) must be included in the EIR.</p>	<p>Partially.</p>
<p>17) Would the Project as proposed cumulatively exceed official regional or local population projections?</p>	<p>Yes.</p>
<p>18) What will be the visual impacts of the completed Project from Highway 29, from Lakeport, from Clear Lake, from Scotts Valley and from the Eickhoff Road area?</p>	<p>No. The DEIR discusses visual impacts from Highway 29, disregards visual impacts from Clear Lake and does not discuss at all visual impacts from Scotts Valley Road and the Eickhoff Road area.</p>
<p>19) What will be the privacy impacts from the Project on the residents of adjacent properties?</p>	<p>No. Not discussed.</p>
<p>20) What will be the visual impacts during the proposed extended period of construction of the Project on the views from adjacent properties and roadways?</p>	<p>No. Not discussed.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
21) Will residences and other improvements be constructed on upper hillsides, hilltops or ridges where such development would be highly visible and discordant with the natural topography of the Project site?	Partially. Ridgetop construction was disclosed but not the visual impacts other than as to the portions visible from Highway 29.
22) Will the Project, as planned, be consistent with General Plan Policy LU-7.4 (Contextual and Compatible Design)? Does the Project design respect Lake County's heritage? Is the Project design and scope compatible with the traditions and character of the Lakeport and Scotts Valley areas? Is the Project compatible with the scale of surrounding structures and uses?	No.
23) What will be the noise impacts of the construction of the Project on the views from adjacent properties and roadways?	
24) What will be the visual impacts of nighttime lighting of residences, resort buildings and other buildings created by the Project?	No. The DEIR fails to model or study the nighttime visual impacts from the project.
25) What is the existing natural terrain on the Project Site, including soils types and slopes? Is development on the scale proposed consistent with the terrain?	No. The DEIR relies upon outdated and incomplete geotechnical studies.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
26) What grading will be done to the Project Site and how much will that grading alter the natural terrain?	No. The grading plans are not clear and finalized and the geotechnical and hydrological impacts are not adequately analyzed.
27) Will the Project create surface and/or groundwater quality degradation?	No. The hydrological studies are inadequate and/or outdated.
28) What portion of the Project site will be converted from existing open terrain to impervious surfaces? How will that affect storm water runoff and groundwater recharge?	No. The hydrological studies are inadequate and/or outdated.
29) What will be erosion impacts from the grading necessary to construct the planned improvements?	No. The hydrological studies are inadequate and/or outdated.
30) Is any portion of the Project site in a Critical Water Resources Area? How will the Project impact water supply storage and collection facilities, groundwater recharge areas and the watershed in the Project area? How would the Project affect the sustainable management of the County's water resources? How would the Project affect long-term groundwater recharge capabilities in the County? Would construction of the Project protect groundwater basins and surface water drainage areas?	No. The hydrological studies are inadequate and/or outdated.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
31) Will grading and other operations in connection with the construction and occupation of the Project cause sedimentation in local streams, lakes and other waterways?	No. The hydrological and geotechnical studies are inadequate and/or outdated.
32) What will be the environmental impacts of the grading and other soils work done during the construction phases of the Project, particularly including but not limited to (1) the air quality impacts of disturbing serpentine soils and (2) the water quality impacts, of surfactants used for dust control?	
33) What will be the impact of the proposed improvements, specifically roads, paving and building construction, on the flows of water from the Project property onto adjacent properties during storm events? What are the provisions for handling storm water runoff from the Project site, both during and after construction of the improvements?	Partially. Some discussion of the air quality impacts but the hydrological and geotechnical studies are inadequate and/or outdated.
34) Will there be sediment or other adverse impacts on local waterways and/or agricultural resources as a result of the construction of the planned improvements and the operation of the Project after construction?	No. The hydrological and geotechnical studies are inadequate and/or outdated.
35) What are the sources of water required for the residential, golf and resort uses planned for the Project?	
36) Is the water supply assessment for the Project adequate?	

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
37) What are the provisions for sewage disposal for the Project? What will be the impacts of sewage disposal? When combined with other existing, proposed and probable uses, will the construction of the Project adversely affect the available sewage disposal capacities in the Project area?	
38) How will the project applicants avoid and mitigate trespassing by Project residents and guests on neighboring properties?	No. There is discussion in one section of the DEIR about a fence around the project but the trespassing onto adjacent properties is not fully discussed.
39) What will be the exterior fencing of the entire Project? Will that fencing be sufficient to prevent trespassing by Project residents and guests onto neighboring properties while still minimizing impacts on wildlife?	The type of fencing which may or may not be around the entire property is not disclosed or discussed. Impacts of such fencing on wildlife is not discussed.
40) What will be the lot fencing of the individual housing lots?	No. Not discussed.
41) What will the impact of the Project be on wildlife in the Project area and which migrate through the Project site?	No. The biological reports relied upon are outdated and the discussion of migratory routes is inadequate.

<p>Comment to NOP / Questions to be Answered in the EIR</p>	<p>Is the Comment or Question Answered in DEIR?</p>
<p>42) What are the overall impacts of the Project of removing forested habitat on wildlife and vegetation?</p>	<p>No. The biological reports relied upon are outdated and review of the effect of destruction of on-site habitat on local and regional populations of animals is not done.</p>
<p>43) What are the overall impacts of the Project on the local populations of the endangered Lake County stonecrop (<i>Parvisedum leiocarpum</i>), Contra Costa goldfields (<i>Lasthenia conjugens</i>), few-flowered navarretia (<i>Navarretia leucocephala</i> ssp. <i>pauciflora</i>), and many-flowered navarretia (<i>Navarretia leucocephala</i> ssp. <i>plieantha</i>)?</p>	<p>No. The biological reports are outdated.</p>
<p>44) What are the overall impacts of the Project on local populations of the endangered Western Burrowing Owl (<i>Athene cunicularia hypugaea</i>)?</p>	
<p>45) What are the impacts of Project-generated sedimentation and potential pesticide and herbicide usage on local populations of the Clear Lake Hitch (<i>Javinia exilicauda chi</i>) and other species of fish in Scotts Creek and other local waterways?</p>	<p>No. The biological reports are outdated, the hydrological report is not adequate, and the discussion and analysis of the off-site effects of usage of pesticides and herbicides is inadequate.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>46) What, in addition to the non-native olive trees referenced in the NOP, will be the new landscaping and introduced plantings on the Project Site? Will such new landscaping and introduced plantings emphasize use of native species?</p>	<p>Partially. There is no landscape plan and only a general discussion that there will be landscaping done and that at least some of the landscaping will use native species.</p>
<p>47) The Project description states that farming operations on the Project will be conducted organically. What is the certainty that in future years the farming operations will continue to be conducted organically? What enforceable restrictions will be placed on the Applicant and its successors that compel only organic farming on the Project property?</p>	<p>No. There is no binding and enforceable commitment on the part of the developer which would restrict either the developer or future purchasers to organic farming and landscaping operations.</p>
<p>48) What will be the environmental impact of the maintenance by future residents of landscaping on the various lots in the Project? What restrictions will be placed on residents and potential owners of lots in the Project on their use of chemical fertilizers, herbicides and pesticides? What will be the enforcement mechanisms to ensure that there is no adverse use of such non-organic products?</p>	<p>No. There is no binding and enforceable commitment on the part of the developer which would restrict either the owner or future purchasers of building lots in their use of pesticides, herbicides and fertilizers. The question of enforceability of any such restrictions by damaged third parties is open.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>49) What will be the impact of maintenance of the golf course on local waterways and adjacent properties? What enforceable restrictions will be placed on the Applicant and its successors that compel only sustainable and non-impacting maintenance activities on the Project golf course(s)?</p>	<p>No. The hydrological study is inadequate and there is no adequate discussion of how golf course operations will affect downstream properties.</p>
<p>50) What will be the environmental impact of domestic animals owned by future purchasers of lots and residents of other facilities? By way of example, but not limitation, what will be the impacts of domestic animals on existing habitat, birds, rodents, and the effects of additional fecal matter in storm water run-off?</p>	<p>No. The hydrological study is inadequate and there is no adequate discussion of how the impacts of domestic animals owned by residential owners in the project will affect downstream properties.</p>
<p>51) By reason of the development of the 865 acres of the Project, where will the existing wildlife go? Will they go only to the proposed new open space or will they relocate onto adjacent properties? If the animals relocate to adjacent properties, can these areas support the additional load of the animals without material adverse impact to the animal populations and the resources of the adjacent properties? What migratory patterns will be disrupted by this development, both for threatened and non-threatened species?</p>	<p>No. The biological reviews are outdated, there is no discussion regarding potential relocation of animals on-site once their habitats are destroyed by the project development, and the discussion regarding animal migratory routes is inadequate.</p>
<p>52) What is the phasing plan for the construction of improvements in the Project area?</p>	<p>Partially.</p>

<p>Comment to NOP / Questions to be Answered in the EIR</p>	<p>Is the Comment or Question Answered in DEIR?</p>
<p>53) What is the mechanism to ensure that all necessary infrastructure improvements (such as roads, stormwater drainage, screening plantings, treatment systems and the like) are completed prior to construction of potentially impacting improvements?</p>	<p>No. There is no obligation or mitigation that requires the developer to install all infrastructure before commencing potentially impacting improvements.</p>
<p>54) Would construction of the Project as proposed cause substantial change in topography or ground surface relief features?</p>	<p>Partially. There is discussion of the fact that ridgetops will be removed and other actions will be taken. However, the geotechnical analysis of the project is outdated and no specificity has been provided in the DEIR regarding the actual topographical changes that will be made.</p>
<p>55) Would the Project as proposed cause unstable earth conditions or changes in geologic substructures?</p>	<p>No. The geotechnical study is outdated and no specificity is provided on the actual changes that will be made to the site.</p>
<p>56) Would the Project as proposed cause significant disruptions, displacements, compaction or overcrowding of the soil?</p>	<p>No. The geotechnical study is outdated and no specificity is provided on the actual changes that will be made to the site.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
57) Would construction and occupation of the Project as proposed cause exposure of people or property to geologic and geomorphological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	No. The geotechnical study is outdated and no specificity is provided on the actual changes that will be made to the site.
58) Would construction and occupation of the Project as proposed cause changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	No. The hydrological study on the project is inadequate.
59) Would construction and occupation of the Project as proposed cause the exposure of people or property to water related hazards such as flooding?	No. The hydrological study on the project is inadequate.
60) Would construction and occupation of the Project as proposed cause discharge into surface waters or other alterations of surface water quality (e.g., temperature, dissolved oxygen, or turbidity)?	No. The hydrological study on the project is inadequate.
61) Would construction and occupation of the Project as proposed cause changes in the amount of surface water in any water body, whether on the Project site or off-site?	No. The hydrological study on the project is inadequate and off-site impacts from on-site activities are not discussed in meaningful detail.
62) Would construction and occupation of the Project as proposed cause changes in the course of direction of water movements?	No. The hydrological study on the project is inadequate.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
63) Would construction and occupation of the Project as proposed cause changes in the quantity of groundwater, either through direct additions of withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability?	No. The hydrological study on the project is inadequate.
64) Would construction and occupation of the Project as proposed cause altered direction or rate of flow of groundwater?	No. The hydrological study on the project is inadequate.
65) Would construction and occupation of the Project as proposed cause impacts to groundwater quality?	No. The hydrological study on the project is inadequate and off-site impacts from on-site activities are not discussed in meaningful detail.
66) Would construction and occupation of the Project as proposed cause substantial reduction in the amount of groundwater or treated water otherwise available for public water supplies?	No. The hydrological study on the project is inadequate and off-site impacts from on-site activities are not discussed in meaningful detail.
67) Would construction and occupation of the Project as proposed cause violate any air quality standard or contribute to an existing or projected air quality violation?	Partially. Potential air quality impacts from construction activities are not fully discussed and the potential impacts caused by actions of future homeowners is inadequately disclosed.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
68) Would construction and occupation of the Project as proposed create objectionable odors?	
69) Would construction and occupation of the Project as proposed cause increased vehicle trips or traffic congestion? How will the traffic methodology used in the EIR take into account the resort and second-home nature of the Project, where, in addition to an increase in local vehicle trips, there will be a significantly higher count of inter-regional trips? The traffic methodology needs to take into account increased vehicle trips on the main feeder routes from adjacent counties into Lake County, including but not limited to California State Route 20 in Lake, Mendocino and Colusa Counties, California State Route 29 in Lake and Napa Counties, California State Route 175 in Lake and Mendocino Counties and U.S. Highway 101 in Mendocino and Sonoma Counties.	No. There is limited traffic study of the immediately adjacent intersection to the entrance of the project but no other meaningful traffic analysis was performed.
70) Would construction and occupation of the Project as proposed result in impacts to endangered, threatened or rare species or their habitats?	No. The biological studies underlying the DEIR are outdated.
71) Would construction and occupation of the Project as proposed result in impacts to locally occurring natural plant communities?	No. The biological studies underlying the DEIR are outdated.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
72) Would construction and occupation of the Project as proposed result in impacts to identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian routes, and known concentration areas of waterfowl within the Pacific Flyway?	No. The biological reports relied upon are outdated and the discussion of migratory routes is inadequate.
73) Would construction and occupation of the Project as proposed result in impacts to critical deer winter ranges (winter and summer), migratory routes and fawning habitat?	No. The biological reports relied upon are outdated and the discussion of migratory routes is inadequate.
74) Would construction and occupation of the Project as proposed result in impacts to stream environment zones?	No. The biological studies are outdated.
75) Would construction and occupation of the Project as proposed use non-renewable resources in a wasteful and inefficient manner? Will the construction and operation of the Project as proposed, including but not limited to the additional vehicle trips generated locally and inter-regionally, contribute to global warming?	No. The greenhouse gas emission discussion is inadequate.
76) Would construction and occupation of the Project as proposed result in the loss of availability of a known mineral resource that would be of future value to the region and state residents? A comprehensive survey and study of mineral resources in the Project area must be done as part of the EIR.	Yes.

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
77) Would construction and occupation of the Project as proposed result in exposure of people to existing sources of potential health hazards, including, but not limited to, asbestos and mercury?	Partially. While there is discussion of on-site risks, the mapping of actual serpentine deposits and other potentially hazardous materials on the site has not been done.
78) Would construction and occupation of the Project as proposed cause increases in existing noise levels?	Partially. The DEIR applies a standard to certain noise levels in some areas that is not the standard called for under the Lake County General Plan.
79) Would construction and occupation of the Project as proposed require the need for new or substantially improved storm water drainage?	Partially. The DEIR concludes that additional storm drainage is needed but the drainage study is inadequate.
80) Would construction and occupation of the Project as proposed require the need for new or substantially improved solid waste materials recovery or disposal?	
81) Would construction and occupation of the Project as proposed require the need for new or substantially improved local or regional water supplies?	
82) Would construction and occupation of the Project as proposed require the need for new or substantially improved supplies of electrical power or natural gas?	

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
83) Would construction and occupation of the Project as proposed require the need for new or substantially improved local or regional water treatment or distribution facilities?	
84) Would construction and occupation of the Project as proposed require the need for new or substantially improved sewer, septic systems, or wastewater treatment and disposal facilities?	
85) Would construction and occupation of the Project as proposed affect a scenic vista or scenic highway?	
86) Would construction and occupation of the Project as proposed have a demonstrable negative aesthetic effect?	

<p>Comment to NOP / Questions to be Answered in the EIR</p>	<p>Is the Comment or Question Answered in DEIR?</p>
<p>87) What are the architectural design standards for the Project improvements, residential, resort residential and resort commercial? Will buildings would be located below prominent ridgelines wherever possible? Will buildings be designed to follow existing grades as closely as possible? Will building materials and colors be required to be selected to ensure compatibility with the surrounding natural landscape and to harmonize with the setting? Will earth and wood tones be used for roofs? Will reflective glass or other glaring materials be prohibited? Will natural wood, stone and plaster exterior coverings be mandated? Will buildings be sited in a manner that is sensitive to the location of existing trees? Will low massing, and modest scaling of the improvements be required and will building geometry reflect the natural setting? Will open exposed piers in the treatment of the lower story of hillside houses be prohibited? Will driveways be minimized in width and located to preserve trees and to reduce the need for grading? Will residential lighting be kept to a minimum to reduce light and glare? Will lighting paths, entranceways, and outdoor living areas be directed downward to maintain rural character and reduce nuisance to adjacent properties? Will streetlights be minimized and will all exterior lighting be required to be low intensity and be selected to minimize ambient light? Will tree planting be required along public streets to soften the effects of light and preclude glare from cars and structures? Will the landscape design of developed areas use only native plants, native stone, and sensitive grading that</p>	<p>No. There is some discussion in a cursory manner that indicates some stated sensitivity to design issues. However, there are no binding design imperatives in either the proposed plan nor in the DEIR mitigations.</p>

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
88) Would construction and occupation of the Project as proposed disturb paleontological resources? A full and complete paleontological survey and analysis must be completed as part of the EIR process.	
89) Would construction and occupation of the Project as proposed disturb archaeological resources? A full and complete archaeological survey and analysis must be completed as part of the EIR process.	
90) Would construction and occupation of the Project as proposed affect historical resources? A full and complete historical survey and analysis must be completed as part of the EIR process.	
91) Would construction and occupation of the Project as proposed restrict existing cultural, religious or sacred uses within the potential impact area? A complete cultural resources inventory must be conducted as part of the EIR process.	
92) Would construction and occupation of the Project as proposed increase the demand for neighborhood or regional parks or other recreational facilities?	

Comment to NOP / Questions to be Answered in the EIR	Is the Comment or Question Answered in DEIR?
<p>93) What are the current ambient pollutant concentrations at and adjacent to the Project site? How would construction of the Project affect such concentrations? How would use of the Project after construction by residents, resort guests and others affect such concentrations? Would the Project, either during construction or after completion of construction, cause violation of any existing or proposed ambient air quality standards? What are the cumulative impacts of the Project on ambient air quality standards when considered in conjunction with existing, proposed and probable future development?</p>	
<p>94) A biological assessment must be done on the entire property to catalog all existing plant and animal species and to identify any potential impacts to those species by reason of the construction and/or operation of the Project. The biological assessment should also catalog all vernal pools and freshwater seeps and springs on the site.</p>	
<p>95) What are the geologic and geotechnical features of the Project site? A full and complete geotechnical/geological review of the entire Project site must be conducted as part of the EIR process.</p>	