

**From:** ransleyfran@yahoo.com  
**Subject: Commentary on Provinsalia EIR**  
**Date:** December 6, 2005 1:13:41 PM PST  
**To:** vbrandon@lakelive.org

Hi Victoria,

Got my commentary emailed off to RMM (got an email saying it had been received) and delivered one to Karen Mantele at City Hall yesterday. Whew! Glad this is done.

FYI it is pasted below:

December 5, 2005

To: The City of Clearlake Planning Commission and RMM  
Environmental Planning

Re: Commentary on Provinsalia EIR

I have reviewed the EIR for the Provinsalia development. My commentary covers the following concerns: (1) Domestic Water Supply and the use of water from Cache Creek to irrigate the golf course; (2) Recontouring and extensive grading of the land and its impact on soils, (3) Removal and replanting of native oaks; (4) Wildlife Habitat; (5) Fire; (6) Hydrology; (7) Social Services; (8) Traffic issues; and (9) The "Owner's Right to Build."

Domestic Water Supply and Use of Water From Cache Creek

At this time it might be prudent to remember the words of the great California author John Steinbeck: "...during the dry years the people forgot about the rich years, and during the wet years they lost all memory of the dry years. It was always that way" (East of Eden).

It is my belief that Cache Creek, and its source, the lake, from which Konocti County Water District draws

its water, is already sufficiently encumbered. A letter from the Director of Konocti County Water district, while it may demonstrate good will, does not guarantee an adequate supply of water ad infinitum. Many factors determining water supply, such as climate and weather patterns and changing water needs in surrounding areas are beyond the control of any individual or agency.

On Page 15 the report states that, "The golf course will be irrigated with water drawn from Cache Creek." Does anyone remember the drought years of 1975 through 1977 when, even during the winter one could often not see any water in the creek from the Lake Street Bridge? Development of already existing lots in the City of Clearlake in addition to the domestic requirements of residents of the Provinsalia development will stretch this resource to its full capacity. This and similar developments in other parts of the county will all have their impact on the Clear Lake Basin. As the state and our region become increasingly developed and the demand for water becomes greater, it seems a scandalous waste to use this precious commodity to water a golf course, when there are already five golf courses in the county, all within easy driving distance.

### Recontouring and Grading

Page 25 states, "The construction of Provinsalia will include substantial recontouring of the land and a reduction of existing elevations through grading." As is described later in the geology, soils and hydrology sections, these soils are sensitive and easily destabilized and degraded by any type of disturbance. Aesthetic concerns are the least of our worries, here. More immediate concerns might be the safety of residents living in houses on unstable hillsides. Does anyone remember the flood winter of 1982-83 when a landslide that took Caltrans several months to clear inundated a large portion of Highway 20? Evacuations,

damage to homes and at least one death has occurred in this county when homes built in steep, unstable areas were threatened or demolished by slides. The “engineered plans” proposed for grades over 30% may help, but do not guarantee against failure of steep slopes. The impact of grading on the creek water will be addressed in the paragraphs on soils and hydrology.

Some grading and excavation is almost always necessary when a home is built. However the extent of grading described in this report makes it appear that the density of housing proposed for this development is far in excess of what the natural formation of the landscape will allow without severe damage. It seems as though the developer is cutting the foot to fit the shoe, instead of the other way around.

### Removal and Replanting of Native Oaks

Oaks do far more than provide shade and habitat. Their roots, fallen leaves and other duff help to protect and stabilize soils during heavy rains. Oaks also retain water during the dry season, and begin to release it in late summer and early autumn. I once asked Peter Moyle, UC Davis Fisheries Biologist, why dry springs and old hand dug homestead wells in remote and very dry parts of the county begin to fill with water before the rainy season begins. “It’s simple,” he answered. “The oaks hold water, and as they begin to shut down in preparation for dormancy, they release water back into the ground.” So when you remove an oak, you are removing a valuable source of water retention that will impact groundwater and wildlife habitat.

The idea of removing 1,540 oaks and “replanting” elsewhere, again suggests that the developer is trying to fit the foot to the shoe.

The “oak conservation strategy” described on pages 57 and 58 is an oxymoron. How can the removal of 1,540 oaks be termed “conservation”? If the project’s intent is to conserve, or save oaks, then they should

not be removed. Reducing housing density and configuration as well as deleting the golf course should make it possible to develop the land without removing fifteen hundred oaks.

It is not so easy to replant *Quercus douglasii*, or Blue Oak, the species that would be most heavily impacted by this project. As a Horticulture student at Mendocino College I did course work in Soil and Water Sciences and Plant Identification, that included an understanding of the soil types and other conditions a species needs in order to survive. I also did extensive lab work and experimentation with planting and transplanting native species. I planted, or attempted to plant Blue Oaks on my own property, which falls within a Blue Oak-Manzanita woodland area that was cut over before I bought the land.

The Blue, or Post Oak as it is also called, is not as majestic as the Valley Oak, and is often passed off as “scrub”. It is an important part of the plant and wildlife community, however, for reasons mentioned above and further detailed in the Sierra Club’s analysis. The Blue Oak is extremely sensitive and is one of those plants that will only grow where conditions are just exactly right for it. Where you find it is where the conditions are right. Trying to plant it where it doesn’t occur naturally or trying to create the right conditions for it will be found to be largely a waste of time and resources.

In the 21 years on my property, I have planted dozens of acorns and attempted to transplant numerous Blue Oak seedlings. Here is a list of those oak seedlings that actually survived, their ages and size at the present:

3 trees 6 years old, the largest 30” tall, 1/2” diameter trunk

3 trees 13 years old, 34”tall, 1/2” diameter trunk  
73”tall, 1 1/2”

diameter trunk

29”tall, 1/2’

diameter trunk

1 tree 11 years old, 9'tall, 2" diameter trunk  
(volunteer, not planted)

1 tree 17 years old, 51"tall, 1" diameter trunk

2 trees 19 years old, 15'tall, 6" diameter trunk  
(volunteer)

14'tall, multiple  
trunks each 4 1/2" diameter (volunteer)

With that in mind, imagine that twenty years after replanting, if you are lucky, you may have a very small number of Blue Oaks reaching fifteen feet, with a possible trunk diameter of four to six inches.

These largest of the young oaks on my property are just now beginning to cast a little shade and offer minimal habitat to birds. And they are ones that came up on their own as volunteers; they are not ones that I planted.

#### Wildlife Habitat

The Sierra Club had done an exhaustive report on the project's potential impact on wildlife habitat, with which I concur.

#### Fire

Anyone who has ever seen a wildland fire knows that when the wind is blowing, the CDF recommended thirty feet is often not enough to keep a fire from jumping to vegetation on the other side. Hidden Valley residents from ten or more years back may remember a fire that destroyed several homes in the steep, brushy area of that subdivision. Over the last several years I have read newspaper and magazine articles about protecting homes in rural areas from fire, and the recommendations are now revised to exceed thirty feet.

The twenty feet stated on page 92, Mitigation 2, is not adequate, nor legal.

It is stated that 18th Avenue would be used “for emergency vehicles” access to the development. Fire safety is another good reason, beyond the general concern of traffic, that Dam Road and Lake Street should not be the only route in and out of Provinsalia. In the event of a fire, how are residents supposed to evacuate through this narrow corridor? Think of how much more than “somewhat chaotic” Lake Street would be, given the worst case scenario of a mid-afternoon fire about the time students are getting out of school, Oak Hill at the end of Dam Road Extension, and Lower Lake High School and Lower Lake Elementary on Lake Street, as well as Blue Heron School and Carle High School on Winchester, that feeds onto Main Street. How are the residents of 600 plus homes going to get out, fast, when the streets are already near gridlock condition from normal peak hours use?

### Soils and Hydrology

The steepness of grades and proximity to the creek make this an extremely sensitive area where erosion is concerned. If the first rains of the season are severe, with no gentle early rain to bring up grasses and provide plant roots to stabilize the soil, no amount of mitigation measures will completely protect radical runoff areas from erosion. Wattles, blankets, hay cover and other techniques that are useful on gently rolling terrain, will not protect steep hillsides if there is no vegetation to hold the soil.

As stated on page 100, these soils become unstable and easily eroded once they have been disturbed. Even compaction after grading does not always secure this soil type from severe washouts. Where you have the clays and shales that make up much of the Blue Oak woodland soil, any grading or disturbance of the soil with heavy rain added, will give you a slurry of rock and gravel floating in soup, an unmanageable mess that

will surely cause sedimentation and debris pileups downstream.

The mitigation measures for potential toxic runoff described on page 102 needs to be clarified. How frequently will water be tested? What are the “appropriate actions” to be taken if toxins are found in retention basins?

Golf courses are notorious for their use of large amounts of fertilizers, herbicides and other chemicals, as well as wasteful amounts of water in order to achieve the artificially lush ambience that is attractive to golfers. It seems ironic to me that our Governor recently signed into law the protection of Cache Creek below the dam as a “Wild and Scenic” area. Now the water quality of this wild and scenic creek will be threatened by toxic runoff from a golf course. This would have significant impact not only on fish and wildlife, but on the farms of the Capay Valley, that depend on the waters of Cache Creek for irrigation.

## Social Services

The EIR waves away any potential impact on Lake County Social Services in three sentences, stating that these programs are “supported through property taxes.” If the estimated 35% of the population at Provensalia are seniors, then the already heavily overburdened In-Home Supportive Services program will be in even deeper trouble. This is an entitlement program with eligibility based on income and assets.

From my own experiences as a Social Worker in that program I can tell you that many residents in areas of the county that we consider middle or higher income areas can and do qualify for services, if their home and car are their only assets. Frequently I met middle-aged homeowners, commuting out of the county to jobs, who needed IHSS services for an elderly parent living in their home. Other formerly independent elderly individuals and couples, bankrupted and

impoverished by high medical bills, become eligible for county services, once their assets are gone.

A large influx of seniors will also have an impact on medical services. A study done in the late nineties while I was a county Social Worker compared the state average of one physician to six hundred patients, to Lake County's ratio of one physician to approximately two thousand patients. The ratio may be more favorable at the present time, with new doctors coming to the county and the addition of the Adventist clinic in Clearlake, but I am sure that our county's medical facilities could be seriously impacted by a large new population of medically needy seniors.

## Traffic

The section mentioning the Dam Road extension on Page 128 failed to take into consideration that besides Oak Hill Middle School, Yuba College, and the Sheriff's Substation, the area also houses the South Lake Superior Court, the jail, Public Health, and the Konocti Unified School District Bus Yard. In addition, there is the Mason's Hall, a propane company and a recycling center in that area. When there is a jury trial, parking anywhere in this area becomes problematic, as does driving in or out of the area when school buses are entering or leaving. Only Dam Road accesses these facilities. There is no other entrance or exit.

It is also not clear in this section who will be responsible for the condemnation and purchase of private properties that will be necessary in order to widen and improve the impacted streets.

Marie Pritchard has done an excellent analysis of the potential traffic impact, with which I concur.

## "Owner's Right to Build"

I concur with Sierra Club's position on this alternative. No property owner has a substantive



right to build anything on his property absent the granting of permits and approval by the government entity within whose jurisdiction the property lies. If this were so, all the owners of “unbuildable” lots in Lake County and elsewhere would like to know about it.

## Conclusion

“No Project” is the only viable alternative offered in this report.

Perhaps the developer could come forth with a proposal including, but not limited to the following modifications: (1) lower housing density than the lowest alternative for development stated in this report, either one single family home per acre or less, or a drastically reduced number of clustered homes surrounded by open space, in areas of the property where extensive grading will not be needed; (2) deleting the plan for a golf course and leaving in its place a natural area for hiking, biking and equestrian activities; (3) preserving (that means not removing) at least 90% of the oaks; (4) not disturbing intermittent and ephemeral drainage; (5) creating at least 50 foot fire safety corridors; (6) preserving all sensitive wildlife habitat as identified by Sierra Club; and (7) providing alternative traffic route(s) in and out of the development.

From reviewing the EIR document, a pattern emerges. It looks as if the developer has a certain amount of money in mind to spend on the development, and has calculated how many housing units will have to be crammed onto it in order to make the desired profit. The image of trying to make the foot fit the shoe reminds one of Cinderella’s wicked stepsister trying to jam her big, ugly foot into Cinderella’s slipper.

If it is not possible for the developers to make enough money by creating a well proportioned, less obtrusive project, then perhaps they should look elsewhere.

I have been a citizen of Lower Lake for 32 years, a member of the Lower Lake Waterworks District #1 Board of Directors since 1993, and a member of the Lower Lake Watershed Council since its inception in 2002. Eight years as a Social Worker for Healthy Start, and for the County of Lake have contributed to my understanding of the South County region and City of Clearlake, in terms of landscape and demographics. My children attended and graduated from schools in the Konocti District, and I recently worked for one and one-half years as a tutor at Oak Hill Middle School and Lower Lake High School, so I am fully aware of overcrowding and other problems on the school campuses. I am currently employed seasonally at Anderson Marsh State Historic Park.

Thank you for considering my opinion.

Sincerely,

Frances K. Ransley  
P.O. Box 1542  
Lower Lake, CA 95457  
(707) 994-6304  
ransleyfran@yahoo.com