

Appendix B  
**Notice of Preparation and  
Public Comments**





# COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, C.B.O.  
Director

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**Date:** June 18, 2019

**To:** State Clearinghouse  
State Responsible Agencies  
State Trustee Agencies  
Other Public Agencies  
Interested Organizations

**From:** Quincy Yaley, Assistant CRA Director - Development  
County of Tuolumne  
Community Resources Agency  
2 South Green Street  
Sonora, CA 95370-4618

**Subject:** Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Under Canvas Project (SCH#2019029073)

**Lead Agency:** County of Tuolumne Community Resources Agency

**Project Title:** Yosemite Under Canvas

**Project Location:** South of the intersection of Hardin Flat Road and State Highway 120, Groveland, CA 95321

Notice is hereby given that the County of Tuolumne (County) will be the Lead Agency and will prepare a project-level EIR for the Yosemite Under Canvas Project (proposed project) pursuant to the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations Section 15060(d)). The EIR is being prepared by the County in accordance with applicable law, in particular, CEQA and the State of California CEQA Guidelines.

As shown on Figure 1, the 80.1± acre project site is located at the intersection of Hardin Flat Road and State Highway 120 (Big Oak Flat Road), near Groveland in unincorporated Tuolumne County. The project site located approximately halfway between Buck Meadows and the Big Oak Flat entrance to Yosemite National Park.

The project site is in a rural area within Stanislaus National Forest, and there are currently no structures or developments on the site. Approximately 20.1± acres of the project site were completely burned in the 2013 Rim Fire. Rural residential homes are located to the north and east of the site with recreational commercial development to the southeast. The project site is located in a Very High Fire Hazard Severity Zone within the State Responsibility Area, as mapped by the California Department of Forestry and Fire Protection in 2007.

The project proposes to develop the site with a 99 unit campground where lodging is provided in on-site tent structures. The project also proposes a mobile kitchen, dining and reception tent, laundry facilities, communal bathrooms, a swimming pool, and internal access roads. The development will be mainly clustered in the southwestern and middle portion of the project site. The campground will be open from approximately March to October.

The project also consists of the development of a public water system from on-site wells and a wastewater treatment system utilizing septic tanks and leach fields. Power for the facility will be provided by Pacific Gas and Electric (PG&E) and will be supplemented with solar systems.

The project site is zoned Commercial Recreation (C-K) and Open Space-1 (O-1) and does not require rezoning.

**EIR Scope:** The County previously circulated an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project (SCH#201902973). The IS/MND can be found at this link: <https://www.tuolumnecounty.ca.gov/1204/Under-CanvasHarding-Flat-LLC>. Based on responses and comments received on the IS/MND, the County has decided to prepare an EIR for the proposed project. The EIR will evaluate the project for potential impacts on the environment and determine the potential environmental consequences of future change. The EIR will address and further analyze the following key factors:

- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Hazardous Materials and Hazards
- Traffic and Transportation
- Utilities and Service Systems
- Wildfire

Cumulative impacts will consider impacts of relevant projects in and around the project area combined with those of the project. An evaluation of project alternatives that could reduce significant impacts will also be included in the EIR.

To ensure that the EIR for this proposed project is thorough and adequate and ensure that the issues of concern to the public and public agencies are addressed, the County is requesting comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. Public comments on the scope of issues to be evaluated in the EIR are encouraged. With respect to the views of Responsible and Trustee Agencies as to significant environmental issues, the County needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the project.

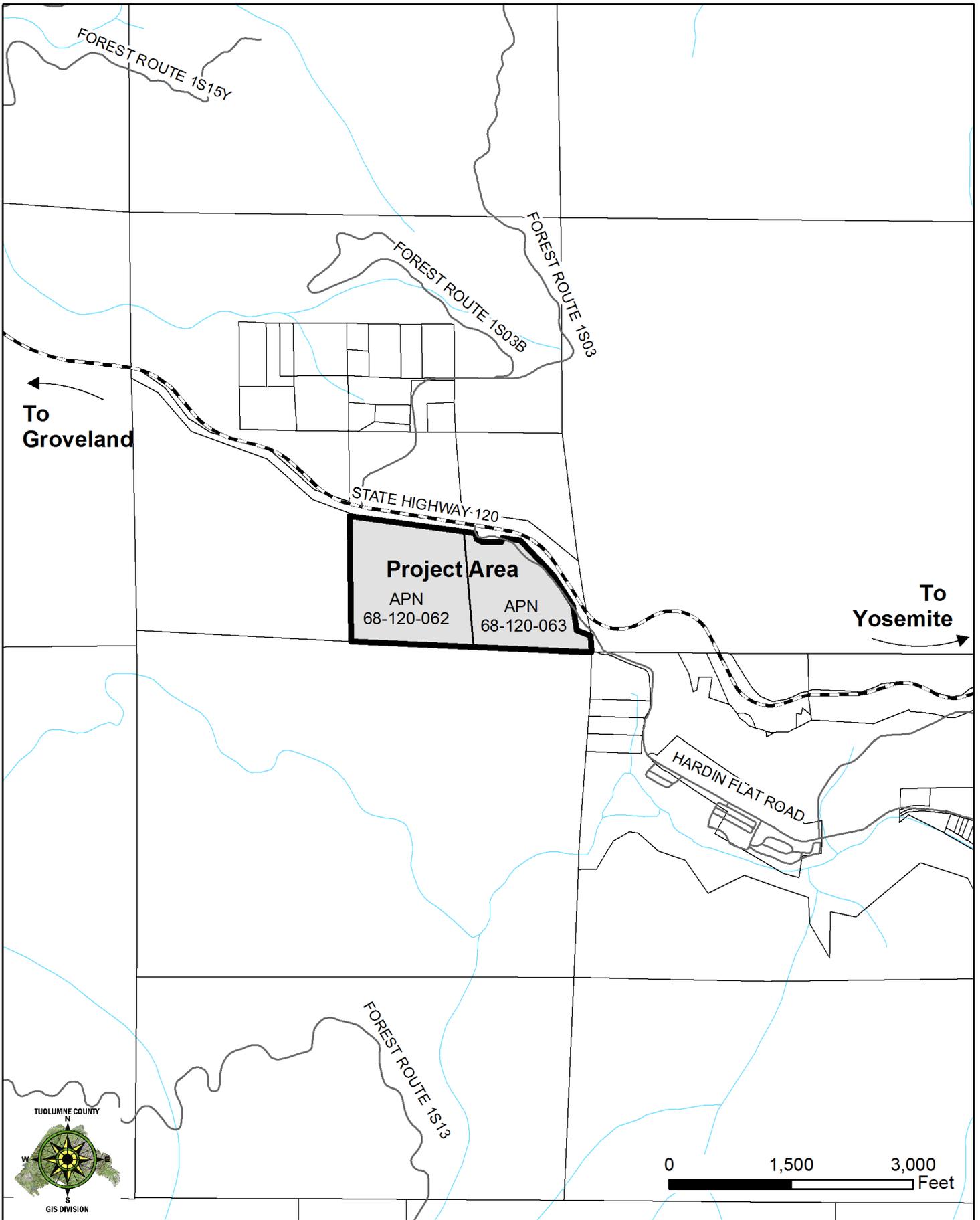
**Notice of Scoping Meeting:** A public Scoping Meeting will be held on Thursday, June 27, 2019 at 6:00 pm at the Groveland Community Hall, 18720 Main Street, Groveland, CA. Public agencies, organizations, and interested members of the public are invited to attend this meeting and present verbal or written comments on the proposed project.

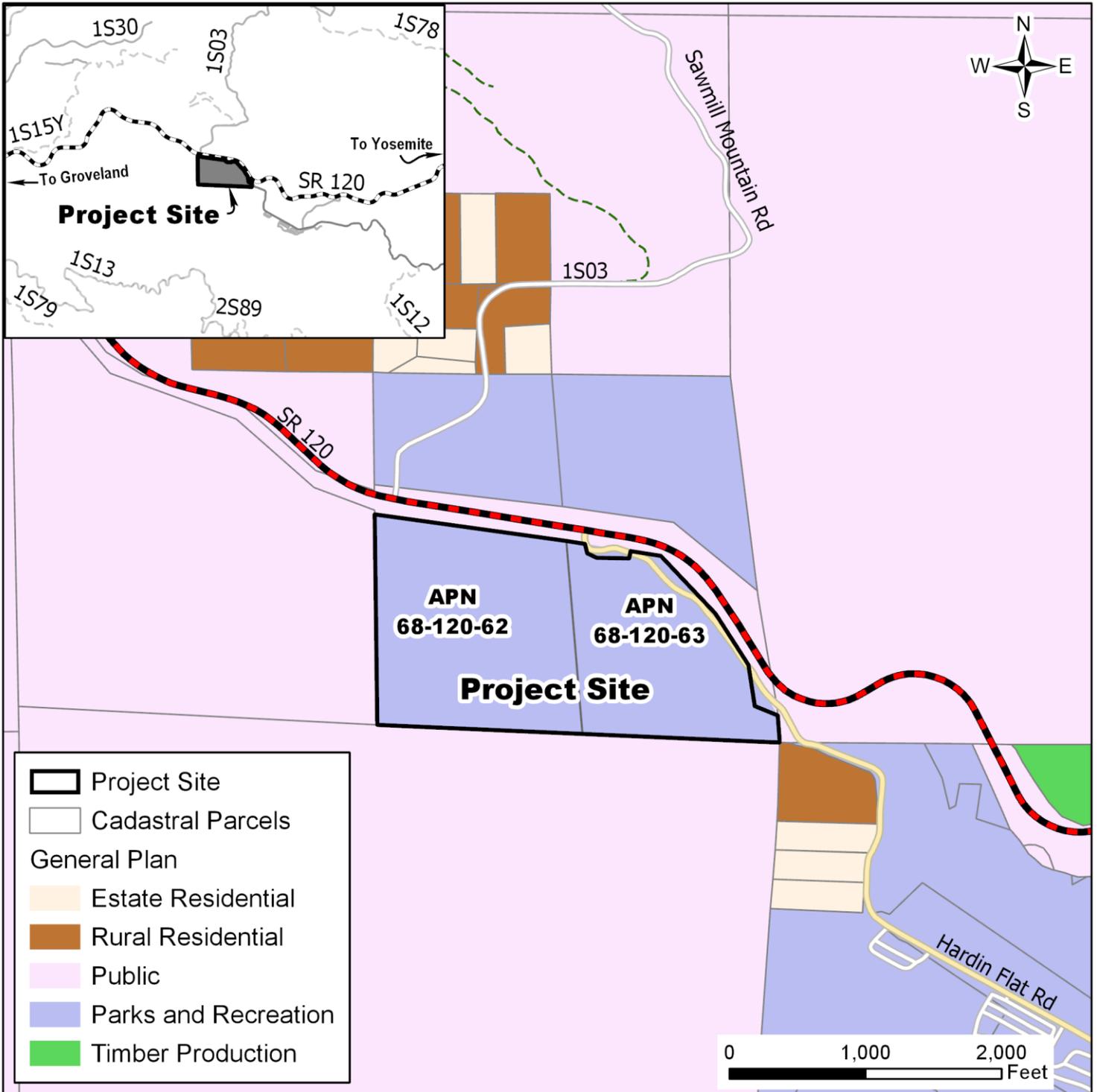
**Public Review Period:** June 19, 2019 to July 18, 2019. Please send all written comments to Natalie Rizzi, County of Tuolumne, at the address shown above or email to [nrizzi@co.tuolumne.ca.us](mailto:nrizzi@co.tuolumne.ca.us) with "Yosemite Under Canvas EIR" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

If you wish to comment during the NOP comment period, or if you cannot attend the scoping meeting, we will accept written comments until the close of the NOP comment period. Comments on the NOP are due no later than the close of the 30-day review period at 4:00 p.m. on July 18, 2019. Project information can be found here: <https://www.tuolumnecounty.ca.gov/1204/Under-CanvasHarding-Flat-LLC>

Please direct questions about the proposed project description to Natalie Rizzi, at [nrizzi@co.tuolumne.ca.us](mailto:nrizzi@co.tuolumne.ca.us) or (209) 533-5633.

Figure 1 – Regional and Vicinity Map





Owner: Hardin Flat, LLC

Applicant: Under Canvas c/o Jamie Schmidt

APN: 68-120-63 & 68-120-63

80.1 ± Ac.

Existing: R/P / C-K & O-1

Proposed: To allow the development of a 99 unit luxury tent campground (“glamping”) site and supporting facilities such as a mobile kitchen, dining and reception tent, laundry facility, swimming pool, and bathrooms

Project: SDP18-002

Supervisorial District No. 4

## Natalie Rizzi

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**From:** Robert Asquith <bobasquith@yahoo.com>  
**Sent:** Tuesday, July 16, 2019 4:17 PM  
**To:** Natalie Rizzi; Robert Asquith  
**Subject:** Under Canvas Comments for Public Scoping  
**Attachments:** 2019 July - Under Canvas comments to Public Scoping v1.pdf

Hi Natalie

Attached are my comments for the Under Canvas scoping.

-----  
Bob Asquith  
[bobasquith@yahoo.com](mailto:bobasquith@yahoo.com)  
(209) 962-7990  
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## **Issues to be Addressed in EIR for Under Canvas**

### **Fire Protection**

The project is NOT in the GCSD fire district, thus Under Canvas would not pay through property tax for service. This for both medical and fire emergencies.

*How does this affect fire & medical response in Groveland while they are responding to Under Canvas?* Groveland pays an extra tax to have a short response time. I don't want to be fire #2 in the area.

- *How does this affect nearby mutual aid agencies coming from the USFS, YNP?*

### **Ambulance Coverage**

The project is NOT in the ambulance district, thus Under Canvas would not pay through property tax for service.

- *How does this affect medical response in Groveland while they are responding to Under Canvas?* Groveland pays an extra tax to have a short response time. I do not want to be the 2<sup>nd</sup> medical emergency (in Groveland) while ambulance is responding to a Under Canvas emergency.
- *How does this affect nearby mutual aid agencies coming from the USFS, YNP?*

### **Law Enforcement**

Law enforcement along the Highway 120 corridor (south county) is relatively limited. What is going to be the impact on those resources when the need is expanded for Under Canvas?

- *How will Groveland be impacted when sheriff deputies are at Under Canvas?*

### **Employee Housing**

The hospitality industry pays relatively low wages for most of its employees. The rental market in Groveland is very tight. This caused by Rush Creek, Evergreen Lodge, as well as short term rentals via Airbnb for Yosemite travelers.

RCL & EGL have onsite housing for well over than 100 employees. With that, they have purchased and/or leased more than a dozen PML properties and bought a B&B just east of Groveland. And, they still need more housing.

- *What percentage of employees will Under Canvas house on site?*
- *How many employees?*
- *What provision has Under Canvas made for their impact on local housing?*

### **Concentrated Development**

Within the next several years, it appears there will be a development boom in the vicinity of the Under Canvas project. Terra VI, the resort site across H120, rebuilding of Berkeley Camp, expansion of Thousand Trails RV Park are all near Under Canvas.

- *What is the county plan to handle the basic issues with this huge jump in development?*
- *Water, Sewage, Emergency Response, Highway traffic? Etc.?*

## **Issues to be Addressed in EIR for Under Canvas**

### **YARTS Service**

The current bus service to Yosemite (YARTS) is already at capacity for a few days of the season. Currently, YNP is overcrowded during the season. Adding another large number will only make it worse.

- *How will a project with 800+ Yosemite bound travelers accommodate transportation to the Park?*
- *Where are they going to put the bus stop?*

Rush Creek had to redesign their interior roads to accommodate 50 foot buses. This delayed YARTS service for over a year.

- *How will Under Canvas be encouraged to get it right from the outset?*
- *Has Under Canvas planned accordingly?*

### **Highway 120 Issues**

Sight lines are a real problem at that location. Imagine a bus pulling out on the highway from a turn out across from high road and highway traffic coming by at 55 miles an hour. Presently, there are no acceleration and deceleration lanes. These must be significantly longer for busses than autos.

*What provision has Under Canvas made, along with TCTC and Caltrans, for YARTS busses?* With incredibly bad sight lines in both directions and traffic moving at 55+ mph, it will be quite dangerous for pedestrians between Under Canvas and Under Canvas for groceries and to go to the bar.

- *How will Under Canvas accommodate this pedestrian traffic between the Under Canvas and Terra VI?*

## **Natalie Rizzi**

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**From:** Robert Asquith <bobasquith@yahoo.com>  
**Sent:** Monday, June 24, 2019 10:39 AM  
**To:** Natalie Rizzi  
**Subject:** Re: Under Canvas project

Thanks for clarification.

-----  
Bob Asquith  
[bobasquith@yahoo.com](mailto:bobasquith@yahoo.com)  
(209) 962-7990  
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On Monday, June 24, 2019, 10:27:21 AM PDT, Natalie Rizzi <NRizzi@co.tuolumne.ca.us> wrote:

Good morning,

The Yosemite Under Canvas project site only includes the two properties to the south of Highway 120, APNs 068-120-62 and 068-120-63. There are two properties to the north of Highway 120 which are zoned the same and have the same owner, but a separate project has been proposed on APNs 068-120-60 and 068-120-61.

You can find additional information about the Under Canvas project at the following link:

<https://www.tuolumnecounty.ca.gov/1204/Under-CanvasHarding-Flat-LLC>

Don't hesitate to contact me with any additional questions.

Thank you,

***Natalie Rizzi***

Tuolumne County Planner

Community Resources Agency

Office: (209) 533-5936

Fax: (209) 533-5616

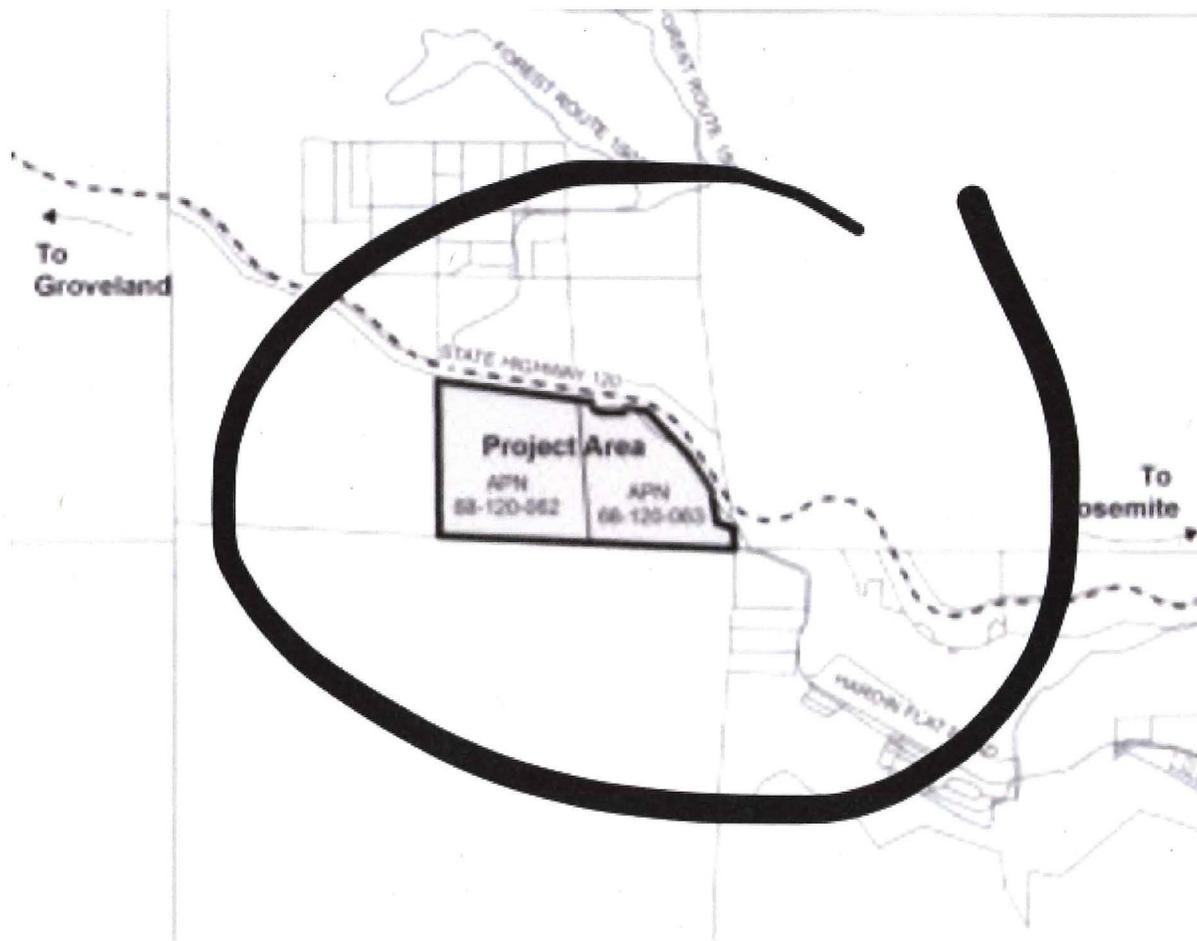
Email: [nrizzi@co.tuolumne.ca.us](mailto:nrizzi@co.tuolumne.ca.us)

---

**From:** Bobasquith <bobasquith@yahoo.com>  
**Sent:** Monday, June 24, 2019 10:07 AM  
**To:** Natalie Rizzi <NRizzi@co.tuolumne.ca.us>  
**Subject:** Under Canvas project

Hi Natalie

I am on the TCTC advisory board and I was reading the MML piece on the Under Canvas project. There were 2 diagrams. They appear to be in conflict. Is the project on 1 side of H120 or 2 sides?

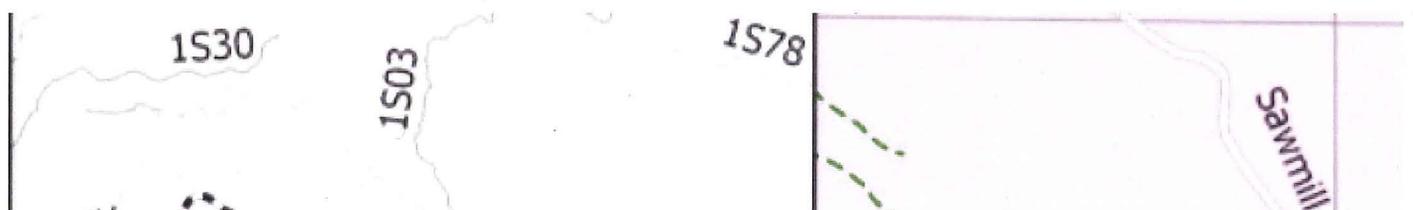


 Expand

Grove  
projec  
Tuolu  
opinic

Descr  
units  
also c  
tent, l  
a swi  
camp  
at the  
Highv

between Buck Meadows and the Big Oak Flat entr  
campground will be open from approximately Mar



Regards, Bob Asquith  
[bobasquith@yahoo.com](mailto:bobasquith@yahoo.com)  
(209) 962-7990



## Natalie Rizzi

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**From:** Gene Pfeiffer <gene10302@gmail.com>  
**Sent:** Wednesday, July 17, 2019 7:01 PM  
**To:** David Gonzalves; Quincy Yaley; Natalie Rizzi; John Gray  
**Subject:** Glamping EIR study  
**Attachments:** EIR study Glamping project Sawmill Mt. Area.pdf

Please find attached letter regarding the impact on Glamping project and Terra Vi Lodge  
Gene Pfeiffer



July 16 , 2019

Tuolumne County Community Resources Agency

ATTN: Quincy Yaley

Assistant Director, Development

RE: Site development Permit SDP18-003 and Glamping EIR study

Dear Ms. Yaley,

One of my greatest concerns is water. Doing the testing after having one of the wettest winters will not give an accurate water supply for future drought year.

Another concern is the traffic impact it will have in the area. Sawmill Mountain Road is a small forest road, and with two hotel entrances/exits proposed on that road, the impact to the area from both cars and people will be significant. There is no question that existing residential homes and wildlife habitat in this area will be deeply and negatively affected by this development. Bringing this number of vehicles and people to such a remote area cannot easily be mitigated. As HY120 is our only exit, what would our exit be if a fire is blocking our access to HY120? Even if we can make it to HY120, what would our exit be if the fire is blocking the west and east directions of HY120? With 45 open pits in the glamping project, a fire starting there could easily block all exist. A though EIR study must include these issues. The glamping project must be included in the EIR study.

The EIR study must include these issues.

The above are just a couple of concerns regarding these large developments, we have many more. The size of the projects are totally unacceptable for this area. We urge the County EIR to please realize that the impacts of the two projects are incredibly significant on land that was supposed to timber production.

Sincerely.

Gene and Joann Pfeiffer  
11360 Sawmill Mountain Road  
Groveland, CA 95321

Mailing address:  
4050 Harding Way  
Oakland, CA 94602

## Natalie Rizzi

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**From:** Carolyn <chill@boomerangproject.com>  
**Sent:** Thursday, July 18, 2019 1:12 PM  
**To:** Natalie Rizzi  
**Cc:** Quincy Yaley; Community Resources Agency; John Gray; David Gonzalves  
**Subject:** Under Canvas NOP comment letter  
**Attachments:** UnderCanvasLetter.pdf

Ms. Rizzi,

Attached please find a PDF of my comments regarding the Under Canvas development plan for Hardin Flat Road. Thank you for your time.

Boom Boom!

*Carolyn*

Carolyn Hill

**Boomerang Project**

*you get back what you give*

www.boomerangproject.com

800.688.7578



Natalie Rizzi Community Resources Agency  
Tuolumne County  
2 South Green Street  
Sonora, CA 95370-4618  
[nrizzi@co.tuolumne.ca.us](mailto:nrizzi@co.tuolumne.ca.us)

July 18, 2019

Re: Under Canvas Project Notice of Preparation

Dear Ms. Rizzi:

Thank you for reading the concerns I have for the proposed Under Canvas project on Hardin Flat Road; I respectfully submit the following comments regarding the size and scope of the project:

1. **FIRE:** The County must sincerely and adequately consider the potential impacts of fire hazard, not only for the Under Canvas project, but along with the cumulative impacts of the other proposed projects in the area. Wildfire is not an imagined threat, it is a reality. In particular, human-caused wildfire poses the greatest danger; the County must consider the potential negative impacts of allowing an estimated 1000 people per night between Terra Vi and Under Canvas, who are inexperienced with the wilderness and the volatile nature of fire in such a high hazard fire area.

There is also great concern with the 99 camping tents and the fact that each has its own wood/pellet stove. Placing those, in addition to the multiple outside fire pits in such a highly vulnerable fire area, seems highly dangerous. The County needs to study the feasibility of such a proposal in regards to the very real potential for wildfire.

Furthermore, in the case of wildfire, the number of human lives at risk would be significant. As proven in the Tubbs and Camp Fires in the last couple years, a quickly moving wildfire is almost impossible to escape. The County must consider how realistically possible it is for a large number of people to successfully evacuate a raging wildfire. Furthermore, beyond hotel/camping guests, the residents in the area must also be considered and protected. It is incumbent upon the County to study realistic evacuation plans that protect everyone in the area, not just tourists. Genuinely and thoroughly considering the very real danger and potentially devastating impact of wildfire is not only responsible and necessary, it is an imperative.

2. **WATER SUPPLY:** In the light of recent years of drought, water source and quantity available must be considered. Again, considering the cumulative impact of other projects, how will the County determine that there is an adequate supply of water for both all the development projects and the nearby residences? Studies must be done to determine whether or not there is sufficient water available, not just in the short term, when the rain has been abundant over the last few years, but in the very long term as well.
3. **WATER QUALITY:** As there is no access to public utilities for this project, it requires a private sewage system, which comes with inherent risks in terms of water quality. The County needs to consider the possibility of contamination and the impact that will have on nearby private wells and other public waterways such as local streams and springs which ultimately feed the Tuolumne River.

4. **AIR QUALITY:** With 99 tent stoves and outside campfires, the County needs to consider the impact on air quality, not only for the tourists but for the surrounding residents and the wildlife that live there.
5. **TRAFFIC:** With the cumulative impacts of the other projects in the area, the Under Canvas project will contribute to traffic the likes of which have never before been seen in the Hardin Flat/Sawmill Mountain area. The County needs to realistically consider the cumulative traffic hazards of the many daily vehicle trips of the cars, busses and service vehicles that will come and go from all the proposed developments, and what that actually means in terms of congestion and the risk of accidents involving both vehicles and pedestrians.

Furthermore, there should also be studies regarding what this amount of traffic looks and sounds like on the day to day, and what that impact will be on surrounding neighbors. These studies should also consider the visual pollution created by the amount of cars and service vehicles necessary to run this type of operation. Where will they be stored? What time of the day and night can they operate? How will the visual impact of Under Canvas related vehicles be ameliorated?

6. **WILDLIFE:** The area of the proposed Under Canvas development is known for its wildlife habitat of deer mule, coyotes, bears, spotted owl and the red legged frog as well as many other native species. This development will, no doubt, disturb and in some cases, wipe out these habitats. The County must determine the impact this project will have on the wildlife habitats that exist there now and, furthermore, how wildlife and humans will coexist in a manner that is safe for all.
7. **COUNTY SERVICES:** County emergency services are limited as well as located substantially far away from the Under Canvas project. Realistic studies need to be conducted to determine the impact of this project on the County's already strained services in conjunction with the cumulative impacts of the other proposed projects in the area.
8. **LIGHT POLLUTION:** The amount and type of lighting needed for a project such as Under Canvas is not insignificant; when that is combined with the other proposed project, Terra Vi, the night landscape of the area will be forever changed for both the local residents and the many species of wildlife in the area. It is crucial that the County seriously consider and carefully weigh the permanent impacts of such lighting in an area that has historically never been lit up at night.

Thanks for your time and for the opportunity to offer my comments.

Regards,

Carolyn Hill  
30350 Sawmill Mountain Road  
Groveland, CA 95321

## Natalie Rizzi

---

**From:** Dan Courtney <dan@excaliburre.com>  
**Sent:** Thursday, July 18, 2019 1:41 PM  
**To:** Community Resources Agency; Quincy Yaley; John Gray; Natalie Rizzi  
**Subject:** Yosemite Under Canvas  
**Attachments:** Scoping Letter 7-18-19 YUC 2.odt; Scoping Letter 7-18-19 YUC 2.doc

David Gonzales

Quincy Yaley

Natalie Rizzi

Community Resources Agency

2 South Green Street

Sonora, CA 95370

July 18, 2019

RE: Yosemite Under Canvas

Thank you for giving the neighboring property owners an opportunity to comment on the potential impacts of this proposed large scale commercial development.

Viable areas of concern and likely negative impacts include, but are not limited to, the following:

Traffic hazards from increased entry onto a highway through a non-signalized intersection.

Increased risk of devastating forest fires from over 100 proposed campfires and other commercial development in the middle of an already burned area in an extremely high risk fire zone.

No public sewage system and potential contamination entering our water supply and the Tuolumne River.

No public water and potential to dry up our wells.

Increased risk of wildfires caused by the wood burning stoves inside the tents, outdoor wood-burning fire pits, associated commercial uses and, in general, thousands of “glampers” inserted into the middle of the forest.

This property was seriously burned through with a crown fire during the Rim Fire and is only six miles from Yosemite National Park. A fire starting in this location could easily and quickly spread into Yosemite, could close Highway 120 and could put thousands of lives at risk in a situation very similar to the Paradise, CA disaster.

Potential to create a serious back-up and congestion in the event of an emergency evacuation.

Creation of a substantial strain on the County’s emergency services, which are already stretched thin in the Groveland district.

Air quality issues due to numerous campfires.

Light pollution.

Impact on wildlife including mule deer, Yosemite frogs and other at-risk species.

In general, this is not an appropriate use for this location. Some of these serious impacts are impossible to mitigate. Additionally, this project is completely inconsistent and out of character with the surrounding long-term existing residential community, which is comprised of one or two bedroom cabins on large acreage, typically five or more acre lots per cabin,

We suggest the County assist the developer in locating a more appropriate location for this operation, such as the property known as "The Scar" in Big Oak Flat or the site of the previously approved hotel along Hwy 120 at Smith Station Road. These locations either have public water and sewage, or is closer to such critical infrastructure, are closer to emergency services and would benefit the local retail business in Groveland, rather than draw customers away from them.

I will repeat my suggestion that both developments on the Manly property be evaluated on the same EIR for sake of efficiency, or, at the very least, that the cumulative impacts of both proposed developments at this site be fully evaluated, along with the impacts from the re-opening of Berkeley Camp and a possible expansion of Yosemite Lakes RV Park, which is reportedly considering adding a "Glamping" component.

Thank you for your attention to these matters and please try to find a more appropriate and safe location for this proposed commercial development.

Sincerely,

Dan Courtney

Trustee, The Jacqueline Courtney Trust

Owners, 11250 Sawmill Mountain Road

Mailing address:

7869 Calle Juela

La Jolla, CA 92037

Email:

Dan@excaliburre.com

dancourtney.dc@gmail.com

Phone:

(858) 337-7019

David Gonzalves  
Quincy Yaley  
Natalie Rizzi  
Community Resources Agency  
2 South Green Street  
Sonora, CA 95370

July 18, 2019

RE: Yosemite Under Canvas

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No public sewage system and potential contamination entering our water supply and the Tuolumne River.

No public water and potential to dry up our wells.

Increased risk of wildfires caused by the wood burning stoves inside the tents, outdoor wood-burning fire pits, associated commercial uses and, in general, thousands of "glampers" inserted into the middle of the forest.

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Creation of a substantial strain on the County's emergency services, which are already stretched thin in the Groveland district.

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Impact on wildlife including mule deer, Yosemite frogs and other at-risk species.

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We suggest the County assist the developer in locating a more appropriate location for this operation, such as the property known as "The Scar" in Big Oak Flat or the site of the previously approved hotel along Hwy 120 at Smith Station Road. These locations either have public water and sewage, or is closer to such critical infrastructure, are closer to emergency services and would benefit the local retail businesses in Groveland, rather than draw customers away from them.

I will repeat my suggestion that both developments on the Manly property be evaluated on the same EIR for sake of efficiency, or, at the very least, that the cumulative impacts of both proposed developments at this site be fully evaluated, along with the impacts from the re-opening of Berkely Camp and a possible expansion of Yosemite Lakes RV Park, which is reportedly considering adding a "Glamping" component.

Thank you for your attention to these matters and please try to find a more appropriate and safe location for this proposed commercial development.

Sincerely,

Dan Courtney  
Trustee, The Jacqueline Courtney Trust  
Owners, 11250 Sawmill Mountain Road

Mailing address:  
7869 Calle Juella  
La Jolla, CA 92037

Email:  
Dan@excaliburre.com  
dancourtney.dc@gmail.com

Phone:  
(858) 337-7019

## Natalie Rizzi

---

**From:** Quincy Yaley  
**Sent:** Thursday, July 25, 2019 9:50 AM  
**To:** Natalie Rizzi  
**Subject:** FW: Yosemite Under Canvas- comments  
**Attachments:** Proposed Glamping Project.docx

For the file and to send to the project team

**From:** sunsetinn@mlode.com <sunsetinn@mlode.com>  
**Sent:** Thursday, July 18, 2019 3:55 PM  
**To:** Community Resources Agency <communityresources@tuolumnecounty.ca.gov>; John Gray <JGray@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>  
**Subject:** Yosemite Under Canvas- comments

Please see attached file.  
Thank you!



7/18/19

Re: Yosemite Under Canvas

Quincy Yaley, AICP, Community Resource Agency Assistant Director- Development  
& Tuolumne County Supervisors:

We have serious concerns regarding the proposed 'Yosemite Under Canvas' development.

1. Of major concern is the location. It is adjacent to 4 properties who would be directly affected by the activities of this proposed project. How do you intend to protect these existing residences? Can you guarantee this development will not adversely impact the limited volume of domestic water supply for these properties, and that the waste will not contaminate their water?
2. How will you prevent the potential impact on the Tuolumne River from the septic waste leaching down-hill into the creek that feeds into the river?
3. The wood burning stoves inside tents as well as outdoor wood-burning fire pits being used by visitors with possibly zero experience, increases the risk of potential wildfires. Also, the substantial amount of smoke flowing down slope would heavily impact the property directly below the glamping site.
4. This project is located in a beautiful, natural area, home to native wildlife and flora. With habitat being reduced and threatened everywhere in the forest how can you assure their survival?
5. A number of developments/expansions have already recently been approved in the Hardin Flat area, including the new Rush Creek Lodge, the rebuilding of the Berkeley Camp, and expansion of NACO/ Thousand Trails. Based on the crumbling condition of Hardin Flat Road (not to mention Evergreen Road), it appears the county does not have funding to maintain current obligations. How can more traffic/visitors to the area even be considered before correcting these existing hazards? It is deeply concerning whether the county can keep up at all.
6. The additional traffic and number of vehicles being invited into the area is another major concern. The highway is already heavily used in the 'season'. The potential for adding to it needs to be fully addressed.
7. Additional cars...The 'glamping' area, with 99 sites would bring in a substantial number of vehicles per day. Add the additional cars accessing the proposed hotel development across the highway with 200 rooms, as well as all the vehicles driven by employees to get to work (since there will not be housing provided on-site). Then consider the addition of Berkeley Camp and Yosemite Lakes/NACO adding further to the influx of vehicles in the area, and you have a serious increase in the number of vehicles impacting the tiny community along Hardin Flat Road & the Highway 120 corridor.
8. Considering that the line-up to get into Yosemite can be miles long, this equates to serious traffic issues. How are emergency vehicles supposed to get through on this two-lane highway, not to mention the mail? Please consider that Highway 120 east of Groveland already sees annual fatalities, without these added vehicles.

9. Is CalTrans involved with the planning of these proposed projects? Are they prepared to deal with and provide the ensuing maintenance?
10. How about the National Park Service in Yosemite? Are they involved in this process, and are they willing or able to accept more cars that they cannot accommodate? As we all know, there is a serious shortage of parking places in Yosemite Valley, so cars end up idling, wasting gas as they spew exhaust. How is this affecting the environment? Does the state of California condone such developments? Are they involved in the approval process?
11. 'Glamping' sounds fun, but the proposed rental rate of a site or Yurt is higher than that of many existing lodging rates, at \$300 plus per tent cabin. The choice to camp is often influenced by economics, visitors who cannot afford lodging, will often camp. At these rates, this does not sound like it is filling a need for affordable overnight sleeping facilities.

These are just some of our concerns.

Thank you for your consideration,

Lauren & Bill Nickell  
33569 Hardin Flat Road  
Groveland, CA 95321  
209-962-4360

## Natalie Rizzi

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**From:** Quincy Yaley  
**Sent:** Thursday, July 25, 2019 9:52 AM  
**To:** Natalie Rizzi  
**Subject:** FW: Under Canvass-Groveland Comments

**From:** Louis Rivara <louis@venturesir.com>  
**Sent:** Wednesday, July 17, 2019 3:37 PM  
**To:** Community Resources Agency <communityresources@tuolumnecounty.ca.gov>; John Gray <JGray@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>  
**Cc:** mb@boomerangproject.com; sunsetinn@mlode.com  
**Subject:** Under Canvass-Groveland Comments

This is follow-up to the meeting in Groveland that my wife and I attended and at which we made comments regarding Under Canvass-Groveland. Although she submitted her thoughts in writing earlier today, I too would like to comment.

I am particularly concerned about the following:

1. The rush by Tuolumne County to approve this in addition to other projects that have been approved over a short period of time, does not allow the county to adequately gauge the impact on the surrounding area, the people, the wildlife and the businesses already in place, particularly Rush Creek, which has already committed a great deal to do it the "right" way. I strongly believe that those projects already approved, such as Berkeley Camp Rebuild and others, should be taken to completion before anything new is allowed to move forward.
2. The impact on the habitat concerns me greatly. There are known Indian artifacts and sites along Hardin Flat. There is a substantial ladybug habitat and other wildlife that will be dramatically impacted. On our property on Hardin Flat in the Spring the number of lady bugs are so substantial that people are known to trespass to collect them for sale at farmer's markets throughout California. The habitat is a unique part of the area, and future developments should not be permitted at the expense of local history or habitat loss.
3. County services are marginal at best in this area due to the great distance from Sonora. There were two occasions where law enforcement was called for our property. On one occasion, the sheriff called back and left a message to call back in the morning if there really was a problem. On a second, where nearly \$4,000 worth of equipment was stolen from our garage, we were told it would be a few days before someone could come out. In the meantime, those that had broken in came back and broke in a second time to retrieve bolt cutters they had left behind during the first break-in.
4. Currently, on busy days the traffic entering Yosemite National Park can back up for a mile or more. Added traffic will only diminish the experience that those that come to enjoy the beauty of the area. Additionally, exhaust emissions are of serious concern to me.
5. During the Rim Fire, firefighters were staging from the back of our property. The fire burned within 50 yards of our home. Additional campfires, wood stoves, illegal burning (which is likely) all raise the risk factor for the future.
6. Separate toilets, community showers create the need for multiple septic systems that can potentially contaminate the water in the area. This development should not be permitted this close to the river.
7. It seems to me that there is a rush to accept as much as possible in order to create added revenue to the County, regardless of the impact on those that line in or travel through this area.

Regardless of the perceived benefit to the County, more is not always better. And certainly, more at this time is not appropriate before previously approved projects are completed and their impact tested.



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**Louis Rivara**

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## Natalie Rizzi

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**From:** Quincy Yaley  
**Sent:** Thursday, July 25, 2019 9:53 AM  
**To:** Natalie Rizzi  
**Subject:** FW: Under Canvas-Groveland

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**From:** Margene Rivara <margene@venturesir.com>  
**Sent:** Wednesday, July 17, 2019 2:54 PM  
**To:** Quincy Yaley <QYaley@co.tuolumne.ca.us>  
**Subject:** FW: Under Canvas-Groveland

Dear Quincy and Staff,

I and my Husband Lou own property at 31583 Harding Flat Rd., Groveland.

Thank You for hearing us and agreeing to do an EIR on "Under Canvas". We have serious concerns regarding "Under Canvas" which are mentioned below..

The location of this proposed project is not wise. Since the County most likely has the final say, I believe the County should be extremely careful regarding where a project such as this is even considered or placed.

Without going into lengthy detail I will just mention our areas of concern and the reasons we feel this project is ill advised in the proposed location.

- \*No public water- long term water needs for a large demand of water and impact on other private wells in the area.
- \*No public sewer- contamination to other wells in the area
- \*Increased Fire danger- a huge issue - on land with an already high fire risk, plus the previous Rim Fire on the property (don't forget a 100 Campfires by inexperienced people)
- \*Environmental Issues, impact to wildlife, air quality, nighttime sky impact, fire, too many people
- \*Impact and pollution to the Tuolumne River by massive amounts of people in a concentrated area
- \*Traffic Impact (major) concentrated in a tight area of Hwy 120 (Emergency Services, congestion etc.)
- \*Disturbance of Historical artifacts in the area (This area has many Artifacts from the Native Indians and they should not be disturbed)
- \*Distance from already existing Public Services and Groveland businesses is more costly to the County and does not support existing businesses in Groveland.

Thank You for hearing us and our concerns and we look forward to the EIR and its conclusions for "Under Canvas".

In addition I am hearing thru the grapevine about Management in Yosemite who are looking for new ways to eventually move more cars out of Yosemite because of Overcrowding, Environmental Impact, and the increasing logistical problems of managing large numbers of people.

Can the County consider for their own review the impact of "Under Canvas", "Terra Vi", "Berkeley Camp", "Yosemite Lakes", in addition to the possible changes coming from Yosemite? Can and will the County be prepared and pro-active with services and personnel needs for Fire Protection, Emergency Medical Services, Increased Traffic Flow Management (such as parking, traffic congestion, Road Maintenance and Sheriff's Protection Services. We need to have answers to

these questions in addition to the EIR study, for "Under Canvas". Also who is responsible and who manages the cleanup crews going behind those who litter, or stray onto private land and disregard the Environment or who have too many drinks? In Yosemite, there are Park Rangers roaming around, who will manage these issues outside of Yosemite?

Thank you Again, and I look forward to hearing from you.

Margene Rivara



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## Natalie Rizzi

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**From:** Quincy Yaley  
**Sent:** Thursday, July 25, 2019 10:09 AM  
**To:** Natalie Rizzi  
**Subject:** FW: Yosemite Under Canvas

**From:** Elizabeth Erickson <elizerickson@gmail.com>  
**Sent:** Thursday, July 18, 2019 7:27 PM  
**To:** Quincy Yaley <QYaley@co.tuolumne.ca.us>  
**Cc:** Community Resources Agency <communityresources@tuolumnecounty.ca.gov>; John Gray <JGray@co.tuolumne.ca.us>  
**Subject:** Yosemite Under Canvas

Dear Ms. Yaley,

Thank you for the opportunity to express our concerns in respect to the proposed project "Yosemite Under Canvas"

There are many concerns that we would like to see addressed, however are not limited to the following:

- No public sewage system; contamination of our already existing water supplies.
- No Public water and if wells are drilled, the potential to deplete currently resident water supply
- the increase risk of wildfires due to wood burning stoves in glamping tents, along with the use of campfires outside.
- Environmental impact on land, water, and air due to camp fires and increase use of people and the lack of sewage and proper disposal of waste.
- traffic in general, traffic in an emergency situation
- Environmental impact on the wildlife
- Environmental impact of the natural resources (i.e. the river)
- Added light pollution to an area that has not light pollution

Over development is already an issue within Yosemite National Park, this proposed project will only be adding to it.

Thank you for your attention to our concern.

The Erickson Family  
30300 Highway 120



## Natalie Rizzi

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**From:** Ellie Owen <eowen3648@gmail.com>  
**Sent:** Saturday, July 06, 2019 3:59 PM  
**To:** Quincy Yaley  
**Subject:** Yosemite Under Canvas Project

Yosemite Under Canvas Project

To Quincy Yaley Assistant CRA Director Tuolumne County

Like the Terra Vi Project, the Under Canvas Project has the same issues:

Fire protection, water, sewer, traffic, air quality and the Scenic Corridor (hwy 120) to Yosemite.

We have seen the scenic corridors on the south side of the park strewn with strip malls and congestion as you enter the park.

Several years ago, the people of Groveland met with Yosemite Park consultants and facilitators Linda Dahl, Ed McMahon and Delia Clark. The workshop "Balancing Nature and Commerce" was sponsored by U.S. Fish and Wildlife, The National Park Service, Groveland Community Services District, Sierra Business Council and The Sonora Area Foundation just to mention a few.

One of the results of that workshop and the many meetings that followed, was an 87 page compilation of the Vision process. The document created by Northern Yosemite Corridor Partners Inc. clarifies and publishes the vision of the Groveland participants.

One theme that came up over and over was the value of open space, natural beauty, wildlife and the preservation of the scenic corridor into the Park.

Terra Vi and Under Canvas will set a precedent for more development while taking away business from the town of Groveland and degrading the highway 120 corridor.

Deciding to allow these large developments to increase the tax base is short sighted and poor planning.

The severe traffic congestion in Yosemite has to be addressed before any development proceeds.

Do we really think a large corporation from Los Angeles has the best interest of Groveland and Yosemite National Park in mind? Not a chance.

Ellie Owen  
12098 Wards Ferry Rd.  
Groveland, Ca. 95321  
209-962-6874

Sent from my iPad



# Tuolumne Heritage Committee

Sonora, California 95370

July 1, 2019

Natalie Rizzi  
Tuolumne County  
Community Resources Agency  
2 S. Green St.  
Sonora, CA 95370

Re: NOP of a draft EIR for the Yosemite Under Canvas  
project, notice dated June 18, 2019

Natalie,

In reading over your June 18, 2019 notice to advisory agencies I noted that the scope of the EIR will pay attention to certain aspects of the project beginning with Agricultural and Forestry Resources to Wildlife. Please include cultural resources in the resources to be reviewed under CEQA. It would not be unusual for Native American resources to be there. With the Rim Fire burning 25 percent of it, they could be revealed. I believe there was gold mining in the area and as you may recall an arrastra was found on the Rush Creek property.

Thank you for your consideration of the above.

Sincerely,



Sharon Marovich, Chair  
532-1733

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COUNTY OF TUOLUMNE  
Community Resources Agency



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COUNTY OF TUOLUMNE  
Community Resources Agency

Michael J. FitzGerald\*  
Eoin L. Kreditor\*  
Eric P. Francisconi  
Lynne Bolduc  
George Vausher, LLM, CPA‡  
Eric D. Dean  
John C. Clough  
David M. Lawrence  
Natalie N. FitzGerald  
David A. Kelly  
Jodi M. Wirth  
Brook John Changala  
John M. Marston†  
Deborah M. Rosenthal†  
Maria M. Rullo†  
Larry S. Zeman†

July 18, 2019

**VIA U.S. MAIL & EMAIL**

Author's Email: [drosenthal@fyklaw.com](mailto:drosenthal@fyklaw.com)  
FYK ref # 19077.01

Ms. Natalie Rizzi  
Project Planner  
Community Resources Agency  
County of Tuolumne  
2 South Green Street  
Sonora, CA 95370-4618

Re: Comments on Notice of Preparation (NOP) of Draft Environmental Impact Report (EIR) for Under Canvas Project (SCH#2019029073) (Hardin Flat LLC Site Development Permit SDP 18-002)

Dear Ms. Rizzi:

This letter is submitted on behalf of Matthew Moore, one of the owners of 30835 Hardin Flat Road, Groveland, California. Mr. Moore's property is located immediately south east of the Under Canvas Project ("Project") site and share access onto Hardin Flat Road. Mr. Moore, together with his co-owner, Kathryn Ruddon, submitted comments on the Project by email on July 29, 2018., a copy of which is attached to and incorporated into this comment letter.

Mr. Moore appreciates the County's decision to prepare an EIR on this Project. It is located on a highly sensitive site, with limited vehicular access, extreme fire hazards and variable water supplies. An EIR will allow the County and the public to analyze all aspects of the proposal, and to develop alternatives or mitigation measures that protect the environment from avoidable adverse impacts. We have reviewed the NOP for the Project and believe it understates a number of potentially significant impacts that must be fully analyzed in the Draft EIR. This letter details these issue areas and comments on other potentially significant environmental impacts that should be addressed in the County's environmental document.

1. Project Components. The Initial Study (IS) describes the Project Components in general. The Draft EIR requires considerably more detail.
  - For instance, the Project will be open from approximately March to October. Will the tents be removed during the winter months? Will there be security to prevent the



- wooden deck (and tents, if they remain) from being used by squatters during the off season?
  - The NOP states that electricity will be provided by PG&E and supplemented with solar systems. The IS states solar systems will provide electrical needs in guest tents and lighting in the lobby, common areas, tents and on trails. Where will the PG&E electricity be used? Will it require new wires to access the site? Will they be undergrounded to minimize fire risk? Will the tents be supplied with solar panels or will a solar farm be established on the site? Will the solar panels be removed during the winter? Will the laundry be supplied with washers and dryers, and will they be removed during the winter?
  - How will natural gas be supplied to the site?
  - The IS states that final tent locations will not be decided until final engineering. How much variation is likely?
  - What flooring is proposed for communal bathrooms and a commercial kitchen if no concrete foundations will be used?
  - Will the commercial kitchen prepare hot meals on demand throughout the day? The NOP describes it as a mobile kitchen. Is this similar to a food truck or a movable tent? How will it be secured? Will cooking and food preparation be allowed in the individual tents?
  - Will parking areas and paths be paved? The IS states no paving is proposed at page 61, but gravel can also pose erosion and runoff problems during the rainy season, as well as dust during the summer.
  - The IS states the Project will not have permanent facilities. Swimming pools, waste treatment facilities, wells and water systems are generally considered permanent.
  - The IS states the Project will have communal bathrooms, but each guest tent will also have hot water for shower, sink and a water closet. How many communal bathrooms are planned if each tent will have individual washing and bathroom facilities?
2. Aesthetic Impacts. The IS concludes the Project will have a less-than-significant impact on the “existing visual character or quality of the site and its surroundings.” (Checklist #1.(c).) The IS describes the setting as affected by the Rim Fire in 2013, when approximately 25% of the site was burned. The IS adds the “landscape is still recuperating from these fires and the vegetation of the project area is recovering.” The Draft EIR should explain whether the fire damage was considered in determining whether the Project would affect the existing visual character or quality of the site. Will the Project be required to maintain the existing tree line so as to block views of the Project from off-site? The IS states that low level lighting will be used throughout the Project. However, the Draft EIR should quantify the cumulative impact of lighting throughout the Project on the existing dark skies. Even if the lighting is designed to reduce impacts, it may still have a significant adverse impact on the existing rural setting.
3. Forest Resources. The IS acknowledges the Project would result in the loss of some mixed conifer forest habitat. (Checklist #2.(d)-(e).) However, it concludes the Project will have a less-than-significant impact because it will remove the “minimum number

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of trees possible” and will require a Timberland Conversion permit from CAL FIRE, unless it qualifies for a three-acre conversion exception. This discussion is inadequate. The IS states the total camp area footprint is approximately 3.0 acres, suggesting that it may have been designed to avoid the need for a Timberland Conversion permit. (IS, p. 61). The Draft EIR should quantify the number of trees that will be removed and determine whether the Project may qualify for an exemption before concluding that impacts will be avoided. Further, the Draft EIR should consider the cumulative impacts of the Project and other nearby proposals to develop within forest areas.

4. Air Quality. Mr. Moore agrees the Draft EIR should address air quality. The IS states there will be “no odor sources installed as part of the proposed project” because toilets will discharge into the proposed septic system and leach field. (Checklist 3.(e).) The Draft EIR should consider cooking odors from the mobile commercial kitchen and dining tent, as well as the location of the proposed septic system and leach field. Mr. Moore is especially concerned because the Project intends to locate a leach field in close proximity to his property, based on preliminary soils analysis. How will the septic system be protected from freezing during the winter months when it is not in use? The Draft EIR should also consider the potential impact of the fire pit and up to 100 camp fires using wood pellets on air quality.
5. Biological Resources. Mr. Moore agrees the Draft EIR should address biological resources. However, he questions the adequacy of evidence relied on to conclude significant impacts will be avoided in the IS.
  - The IS acknowledges the Project site supports migratory birds that could be adversely affected through loss of nesting, roosting or foraging sites. (Checklist 4.(d).) Restricting construction activities during the breeding season may protect active nests, but will not preserve foraging sites. Raptors are especially susceptible to loss of foraging because they require large areas to support their families. The Project may cause the permanent loss of foraging areas, especially as a cumulative impact with other planned projects.
  - The IS does not address the potential impact of wildfire on local fauna, as well as plant species. The area supports mule deer, Yosemite frogs, and others, all susceptible to increased wildfire risks.
  - The IS acknowledges the Project area could potentially be used by a variety of wildlife species for dispersal and seasonal migration (IS, p. 29). Yes, it concludes the Project will have less-than-significant impacts on wildlife migration corridors because it is a small area and “similar habitat types are abundant in the local area.” (IS, p. 38). The Draft EIR should discuss and confirm that the Project is not located within an established corridor, even if other areas may be available to serve as corridors based on the similarity of habitat types.
  - Mitigation Measure BIO-3 improperly defers mitigation for potential impacts to sensitive plant species until after Project approval. While the County may delay final surveys for affected species to the construction phase, it must either require further



environmental review or adopt mitigation performance standards prior to Project approval. It is inadequate for the County to abdicate its responsibility to protect special status plants by deferring entirely to CDFW and unspecified protocols it may have in place when the Project proceeded. Mitigation Measure BIO-3 does not even require the Project applicant to consult with the County if special status species are found, and it suggests Project facilities could be relocated or open space zoning reevaluated primarily through consultation with CDFW. The public has a right to know the performance standards that will be adopted to protect special status plants before the Project is considered.

6. Cultural Resources. It is premature for the County to conclude there are no cultural or tribal resources on the Project site before it receives responses from Native American tribes in the affected area.
7. Soils. The IS acknowledges that the Project settling and leach fields are planned to utilize areas where there are “assumed to be acceptable soils.” Mitigation Measure GEO-1 properly requires a soils evaluation to determine the viability of the proposed septic system. However, it does not address what happens if the soil is not viable for a septic system serving 99 units, or if the leach field must be moved to another location as a result. The location of the leach field in relation to water sources and adjacent properties is of critical importance to surrounding owners, and no significant changes should be made in the plans without further public review. The County cannot conclude the impacts will be less-than-significant without knowing whether the proposed septic system is feasible as planned.
8. Wildfire. The IS acknowledges, and all commenters agree, the Project is located in an area of very high wildfire hazard severity. In effect, the Project will create a wildland-urban interface zone (WUIZ) within a wildland area. The Project is not located near emergency services and is not served with fire hydrants.
  - The IS concludes the Project will have a less-than-significant impact on wildfire, but fails to establish performance standards for fire-fighting and evacuation in the event of different fire scenarios. For instance, if a fire begins on site, how will the Project prevent it from spreading, given its distance from fire-fighting facilities.
  - The Project proposes approximately 100 parking spaces for 99 two-to-four person tents. If evacuation is required, how will the addition of at least 100 cars affect the safe evacuation of surrounding residents. Critically, the Draft EIR must address the cumulative impact of the Project on safe evacuation and fire controls in the area. Combined with other proposed development, the Project is likely to have a substantial adverse impact on the safety of surrounding residents, during evacuation as well as fires.
  - It is inconceivable that the County would consider approving a firepit and 100 additional campfires in the middle of a high risk area that has already burned within the last 10 years. Individuals fires and the fire pit should be prohibited during the dry season.



9. Hydrology and Water Quality. The NOP does not propose to consider water quality in the Draft EIR. This is inconsistent with the mandates of CEQA.
- The IS acknowledges the Project proposes to rely on groundwater of unknown quality to be drawn from a not-yet-drilled well. The IS describes the Project as incorporating maximum limits of 20 gallons per day (gpd) on the amount of groundwater (*i.e.* well water) to be used per person. However, the IS does not require the Project to conduct any investigation of the potential impacts of its water use, including the location of a future well, on groundwater resources serving neighboring property owners.
  - Although the IS relies on the County's authority to regulate groundwater extraction to maintain sustainable groundwater use, there is no provision for evaluating the cone of influence or the cone of depression around the proposed Project water well, and determining whether it will affect nearby wells. There is no basis for the IS to conclude the Project will have a less-than-significant impact on groundwater supplies without knowing the location, depth and productivity of the proposed well.
  - Further, the IS assumes the Project will not interfere with groundwater recharge because it largely consists of pervious surfaces. Without knowing the relationship between the groundwater recharge *rate* and the amount of water drawn from the well, there is no basis to conclude the Project will have a less-than-significant impact.
  - The Draft EIR must consider potential contamination from the on-site septic system into drainages that flow directly to the Tuolumne River, along with potential groundwater pollution.
10. Noise. Other Under Canvas locations host weddings and concerts. The IS states the Hardin Flat location will not include such noise producing activities. Any Project approval should prohibit amplified sound at the site, including sound produced by private-owned amplification devices. Events attracting non-residents to the site should also be prohibited, both for noise and parking reasons. Modification of the sound prohibition should require additional environmental review to consider impacts on surrounding owners. The Under Canvas Project will also introduce an entirely new and larger noise source into a quiet rural areas. The contrast between existing noise and post-Project ambient noise may be significant to receptors, even if the new noise does not exceed General Plan levels applicable across-the-board to urban as well as rural uses. The Draft EIR should provide the public and decision-makers with information about the *change* in ambient noise levels that will result from the Project, and may want to consider including CNEL sound levels as well.
11. Population and Housing. The IS states it will provide jobs for "up to 40 seasonal employees during operation of the campground." (IS, p. 74.) Housing for seasonal workers will not be provided on site. Project employment is projected to be almost 7 percent of the total population of Groveland, which only had a 4.5% unemployment rate in 2018 and 0.0% rental vacancies. There appears to be no basis to conclude that seasonal workers will come from the local work force. In fact, it appears the Project will exacerbate an already difficult housing market in the area, and will attract low-



paid workers who will require housing and transportation during the crowded tourist season. Employment and housing needs generated by other projects will likely be cumulatively significant when combined with the Under Canvas Project, as well. By introducing more tourists into a remote rural location, the Project will also have the effect of attracting more population growth. The Draft EIR must consider whether the increased employment attributable to this Project and others will require mitigation to avoid potentially significant impacts.

12. Public Services. The IS analysis of Public Services is woefully inadequate. The Project will increase the area population by at least 250 *new* occupants for at least 6 months a year. Fire and police protection agencies are already stretched thin, and the high fire risk associated with the Project will increase their burden. In addition to ignoring the likely increase in fire calls, the IS does not address demands from medical or police emergencies. The Draft EIR should determine the likely response time for fire, police and medical emergencies given current staffing patterns, and require appropriate mitigation to meet applicable response time goals and standards. The Draft EIR should also address whether the proposed internal circulation system on narrow gravel roads are adequate to accommodate fire and police vehicles.
13. Recreation. The Project will provide overnight facilities that do not currently exist, increasing tourist accommodations in the vicinity. The IS acknowledges it will increase the area's tourist population and the number of visitors to the region. (Checklist #15.(a).) There is no basis for the IS to conclude the Project will have less-than-significant impacts because it is "intended to accommodate visitors and tourists that are already in the project vicinity." (IS, p. 77.) The Draft EIR should explain how the Project will increase the number of visitors to Yosemite National Park and the Stanislaus National Forest without increasing usage of the parks. The pool, spa, yoga deck, fire pit, barbeque canopy and kids play area are typical motel amenities that do not seem likely to substitute for the splendors of Yosemite and Stanislaus.
14. Transportation and Traffic. The IS bases its traffic analysis on the Applicant's estimate that the Project will generate a total of 135 round trips (equivalent to 270 trip ends) per day.
  - This estimate is intuitively inadequate, because it assumes that tents accommodating 2-4 persons will nonetheless have only 1 car per tent with a maximum of 1 round trip per day per tent. Up to 40 seasonal employees are estimated to generate less than 1 round trip per day per employee, with deliveries assumed to occur infrequently but less than once per day. The estimates require substantial verification because they are a fraction of normal traffic generation rates for lodging.
  - SANDAG, for instance, estimates that standard motels generate approximately 9 trip ends (4.5 round trips) per weekday occupied room, while resort hotels generate 8 trip ends (4 trips) per occupied room. Using the lower figure of 4 round trips/8 trip ends per room, the 99-unit Project would be expected to generate at least 396 round trips –



- or 792 individual trips – per day. This is well in excess of the 500 vehicle trips per day level that triggers in EIR under Tuolumne County regulations. Even assuming two round trips per day per tent and plus two round trips per employee and 5 deliveries, the Project would generate more than 500 trip ends.
- Impacts to Hardin Flat Road and SR 120 must be evaluated in the Draft EIR, together with cumulative impacts from the Project and other pending or contemplated projects, such as the Terra VI Lodge Yosemite Project.
  - The Draft EIR must consider hazards from increased entry onto SR 120 from an unsignalized intersection.
  - If there is a possibility that hauled water may be required, the Draft EIR must evaluate traffic impacts from water deliveries during the heavy tourist season.
  - The Draft EIR should address the contribution of the Project to sprawl and the mandatory mitigation steps that will be taken to reduce impacts. For instance, the Project may be required to provide carpooling for employees, prohibit more than one car per tent, and take other steps to mitigate its goal of bringing more tourists to rural areas of the State.
  - The traffic study should consider the Project's individual and cumulative impact on evacuation plans in the likely event that a wildfire breaks out in the vicinity.
15. Utilities/Water Supply. The NOP states the Draft EIR will analyze utilities and Service Systems, but the IS concludes there will be no significant environmental impacts in these areas. Instead, the IS assumes the Project will comply with all water and wastewater requirements, even though it is uncertain whether it will use well water or hauled water, deplete groundwater resources, or qualify for a septic system and leach field at planned locations.
- The NOP states the Project will be served by a public water system from on-site wells and a wastewater treatment system utilizing septic tanks and leach fields. The IS states the Project “will be served by private water and septic systems,” thus resulting in no impacts on public wastewater treatment providers. (IS, p. 84). This inconsistency must be resolved, and the suitability of the proposed well and septic systems for public ownership/management should be addressed. Why would the County wish to accept ownership/management of these wholly private facilities, which are described as unavailable for expansion? How will the septic system be maintained, and who will be responsible for cleaning and replacing it?
  - As noted above, the location of the settling and leach field is of great concern to Mr. Moore because of its potential to cause environmental damage. Similarly, the well requires additional drilling and may adversely affect surrounding groundwater resources. The IS does not offer any basis for concluding the Project will have less-than-significant impacts on water quality and supply, especially without mitigation measures based on pre-approval studies.
16. Project Splitting. The pending Terra Vi Lodge Yosemite Project is located immediately across SR 120, on land that was held in common with the Project site.



The two proposals appear to be coordinated, with similar timetables. In combination, the 140-unit Terra Vi and Under Canvas Projects will add 249 lodging units to the same stretch of Hardin Flat Road and SR 120. Their noise, water and utility impacts will occur at the same time, and will affect the same environmental setting. The County should analyze the two proposals concurrently through a single environmental document, so the cumulative impacts of the adjacent, concurrent projects are not obscured or avoided.

17. Cumulative Impacts. The IS misstates or misrepresents cumulative impacts from the Project and other past, present and foreseeable projects. The Draft EIR must conduct a thorough investigation of cumulative impacts before it is too late to address the potential flood of development applications. In particular, as noted above, there is a fair argument the Project will have cumulative impacts in the following areas: aesthetics; forest resources; air quality; biology; hazards; public services, water quality; noise; population and housing; recreation; traffic; and utilities and service systems.

For the purposes of the administrative record, this letter also incorporates by reference all comments submitted to the County in connection with this Project prior to issuance of the NOP. Thank you for your consideration of these comments as the County begins to prepare its Draft EIR for the Project.

Very truly yours,



Deborah M. Rosenthal, FAICP

cc: Mr. Matthew Moore  
Ms. Kathryn Ruddon

Enclosure



Unit 4550 Box 3158  
DPO AP 96504-3158

29 July 2018

Natalie Rizzi, Project Planner  
Community Resources Agency  
County of Tuolumne, California  
2 S. Green Street  
Sonora, CA 95370-4618

RECEIVED

AUG 10 2018

COUNTY OF TUOLUMNE  
Community Resources Agency

RE: Hardin Flat LLC Site Development Permit SDP 18-002  
Assessor's Parcel Numbers: 068-120-062 and 068-120-063

Dear Ms. Rizzi:

Thank you very much for your letter of July 19, 2018 regarding the aforementioned SDP. Because I am on active duty and posted overseas, we only just received your letter on Friday, July 27, 2018. We are responding electronically today and will mail a hard copy of this letter to you on Monday, July 30; however, you are not likely to receive it by your deadline of Monday, August 6. Therefore, we consider this electronically submitted letter to be our official response, and we look forward to hearing from you regarding our questions and concerns.

As adjacent property owners, we have several questions and concerns about the proposal.

1. Zoning: Your letter indicates that the two "...parcels are zoned C-K (Commercial Recreation) and C-K and O-1 (Open Space-1)..." but it is not clear which parcel has which zoning designation, and it is not clear how either parcel can be zoned both C-K and O-1, as your letter suggests. We were not able to find this information at [www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov) either. Without this information clearly stated, we cannot understand whether the proposal is in keeping with zoning requirements. Specifically, if either parcel is zoned only O-1, it seems that most of the proposed structures would not be permitted on that particular parcel. In addition, for whichever parcel is zoned C-K, the number of dwelling units seems far in excess of that permitted by the zoning regulations (1 unit per 2 acres). In fact, even if both parcels were zoned C-K, the number of proposed dwelling units (99) far exceeds that permitted (40).
2. The site plan notes that "tent locations, water, and sewer may be adjusted." What sorts of adjustments are possible? Is it the locations of tents, wells, and sewage facilities? Or is it possible that the number of tents, wells, and facilities could increase? Any of these changes would be very concerning to us.
3. Details regarding the proposed drain fields and disposal are vague in the site plan. For example what does the terminology "1 + 2 Alternative" mean? And what is the area designated as "Replacement" Drainfield/Mound Disposal? We would like to know specifically where these drainage and waste sites will be. Waste disposal is extremely concerning to us because the parcels in question are situated uphill from our property. Waste from the proposed site could run downhill and threaten our drinking water. In addition, waste could run into a creek that runs through our property, our two ponds, and, ultimately, to the South Fork of the Tuolumne River. We are similarly concerned about any runoff from the as yet undescribed ditches and waterways mentioned on the site plan notes.

Page 1 of 2



4. Your letter mentions a commercial kitchen and laundry facilities. Where will those facilities be located and how will waste—especially from the laundry facilities—be managed in an environmentally responsible manner?
5. Will the commercial kitchen be open to the general public? If so, what will be the hours of operation and what is the maximum number of customers that the facility will be able to serve on a daily basis?
6. The site plan also states that additional parking spaces shall be added along the oneway road. How many parking spaces? Why aren't they included on this plan?
7. The estimated traffic impact does not seem plausible. With 99 proposed tents, how could there possibly be only 25 trips during peak hours? This section of Hardin Flat Road was not designed to accommodate the level of traffic likely to be experienced by the development. What are the County's plans for regularly assessing the integrity of Hardin Flat Road given the additional stress of this traffic?
8. The site plan designates an "ESA" boundary but the definition of ESA is not included. Could you please define that term for us?
9. The area surrounding our property and the parcels in question is quite rugged and it can be very difficult for visitors to ascertain where one property boundary ends and another begins. How will the developer prevent guests on foot from straying off of the proposed development and onto our property?
10. According to the Under Canvas website ([www.undercanvas.com](http://www.undercanvas.com)), the developer frequently hosts live music events and gatherings of other groups (for example weddings of up to 400 guests) at their other developments. Such activity adjacent to our property would be extremely unwelcome and unacceptable for us and our neighbors. Additionally, overflow parking along Hardin Flat Road, could impede emergency vehicle access. Will parties of hundreds be permitted in this development?
11. Fire safety: We understand the interest of the developer to provide a pleasant experience for clients. However, given the condition of the surrounding forest over the past several years and the lack of evidence of reversal of this trend, it seems unwise to encourage fire building during the summer, even in the context of designated fire pits or trained staff.

Thank you for keeping us informed about this project, and we look forward to your responses to our inquiries.

Sincerely,



Matthew Moore



Kathryn Ruddon

Owners of 30835 Hardin Flat Road, Groveland, CA 95321

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in several paragraphs, but the characters are too light to transcribe accurately.

## Natalie Rizzi

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**From:** Andy Nickell <andynickell@gmail.com>  
**Sent:** Thursday, July 18, 2019 12:38 PM  
**To:** Natalie Rizzi  
**Cc:** Quincy Yaley  
**Subject:** Yosemite under canvas environmental doc public comment  
**Attachments:** IMG\_2676.jpeg

Quincy Yaley, AICP  
Community Resource Agency Assistant Director- Development

Public Comment Regarding Yosemite Under Canvas environmental document.

I am a life long resident of Hardin Flat Road, and currently reside on a property that is directly adjacent to the site of the proposed Yosemite Under Canvas. I am very concerned about the cumulative impact of the Terra Vi and Yosemite under canvas as single developments as well as if they were both to be approved. The already approved Berkeley Camp rebuild and expansion at Yosemite Lakes RV park should also be taken into account when looking cumulative impacts of all of these developments on the area, as they are all within extremely close proximity.

It is imperative that the county study the traffic situation that will be created by the hundreds of cars per day that will be entering and exiting the highway in a location that currently only receives intermittent use and is located at one of the very few areas that allow cars to pass each other legally between Yosemite and Groveland. The traffic volume on Hardin Flat Road, which is already in terrible condition and lined with standing dead hazard trees will increase dramatically with tourists wanting to visit the river and surrounding national forest. The impact on the Tuolumne River of the additional visitors and their effluent ( there are no public facilities located at Hardin Flat) and the trash that they leave behind should be considered as well. Additionally on busy days in the summer time traffic trying to enter Yosemite often becomes backed up for miles, this must also be included on that impact study.

Hardin Flat Road and the areas immediately around it are areas that contain Mule Deer migration corridors and that are critical to the health of the species, in the winter time many hundreds of deer live directly on or pass through the areas of proposed developments.

Ground water is a critical resource that other residents of Hardin Flat already struggle to procure from wells that produce inconsistent and often inadequate water, a large resort with massive water needs is undoubtedly going to have an impact on ground water in the area. Adjoining land owners must be given some recourse if there water is to be effected.

This is a high fire danger area without a responding agency close by, the impact and additional cost to the local fire district should be taken into consideration as well as how the county will enforce fire safety standards to prevent forest fires.

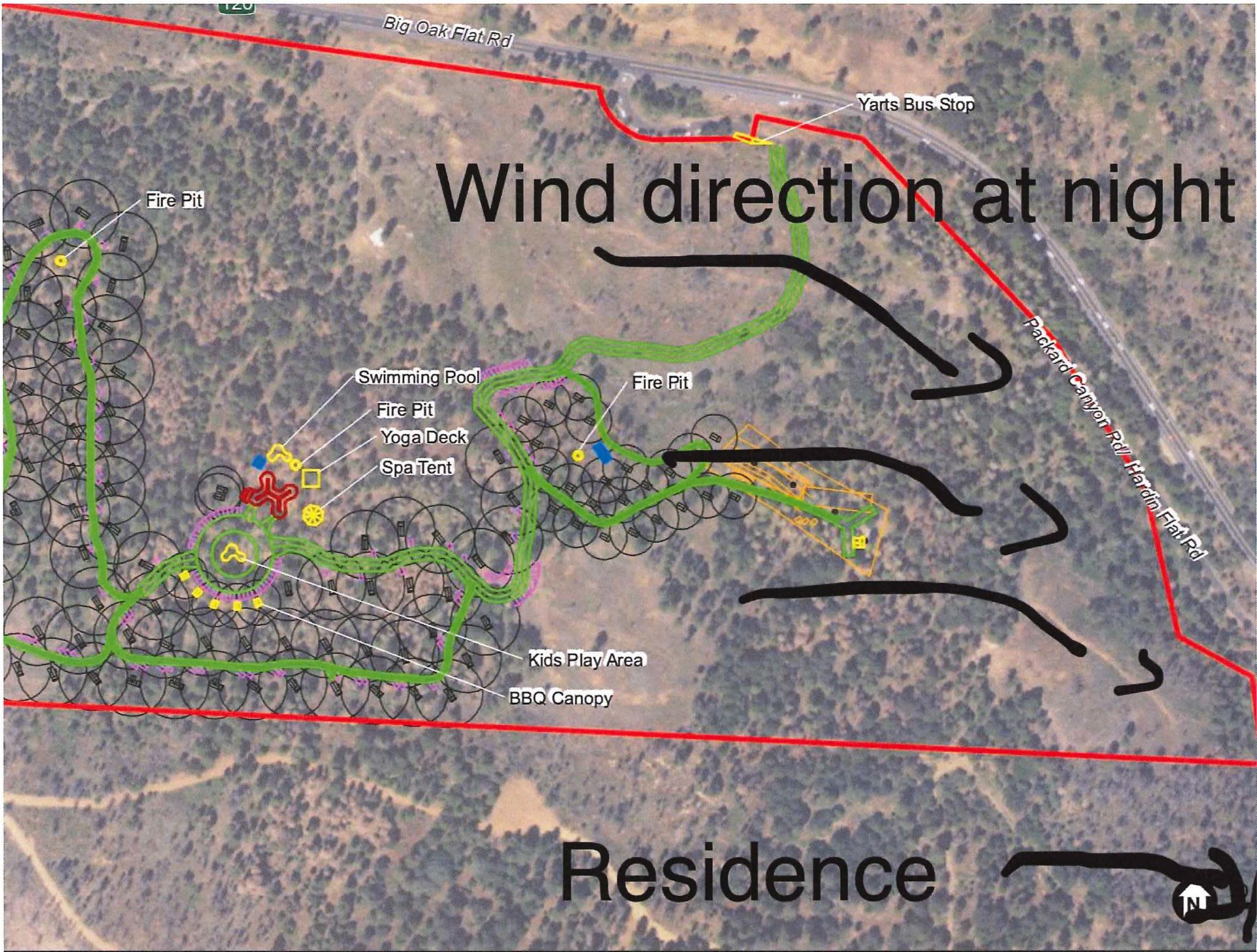
This area currently has no artificial noise or light, aside from that generated from the highway. This development will significantly increase both noise and artificial light in the area which will have a negative impact on existing properties and wildlife.

A study should be done on how the addition of 100s of jobs will affect the local rental housing market that is already extremely tight. Other local business run understaffed due lack of available housing. Adding this resort will only exacerbate that problem.

The proposed location for the septic field is directly uphill of some a creek that feeds into the Tuolumne river. When this septic field has problems as they all do eventually it will have great potential to pollute the Tuolumne river water shed.

The proposed 99 wood burning stoves will have a significant impact on air quality directly down wind. The home that I live in with my wife and infant son is directly down wind. I am very concerned about the air quality being seriously compromised. The wind funnels down the creek drainage directly from the proposed development site and would bring that smoke with it. See attached image of map that shows the location of the proposed development and the topography relative to my residence.

Sincerely  
Andy Nickell  
--  
Andy Nickell



Wind direction at night

Residence



## Natalie Rizzi

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**From:** Taryn Vanderpan  
**Sent:** Thursday, July 18, 2019 12:04 PM  
**To:** Natalie Rizzi  
**Subject:** FW: Yosemite Under Canvas EIR  
**Attachments:** EIR Glamping letter to Natalie 7.18.19.pdf

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**From:** nancy constantino <nancy.constantino@yahoo.com>  
**Sent:** Thursday, July 18, 2019 11:57 AM  
**To:** Natalie Rizzi <NRizzi@co.tuolumne.ca.us>  
**Cc:** Quincy Yaley <QYaley@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>; Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>; David Gonzalves <DGonzalves@co.tuolumne.ca.us>  
**Subject:** Yosemite Under Canvas EIR

Attached please find my comments for the Yosemite Under Canvas EIR.



July 18, 2019

Ms. Natalie Rizzi  
Tuolumne County Community Resources Agency  
2 South Green Street  
Sonora, CA 95370

CC: David Gonzalves, Quincy Yaley, John Gray

RE: Yosemite Under Canvas NOP of the Draft EIR

Dear Ms. Rizzi,

Thank you for the opportunity to provide comments and scoping for the EIR for Yosemite Under Canvas. The following key factors were listed in the County's NOP letter dated June 18, 2019 as the scope of the EIR: Agricultural and Forestry Resources, Air Quality, Biological Resources, Hazardous Materials and Hazards, Traffic and Transportation, Utilities and Service Systems, Wildfire. However, these only represent 7 of the 20 crucial factors that should be evaluated during the EIR study.

The proposed project affects every environmental factor per Appendix G, and they all should be assessed by the Environmental Impact Report (EIR). The proposed location is inappropriate for Yosemite Under Canvas as well as the neighboring Terra Vi proposed project. As the EIR will reveal, the proposed locations lack public water, lack public sewage, affect emergency responders, create traffic, produce air quality issues, generate noise, impact wildfire danger, disturb archeological resources, endanger wildlife. In addition, water quality and water supply are threatened.

The proposed Glamping project will have significant impacts which are not adequately studied in the Initial Study Report. This is especially true when combined with the Terra Vi proposal for the Sawmill Mountain Area. Cumulative impacts from both of these projects are significant. It is vital that the County and other Agencies reviewing and commenting on the proposed projects are looking well beyond the confines of the drawings and boundaries of the project to determine the overall impacts on the surrounding areas.

The (20) Appendix G categories are all interwoven and affect factors in multiple subsections of the EIR. It is nearly impossible to discuss one subject without touching on another. I submit the following comments to address the issues for the County Notice of Preparation of an Environmental Impact Report for the proposed Yosemite Under Canvas development:

#### **1. Aesthetics**

Yosemite National Park is known as one of the most beautiful places in the state, country, and the world. National Forest Scenic Highway 120, especially in the Sawmill Mountain area was devastated by the recent Rim Fire and subsequent bark beetle infestation. The proposed "Glamping project" does not belong on the Scenic Highway and entrance to Yosemite; it will degrade the beauty of the forest and the scenic highway. The MND incorrectly declares that the proposed project would not have an effect on a scenic vista or a scenic highway. The construction of glamping tents and supporting structures as well as the subsequent "winterizing" component will be ugly and visible to residents of Hardin Flat, Sawmill Mountain and travelers on 120. Stating that the National Scenic Byway is five miles east of the project site and would result in no impact is short-sighted. Again, the cumulative impact when reviewed with the Terra Vi proposal for this area ruins the scenic vistas which will be significantly impacted and forever destroyed.

Additionally, new artificial lighting will further deteriorate views of the night sky. The artificial lighting is noted under Aesthetics (#1) but also impacts Biological Resources (#4) which could disrupt many wildlife species including the vulnerable riparian habitat in this ecologically sensitive area. Many animals are cued by nightfall for feeding, mating, foraging; these normal patterns are at risk for interruption and harm to sensitive wildlife and plant species. The project would potentially impact the aesthetics significantly.

## **2. Agriculture and Forestry Resources**

As pointed out in my letter dated May 26, 2019 to the County regarding the Terra Vi EIR, the County has neglected to inform the community that portions of the proposed project area meet the definition of "Timberland" pursuant to Public Resources Code 4526. Mr. Gregory Robert Manly entered into a contract agreement with California Department of Forestry and Fire Protection (CFIP) in June, 2015.

In the stated purpose of the forest improvement work, the agreement affirms that "this project will help protect water quality, aesthetics, and wildlife values within the overall watershed." The CFIP project description goes on to explain, "The proximity of the parcels to Highway 120, a major State highway and the northern access to Yosemite Park, add to the importance of creating a safe and aesthetic forest landscape."

The project description continues, "The Tuolumne River along with the other perennial watercourses provide valuable wildlife habitat for a number of species including deer, bear, wild turkey, and gray squirrels. *The landowners want to ensure these values by improving forest health and reducing current fuel load levels.*"

According to this contract, the participant (Mr. Manly) certifies that the parcel of forestland to which the Forest Improvement Program applies will not be developed for uses incompatible with forest resources management within 10 years following recordation date. The property has undergone reforestation efforts and CalFire has been monitoring the forest improvement work as recently as just a few months ago.

The proposed project will replace many acres of mixed conifer forest and beautiful open mountain meadows with tent structures, kitchens, dining and reception areas, roads, parking lots, laundry facilities, communal restrooms, swimming pool, maintenance facilities, propane tanks, and large leach fields for sewage treatment. It is adjacent to low density residential development on forested lots and National Forest lands. The project will bring thousands of new overnight visitors to a remote forested area every year for the foreseeable future. These impacts and the cumulative effects of nearby proposals such as Terra Vi, Yosemite Lakes, and Berkeley-Tuolumne Camp, to the the agricultural resources and forest are significant and will forever destroy the unspoiled natural setting.

## **3. Air Quality**

The proposed development will expose the sensitive, rural, remote environment to considerable pollutant concentrations that will affect a substantial number of people, animals, and forestland. Air quality is a significant issue, especially when additional gas/diesel powered vehicles, cars, buses, YARTS vehicles, motorcycles, motorhomes, helicopters, smokers, and campfires, all inundate the pristine mountain.

The proposed Terra Vi project and Glamping project area is currently untouched timberland and the Glamping project proposes 99 wood burning fire places, and several larger community fire circles that will spew smoke and ash into the air. Air quality impacts to this sensitive forest area will have an adverse impact on the forest, wildlife, and human health. The Hardin Flat area is frequently affected by an inversion layer situation where smoke or fog often settles; adding 101 wood burning stoves and fireplaces to the area will create unhealthy air pollutant levels. The MND incorrectly designates the Air Quality pollutant concentrations, objectionable odors affecting a substantial number of people, and potentially violating air quality standards as a less than significant impact without any proper environmental studies. Additionally, it goes without saying that the potential for additional fire risk is exponential. See Wildfire (#11) for more concerns. The County is making a grave mistake by allowing tourists and employees of Under Canvas to burn wood in a highly hazardous and precarious forest location.

#### **4. Biological Resources**

Recently, the Department of Fish and Wildlife commented on the Glamping project and noted significant concerns with regard to water pollution, lighting, noise, and nesting birds. Moreover, the fish and wildlife biological resources would potentially suffer both direct, and indirect significant impacts.

The Department of Fish and Wildlife are also concerned that the proposed Terra Vi property provides habitat for the California Spotted Owl, Northern Goshawk, Mule Deer, Black Bear, Mountain Lion, Bobcat (Lynx), Coyote, Raccoon, Skunk, Bat Species, Pacific Chorus Frog, the Arboreal Salamander, and California Newt, as well as special status plants, and waterway and riparian resources. Many of these animals are on the threatened, endangered, or California Special Concern lists.

However, there is no mention or implementation of a wildlife study for further analysis of numerous special status species on the Under Canvas site in the current development plan. This must be addressed by the EIR. Surveying after the fact is inadequate and not a viable solution. The area is currently experiencing a healthy recovery with abundant wildlife, plants, trees, and the seasonal wetland with ecologically complex habitats supporting plant and animal life. The area is rebounding after the devastating Rim Fire.

A portion of the project site also contains several ephemeral drainages which lead to nearby resident's water supply, and if contaminated will have a substantial adverse effect on the riparian habitat, movement of wildlife species, established migratory wildlife corridors, as well as Tribal Cultural Resources. The streams are fed by underground springs which travel across meadows into the creeks which ultimately run into the Tuolumne River which is a mere 1/2 mile south of the project site. Water supply will be directly affected by any changes to the delicate ground water supply. We are all at risk of having our ground water supplies completely diminished or polluted by the Terra Vi Lodge, Under Canvas, and other projects proposed in the area.

#### **5. Cultural and Tribal Cultural Resources**

The Tuolumne Band of Me-Wuk Indians has located both prehistoric and historic sites on my property and surrounding neighbor's property, suggesting an Indian Village. These sites are within walking distance to both of the proposed development sites for Under Canvas and Terra Vi. It is highly probable that there are additional cultural resources that may be significantly impacted on the proposed property.

A new Cultural Resource Survey is required every ten years, and the Me-Wuk Cultural Development department has requested that one of their Native American Monitors be present for any updated archeological survey, or any ground disturbing activities. In addition, the area is frequently harvested for medicinal plants by the Tribe Gatherer. The Tuolumne Me-Wuk Tribal Council have stated that "this is a very important area and needs to be protected."

The MND states that the Native American Heritage Commission was contacted in 2018, yet the local Me-Wuk Tuolumne County Native American Government have stated that they have not been contacted regarding the Under Canvas proposal. There are protocols that must be adhered to with regard to consultation and review of potentially significant impacts on a sacred place. This land holds cultural, archeological, prehistoric and historical value to the Me-Wuk Tribe and must be properly evaluated and protected.

#### **6. Geology and Soils**

The proposed on-site well water production and sewage treatment, with a large leach field located adjacent to neighboring properties, will potentially cause substantial adverse effects. Soil capacity and condition are essential to understanding environmental impacts. The septic system will be impacted by soil quality which will affect percolation, which impacts Biological Resources (#4) and the Water Quality (#8) supplied to neighboring cabins and neighboring residential property wells.

The Glamping Proposal also discusses the use of refuse in soil amendments, composting, or animal food. This may adversely affect our drinking water. Any ground disturbing surveys or tests need to be coordinated with the Tuolumne Band of Me-Wuk. (Cultural Resources #5)

### **7. Hazards and Hazardous Materials**

The Sawmill Mountain neighborhood just experienced a fire scare last month. The text messages we received were about an active forest fire on SMR. After four hours of trying to understand where the fire was and if evacuation was necessary, it was determined that CalFire was conducting a fire drill. Unfortunately, text alerts notified the neighbors about the calling in of air tankers, and that two homes were on fire with six threatened. There was no communication at all that this was a practice fire drill.

Nevertheless, the fear was real and the situation far too realistic to ignore. There are only two fire engines in Groveland (20-30 minutes away) and one hospital in Sonora (45 minutes to an hour away). If there is a huge resort (Terra Vi) and a Glamping location filled with tourists, the firefighters will be inundated and unable to support or protect thousands of visitors and residents in the area.

The exit routes will be clogged with thousands of tourists trying to flee and the local residents will not be able to escape a wildfire the next time. The MND cavalierly states, "Due to the use of spark-arresting equipment and . . . due to the registered flame resistant materials used for the tents," . . . "operation of the proposed project would have a less than significant impact related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires." The propane tanks for both projects as well as campfires, stoves, and careless tourists are all serious wildfire liabilities; utilizing spark arrestors and supposed flame resistant tent material will not thwart a wildfire. The proposed Under Canvas project is also near a proposed helicopter landing pad area that would pose a safety hazard for people residing or working in the project area. Again, I implore all who are reviewing the construction proposals to be educated and knowledgeable about every potential project in the area and to look beyond the boundaries of one project at a time. The impact of all projects is cumulative; the impact is significant.

Common sense should prevail in this case; it is clear that the area poses a tremendous fire risk. Many people died in the Camp Fire in Paradise last year as they were trying to evacuate their homes. They only had one road in and out of the area; the residents of Sawmill Mountain Road and Hardin Flat are in the same predicament. Why would the County knowingly place a highly hazardous property use (Terra Vi and Yosemite Under Canvas) in a Very High Fire Hazard Severity Zone?

### **8. Hydrology and Water Quality**

As the MND states, "An ephemeral drainage system occurs within the project site. The main drainage on site is tributary to the South Fork Tuolumne River which lies approximately 1/2 a mile downstream from the project site and is part of the Upper Tuolumne Watershed."

The MND also states that there is no current water source and that the future source will need to provide an average supply of 8,050 gallons per day. If the well cannot meet the demand, the Under Canvas organization will need to purchase and haul water into the development. The discussion continues by stating that open space is available for groundwater recharge for the Glamping project, yet there seems to be no acknowledgment of possible water depletion or contamination of the water supply to existing homes and cabins in the surrounding neighborhoods. There is also the likely possibility of another drought.

The MND states that Under Canvas Camps typically do not have large water storage tanks and infrastructure to support fire hydrants and large water demands, and none are proposed for this project. It is not known if the new wells drilled will be able to provide enough water for a sprinkler system, storage tank, swimming pool, laundry facilities, maintenance facilities, special events, water treatment, food service waste water treatment, and most importantly fire suppression.

The developer has proposed a location for septic tanks and leach lines that may contaminate neighboring wells that provide drinking water. In addition, the proposed leach fields for both Terra Vi and Under Canvas will potentially pollute the Tuolumne River. The Terra Vi 1300+ and the 400+ Under Canvas vacationers will flush toilets constantly, significantly compromising the stream that supplies neighboring property wells and meadows. We need to be protected from contamination of our wells from raw sewage and septic leaching from both of these projects.

Recently, I read about CalTrans being forced to close down many rest areas and campsite septic systems due to improper usage by tourists. People have been flushing items not meant for waste-water treatment systems such as diapers, feminine products, leftover food, and syringes. Tourists are not going to be mindful or careful about the proper usage and maintenance for this type of sensitive system. If the leach system is compromised in any way, private properties and the wet-lands will be contaminated. The future availability and quality of water will be adversely affected.

As mentioned under the Biological Resources heading (#4), any disturbance of the watercourses affects the riparian habitat and threatens a variety of plant and wildlife species. Many animals depend on riparian habitat, and utilize this habitat for foraging, water, shelter, and migration. The project could substantially affect riparian habitats by resulting in further destruction or loss of these vulnerable habitat types. This past very wet Spring season, my meadow as well as my neighbor's adjoining meadow were full of water, streams, waterfalls, and wildlife activity, particularly the Pacific Chorus Frog, the Arboreal Salamander, and California Newt, a species of special concern in California.

The recently-constructed Rush Creek Lodge on Highway 120 has had many issues with contaminated water, raw sewage flowing above ground, and odors. No details have been provided with building specifications for the Under Canvas sewage system. The system needs to be engineered, documented, drawn up and available for public review and comment.

It appears that overall, the documents submitted for comment are incomplete and only of a preliminary nature that do not allow for total review of proposed systems or construction methods. Complete documentation must be submitted for review and comment by the public as well as all Agencies affected by these project proposals.

One such example was revealed upon review of the Agenda prepared for the Planning Commission meeting dated May 15, 2019. I learned that 77 of the total 99 tents will have a private wash basin, shower and toilet, however this was not mentioned in the overall description of the project. Instead, the project proposal alludes only to communal bathrooms.

These are obvious, huge concerns; a project of this size is an incompatible use on a remote forest site without public water or public sewer. The Glamping project does not identify a water source at all. The hotel and glamping development combined may deplete groundwater supplies and the septic systems may contaminate our precious and scarce water sources.

#### **9. Land Use, Overcrowding, Noise, Traffic, Safety**

The Under Canvas proposal will bring an estimated 99 tents consisting of families of four plus 30 employees and additional service people and employee families totaling 426-500 tourists to Hardin Flat. The Terra Vi development will entail over 1,300 hotel guests daily with a few hundred hotel staff driving to and from the site every day. Scenic Highway 120, Hardin Flat, and especially the Sawmill Area cannot handle the traffic safely.

Currently, the turn into Sawmill Mountain Road is on a blind curve and is dangerous; it is especially icy and treacherous in the winter. The entrance to Hardin Flat Road is equally difficult to navigate, and the Yosemite entrance on Highway 120 is overwhelmed on weekends with several hour waits as traffic backs up. Additional traffic from the Glamping project increases the risks and further congestion in this area.

The MND says that operation of Under Canvas will result in minor increases in noise levels and will impose quiet hours. While that is a nice gesture, how and why were these hours arbitrarily determined? 6:00am seems too early to start noise generating activities such as additional traffic noise, people and children noise, pet noise, radios, music, garbage trucks, busses, motorhomes, cars, motorcycles, outdoor dining, community campfire events, etc. These are all noise producing activities that have never been on these properties before and will produce significant noise.

We maintain a quiet refuge on our private properties while enjoying the prevalent wildlife. Additional car traffic, delivery vehicles, human voices, noises, dogs barking, and continuous lighting of the hotel grounds in a remote undeveloped area all pose threats to our wildlife and generate noise that will disturb the quiet, untouched ambiance.

Furthermore, there are already two large hotels and several other better-situated available sites that could better absorb the influx of additional tourists.

### **10. Population and Housing**

Upon review of the layout and beds available in each Terra Vi hotel room, an estimated 1,303 guests and 400-500 glampers could reside at the two sites on any given night. This does not include additional babies/toddlers in cribs or the use of roll-away beds, etc. The scale of both of the proposed developments are far greater than other lodges in Groveland and along Highway 120. The development size exceeds both the nearby Rush Creek Lodge and Yosemite Westgate Hotel. The “mom and pop” bed and breakfast and average size hotels in the Groveland area will certainly suffer from a development of this scale and magnitude.

The resort plans for Terra Vi have specified inadequate parking spaces for only 30 employees and do not specify any on-site employee housing. The Glamping proposal also appears inadequate. 40 seasonal employees and 40 full-time workers will be utilized at Under Canvas. If they aren't contributing to the population (as stated in the MND), where are these people coming from and where will they reside? For hotels and lodges of this size, more employees would be necessary, yet there are few nearby towns where employees could live or be recruited from. This would necessitate long commutes for housing and add to the pollution, noise, traffic, and unnecessary degradation of Sawmill Mountain and Hardin Flat.

It also appears as though the Hansji Development is proposing more phases with future work not yet outlined in their online application. Complete drawings and specifications are necessary for the public to understand and comment on the comprehensive proposals affecting our community.

### **11. Public Services**

The MND response to “Would the project result in substantial adverse impacts in order to maintain acceptable service ratios, response times of Fire protection, or Police,” are summarily discounted as less than or non significant. However, it does not appear that there is enough information to make these assessments. All it takes is one person to drop a cigarette or one ember to jump out of the fire place or fire pit to start a wildfire; this will put additional strain on resources. Police will need to be readily available when more people are introduced into the environment. If there are full-time employees at both the Terra Vi and Canvas projects, where do their children attend school, or access public facilities?

The TCSD was notified of the project for review but no comments were received; that does not mean it is less than significant. That could mean that they either did not receive the notification or didn't review and comment before the Initial Study was complete. Overall, the study and evaluation of the potential significant impact to Public Services needs to be adequately reviewed.

### **12. Recreation**

The MND assumes that tourists will remain in the Under Canvas Glamping area and that visitors will be provided with recreational activities within the designated campground areas and would therefore not add

additional burden to the existing usage or the physical deterioration of surrounding recreational areas or facilities. I would like to understand exactly how this statement can be proven and/ or backed up.

The MND also stated that the “proposed project is intended to accommodate visitors and tourists that are already in the project vicinity” and incorrectly summarizes that impacts would be less than significant. There are no visitors or tourists already in the project vicinity. This project would increase noise and pollution to the existing, surrounding community as nothing exists in the location currently. Impact would be potentially significant and needs to be studied. Statements and hypotheses must be proven and substantiated.

There is also a problem with attracting wildlife by improper storage of food and refuse. There is no mention of the necessary precautions that must be taken to protect the area from attracting unwanted wildlife, from harming the wildlife, and/ or protecting visitors from wildlife.

### **13. Transportation, Traffic, Private Property Access**

Presently, there are one-lane dirt roads and skid trails that provide the only access to our private property and neighboring properties. Due to the limited existing road access via Forest Routes and the location and activities of the CalTrans maintenance shed, I am concerned about Fire, County, Utility, and Forestry access, as well as the increased load on emergency services. Furthermore, the plans depict a dead-end cul-de-sac at the Terra Vi project which poses a hazardous condition for proper egress in the event of an emergency.

The MND states that a traffic study has been determined to not be required, but this couldn't be farther from the truth. The Under Canvas site proposes a mere 25 vehicles traveling in the morning and 25 in the afternoon. This number seems inadequate and due to the reasons listed above, a traffic study is requisite to review safety in this area. Again, the cumulative numbers of the Terra Vi project and neighboring communities must be added into the total review. In addition, the studies should incorporate the traffic in and out of Yosemite National Park.

Locating the entrances to Terra Vi and Under Canvas on 120 would subject all of the surrounding neighbors to overwhelming non-stop day/night traffic congestion and would create dangerous traffic problems when exiting the Sawmill Mountain Area onto Highway 120. Forest Route 1S03 is not designated as a road and it is not designed for commercial use; it is only a Forest Route and maintained by Forestry. This is already a dangerous blind curve intersection not meant for an abundance of tourist traffic. We would not be able to safely turn onto or off of the Highway with so much hotel traffic directed onto our one-way dirt skid trails and driveways. The residents of Hardin Flat face an equally dangerous predicament when entering or exiting Highway 120. This is an undue hardship to the residents of Sawmill Mountain Area and Hardin Flat. Placing a huge hotel and a glamping camp site at the entrance and exit from our properties puts our families, tourists, and emergency responders at risk for emergency evacuation and potential death.

### **14. Wildfire**

The State Responsibility Area, as mapped by the CA Department of Forestry and Fire Protection in 2007 designates the project site in a “Very High Fire Hazard Severity Zone.” We all just lived through the devastating effects of the massive Rim Fire, the drought, bark beetle infestation, and the most recent Ferguson fire. The response time from "First Due Engine Company" is 20 +/- minutes. These projects may create a significant adverse impact as far as the Tuolumne County Fire Department (TCFD's) and CalFire (CDF's) ability to provide fire protection within this area.

The Terra Vi documents as well as the Under Canvas appear incomplete and do not mention additional water sources. I am concerned about attracting thousands of tourists to the area each day who may wander outdoors with cigarettes and potentially cause more fire danger to the area. The proposed plans for campfire pits and stoves at the Under Canvas site poses another concern and potential danger for wildfire, just as the previous Rim Fire that was started by a campfire. That fire quickly raged out of control

and burned 257,000 acres in the Stanislaus National Forest and 79,000 acres in Yosemite National Park. It was devastating for our community.

It has been difficult to renew our fire insurance after the Rim fire and this is a very serious concern for all of us on the mountain. Very few California insurance companies are providing fire insurance to this area as it has now been ravaged twice within a few years. We were fortunate to find a new insurance company last year after being dropped, but were recently dropped again last month.

The size of this development is a serious liability to the County and surrounding communities. Again, cumulative development of this size and scope should not be located on Sawmill Mountain or Hardin Flat. By negligently approving or allowing a fire-trap to be constructed at the entrance/exit to our private properties in a Very High Fire Hazard Severity Zone, the County is subjecting our homes and lives to significant risk, loss, and death due to fire.

**Alternative Locations:**

It is my understanding that the County must evaluate other potential locations as alternatives with fewer environmental impacts. There are two such alternate locations: A) a previously approved hotel site on 120 near Smith Station road which is closer to public water and sewer and has already been permitted, and B) "The Scar" in Big Oak Flat which was already graded for a hotel development and provides both public water and sewer.

To repeat the wise words of Mr. John Buckley, Executive Director, Central Sierra Environmental Resource Center, "The proposed placement of the Terra Vi Lodge and Under Canvas lodging projects at a site without public water and public sewer is misguided and unreasonable. Tuolumne County shouldn't allow developers to create lodging for thousands of people a day based on unreliable wells and unproven septic systems. It makes far more sense to put projects like this closer to existing communities where there is public water and sewer."

**Concluding Summary**

The Initial Study reviews and summarily discounts significant impacts while offering inadequate analysis or insufficient supporting evidence. I implore the County and other Agencies performing studies and reports to please consider the effect on the surrounding neighborhoods by looking beyond the boundaries of the project descriptions and drawings for a thorough analysis.

The two proposed projects, (Terra Vi) with over 240 guest rooms, 25 four-bedroom cabins, 286 parking spaces, a helipad, bus stop, shopping market, large event space, multiple out-buildings, 1,300 guests and several hundred support staff on site, as well as (Under Canvas) with 99 tent structures, mobile kitchen, dining and reception tent, laundry facility, swimming pool, campfire pits, bathrooms and approximately 500 people, do not suit the lot size or location, and are inconsistent with the character of our community. There are other projects proposed for Berkeley Camp and Yosemite Lakes that must also be factored in, as the cumulative environmental impact would be significant.

In conclusion, there are many areas that require an objective, thorough review and detailed report updates. I have outlined just some of the key areas that are concerning while there are many more that must be considered by the appropriate agencies.

It is important that the Environmental Impact Report thoroughly evaluate the many significant impacts that the Under Canvas, Terra Vi Lodge and additional cumulative projects will have on our properties, on Hardin Flat, Sawmill Mountain, Yosemite National Park, and the Groveland community as a whole.

Sincerely,

Nancy Constantino

## Natalie Rizzi

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**From:** Mini G <lgeorge567@gmail.com>  
**Sent:** Thursday, July 18, 2019 6:23 AM  
**To:** Natalie Rizzi  
**Cc:** Taryn Vanderpan; John Gray; Quincy Yaley  
**Subject:** Yosemite Under Canvas EIR

July 17, 2019

Ms. Natalie Rizzi

County of Tuolumne

Community Resources Agency

2 South Green Street

Sonora, CA 95370-4618

RE: Yosemite Under Canvas EIR

Dear Ms. Rizzi,

I am writing regarding the Yosemite Under Canvas project in the Sawmill Mountain Area. My family has owned property off of Sawmill Mountain Road since 1962 near the proposed development. The development's proposed location adjacent to remote residential lands and protected forest areas threatens the environment, wildlife and well-being of surrounding property owners.

My family and I are strongly opposed to this large scale "glamping" style development due to foreseeable negative impacts including increased fire danger, traffic, crime, lights, and noise. In addition, the project poses serious threats to the environment including air quality, water quality/supply, archeological sites, and wildlife. Building ninety-nine tents equipped with wood-burning stoves occupied by tourists who are unfamiliar with the extreme fire hazards in the area is a dangerous and irresponsible proposition.

Please forward any future notification of any public hearings and the environmental documents prepared for this project to me via email ([lgeorge567@gmail.com](mailto:lgeorge567@gmail.com)). I can also provide my home address if you prefer to mail the documents. Thank you for your attention to this matter.

Sincerely,

Laura George, DVM

CC: John Gray

Quincy Yaley

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 10  
P.O. BOX 2048, STOCKTON, CA 95201  
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Making Conservation  
a California Way of Life.

July 16, 2019

Ms. Natalie Rizzi, Planner I  
County of Tuolumne  
Community Resources Agency  
2 South Green Street  
Sonora, CA 95370

**TUO-120-PM R50.350**  
**Yosemite Under Canvas**  
**Site Development Permit**  
**SDP18-002**  
**SCH# 2019029073**

Dear Ms. Rizzi,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the notice of preparation of environmental document with State Clearinghouse Number 2019029073 for Yosemite Under Canvas Site Development Permit SDP18-002 application to allow the development of a 99-unit luxury tent campground ("glamping") site and supporting facilities such as a mobile kitchen, dining and reception tent, laundry facility, and bathrooms. The project site consists of two parcels totaling 80.1± acres and is located south of the intersection of Hardin Flat Road and State Route (SR) 120 on Assessor's Parcel Numbers (APNs) 068-120-062 and 068-120-063.

Caltrans has responded to the previous routing of this project on August 6, 2018, August 24, 2018, and March 25, 2019. Previous comments still apply and the following comments are in addition to all previous comments provided:

Any development of highway access from either parcel will require an identification study for cultural resources in the Caltrans right of way (ROW) unless the ROW is prescriptive from USFS and USFS would prefer to act as primary cultural resources oversight.

If the project proponent expects work will encroach into Caltrans ROW, Caltrans recommends the project proponent to submit results of the pre-construction bird survey and botanical plant survey to ensure that rare plants (slender-stemmed monkeyflower and Small's southern clarkia) previously identified near Caltrans ROW in the area are avoided. Please note, outside our ROW, the jurisdictional drainages within the project scope appear to need 401/404/1602 permits. Please have all acquired permits included in the package submission.

Ms. Natalie Rizzi  
July 16, 2019  
Page 2

If you have any questions or would like to discuss these comments, please contact Austin Sos at (209) 948-7936 (email: [austin.sos@dot.ca.gov](mailto:austin.sos@dot.ca.gov)) or me at (209) 948-7325 (email: [gregoria.ponce@dot.ca.gov](mailto:gregoria.ponce@dot.ca.gov)).

Sincerely,



Gregoria Ponce, Chief  
Office of Rural Planning

C: Darin Grossi, Executive Director Tuolumne County Transportation Council  
David Gonzalves, Director, Tuolumne County Community Resources  
Agency  
State Clearing House

## Natalie Rizzi

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**From:** Laurel L. Impett <Impett@smwlaw.com>  
**Sent:** Monday, July 08, 2019 1:33 PM  
**To:** Natalie Rizzi  
**Cc:** Mary Beth Campbell  
**Subject:** Under Canvas NOP Letter  
**Attachments:** Ltr to Natalie Rizzi re Under Canvas Project NOP.PDF; E. Folk Letter to County re Under Canvas IS-MND.PDF

Ms. Rizzi,

On behalf of Save Sawmill Mountain, please find attached a letter on the NOP for the Under Canvas Project. Also attached is a copy of the May 13, 2019 letter from Ellison Folk to the County in connection with the Under Canvas Initial Study/Mitigated Negative Declaration. The May 13, 2019 letter is an attachment to the letter on the NOP.

Best,  
Laurel

Laurel L. Impett, AICP, Urban Planner  
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LAUREL L. IMPETT, AICP  
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July 8, 2019

Natalie Rizzi  
Community Resources Agency  
Tuolumne County  
2 South Green Street  
Sonora, CA 95370-4618  
[nrizzi@co.tuolumne.ca.us](mailto:nrizzi@co.tuolumne.ca.us)

Re: Under Canvas Project Notice of Preparation

Dear Ms. Rizzi:

We represent Save Sawmill Mountain in connection with the Under Canvas Project (Project). Like all concerned members of the public, Save Sawmill Mountain expects to rely heavily on the environmental document required by the California Environmental Quality Act (CEQA) for an honest and thorough assessment of the environmental impacts of the proposed Project. To this end, we submit the following comments on the County's Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Project.

**I. The NOP Lacks Necessary Information Regarding the Project's Probable Environmental Impacts.**

The purpose of a NOP is to "solicit guidance from members of the public agencies as to the scope and content of the environmental information to be included in the EIR." CEQA Guidelines § 15375; *see also* CEQA Guidelines § 15082. In order to effectively solicit such guidance, the NOP must provide adequate and reliable information regarding the nature of the Project and its probable environmental impacts. Unfortunately, the County's NOP does not meet this minimum standard for adequacy as it simply lists the environmental factors that will purportedly be addressed in the Draft EIR (DEIR). It does not provide any specificity as to the nature of these impacts. Moreover, the NOP states

that the DEIR would evaluate only a subset of the environmental impacts that would likely accompany the Project. Specifically, the NOP states that the DEIR will address the following impacts: agricultural and forestry resources; air quality; biological resources; hazardous materials and hazards; traffic and transportation; utilities and service systems; and wildfire.

Based on our review of the February 2019 Initial Study/Mitigated Negative Declaration (MND) prepared for the Project, it is clear that the Project would have far more impacts than those identified in the NOP. We refer the County to our May 13, 2019 letter on the MND, attached. In addition to the list of impacts identified in the NOP, the DEIR for the proposed Project must evaluate the following impacts:

**A. Water Supply**

CEQA requires that an EIR present decisionmakers “with sufficient facts to evaluate the pros and cons of supplying the amount of water that the [project] will need.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-31. This includes identifying and analyzing water supplies that “bear a likelihood of actually proving available; speculative sources and unrealistic allocations (‘paper water’) are insufficient bases for decisionmaking under CEQA.” *Id.* at 432. The ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project.

According to the Initial Study, the total water use for the Project would be over 8,000 gallons per day. Water would be supplied by a well on the Project site. As we explained in our May 13, 2019 letter, there is no assurance that adequate water supplies exist to serve the Project. The DEIR must determine whether development of the proposed Project would deplete groundwater supplies or interfere with groundwater recharge.

**B. Water Quality**

According to the MND, the Project would treat wastewater on-site through the use of a septic tank for storage and settling and a leach field for disposal. The MND also states that a soils evaluation will be completed by a qualified consultant to determine the viability of the proposed septic system and that specific treatment designs will be based on percolation rates, soils analysis, groundwater and other considerations. It will be important that the results of this soils evaluation be included in the DEIR along with the rationale for selecting the specific wastewater treatment system design.

If not properly sited, designed, constructed, and operated, septic systems can be a significant source of groundwater contamination that can lead to waterborne disease outbreaks and other adverse health effects. In addition, degraded groundwater could also adversely affect nearby waterbodies, including for example, the ephemeral drainage that is a tributary to the South Fork Tuolumne River, and the wildlife that rely on these sources of water.

### **C. Aesthetics**

The MND asserts that the Project would not have an effect on a scenic vista and that the Project's structures would be screened by dense trees along the Project boundaries. Yet, the Project site was burned in 2013 during the Rim Fire and burned trees in the area have been cleared. The MND also explains that the mixed conifer forest on and around the Project site is not as dense as it once was due to the fire. Moreover, the Project itself would result in the loss of some mixed conifer forest.

In order to determine whether the Project (e.g., canvas structures, bathrooms, kitchen, laundry and housekeeping structures, dining tent, solar systems, and wastewater treatment systems) will be visible from nearby areas, the DEIR must necessarily include "before and after" photo-simulations. These photo-simulations must include visual representations of all of the various project structures. In addition, the Project vicinity is prized for its dark skies. The Project would add artificial sources of lighting that would degrade nighttime views. The DEIR must evaluate how the Project's increase in artificial lighting would affect dark skies.

### **D. Cultural Resources**

CEQA regulations must be followed to ensure the protection of cultural resources. It appears that the MND may have prematurely concluded that the Project would not affect any tribal cultural resources. In particular, the MND fails to acknowledge that the Me-Wuk Tribe are known to have lived on and around the Sawmill Mountain area. Indeed, it is our understanding that the Me-Wuk still use large areas of land in the Project vicinity for medicine plant gathering. It will be important that the DEIR disclose the Project's potential to adversely affect Native American resources. The County must first consult with tribes and then, if authorized by the tribes, conduct subsurface investigations on the Project site. It is not enough say that if resources are encountered during construction, work will be halted and resources documented.

## II. Alternatives

CEQA emphasizes that an EIR must analyze a range of reasonable alternatives to the project. The alternatives must feasibly attain most of the basic project objectives while avoiding or substantially lessening the project's environmental impacts. *See* Public Resources Code § 21100(b)(4); *see also* CEQA Guidelines § 15126.6(a). The CEQA Guidelines state that the selection and discussion of alternatives should foster informed decisionmaking and informed public participation. *See* CEQA Guidelines § 15126(d)(5). Unfortunately, because there is so little information in the NOP regarding the Project or the Project's environmental impacts informed public comment on possible alternatives is not currently possible.

Given the significance of the Project site, the County should identify and evaluate several alternatives to the proposed Project. It will also be critical for the EIR to fully flesh out the details of each alternative so that the public and decisionmakers are fully informed of each alternative's benefits and environmental impacts.

## III. Conclusion

We appreciate the opportunity to provide these comments. Because the NOP does not provide adequate information regarding the Project's probable environmental impacts, we respectfully request that the County revise and recirculate its NOP. Alternatively, if the County intends to proceed with the preparation of the DEIR without republishing the NOP, please keep this office informed of all notices, hearings, staff reports, briefings, meetings, and other events related to the proposed project. In addition, please notify us of the release of the DEIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

Attachment: May 13, 2019 letter from E. Folk to N. Rizzi

cc: Mary Beth Campbell, Save Sawmill Mountain

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ELLISON FOLK  
Attorney  
Folk@smwlaw.com

May 13, 2019

**Via Electronic Mail Only**

Natalie Rizzi  
Community Resources Agency  
2 South Green St.  
Sonora, CA 95370

Re: Under Canvas Mitigated Negative Declaration and Initial Study

Dear Ms. Rizzi:

On behalf of the Sawmill Road Neighbors, we have reviewed the Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration (“MND”) prepared in connection with the proposed Under Canvas Glamping Project (“Project”) in Tuolumne County. We submit this letter to express our legal opinion that: (1) the MND for the proposed Project fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 *et seq.* (“Guidelines”), and (2) the County must prepare an environmental impact report (“EIR”) before proceeding with the Project. I request that this letter be included in the administrative record for this Project and that it be submitted to the Planning Commission prior to its May 15 hearing.

The MND fails to include the information and analysis necessary to evaluate the Project’s impacts, and it does not provide sufficient evidence or analysis to support its conclusions concerning many environmental impacts. Similarly, many of the mitigation measures proposed in the MND are inadequate and will not address the Project’s significant environmental impacts. The Project will also have significant cumulative environmental impacts—in particular, those that will combine with effects from the Terra Vi project for which the County recently issued a Notice of Intent to Prepare an Environmental Impact Report. Cumulative impacts from these two projects include water supply and water quality impacts, fire impacts both to users of the projects and through increased likelihood of fire, air quality impacts, and traffic.

Moreover, we are concerned that the limited notice provided by the County failed to provide adequate notice to affected members of the local community. Many nearby neighbors did not receive notice of the Project, even though County staff was aware of their interest in the Project and its potential cumulative impacts with the Terra Vi project. Therefore, we request that the County notify all residents and affected businesses in the community of the Project and that it prepare an EIR before approving the Project.

## I. CEQA Legal Standard

It is well settled that CEQA establishes a “low threshold” for initial preparation of an environmental impact report (“EIR”), especially in the face of conflicting assertions concerning the possible effects of a proposed project. *Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 928 (2005).

CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR only if “[t]here is *no* substantial evidence, in light of the whole record before the lead agency, that the Project may have a significant effect on the environment.” Pub. Res. Code § 21080(c)(1) (emphasis added). A lead agency may adopt a mitigated negative declaration only when all potentially significant impacts of a project will be avoided or reduced to insignificance. Pub. Res. Code § 21080(c)(2); Guidelines § 15070(b). A mitigated negative declaration will also be set aside if the proponent’s conclusions are not based on substantial evidence in the record. *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296, 311 (1988).

An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project. Guidelines § 15063(d)(3). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole, Guidelines § 15064(d), as well as the project’s cumulative impacts. *See City of Antioch v. City Council of Pittsburg*, 187 Cal. App. 3d 1325, 1333 (1986).

An agency must prepare an EIR whenever it is presented with a “fair argument” that a project may have a significant effect on the environment, even if there is also substantial evidence to indicate that the impact is not significant. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 75 (1974); *Friends of B St. v. City of Hayward*, 106 Cal. App. 3d 988, 1002 (1980); Guidelines § 15064(f)(1). Where there are conflicting opinions regarding the significance of an impact, the agency must treat the impact as significant and prepare an EIR. *Stanislaus Audubon Soc’y v. County of Stanislaus*, 33 Cal. App. 4th 144, 150-51 (1995) (an EIR is required if a project will result in reasonably

foreseeable indirect physical changes that may have a significant adverse effect on the environment); Guidelines § 15064(f)(1).

## **II. The County Must Prepare an EIR That Analyzes the Potentially Significant Effects of the Proposed Project.**

An agency must prepare an EIR for a proposed project whenever substantial evidence in the administrative record supports a “fair argument” that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). A fair argument can be made that the Project, which will replace open space with a subdivision, will have potentially significant impacts on biological resources, fire, and water supply. Furthermore, the Project will add to cumulatively significant environmental impacts resulting from a number of past, present, and future projects in the region. For all of these reasons, as discussed below, the County is required to prepare an EIR.

### **A. The MND Fails to Adequately Analyze or Mitigate Potential Impacts to Groundwater,**

The MND fails to demonstrate that adequate water supply exists to serve the needs of the project. Although the MND asserts that water for the Project will be supplied by a well on the project site, nothing has been done to determine whether adequate supplies exist to supply water for the Project. As a result, the MND fails to adequately address the environmental setting for the Project with respect to water supply, and it fails to evaluate potentially significant impacts from groundwater use for the Project. It is not enough to say that if sufficient groundwater is not available to serve the Project, the County will modify the Project description to allow for hauling of water to the Project site. As currently designed, the Project will rely on a well for water. The County has an obligation to determine the impacts of supplying groundwater from that well, including whether the well will adversely impact wetlands on the Project site and whether it will adversely impact neighboring properties. This issue cannot be deferred to future analysis and mitigation, as currently proposed. *Sundstrom v. County of Mendocino* 202 Cal. App. 3d 296 (1988) (County improperly deferred analysis of water supply impacts for new hotel project.)

### **B. The Project Will Result in Significant Adverse Impacts to Biological Resources.**

The California Department of Fish and Wildlife submitted comments on the MND that are highly critical of its failure to adequately analyze and mitigate impacts to biological resources on site. Although the County has proposed some modifications of

mitigation measures, the fundamental problem remains that—despite the acknowledgement that numerous special status species could occur on the project site—the County has deferred its analysis of potentially significant impacts to these species. Simply surveying before construction is not enough where the Project has already been designed. Without information regarding the location and extent of sensitive species on site, it is not enough say that these species will be avoided when the MND does not even disclose if the site design would interfere with existing species, and if it does, whether the plan could be modified without causing other environmental impacts.

**C. The MND Fails To Adequately Analyze Wildfire Impacts.**

The Project will expose new resort visitors and existing residents to increased and significant wildfire hazards that must be addressed in an EIR. The project site is located in a Very High Fire Hazard Severity Zone. The area has burned in the past and likely will burn again in the future. Yet, the MND contains only a conclusory discussion of wildfire impacts and assumes that any potential issues can be addressed simply by two mitigation measures—one related to construction equipment and the other requiring development of a fire protection and evacuation plan. There is no evidence to support the conclusion that these vague and ill-defined measures will be effective.

First, the County needs to grapple more directly with the introduction of people, as well as fire pits and stoves into this extremely fire prone area. The MND contains no analysis of how the increased numbers of visitors and staff at the project site would (a) increase the chance of starting a wildfire or (b) increase the hazards for the existing population attempting to evacuate on local roads. Nor is there any discussion of increased fire risk from the Project, combined with the increased risk from the Terra Vi project. Recent experience with California wildfires has shown that the only effective way to reduce wildfire risks is to **not** permit new development in wildfire prone areas. See attached articles.

Finally, the County's consultant incorrectly states that CEQA does not require an analysis of the impact of fire hazard on users and employees of the Project. See Master Response 3. Where a project will exacerbate existing hazards, CEQA does require an analysis of those increased hazards on users of the Project. *California Building Industry Ass'n. v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (2015); CEQA Guidelines 15126.2(a). That the County would dismiss the need to evaluate these impacts at all is a telling indication of its failure to address this serious impact.

**D. There is a Fair Argument that the Project Will Have Significant Cumulative Impacts.**

CEQA requires a discussion of the environmental impacts, both direct and indirect, of the proposed project in combination with all “closely related past, present and reasonably foreseeable probable future projects.” Guidelines § 15355(b); *see also* Pub. Res. Code § 21083(b); Guidelines §§ 15021(a)(2), 15130(a), 15358. The discussion of cumulative impacts must “reflect the severity of the impacts and the likelihood of their occurrence” (Guidelines § 15130(b)), and must document its analysis with references to specific scientific and empirical evidence. *Mountain Lion Coalition v. California Fish & Game Comm’n*, 214 Cal. App. 3d 1043, 1047, 1052 (1989). A lead agency must prepare an EIR if a project’s possible impacts, though “individually limited,” may be “cumulatively considerable.” Pub. Res. Code § 15064(i).

Extensive case authority highlights the importance of a thorough cumulative impacts analysis. In *San Bernardino Valley Audubon Society v. Metropolitan Water District*, 71 Cal. App. 4th 382, 399 (1999), for example, the court invalidated a negative declaration and required preparation of an EIR for the adoption of a habitat conservation plan and natural community conservation plan. The court specifically held that the negative declaration’s “summary discussion of cumulative impacts is inadequate,” and that “it is at least potentially possible that there will be incremental impacts . . . that will have a cumulative effect.” *Id.*

The MND fails to analyze the Project’s cumulative impacts in light of related past, present, and reasonably foreseeable probable future projects. In particular, the MND contains no meaningful analysis of the impacts of the Project in connection with the Terra Vi project—a 140 unit hotel and resort project—located just across the street. For example, the MND simply assumes that the Project will not have cumulative biological impacts because its individual impacts will be confined to the project site. This conclusion fails to take into account cumulative impacts caused by increased development and its interference with wildlife movement and habitat. The development of both projects could reduce available habitat, increase human-wildlife interactions, and noise in the project area. Even if the Project’s individual impacts were not significant—a conclusion that is not supported by the evidence—the combined impacts of both projects and their substantial intensification of human activity will be significant.

The MND also fails to analyze the cumulative water supply impacts from the present Project combined with increased water demand from the Terra Vi even though both projects will substantially increase water demand in the area. Finally, even though the traffic and air quality impact analyses may take into account existing traffic and air pollution emissions, there is no evidence that the MND evaluated the increased traffic and air pollution resulting from both the Project and the Terra Vi project.

Natalie Rizzi  
May 13, 2019  
Page 6

Because the MND does not analyze the potential for cumulative impacts in light of these past actions and future projects, it cannot possibly conclude that there will be no significant cumulative impacts. Accordingly, the County must prepare an EIR to evaluate whether the Project's impacts will be cumulatively significant.

### III. Conclusion

For all of the reasons explained above, there is fair argument that the Project will have significant impacts on the environment and therefore the Project may not be approved on a mitigated negative declaration.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

EF:EF

cc: Mary Beth Campbell, Sawmill Road Neighbors

1125232.1

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July 8, 2019

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Re: Under Canvas Project Notice of Preparation

Dear Ms. Rizzi:

We represent Save Sawmill Mountain in connection with the Under Canvas Project (Project). Like all concerned members of the public, Save Sawmill Mountain expects to rely heavily on the environmental document required by the California Environmental Quality Act (CEQA) for an honest and thorough assessment of the environmental impacts of the proposed Project. To this end, we submit the following comments on the County's Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the proposed Project.

**I. The NOP Lacks Necessary Information Regarding the Project's Probable Environmental Impacts.**

The purpose of a NOP is to "solicit guidance from members of the public agencies as to the scope and content of the environmental information to be included in the EIR." CEQA Guidelines § 15375; *see also* CEQA Guidelines § 15082. In order to effectively solicit such guidance, the NOP must provide adequate and reliable information regarding the nature of the Project and its probable environmental impacts. Unfortunately, the County's NOP does not meet this minimum standard for adequacy as it simply lists the environmental factors that will purportedly be addressed in the Draft EIR (DEIR). It does not provide any specificity as to the nature of these impacts. Moreover, the NOP states

that the DEIR would evaluate only a subset of the environmental impacts that would likely accompany the Project. Specifically, the NOP states that the DEIR will address the following impacts: agricultural and forestry resources; air quality; biological resources; hazardous materials and hazards; traffic and transportation; utilities and service systems; and wildfire.

Based on our review of the February 2019 Initial Study/Mitigated Negative Declaration (MND) prepared for the Project, it is clear that the Project would have far more impacts than those identified in the NOP. We refer the County to our May 13, 2019 letter on the MND, attached. In addition to the list of impacts identified in the NOP, the DEIR for the proposed Project must evaluate the following impacts:

**A. Water Supply**

CEQA requires that an EIR present decisionmakers “with sufficient facts to evaluate the pros and cons of supplying the amount of water that the [project] will need.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-31. This includes identifying and analyzing water supplies that “bear a likelihood of actually proving available; speculative sources and unrealistic allocations (‘paper water’) are insufficient bases for decisionmaking under CEQA.” *Id.* at 432. The ultimate question under CEQA is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project.

According to the Initial Study, the total water use for the Project would be over 8,000 gallons per day. Water would be supplied by a well on the Project site. As we explained in our May 13, 2019 letter, there is no assurance that adequate water supplies exist to serve the Project. The DEIR must determine whether development of the proposed Project would deplete groundwater supplies or interfere with groundwater recharge.

**B. Water Quality**

According to the MND, the Project would treat wastewater on-site through the use of a septic tank for storage and settling and a leach field for disposal. The MND also states that a soils evaluation will be completed by a qualified consultant to determine the viability of the proposed septic system and that specific treatment designs will be based on percolation rates, soils analysis, groundwater and other considerations. It will be important that the results of this soils evaluation be included in the DEIR along with the rationale for selecting the specific wastewater treatment system design.

If not properly sited, designed, constructed, and operated, septic systems can be a significant source of groundwater contamination that can lead to waterborne disease outbreaks and other adverse health effects. In addition, degraded groundwater could also adversely affect nearby waterbodies, including for example, the ephemeral drainage that is a tributary to the South Fork Tuolumne River, and the wildlife that rely on these sources of water.

### **C. Aesthetics**

The MND asserts that the Project would not have an effect on a scenic vista and that the Project's structures would be screened by dense trees along the Project boundaries. Yet, the Project site was burned in 2013 during the Rim Fire and burned trees in the area have been cleared. The MND also explains that the mixed conifer forest on and around the Project site is not as dense as it once was due to the fire. Moreover, the Project itself would result in the loss of some mixed conifer forest.

In order to determine whether the Project (e.g., canvas structures, bathrooms, kitchen, laundry and housekeeping structures, dining tent, solar systems, and wastewater treatment systems) will be visible from nearby areas, the DEIR must necessarily include "before and after" photo-simulations. These photo-simulations must include visual representations of all of the various project structures. In addition, the Project vicinity is prized for its dark skies. The Project would add artificial sources of lighting that would degrade nighttime views. The DEIR must evaluate how the Project's increase in artificial lighting would affect dark skies.

### **D. Cultural Resources**

CEQA regulations must be followed to ensure the protection of cultural resources. It appears that the MND may have prematurely concluded that the Project would not affect any tribal cultural resources. In particular, the MND fails to acknowledge that the Me-Wuk Tribe are known to have lived on and around the Sawmill Mountain area. Indeed, it is our understanding that the Me-Wuk still use large areas of land in the Project vicinity for medicine plant gathering. It will be important that the DEIR disclose the Project's potential to adversely affect Native American resources. The County must first consult with tribes and then, if authorized by the tribes, conduct subsurface investigations on the Project site. It is not enough say that if resources are encountered during construction, work will be halted and resources documented.

## II. Alternatives

CEQA emphasizes that an EIR must analyze a range of reasonable alternatives to the project. The alternatives must feasibly attain most of the basic project objectives while avoiding or substantially lessening the project's environmental impacts. *See* Public Resources Code § 21100(b)(4); *see also* CEQA Guidelines § 15126.6(a). The CEQA Guidelines state that the selection and discussion of alternatives should foster informed decisionmaking and informed public participation. *See* CEQA Guidelines § 15126(d)(5). Unfortunately, because there is so little information in the NOP regarding the Project or the Project's environmental impacts informed public comment on possible alternatives is not currently possible.

Given the significance of the Project site, the County should identify and evaluate several alternatives to the proposed Project. It will also be critical for the EIR to fully flesh out the details of each alternative so that the public and decisionmakers are fully informed of each alternative's benefits and environmental impacts.

## III. Conclusion

We appreciate the opportunity to provide these comments. Because the NOP does not provide adequate information regarding the Project's probable environmental impacts, we respectfully request that the County revise and recirculate its NOP. Alternatively, if the County intends to proceed with the preparation of the DEIR without republishing the NOP, please keep this office informed of all notices, hearings, staff reports, briefings, meetings, and other events related to the proposed project. In addition, please notify us of the release of the DEIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

Attachment: May 13, 2019 letter from E. Folk to N. Rizzi

cc: Mary Beth Campbell, Save Sawmill Mountain



G.C.S.D, Services - 209 / 962-7161  
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water • fire protection • parks • wastewater collection & treatment

18966 Ferretti Road P.O. Box 350 Groveland, CA 95321-0350

RECEIVED

July 9, 2019

JUL 12 2019

Natalie Rizzi  
County of Tuolumne  
Community Resources Agency  
2 South Green Street Sonora, CA 95370-4618

COUNTY OF TUOLUMNE  
Community Resources Agency

**RE: Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Under Canvas Project (SCH#2019029073)**

Dear Ms. Rizzi,

The Groveland Community Services District (GCS D or District) appreciates the opportunity to comment on the Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Under Canvas Project. GCS D provides water treatment and distribution, wastewater collection and treatment, fire and emergency response, and park services to the communities of Groveland and Big Oak Flat. The District also responds to fire and emergency response needs outside of the GCS D boundaries, under Mutual Aid agreements with CalFire and the Tuolumne County Fire Department.

The GCS D Fire Department at Station 78 in downtown Groveland is the closest staffed station to the proposed project site and the next closest station is the Calfire Station on Merrell Road in Groveland, which is staffed by Calfire and funded under the Amador Program by GCS D. GCS D would therefore be providing fire and emergency response services to the project once developed. Due to the distance of the project from GCS D resources, a degradation of services will occur locally within GCS D when our resources respond and are away from the GCS D service area for hours at a time. The travel distance also causes added wear and tear on very expensive fire and emergency response equipment.

The Under Canvas Project EIR must evaluate the impacts to the GCS D fire and emergency response services, including:

- GCS D's ability to provide services to the project site meeting industry response standards, or response standards acceptable to the county or project owner
- GCS D's ability to maintain the current standards and level of services to the properties within the GCS D, when responding to the project location
- The potential for increased wildfire risk/occurrence resulting from the project
- The impact on evacuation efforts should the project facility be fully occupied and exiting traffic is being routed through Groveland

It is also important for the EIR to thoroughly evaluate the ability of the project to be served with adequate water supply from fractured rock groundwater wells. We have experienced other lodging/resort projects in the region that have unexpectedly run short on adequate basic water supply due to the variable and unpredictable nature of the groundwater in the region. Although GCS D does not

provide potable water to the project area, we have concerns that should the wells fail and/or have an effect on other wells in the area, that an alternate water supply may not be available for firefighting and sanitation.

In addition, we suggest that the environmental review for the Terra Vi Lodge project be coordinated with the EIR for this project as well. We look forward to review of the draft EIR once prepared, and appreciate the opportunity to comment and provide services to projects that may benefit the region.

Sincerely,

A handwritten signature in cursive script, reading "Janice Kwiatkowski". The signature is written in black ink and is positioned above the typed name.

Janice Kwiatkowski  
President, Board of Directors



July 10, 2019

Dear Quincy & Natalie,

This letter is in regard to both the Yosemite Under Canvas plan to construct a luxury campground facility on Assessor's Parcel Numbers 068-120-062 and 068-120-063 and the Hardin Flat LLC/Hansji Corporation plan to develop a large lodge and associated facilities on Assessor's Parcel Numbers: 068-120-060 and 068-120-061

As the county goes through the review/approval/EIR process for each facility, we wanted to encourage any impact analysis by the county and other agencies to include the combined impact of the two contemplated additions rather than each project individually. Taking a silo approach to each impact assessment will miss the cumulative effects of the two developments contemplated at this location.

Importantly as well, the impact of these two developments should be analyzed in the context of the already approved developments in the same area at both Berkeley Family Camp and Yosemite Lakes/NACO. The cumulative effect of these four large projects, Berkeley Camp, Yosemite Lakes, Hansji & Under Canvas, would be substantial and would significantly expand the need for infrastructure and key services.

Key items include:

- Firefighting infrastructure – the county has been instrumental at successfully supporting defense of our properties and advocating for resources to ensure our survival during previous fire events. With the contemplated developments, we have great concern about the additional firefighting resources and infrastructure that would need to be added to provide continued support in this essential area.

Relatedly, we are particularly concerned with the county's ability to quickly defend a fire that might start at one of the contemplated developments (either during construction or after properties are open for business) and move east with the winds, arriving very quickly at Rush Creek Lodge. We would like to know that if these developments are constructed, a rapid response plan and associated firefighting resources are in place to stop a fire from moving from these developments to Rush Creek. Also, we'd like to understand the measures that would be put in place to mitigate fire risk during the construction period.

Evergreen Lodge  
33160 Evergreen Road  
Groveland, CA 95321  
EvergreenLodge.com  
(209) 379-2606

Rush Creek Lodge  
34001 Highway 120  
Groveland, CA 95321  
RushCreekLodge.com  
(209) 379-2373

- Services infrastructure – ambulance and police response time to our lodges is already slow due to distances and limited resources. Bolstering these resources ‘up the hill’ will be important if additional developments are contemplated.
- Traffic safety and congestion due to the dramatically increased vehicle flow and entries/exits along that immediate stretch of Hwy 120.
- Onsite staff housing – with very limited apartment options and affordable housing stock in the Groveland area, new developments should be charged with providing sufficient onsite housing for employees. Insufficient onsite staff housing will cause a local shortage and drive housing prices up, affecting the stability of all moderate wage earners in the area, including trade, hospitality and National Forest Service employees.
- Water – we encourage realistic estimates of water usage and sustained water production for projects to ensure sufficient capacity so appropriate firewater stores can be maintained.
- Watershed impact – for example, it appears plans for Under Canvas has septic fields located in the vicinity of the Tuolumne River drainage.
- Maintaining the natural feel and beauty of the California Scenic Highway.

We ask the county to be disciplined and thoughtful as it contemplates the pace of development in our area and the need to create infrastructure to fully support new development and the varied impacts new development has on existing facilities.

Feel free to call me if we can provide any additional information.

Sincerely,



Lee Zimmerman

cc John Gray, Jim Junette, Tracie Riggs

## Natalie Rizzi

---

**From:** Patrick Koepele <patrick@tuolumne.org>  
**Sent:** Monday, July 15, 2019 10:57 AM  
**To:** Natalie Rizzi  
**Subject:** Yosemite Under Canvas EIR  
**Attachments:** TRT scoping comments Under Canvas.pdf

Ms. Rizzi,

Please find our comments on the proposed Yosemite Under Canvas Project attached.

Thank you,  
Patrick Koepele

Patrick Koepele  
Executive Director  
[patrick@tuolumne.org](mailto:patrick@tuolumne.org)  
[209-588-8636](tel:209-588-8636)



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July 15, 2019

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Natalie Rizzie  
Tuolumne County Community Resources Agency  
County of Tuolumne  
2 S Green Street  
Sonora, CA 95370

RE: Yosemite Under Canvas EIR

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John Woolard

Dear Ms. Rizzie,

The following comments are submitted by the Tuolumne River Trust, regarding the scope of potential environmental impacts and concerns that should be addressed in the Draft Environmental Impact Report (DEIR) for the proposed Yosemite Under Canvas Project.

The Tuolumne River Trust is a California-based 501(c)(3) non-profit conservation organization dedicated to the protection and restoration of the Tuolumne River and its watershed for present and future generations. The Tuolumne River Trust has approximately 1,000 members from throughout California who live, work, and recreate in Tuolumne County and throughout the Tuolumne Watershed.

As discussed in detail below, the Project has the potential to cause irreparable damage to the Tuolumne River, its watershed, fish and wildlife, and sensitive habitat upon which they depend. In order to ensure the DEIR complies with the California Environmental Quality Act (CEQA), a complete and accurate description of the Project and an analysis of the following issues and impacts, including cumulative impacts, must be disclosed.

**Environmental Setting**

As stated in the CEQA Guidelines, "[t]he environmental setting will normally constitute the baseline physical condition by which a lead agency determines whether an impact is significant." CEQA Guidelines §15125(a). An EIR must include an accurate description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published. Id. The environmental setting constitutes the baseline physical conditions by which the County will use to determine whether an impact is significant. Id.

When the environmental baseline is not properly understood, environmental impacts cannot be properly assessed. As a result, there is no basis to determine whether avoidance is feasible or what other mitigation measures are necessary to reduce significant impacts to the extent possible before a project can be approved, as required pursuant to CEQA Guidelines §§ 15002(a)(3) and 15021(a)(2).

In order to properly assess the Project's impacts, the DEIR must provide a complete and accurate description of the Project's environmental setting and include the following:

**The DEIR Must Disclose Locations of Creeks, Drainages and Flow- paths:** The Environmental Setting should map and disclose the locations of all creeks, drainages, wetlands, meadows, and springs onsite or downstream from the site, including the Tuolumne River, South Fork of the Tuolumne River, and Middle Fork of the Tuolumne River. The DEIR should also disclose all culverts and pathways for flow around facilities in order to properly assess biological, hydrological, and other impacts of waste water and storm water runoff.

**Existing Water Use Must Be Disclosed:** In order to assess direct and cumulative impacts to water resources, the DEIR must disclose the applicant's current water use, including all freshwater and groundwater from existing wells and sources that support its current operations. The DEIR must also disclose water source area, quantity, and quality for residents and businesses nearby and downstream of the project site.

**Biological Resources** – the proposed project site is surrounded by national forest lands, which provide significant habitat for many important plants and animals. In addition to Yosemite, people will likely visit many local sites within the Stanislaus National Forest, including the Middle Fork of the Tuolumne, Rainbow Pools and other locations on the South Fork of the Tuolumne, as well as the main Tuolumne River itself. Fishing on these rivers may increase dramatically. The impacts of such a large development on biological resources must be carefully analyzed. In order to assess direct and cumulative impacts to biological resources, the DEIR must accurately and comprehensively describe biological resources of the project site and surrounding area.

**Recreation** – as noted above, visitors to the new development are likely to visit many local sites within the national forest, including the Middle Fork of the Tuolumne, Rainbow Pools and other locations on the South Fork of the Tuolumne, as well as the main Tuolumne River itself. This could cause significant crowding of areas that presently receive little visitation. Additionally, as the project increases fishing on local streams, the number of fish is likely to decrease, negatively impacting the recreational fishing experience. The DEIS must describe current recreational use levels at the project site and nearby recreational resources on Federal lands, such as Rainbow Pools, the Tuolumne River and its tributaries, and other locations.

**Aesthetics** – the Highway 120 corridor is a Gateway to arguably America's most famous national park – Yosemite. The approach to Yosemite sets the stage for visitors to the park and the experience they are about to have. The existing aesthetic conditions of the area must be described.

**Greenhouse Gas Emissions** – conservative estimates suggest that the proposed development might attract an tens of thousands of additional visitors per year to the region. The vast majority of visitors travel from hundreds, if not thousands, of miles away. This has the potential to add significantly to greenhouse gas emissions. Existing levels of Greenhouse Gas Emissions must be accurately quantified to provide a basis of comparison.

Population/Housing – a development of this size may require hundreds of employees. It is unclear where all of these workers will find housing in a relatively remote area with little available and affordable housing options. The DEIS must disclose current housing supply and demand.

Transportation/Traffic – the project may add a large volume of traffic to local roads. A analysis of impacts to traffic and transportation is necessary.

Hazards – the project site was burned intensively by the 2013 Rim Fire and many previous fires. As we know from the Camp Wildfire in Butte County, wildfires are growing more extreme in their size, severity, and speed with which they are consuming tens and hundreds of thousands of acres. The project proponents propose to incorporate wood-burning stoves or other similar features in individual lodging/camping units. Wood-burning by inexperienced tourists, many of whom are not from an arid climate like California's and have little or no experience burning wood and the risks of wildfires in the Sierra Nevada, creates a situation that may dramatically increase the risk of unwanted and out-of-control wildfire. The DEIS must carefully describe the current fire hazard and risk level as well as the risk of fire due to the project features.

Utilities – it is unclear what demand will be placed upon water, sewer, power, and mobile phone service in the area, but it is likely that a project of this size will create significant pressures. The DEIS must disclose what utilities are currently available.

Noise – There are a number of private residences nearby. The project and the thousands of additional visitors have real potential to add noise to an otherwise quite setting. The DEIS must describe current noise levels at and adjacent to the project site.

### **Project Description**

It is a fundamental precept of CEQA that an environmental review document must define a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." CEQA Guidelines § 15378(a). The DEIR's project description must be accurate in order to determine the scope of environmental review. When the project description fails to discuss the complete project, the environmental analysis will likely reflect the same mistake.

The project description must include an accurate and complete description of each component of the Project, including but not limited to structures, facilities, water demand, waste water treatment facilities, storm water runoff production, routing, and treatment, recreational facilities, housing, noise, greenhouse gas production, transportation/traffic, utilities, etc.

### **Impacts to Environmental Resources**

An EIR must inform decision makers and the public regarding the significant effects of a proposed project, ways to minimize such effects, and alternatives to the project. Pub.

Res. Code § 21061; CEQA Guidelines § 15121(a). To be an effective informational document, an EIR must evaluate potential environmental impacts (Guidelines § 15126, 15126.2), discuss mitigation measures which could minimize significant adverse impacts (Guidelines § 15126.4), and consider alternatives that

would achieve most of the basic project objectives while avoiding or substantially lessening any significant effects of the project (CEQA Guidelines § 15126.6).

In order to fully disclose the Project's potentially significant impacts on biological resources as required by CEQA, the DEIR must address the following:

Water and impacts to surface water supplies, groundwater supplies, and impacts to neighboring and nearby landowners. It is unclear how much water the proposed development will use, where that water will come from, and how that will impact the water use of nearby residents and landowners.

It is unclear how waste water from the proposed development will be captured and treated. The DEIS must fully describe the proposed treatment process and facilities, and how any waste water, treated or otherwise, will impact adjacent and nearby waterways, wetlands, residents and landowners. This must be fully disclosed in the DEIS.

It is unclear how stormwater runoff will be altered by the proposed development and how this might impact neighboring waterways, wetlands, residents, and landowners. The DEIS must fully describe these potential impacts.

It is unclear how recreation pressure on nearby environmental resources, such as the Tuolumne River and its tributaries, will be increased due to this project. The DEIS must fully describe how recreational use will change and the potential impacts on nearby resources.

It is unclear how the project will impact biological resources. The DEIS must fully describe how fish, wildlife, and plants will be impacted by the development.

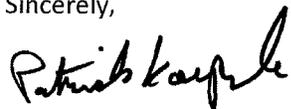
#### **Cumulative Impacts**

The project is proposed to be constructed across the road from another lodging project, the Terra Vi Lodge Yosemite Project. This project will provide additional lodging and associated pressures on environmental resources, including water supply, groundwater resources, biological resources, recreational resources, greenhouse gas emissions, population and housing, noise, aesthetics, and other resources. The DEIS must examine the cumulative impacts of the two projects together.

#### **Conclusion**

Thank you for the opportunity to provide comments on the scope of the Project's impacts and issues to be addressed in the DEIR. Please contact me if you have any questions regarding these comments.

Sincerely,



Patrick Koepele  
Executive Director



## Central Sierra Environmental Resource Center

Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986

Visit our website at: [www.cserc.org](http://www.cserc.org) or contact us at: [johnb@cserc.org](mailto:johnb@cserc.org)

July 2, 2019

Natalie Rizzi, Planner  
Community Resources Agency  
2 South Green St.  
Sonora, CA 95370

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JUL 09 2019

COUNTY OF TUOLUMNE  
Community Resources Agency

### **RE: Yosemite under Canvas Project NOP /EIR scoping comments**

To Natalie and others at the Community Resources Agency:

CSERC staff has carefully reviewed the proposed "Yosemite Under Canvas" project at Hardin Flat Road and Highway 120. While a tent camping facility may be strategically designed to minimize noise and scenic impacts, and to be constructed in a manner that minimizes direct impacts to at-risk biological resources, the proposal to place this project on an extreme fire-risk site without public water or public sewer capacity raises red flags of concern.

Our Center previously communicated concerns about this project in our comment letter of March 4th, 2019. We request that CSERC's initial letter be made a part of the legal record for this project. With this new comment letter, we narrowly focus on identifying potential environmental impacts that need to be carefully evaluated.

Due to the many significant impacts that would be created by this project and other projects in the vicinity, CSERC strongly urges that the EIR carefully analyze alternative locations that could legitimately be the site for this proposed lodging facility. As was already underscored in our previous comments and our oral statement at the scoping meeting held in Groveland, there is no question that the Yosemite Under Canvas project poses a high risk for creating significant impacts for issues tied to:

**(1) the lack of any surface water or public water supply or even an adequate groundwater supply that can be assured during drought periods; (2) the potential for the proposed large-scale septic system (that would serve nearly 300 people per day) to contaminate groundwater; (3) the site's extreme wildfire risk and the lack of proximity to public services such as fire, emergency medical and police services; (4) the potential for the project to create local air quality issues due to as many as 99 woodstoves along with two fire pits that could all be producing smoke/particulate matter on a daily basis; (5) the cumulative impacts of this**

**proposed project combined with, not just the Terra Vi Lodge, but also the proposed major expansion of the Thousand Trails Yosemite Lakes RV Park's capacity, as well as the construction of the Berkeley-Tuolumne Camp project that has just been approved.**

- **Water supply** - The project includes 99 tent camping units, which at peak season, could serve approximately 250 visitors plus staff. The estimated water usage per day of the facility is 8,050 gallons. When you also consider the onsite swimming pool and assume the facility will be occupied for up to 240 days per year, this could, at high capacity, require up to 2 million gallons of water each year. The EIR should fully analyze not only the viability of wells on the project site, but also potential impacts to nearby residential wells.

We ask that the EIR contain information concerning the number of wells that failed within Tuolumne County during the most recent drought. We also request that the EIR acknowledge whether or not the similar well-dependent lodging operation in the general vicinity of the project site (Rush Creek Lodge) has needed to purchase water from off-site to be delivered by water trucks in order to meet operational demands. Last, on the issue of water supply, we urge that the EIR assess what alternatives, if any, exist at this site to provide a back-up water supply once it is determined that either the water supply well(s) are contaminated or if the water supply well(s) should fail.

- **Water Quality** and the high degree of potential for the project's septic system to cause contamination of subsurface or surface water. Having a massive septic system for up to 300 people per day and up to 2 million gallons per year may function well for a period of time but there is no backup septic treatment option in the case of failure, which would likely have significant environmental impacts. Additionally, no monitoring or water quality testing is required to ensure that a failure is not occurring. The EIR should carefully analyze and fully assess the wide range of potential consequences for effluent from the Yosemite Under Canvas septic system to contaminate not only subsurface water beneath the surface of the project site, but also to possibly contaminate water of adjoining or nearby residential parcels that depend upon wells.

- **Fire risk and lack of public services** - Approximately 20.1 acres of the site were completely burned in 2013 during the Rim Fire, so it is essential that the EIR consider not only risk to visitors and staff from another similar fire sweeping across the property, but also the risk to adjoining or nearby properties if a fire ignites on the Yosemite Under Canvas property and then spreads to neighboring properties or burns expansively into adjacent national forest lands. Not only is the site located in a high fire risk area, but campfires and 99 woodstoves only increase the fire risk, particularly if operated by inexperienced users. Putting up to 250 visitors and staff each day at risk in such a high-fire threat location is just one of many reasons why this leapfrog development proposal isn't appropriate at the proposed site.

CSERC urges that the EIR evaluate whether or not the County should be approving such a large development project in the midst of such high fire risk. Due to extensive drive times for each and every call, the EIR should examine the degree to which this project will add additional

strain to already overstretched county services. The EIR should carefully describe the limits of existing fire, law enforcement, and ambulance services in the context of whether any of those will be available if other residents or businesses in the Groveland Highway 120 corridor have already drawn away the capacity of the limited Groveland area services. Furthermore, the EIR should assess to what degree additional county and emergency services could become viable if the Yosemite Under Canvas project is required to fund the costs of a fire engine and crew, or a substantial portion of such costs.

- **Air quality issues** - The combined smoke output of having up to 99 woodstoves all burning simultaneously will have high potential to generate a significant amount of overall smoke and particulate matter that will cause air quality impacts within the general area. Up to 300 occupants of the site on any given day and night will all be exposed to the smoke from up to 99 woodstoves and two campfires within the project site.

Hundreds of visitors at the potential Terra Vi Lodge across the street would also be exposed to the smoke levels. The EIR should analyze and discuss the risk that woodstoves pose for igniting a wildfire at the project site if 99 woodstoves are allowed, and it should also analyze in the Air Quality section the potentially significant health impacts for site occupants to be exposed for prolonged periods to smoke from up to 99 stoves (and two fire pits) all producing wood smoke and air quality contamination, especially PM 2.5 and PM 10 pollutants.

- **Cumulative impacts** - The EIR should describe to what degree there is potential for significant negative cumulative impacts from this project when considered in combination with the approved Berkeley Tuolumne Camp Restoration and Reconstruction Project, with the Terra Vi Lodge project that is proposed across the street from the Under Canvas project, and with the proposed expansion of sites and campground sites at the Thousand Trails Yosemite Lakes RV Park and Campground at Hardin Flat. Together the four total projects would bring an additional 1,000 or more people a day to the rural area that lacks any county service infrastructure, that has no close-by fire or ambulance service, and that is along a scenic corridor that already has periods of extremely high traffic on Highway 120 during the peak tourist season when each of the four projects will have the highest level of visitation.

In addition, if approved the proposed Terra Vi lodge will have a store and bar directly across Highway 120 from the Yosemite Under Canvas project. It is likely that a number of visitors to the Yosemite Under Canvas site will cross the highway to access these amenities. Pedestrians on Highway 120 would face a serious public safety risk in crossing the highway as cars are often traveling at 55-60mph on this stretch.

The EIR should also reasonably assess the additional cumulative effects of noise, night-time lighting, traffic and transportation effects, as well as the multitude of biological effects from clearing substantial portions of the habitat on the Terra Vi Lodge and Yosemite Under Canvas project sites.

CSERC calls for the Environmental Impact Report to analyze potential impacts of the project for all of the various environmental impacts, and most important, to consider alternative locations for the project that may reasonably mitigate or lessen the potential significance of unavoidable impacts tied to the lack of public water and sewer, the lack of proximity and access to county services and emergency care, the extremely high fire risk of this project site, the cumulative impacts of this project combined with associated additional visitor-serving projects that are collectively proposed for this general area, as well as the cumulative impacts of the four proposed projects creating a high amount of GHG emissions due to the travel miles associated with guests accessing and utilizing the four combined proposed projects. An EIR would appropriately evaluate whether there are indeed alternative locations where the project could be constructed with less significant impacts.

Please notify our Center of the availability of any environmental documents produced for this project and any public hearing opportunities to comment on this project.

A handwritten signature in black ink that reads "John Buckley". The signature is written in a cursive, flowing style with a large initial "J" and "B".

Executive Director

## Natalie Rizzi

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**From:** Angie Norquist <angienorquist@verizon.net>  
**Sent:** Saturday, June 29, 2019 4:36 PM  
**To:** Natalie Rizzi  
**Subject:** Yosemite Under Canvas EIR

Natalie Rizzi, The Norquist and Newcomb Families are opposed to this plan. for several reasons, water, sewage3 fire hazard, wood burning stoves in 99 tents.

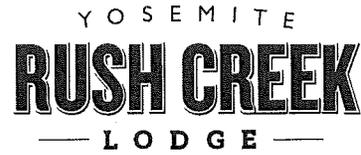
To many developments in the area of Sawmill, traffic, impact on wildfile, to many cards and RV's. to many people.

PLEASE consider a alternate location

plenty of property near Groveland with grocery store and community close by. The county hopefully will consider this plan.

Thank You, Bill, Angie Norquist and Addie Newcomb on Sawmill Rd.





6/27/19

May 16, 2019

Dear Quincy,

This letter is in reply to the draft initial study/mitigated negative declaration related to Yosemite Under Canvas's plan to construct a luxury campground facility on Assessor's Parcel Numbers 068-120-062 and 068-120-063.

First, thank you for delaying this week's meeting given the noticing issue. We wanted to share a few thoughts and concerns regarding the proposed development.

#### WOOD BURNING STOVES

Yosemite Under Canvas specifies wood burning stoves for each of their 99 units. Given the extreme fire risk in our area, we believe it is highly imprudent to have 100 novice users burning wood each night in soft sided structures. There is too much risk of a fire occurring that could affect our entire corridor and the county's entire Yosemite tourism tax base. We also believe the smoke and air quality impact from 100 fires each night is not appropriately taken into account. Smoke would definitively impact the neighbors and would drift east with the winds toward Rush Creek Lodge, likely impacting us as well. For reference, our entire lodge at Rush Creek has 1 wood burning fireplace.

The analysis justifying the stoves is based on the fact that the total emissions over the course of the year will be under the allowable annual amount. The analysis is based on only 82 days of usage, which seems an aggressively low number given how temperatures cool each night with our elevation and low humidity, and given that there will be no control over the fireplaces being used more frequently based on guest desires.

We can't speak to the quality of the analysis, but we believe that in assessing the analysis, the county should consider the fact that the air quality impact will be concentrated over a short seasonal window during the period of high air quality concern, and that the rate of air quality impact when stoves are used is significant – clearly greater than the allowable rate of impact if the analysis had been done just during the relevant use period.

#### FIRE SAFETY

On a related note, we are very concerned that we did not see any call-out or requirement that the proposed tents and other structures will be protected by an automatic fire sprinkler system and have central station alarm monitoring to minimize fire risk to the site and to us and other neighboring facilities. We assume that given any of the

Handwritten scribbles or faint text, possibly a signature or initials, located on the left side of the page.

following: the commercial nature of the facility, associated electricity in structures, proposed stoves and size of structures, that sprinklering and alarm monitoring should be required for the safety of all concerned.

Given the economic and environmental devastation caused by the Rim Fire and Ferguson Fire, we are duly concerned about this concentration of potentially unprotected lodging units located just a few miles from our lodges and from Yosemite. We know from experience that tourists are not as aware of and careful about fire risks as they should be, and it seems critical that all structures be protected by a fire sprinkler system.

#### TRAFFIC SAFETY & IMPACT

Separately, it is important that the proposed Under Canvas development be assessed together with the proposed significant Hansji development also currently proposed on the adjacent Manley parcel. Traffic impacts should be considered cumulatively for both proposed developments so a coherent plan is made to ensure that this section of scenic State Highway 120 does not become dangerous and/or congested. Turn and merge lanes should be required as appropriate to address safety and congestion.

#### DEVELOPMENT PACE

In considering the Under Canvas and Hansji developments, the county should carefully assess pace of development and take into account that the additions of lodging to our corridor have happened incrementally over many years, which has allowed each business to stabilize and generate the significant, reliable tax base that has become so important to the county.

For example, we bought the 18 cabin Evergreen Lodge in 2001 and added 48 new rooms there in 2004. We then added 24 more rooms in 2009. Then, 7 years later in 2016, we opened Rush Creek. These stepwise additions over time allowed new inventory to be successfully absorbed into the marketplace, and this disciplined approach has proven out well for the community overall.

We hope our comments are helpful in supporting a thoughtful and methodical approach to the development analysis for the proposed project.

Feel free to call me if we can provide any additional information.

Sincerely,



Lee Zimmerman

cc John Gray, Jim Junette, Tracie Riggs



## Natalie Rizzi

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**From:** jenny pfeiffer <jenny@pfeifferfoto.com>  
**Sent:** Wednesday, June 19, 2019 11:29 AM  
**To:** Natalie Rizzi  
**Subject:** Yosemite Under Canvas EIR

Dear Natalie,

I am writing in regards to the proposed Glamping site near Harding Flat. While this project is much smaller than the Terra Vi Lodge it still poses many problems. Fire danger being the biggest and most obvious. Having 99 stoves and multiple large open fire pits is very scary, this forest is very dry and flammable. If a fire starts here it could quickly spread to more densely populated areas like right across the Hwy where there could possibly be 1000 people and 20 existing nearby cabins that would need to evacuate. You may say the chances of a forest fire happening in this area again are small, but adding 99 stoves and multiple open fire pits will greatly increase the likelihood of fire and a close fire at that, which could easily create a situation where all 1000 plus people need evacuate fast, Hwy 120 is not a huge Hwy and would be very difficult to evacuate 1000 plus people along with the residences of Harding Flat, Yosemite lakes, Berkeley camp, Rush Creek and Evergreen Lodge. In past fires, there was plenty of warning because the fire started far away but this has the potential to start a fire very close to all these developments and communities which does not give people time to get out. Both Terra Vi Lodge and this project effect each other so I hope you take both into consideration when making your decisions. One could cause a fire and the other could cause an evacuation disaster. I want people to visit and enjoy the area and out of the 2 proposed developments this one is better and provides a more sustainable and low impact way to enjoy the area. But together they could both cause very big problems.

Another issue with this project is water, I understand they are trying to use a little as possible but it will always be an issue because we WILL have a drought again, we all know this. Unless they are recycling their water or using grey water they are not being responsible stewards of the environment and if you approve both projects then neither are you.

I say again: I implore you to be responsible and forward thinking about what you are doing if you approve **both** of these projects. Please think about how this project will affect the area and add to the fire danger. People come to this area because it is not like Tahoe, we do not cater to developers we cater to the land, please continue to carry on this tradition.

Thank you for taking the time to read,  
Jenny Pfeiffer

Jenny Elia Pfeiffer

415.999.9196 - <http://www.pfeifferfoto.com>



## Natalie Rizzi

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**From:** Travis Vandevour <kixx39@msn.com>  
**Sent:** Wednesday, June 19, 2019 3:07 AM  
**To:** Natalie Rizzi  
**Subject:** Yosemite Under Canvas EIR

Natalie,

As a home owner at 20254 marina ct in groveland ca 94521, I would like to submit this written statement as opposition to Yosemite under canvas. Our area is already congested with the increasing travelers to Yosemite. There is already tents and abundant campgrounds in the area. This will add more cars, traffic and smog. 99 sites will add more garbage and we have struggled with fires in this area we don't need more camp fires which causes more risk. Groveland the town and priest grade does not need the extra cars. We also are stretched thin on emergency responders and law enforcement. Our infrastructure is not set up to handle these extra vacationing sites.



## Natalie Rizzi

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**From:** Mary Hollendoner <maryhollendoner@gmail.com>  
**Sent:** Tuesday, June 18, 2019 2:48 PM  
**To:** Quincy Yaley; Natalie Rizzi  
**Cc:** David Gonzalves; communityresources@tuolumnecounty.ca.gov; John Gray  
**Subject:** Comments for Yosemite Under Canvas development

I received a letter about the proposed development of "Yosemite Under Canvas" on Hardin Flat road, across Highway 120 from my house on Sawmill Mtn Road.

Please be sure to study the effect on the water table throughout this area, especially given the proposal to also build a large hotel directly across from this Under Canvas project. The land in this area is so weak and damaged from the Rim Fire, we are still losing trees on our property every year, it is so important not to further compromise the environment here by adding several hundred more people. We are also concerned about the impact on the water table - quantity & quality - on the north side of 120 where we have our well for our personal drinking water. Not only will the Under Canvas project use a significant amount of water, but they will also produce a significant amount of sewage waste which needs to be studied.

Also please study the effect on fire risk from having ~200 more people in the area smoking/cooking/having camp fires. Is Groveland's fire department ready for that?  
And more generally, please analyze what will be the increased burden on public services like ambulance/fire/police/hospital/etc? Will you get increased budget to cover these increased needs, or will you be needing to raise property taxes?

Thank you for your consideration of these issues  
- Mary





GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

RECEIVED

**Central Valley Regional Water Quality Control Board**

JUL 08 2019

3 July 2019

COUNTY OF TUOLUMNE  
Community Resources Agency

**CERTIFIED MAIL**  
7017 2620 0001 1359 1113

Natalie Rizzi  
County of Tuolumne  
Community Resources Agency  
2 South Green Street  
Sonora, CA 95370

**COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, YOSEMITE UNDER CANVAS PROJECT, TUOLUMNE COUNTY**

Pursuant to the County of Tuolumne Community Resources Agency's 18 June 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Yosemite Under Canvas Project, located in Tuolumne County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

RECEIVED

JAN 18 1971

Director of Research  
Department of Health, Education & Welfare  
Washington, D.C. 20460

JAN 18 1971

Mr. [Name]  
[Address]  
[City, State, Zip]

Dear Mr. [Name]:

I am pleased to inform you that your application for [position] has been received and is being reviewed. We are currently reviewing all applications and will contact you again if we require further information.

The position is located in [location] and involves [responsibilities]. We are looking for a candidate with [qualifications].

Sincerely,  
[Signature]

[Name]

The [organization] is a leading organization in the field of [industry]. We are committed to providing excellent service and are looking for a dedicated professional to join our team. Your application was reviewed and we are pleased to inform you that you have been selected for the position. We will contact you regarding the next steps in the process.

We are pleased to inform you that your application for [position] has been received and is being reviewed. We are currently reviewing all applications and will contact you again if we require further information. The position is located in [location] and involves [responsibilities]. We are looking for a candidate with [qualifications].

approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

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For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

The following information was obtained from the files of the [redacted] and is being furnished to you for your information.

[redacted] was born on [redacted] at [redacted] and is currently residing at [redacted]. [redacted] is a [redacted] and has been employed by [redacted] since [redacted].

[redacted] has been identified as a [redacted] and is currently [redacted]. [redacted] is a [redacted] and is currently [redacted].

[redacted] is a [redacted] and is currently [redacted]. [redacted] is a [redacted] and is currently [redacted].

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is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

**Waste Discharge Requirements – Discharges to Land**

Pursuant to the State Board’s Onsite Wastewater Treatment Systems Policy, the regulation of the septic system may be regulated under the local agency’s management program.

For more information on waste discharges to land, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central

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Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/regulatory\\_information/for\\_growers/coalition\\_groups/](https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

The following information is being provided to you for your information only. It is not intended to be used for any other purpose. The information is confidential and its disclosure is restricted to those individuals who have been authorized to receive it. If you are not an authorized recipient, you should not disseminate this information to anyone else. If you have any questions regarding this information, please contact the appropriate authority.

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**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist

CONFIDENTIAL

The following information is being provided to you for your information only. It is not intended to be used for any other purpose. The information is being provided to you in confidence and should be kept confidential. It is not to be distributed to any other person without the express written consent of the [redacted].

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*[Handwritten Signature]*  
[Redacted Name]  
[Redacted Title]

**NATIVE AMERICAN HERITAGE COMMISSION**  
Cultural and Environmental Department

1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691 Phone (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



RECEIVED

JUL 05 2019

COUNTY OF TUOLUMNE  
Community Resources Agency

July 1, 2019

Natalie Rizzi  
Tuolumne County  
2 South Green Street  
Sonora, CA 95370

RE: SCH# 2019029073 Hardin Flat, LLC Site Development Permit SDP 18-002, Tuolumne County

Dear Ms. Rizzi:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

RECEIVED

JUL 18 2013

COURTNEY B. BROWN  
CLERK OF SUPERIOR COURT

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Katy.Sanchez@nahc.ca.gov](mailto:Katy.Sanchez@nahc.ca.gov).

Sincerely,



for  
Katy Sanchez  
Associate Environmental Planner

cc: State Clearinghouse

