

MEMORANDUM

DATE December 30, 2020

TO Quincy Yaley, Community Development Department Director
Tuolumne County

FROM Steve Noack and Alexis Mena

SUBJECT **Errata to the Terra Vi Lodge Final Environmental Impact Report**

During the December 29, 2020 Board of Supervisors hearing, it was brought to the attention of the County and the Environmental Impact Report (EIR) preparers that some comments received on the Draft EIR were inadvertently excluded from the Final EIR. Following the hearing, PlaceWorks reviewed all comment letters on the Draft EIR to ensure that no other letters were inadvertently truncated in the Final EIR. Based on this review, PlaceWorks has identified that the following comments that, while included in Appendix K of the Final EIR, were not addressed in Table 5-4, Responses to Comments Received on the Draft EIR:

- » Comments ORG8-04 through ORG8-53
- » Comment PUB88-26

Table 1 in this Errata to the Terra Vi Lodge Final EIR provides responses to these comments. Comment Letters ORG8 and PUB88 are attached to this Errata in their original format.

Some responses in Table 1 present corrections to the Draft EIR that resulted from these comments. In each case, the page and location on the page in the Draft EIR is presented, followed by the text revision. Underlined text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR. The revisions in this chapter do not require recirculation of the Draft EIR because they do not constitute “significant new information” under Section 15088.5 of the CEQA Guidelines. None of these changes affect the impacts or mitigation measures included in the EIR.

Table 1 Responses to Comments

| Comment Number # | Comment | Response |
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| ORG8 | Central Sierra Environmental Resource Center, John Buckley, Executive Director, July 30, 2020 | |
| ORG8-01 through ORG8-03 | <i>Comments ORG8-01 through ORG8-03 were addressed as part of the Final EIR.</i> | |
| ORG8-04 | 1) THE DEIR FAILS TO MEET STATE REQUIREMENTS FOR ACCURACY AND ADEQUACY -- The DEIR is filled with contradictions, misinformation, and inaccurate claims. As the comments below will spell out, the DEIR inarguably fails to comply with clear state requirements. | The comment is a general summary of the comments that follow. Please see Responses ORG8-05 through ORG8-53 in this Errata. |
| ORG8-05 | 2) RESPONSIBLE AGENCIES LACK ADEQUATE CAPACITY TO PROVIDE ESSENTIAL PUBLIC SERVICES -- The DEIR acknowledges in detail that the proposed project cannot be effectively served for fire response, law enforcement response, and emergency medical services. The minor mitigation measures proposed by the DEIR to compensate for the lack of public service capability cannot possibly reduce the level of significance for this public safety impact. | The comment is a summary of Comments ORG8-30 through ORG8-34. Please see Responses ORG8-30 through ORG8-34 in this Errata. |
| ORG8-06 | 3) WILDFIRE RISK IS HIGHLY SIGNIFICANT -- The project both independently and in combination with other proposed projects will put hundreds of people at significant risk due to the potential for a deadly wildfire burning across the project site that already burned severely just 7 years ago. | The comment is a summary of Comments ORG8-35 through ORG8-38. Please see Responses ORG8-35 through ORG8-38 in this Errata. |
| ORG8-07 | 4) THE PROJECT’S SOLE SOURCE OF WATER SUPPLY IS BOTH CONTAMINATED AND UNPROVEN – The DEIR spells out that the limited 10-day well testing showed levels of contamination that exceed thresholds. One 10-day testing of wells in a normal water year cannot provide any evidence of a long-term, reliable, adequate water supply during future drought periods or critically dry water years. | The comment is a summary of Comments ORG8-19 through ORG8-28. Please see Responses ORG8-19 through ORG8-28 in this Errata. |
| ORG8-08 | 5) HIGH AMOUNTS OF WASTEWATER POSE RISK TO GROUNDWATER – The cumulative impact of this project combined with the Yosemite Under Canvas project across the street will discharge tens of millions of gallons of black water and gray water (wastewater) onto sites where wells will provide the projects’ water supply. Risk of contaminating subsurface water in fractured rock is significant. | Please see Response ORG8-25 in this Errata. |
| ORG8-09 | 6) IMPACTS TO AESTHETICS AND SCENIC VALUES WILL BE SIGNIFICANT – In contradiction to the proposed solution to scenic impacts (which is to plant dense landscaping of trees to block the view of the facilities), fire risk measures will prevent that proposed dense planting of the screening trees. Thus, the impact will be significant. | The comment is a summary of Comments ORG8-15 through ORG8-17. Please see Responses ORG8-15 through ORG8-17 in this Errata. |
| ORG8-10 | 7) THE CONVERSION OF USE FROM COMMERCIAL FOREST MANAGEMENT IS SIGNIFICANT – The project must obtain a Timberland Conversion Permit. The site is being converted from forest management to a commercial lodging use. This is a Significant Impact that is falsely dismissed with no legitimate rationale by the DEIR authors. | Please see Response ORG8-29 in this Errata. |
| ORG8-11 | 8) THE CREST OF THE HILL AT THE PROJECT LOCATION RESULTS IN TRANSPORTATION SAFETY RISK – Viewing distance constraints and motorists hurrying toward Yosemite or back from Yosemite pose risk not just for vehicles turning in or out of the project site, but the cumulative effects of the project combined with the project across the street intensifies the risk. Pedestrians crossing the busy highway | Responses ORG6-64 and ORG6-65 in the Final EIR address sight distance and explain that the Draft EIR (page 3-28) notes that improvements will be made to the Highway 120/Sawmill Mountain Road intersection to increase |

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| | to access the Terra Vi Lodge market from the Yosemite Under Canvas project will also add additional safety risk. | <p>sight distance. Project plan sheet C3 of the project application package, dated October 7, 2019 (see Appendix B of the Draft EIR) identifies the line of sight to be developed and indicates the anticipated sight distance looking west. The exhibit notes that 660 feet of sight distance can be made available, which meets Caltrans minimum stopping sight distance and corner sight distance requirements.</p> <p>Response ORG6-67 in the Final EIR addresses pedestrian safety and potential increased pedestrian crossings of Highway 120 between the Terra Vi and Under Canvas project sites. As described in Response ORG6-67, the Draft EIR (page 4.15-21) states, “the distance that pedestrians or bicyclists may have to travel along SR 120 is relatively short and the path of travel along SR 120 includes a 4-foot-wide paved shoulder which could accommodate pedestrians. Furthermore, approximately 650 feet of sight distance is available from Hardin Flat Road looking east on SR 120 and approximately 1,400 feet of sight distance is available from Hardin Flat Road looking west on SR 120. As shown in 4.13-4, these sight distances satisfy HDM requirements for travel at more than 60 mph.”</p> <p>Cumulative traffic safety is discussed in the Final EIR in Response ORG6-68.</p> |
| ORG8-12 | DUE TO THE SITE’S HIGH FIRE RISK AND THE SIGNIFICANT LACK OF PUBLIC WATER, PUBLIC SEWER, AND TIMELY PUBLIC SERVICES, AS WELL AS THE SIGNIFICANT IMPACT OF FOREST CONVERSION, THE POTENTIAL FOR SO MANY SIGNIFICANT IMPACTS THUS LEADS TO THE NEED TO FIND A MORE SUITABLE SITE AT AN ALTERNATIVE LOCATION. | The commenter offers a potential alternate project location in Comment ORG8-39 and, in Comments ORG8-41 through ORG8-44, addresses the Alternate Location Alternative that was analyzed in the Draft EIR. Please see Responses ORG8-39 and ORG8-41 through ORG8-44 in this Errata. |
| ORG8-13 | <p>AREAS OF CONCERN THAT ARE DESCRIBED INITIALLY IN THE DEIR</p> <p>The DEIR starts with a bullet list of 22 issues that are supposedly inclusive of the critical comments of concern that were raised during the scoping process. How an issue is worded can directly determine how the response to that issue can be formulated by the DEIR consultants. In many instances throughout the DEIR, CSERC asserts that the consultants have strategically slanted the wording of an environmental issue (that was raised in comments) or of a definition of what qualifies as a Significant</p> | Section 1.5 of the Draft EIR (on pages 1-5 to 1-6) provide a brief summary of the comments received during the scoping process for the Draft EIR, and points the reader to the relevant portion of the Draft EIR where each topic area of concern is addressed. As stated in Section 1.5, “While every environmental concern applicable to the CEQA process is addressed in this Draft EIR, this list is not |

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| | <p>Impact. And by doing so, the DEIR response or analysis to that slanted question or description of the issue ends up skewing what was originally raised as the concern for the key issue.</p> <p>As our Center shared in our comments for the adjacent Under Canvas project DEIR, the State has made clear in the CEQA Guidelines that the sample Checklist in Appendix G of the CEQA Guidelines contains questions that "...are (1) broadly worded, (2) highlight environmental issues commonly associated with most types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process." The Environmental Checklist is described as only being provided as a sample form that can be tailored to address local conditions and project characteristics.</p> <p>Thus, the consultant authors of the DEIR cannot narrowly focus the CEQA analysis for purposes of legal significance on simply whether the project will trigger a level of significance for a Checklist question that fails to address the true potential environmental impacts of this specific project on this specific site. CSERC will re-emphasize this point in our comments below.</p> <p>Adding to that concern is the matter of key issues being overlooked or dismissed inappropriately. The DEIR list of Areas of Concern, for example, does not even mention the issue of forest conversion from commercial forest management to a recreational lodging operation. Neither does the list of Areas of Concern identify the frequently raised issue of the inadequate capacity of available county services to be able to provide essential services to this leapfrog development location.</p> | <p>necessarily exhaustive; rather, it attempts to capture those concerns that are likely to generate the greatest interest based on the input received during the scoping process." This approach is consistent with Section 15123(b)(2), Summary, of the CEQA Guidelines, which states: "(b) The summary [of the EIR] shall identify: [...] (2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public..." Appendix A, NOP Comments, of the Draft EIR, contains the complete set of comments received during both NOP scoping period for the Draft EIR.</p> <p>The commenter correctly notes that the list in Section 1.5 does not include concerns regarding forestry resources. However, potential impacts to forestry resources, including the potential forest conversion concern expressed by the commenter, are addressed in Chapter 4.6, Forestry Resources, of the Draft EIR.</p> <p>The commenter's concern regarding the capacity to provide County services to the proposed project at the project site location are relevant to the "potential impacts to available of emergency services" item listed in Section 1.5 and are addressed in Chapter 4.14, Public Services, Parks, and Recreation, of the Draft EIR.</p> |
| ORG8-14 | <p>DEIR SUMMARY OF IMPACTS AND MITIGATION MEASURES</p> <p>As summarized in Section 1.6, the DEIR asserts that all impacts would be reduced to a less-than-significant level if mitigation is adopted except for impacts GHG-2.2, GHG 1.2, and NOI-3.1. That that incorrect judgment is a clear example of the bias and inaccuracy of the DEIR.</p> <p>In reality, with these comments our Center will show that even if the recommended mitigation measures are adopted, <u>the project will still independently or cumulatively cause potential Significant Impacts for:</u></p> <ul style="list-style-type: none"> • Aesthetics, • Air Quality, • Hydrology and water quality, • Forestry Resources, • GHG Emissions, | <p>The commenter does not provide specific evidence supporting the suggestion that these impacts would be significant. Please see Responses ORG8-15 through ORG8-38 in this Errata for detailed responses to specific concerns raised by the commenter regarding the topic areas referenced in this comment.</p> |

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- Public Safety,
- Land Use and Planning,
- Public Services,
- Transportation,
- Utilities and Service Systems,
- Noise, and
- Wildfire.

It would be hard for a court to find another project with a wider range of potential Significant Impacts for which the DEIR consultants so inaccurately dismiss the vast majority of impacts as being Less Than Significant.

ORG8-15

AESTHETICS

AE-3: The project would change and degrade the existing visual character or quality of public views of the site and its surroundings.

AE-5: The proposed project would contribute to significant cumulative aesthetics impacts.

Both of the above Impacts should be shown as “Significant” rather than dismissed as LTS.

For **AE-3**, the project would dramatically change and degrade the existing visual character or quality of public views of the site and its surroundings from a natural forest site (with no currently visible structure, lighting, onsite road system, parking areas, or signage, etc.) to a commercially developed site with all of those visible effects.

The DEIR purports that within 10 years after the project gains approval, fast-growing planted trees will be tall enough and dense enough to screen from view the development for those driving along the highway. That claim is wildly inaccurate.

Even if fast-growing ponderosa pines or incense cedars are planted and watered, it is highly debatable that in 10 years they will actually have grown sufficiently to screen the project from the view of those driving on the adjacent highway. Further, an EIR cannot pre-judge that mitigation that may eventually result in screening for the project at some point in the future can be assured, since planted trees can die from insects, a roadside fire ignition, or other causes. Even if all the projected tree growth occurs, up to the time (12-15 years) that the planted trees may actually take to reach a height sufficient to generally screen the development from motorists’ views, **there will still have been more than a decade of a Significant visual impact.**

PIVOTAL POINT OF MISINFORMATION AND BIAS IN THE DEIR FOR AESTHETICS

Impact discussion AES-3 of the Draft EIR acknowledges that the project would change the visual character of the project surroundings. Specifically, page 4.1-27 of the Draft EIR states, “Development of the proposed project would represent a change to the existing wilderness visual character of the project site from a natural landscape of Sierra mixed-conifer forest to a hotel lodge with commercial space, cabins, employee housing, roadways and pedestrian pathways, water tanks, and recreational features.” A change in visual character alone does not necessarily constitute a degradation of said visual character. As described on pages 4.1-27 to 4.1-28 of the Draft EIR, proposed vegetation screening, building placement, building materials, and building heights, consistent with applicable General Plan and zoning requirements, would ensure that the project is designed to blend with the natural environment. The Draft EIR also provides depictions of vegetative screening post construction and five years post construction, in addition to screening at 10 years. The Draft EIR appropriately finds that impacts would be less than significant.

As noted by the commenter, the Draft EIR also provides a discussion of potential secondary impacts to aesthetics associated with implementation of Mitigation Measure WF-2, which requires that the project landscaping plans be revised for compliance with the Vegetation Management Plan. As noted on pages 4.1-26 to 4.1-27, plantings can be installed in a way that strategically

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| | <p>The DEIR painstakingly provides four viewing sites (as examples) and presents artist-altered photos of the existing views to purportedly show that fast-growing conifers will fully block the view of the lodge, cabins, parking areas, water tank, etc. at 10 years. Such artistic renderings are highly subjective and debatable. Over many years of actual project implementation in the County observed by CSERC staff of planted landscaping at projects, the actual effectiveness and growth of screening is almost always far less than what is envisioned by project applicants to be achieved in a decade of growth.</p> <p>What is especially misleading is for the DEIR authors to have buried in the text on page 4.1-26 the information that in fact Mitigation Measure WF-2 will <u>prohibit</u> the individual trees (that will make up the screening landscaping) to be installed in such close proximity as depicted in the artistically altered photos in the DEIR due to the fire safety need to keep adequate spacing between bushes and trees so as to reduce the spread of wildfire burning vegetative fuel on the project site.</p> <p>PUT MOST SIMPLY, FIRE SAFETY REQUIREMENTS WILL CONFLICT WITH THE ABILITY OF LANDSCAPING TO EFFECTIVELY SCREEN THE TERRA VI LODGE FACILITIES, PARKING AREAS, the WATER TANK, EMPLOYEE HOUSING, AND OTHER STRUCTURES FROM THE VIEW OF MORE THAN A MILLION PEOPLE A YEAR DRIVING BY ON THE HIGHWAY.</p> <p>Yet, on pages 4.1-26-27 the DEIR authors claim that despite the plantings needing to be planted further back from the highway and despite the plantings needing to be more widely spaced than originally envisioned, the plantings “would still fill the visual space and screen the proposed project from Highway 120 and Sawmill Mountain Road.” Thus, the DEIR authors assert that there would not be impacts to aesthetics or visual resources.</p> <p>Even after acknowledging that fire risk requirements will prevent the screening trees from being planted in close proximity, the DEIR consultants still exaggerate the benefits of planted trees for screening purposes on page 4.1-28. They assert that Figures 4.1-8c and 4.1-9c accurately depict that “the proposed project will be almost entirely concealed from Highway 120, except for a view of the resort sign located off of Sawmill Mountain Road.</p> <p>That claim by the DEIR authors is simply not true and is contradicted by their own admission as to the need to have plantings more widely spaced for wildfire mitigation purposes.</p> <p>CAL FIRE fuel reduction standards and fuel spacing requirements within 100 feet of structures (especially structures that will have up to 570 or more people at one time) will absolutely not allow closely packed-together tree plantings that would visually screen the project facilities from the view of travelers on Highway 120. Scattered screening may reduce to some degree how much of the project is visible at any one spot along the project boundary, but the overall project will certainly be highly visible from Highway 120.</p> | <p>stagger the placement and heights of vegetation to provide effective screening and achieve screening goals. Therefore, the Draft EIR appropriately finds that this potential secondary impact would be less than significant.</p> |

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| | <p>The very fact that the public will be seeing a developed commercial lodge operation rather than undeveloped natural forest inarguably degrades the character of the scenic forest views that visitors to Yosemite Park and the national forest are used to experiencing along this highway corridor.</p> <p><u>AE-3</u> should be identified as a <u>Significant Impact</u> because the project <u>would</u> change and degrade the existing visual character or quality of public views of the site and its surroundings.</p> | |
| ORG8-16 | <p><u>For AE-5, the proposed project in combination with the Yosemite Under Canvas project across the road will result in new development now being visible on both sides of the highway for an extended area along the road.</u> This inarguably results in a degradation of the natural character at a level of cumulative effects that cannot simply be dismissed as not even needing mitigation.</p> <p>Both development sites will have signs, new road work, parking areas, visible parking areas with cars and RVs, the fancy glamping tents on the Yosemite Under Canvas property, and the lodge, market, cabins, and employee housing on the Terra Vi Lodge property. A court should find that if the Project is implemented there will inarguably be a Significant degree of change and degradation of the scenic view from the natural forest setting currently visible on both sites.</p> <p>AGAIN, SHOULD A COURT CONSIDER THE FACTUAL ADEQUACY OF THIS DEIR, THIS AESTHETICS SECTION IS BUT ONE OF MANY CRITICAL ISSUE AREAS WHERE THE DEIR AUTHORS BLATANTLY DEFY LOGIC IN ORDER TO AVOID ACKNOWLEDGING THE SIGNIFICANT IMPACT OF THE PROJECT.</p> <p>On page 4.1-31, the authors falsely claim that the Terra Vi Lodge project will be screened from public view because the tree line on the property “will block views from surrounding roadways, residences, and scenic vistas.” That is nonsense. Elsewhere in the DEIR the authors admit that most of the trees that survived the Rim Fire on the Terra Vi Lodge site have no lower branches to screen views (which is clearly portrayed in the photos of the four scenic view points). Similarly, the conifers that survived directly across the street on the Yosemite Under Canvas site also suffered the same scorching and the killing back of lower branch foliage. Thus, except for the trunks of the trees, there is almost no visual screening at all that will somehow block views on either the Under Canvas of the Terra Vi Lodge project sites. A large percentage of the Under Canvas project’s 99 tented campsites as well as the new kitchen facility, administrative facility, and parking areas would all be highly visible. Our staff visited both project sites again on July 21 and took photos that prove that views from the highway inarguably allow those in passing vehicles to see clearly the areas on both properties where the tent cabins and the Terra Vi Lodge facilities will be constructed. Yet the DEIR authors claim that the “...proposed project would not, in combination with this cumulate project, change the visual character of the site vicinity, impact scenic vistas.... or create a cumulatively significant impact to light and glare.”</p> <p>That claim by the DEIR authors once again is a completely false judgment that is contrary to fact.</p> | <p>Impact discussion AES-5 on page 4.1-30 of the Draft EIR explains that the cumulative aesthetics impact analysis includes Yosemite Under Canvas located immediately to the south of the project site across Highway 120, the Thousand Trails/Yosemite Lakes RV Expansion located approximately 1 mile to the southeast of the project site, the Berkeley Tuolumne Camp Restoration located approximately 2.8 miles to the southeast of the project site, and Mountain Sage Conditional Use Permit located approximately 14.5 miles to the west of the project site. The Thousand Trails/Yosemite Lakes RV Expansion, Berkeley Tuolumne Camp Restoration, and Mountain Sage Conditional Use Permit projects are not visible from the project site and therefore would not cumulatively contribute to visual changes in the project site surroundings. Therefore, the cumulative impact discussion focuses on potential impacts of the proposed project when considered together with the Yosemite Under Canvas project.</p> <p>As explained in Response ORG8-15, a change in visual character does not in itself constitute a degradation of the quality of a visual environment. As explained on page 4.1-31 of the Draft EIR, the Yosemite Under Canvas project would not, in combination with the proposed project, change the visual character of the site vicinity, impact scenic vistas or designated scenic highways, or create a cumulatively significant impact to light and glare due to the placement of proposed camping facilities, vegetation screening, and compliance with International Dark-Sky Association standards. Therefore, the Draft EIR appropriately finds that cumulative impacts would be less than significant.</p> |

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| | <p><u>AE-5 should be identified as a Significant Impact.</u></p> | |
| ORG8-17 | <p><u>The cumulative effects of the two projects combined must be fully and correctly analyzed by the FEIR.</u> As now presented, the DEIR fails to carefully consider the scenic viewshed impacts of the two combined projects for whether they would substantially degrade the existing natural visual character of public views of the site and its surroundings. The daytime visual scenic impacts of the two projects will cumulatively exceed the criteria for creating a significant visual impact.</p> <p>In addition, there is currently zero visible nighttime lighting on the two sites except for a very minor transportation building light that is barely visible. But if both projects are approved their construction and operation will result in a highly significant change – with both sites having lighting that will be in stark contrast to pre-project conditions. For the Under Canvas project, there will be all the lights associated with the kitchen facility, administrative facility, each of the 99 tent structures, as well as lights for the parking area. For the Terra Vi Lodge project, there will be even greater levels of lighting due to the higher number of buildings, occupied guest rooms, the market, the bar, the restaurant, the parking areas, etc. <u>The combined cumulative impact of nighttime lighting from the two projects will be markedly significant compared to the current lack of lighting.</u> Even if the installed lights meet county General Plan standards and are pointed downward, those mitigation measure requirements will primarily reduce a project’s upward facing lighting impacts on nighttime raptors and other wildlife, rather than reducing scenic lighting impacts for those traveling past the site in motor vehicles.</p> <p>Millions of travelers pass each year on the highway directly between the two adjacent development projects. They will be directly affected – both in the daytime and in darkness – if the two projects gain approval and are allowed to become operational.</p> <p>Implementation of the project would certainly create a new source of substantial light or glare which would adversely affect nighttime views in the area. The project <u>will</u> result in a Significant Impact for Aesthetics.</p> | <p>Impact discussion AES-4 in the Draft EIR (page 4.1-29) addresses the potential lighting and glare impacts of the proposed project. As stated on page 4.1-29, proposed project lighting would be designed to minimize light spillage by following Dark-Sky influenced design programs. In addition, implementation of General Plan Program CI-C.I requires new lighting that is part of commercial or recreational development to be oriented away from off-site sensitive uses, and to be hooded, shielded, and located to direct light pools downward and prevent glare. As stated on page 4.1-31 of the Draft EIR, the Yosemite Under Canvas project would be designed to be compliant with International Dark-Sky Association dark sky standards. Therefore, the Draft EIR appropriately finds that cumulative impacts would be less than significant.</p> <p>Please also see Response ORG8-16.</p> |
| ORG8-18 | <p>AIR QUALITY</p> <p>AQ-3: The project <u>would</u> expose sensitive receptors to substantial pollutant concentrations.</p> <p>AQ-4: The project could result in other emissions adversely affecting a substantial number of people.</p> <p>AQ-5: The project <u>would</u> result in combination with past, present, and reasonably foreseeable projects, result in significant impacts regarding air quality.</p> <p>As described above in the Summary of Impacts, the Terra Vi Lodge DEIR authors assert that the project would <u>not</u> expose a substantial number of people to pollutant concentrations nor result in other</p> | <p>Potential impacts from the Yosemite Under Canvas project are addressed as part of the Yosemite Under Canvas EIR (available at: https://www.tuolumnecounty.ca.gov/1204/Under-CanvasHardin-Flat-LLC). As stated on page 2-28 of the Yosemite Under Canvas Final EIR, conservatively assuming that all 99 tents would operate a woodstove simultaneously at a rate of 82 days per year, the project’s air quality emissions would not exceed applicable thresholds. In addition, the distance between the Terra Vi and Yosemite Under Canvas project sites would provide</p> |

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| | <p>impacts regarding air quality. In reality, the claims for AQ-3, AQ-4, and AQ-5 are incorrect. They should all be shown as resulting in a Significant impact.</p> <p>State and federal air quality studies underscore the risk to lungs and public health that can be caused by particulates less than 10 microns in diameter. As identified in the Yosemite Under Canvas DEIR and as identified in various scoping comments for this Terra Vi Lodge project, there is high potential for dense smoke to be generated routinely on the adjacent Yosemite Under Canvas project site on cool evenings or mornings when 99 wood heating stoves are all burning firewood. Yet the Terra Vi Lodge DEIR fails to sufficiently describe and address this important air quality and public health issue that would be directly threaten air quality not just for the clients of the Under Canvas project, but for the hundreds of staff and visitors of the Terra Vi Lodge project as well.</p> <p>On the Yosemite Under Canvas site across the street, that project openly features the plan to allow 99 wood-burning stoves in addition to the 3 community campfire burn sites on the property. Those particulate-producing source of emissions will be in addition to the Terra Vi Lodge Project’s new creation of air quality emissions due to vehicles idling, kitchen functions that will include propane gas burning, and various other sources of cumulative air quality emissions on the two sites. The likely concentrated production of wood smoke from so many sources on the Yosemite Under Canvas project site along with the various air quality emissions from hundreds of vehicles and the operations of the restaurant, bar, lodge, cabins, and employee housing – will all cumulatively result in a Significant amount of substantial pollutant concentration of particulate matter and other emissions that would expose all the occupants of the Terra Vi Lodge facility as well as the occupants of the Yosemite Under Canvas project site.</p> <p>The total number of people (570+ people) potentially present on the project site and (250+ people) at the Yosemite Under Canvas project site across the street, along with neighbors on parcels north of the Terra Vi Lodge property, all will potentially suffer from inhaling fine particulate matter from the smoke generated by the Under Canvas project’s community campfires and the “up to 99” woodstoves all burning at the same time.</p> <p>A project could have a significant impact on air quality if it would result in emissions adversely effecting a substantial number of people. Given that up to 800 people may be present on the two project sites on any cool evening or morning when up to 99 woodstoves and 3 community campfires are all burning, the resulting production of PM₁₀ particulate matter has very high potential to cause significant adverse health effects. That is the opposite of the conclusion by DEIR authors, who incorrectly skew the discussion to dismiss air quality impacts.</p> <p>The FEIR should correct the failure of the DEIR to identify the 99 woodstoves combined with community fire pits on the Yosemite Under Canvas project site as a source of particulate-laden smoke and air quality emissions that collectively pose health risk for up to 800 people at one time on the two project sites. It is incorrect for the DEIR to dismiss air quality emissions of PM₁₀ particulate matter</p> | <p>atmospheric dispersal of emissions originating at the Yosemite Under Canvas site.</p> <p>In addition, as part of its approval of the Yosemite Under Canvas project on December 18, 2020, the Tuolumne County Board of Supervisors conditioned that the Yosemite Under Canvas project utilize propane stoves rather than woodstoves. Therefore, Terra Vi project occupants would not be exposed to emissions as a result of wood stove usage from the Yosemite Under Canvas site.</p> |

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| | <p>just because there is not a concentration of narrowly defined “sensitive receptors” close to the project site. Instead, there are up to 800 people on or adjacent to the project site who will be the receptors of the smoke, and any number of them could have asthma, lung disease, be elderly, etc.</p> <p>Air quality emissions and PM₁₀ particulate matter for the two adjacent projects combine to be an issue of high concern for this project.</p> | |
| ORG8-19 | <p>HYDROLOGY AND WATER QUALITY</p> <p>HYD-2: The proposed project <u>would</u> substantially decrease groundwater supplies...</p> <p>HYD-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, <u>would</u> result in <u>Significant</u> impacts with respect to hydrology and water quality.</p> <p>In the DEIR, the consultants inaccurate claim for HYD-2 and HYD-6 that neither would result in a Significant impact. The two claims are incorrect and need to be revised in the FEIR.</p> <p>The project <u>does</u> pose potential to substantially decrease water supplies that are valuable and essential to project neighbors who have solely groundwater for their source of water. The project combined with the Yosemite Under Canvas project has high potential to result in a Significant impact with respect to cumulative effects for hydrology and water quality – for multiple reasons described in this section of our comments and our comments related to wastewater.</p> <p>Tuolumne County’s General Plan allows for special commercial type developments to be designed and located on parcels that are not served by public water or public sewer. But such a use is allowed only where a planned project can provide sufficient water supply to fully meet project needs during drought periods and only where appropriate wastewater treatment for the project can be achieved – including during wet periods when snowmelt of rainfall have saturated a site’s soils.</p> <p><u>In this case, the County and the authors of the EIR cannot assure that either of those water supply and wastewater treatment requirements can be met for this site – which has no public water or public wastewater treatment options available.</u></p> <p>Throughout the public scoping and meetings or discussion with planning staff prior to the preparation of the DEIR, concerned members of the public repeatedly raised the issue that limited testing of wells on the project site during a normal water year that followed an exceptionally wet water year would NOT represent subsurface groundwater conditions during either a single dry water year or multiple years of drought. Tuolumne County supervisors and other county staff coordinated with state agencies and local utility district staff during the recent exceptional multi-year drought period when many long-functioning wells in the County faltered or failed. WELLS MAY TEST FINE IN A NORMAL</p> | <p>Responses ORG5-03 and ORG6-42 in the Final EIR address the commenter’s concerns regarding well testing as it relates to precipitation levels during the testing year.</p> |

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| | <p>YEAR (AND ESPECIALLY IN A NORMAL YEAR FOLLOWING AN EXCEPTIONALLY WET YEAR. BUT THOSE WELLS HAVE NO ASSURANCE OF BEING PRODUCTIVE OR EVEN HAVING THE SAME LEVEL OF WATER QUALITY IN A DRY WATER YEAR OR DURING MULTIPLE DRY OR CRITICALLY DRY WATER YEARS.</p> <p>CSERC raised the issue of well testing as a pivotal issue that should be fully addressed in the DEIR.</p> <p>But the DEIR simply points to a single 10-day pumping testing period in October 2019 as supposed evidence that there is not only sufficient groundwater to support the proposed project over the long-term, but that the water quality is also supposedly adequate.</p> <p>THIS IS ONE OF THE MOST IMPORTANT ISSUES IN THE ENTIRE DEIR, AND CSERC STRONGLY ASSERTS THAT THERE IS NEITHER SUFFICIENT EVIDENCE TO SUPPORT THE CLAIM OF SUFFICIENT WATER SUPPLY IN TERMS OF <u>QUANTITY</u> NOR TO SUPPORT THE CLAIM OF ADEQUATE WATER <u>QUALITY</u>.</p> <p>The DEIR should instead honestly admit that while initial water pumping tests show there may be sufficient water in a normal year following a wet water year, there has been no test done in a dry year or in the midst of multiple dry years when the fractured rock beneath the project site may have far lower levels of groundwater.</p> | |
| ORG8-20 | <p>TIMING OF THE GROUNDWATER TEST WAS INADEQUATE TO SHOW SUPPLY IN DRY YEARS</p> <p>1) CSERC notes that our understanding of Water Board recommended protocols is that well tests be done during a June-September period so as to overlap with the driest time of the year. Instead, the well test for this project was done outside of that protocol-recommended testing period.</p> | <p>The Water Board Protocol indicates testing during August, September, or October. As stated in Response ORG5-03 in the Final EIR, while 2019 was a wet year, testing was conducted in late October to early November, which is the driest portion of the year. There was no precipitation during the pump testing or during recovery.</p> |
| ORG8-21 | <p>2) As noted previously, the only 10-day well testing on the project site was done in a normal water year following a wet water year. Any well test results cannot reliably be extrapolated to reflect the capacity of fractured rock layers beneath the project site to contain the same level of groundwater in a dry or critically dry water year or during multiple years of drought.</p> | <p>Responses ORG5-03 and ORG6-42 in the Final EIR address the commenter’s concerns regarding well testing as it relates to precipitation levels during the testing year. Water year 2020 was exceptionally dry. Water levels in on-site wells measured in 2020 had declined less than 5.2 ft when compared to water levels measured in 2019. The difference in water level is similar to the interference caused by pumping in wells 26G(B) and 26G(C). This minor change in water level with major change in precipitation indicates significant storage capacity.</p> |
| ORG8-22 | <p>3) There is no map or any other evidence to prove exactly where the groundwater in fractured layers exists beneath the project site. As proposed, the project will supposedly pump 60-80 million gallons of groundwater over 200 days, and a significant portion of that water will then become gray water and black water and be disposed of in leach fields or in landscape watering of the property. That contaminated water has potential to be not fully treated by onsite OWTS operations so that effluent</p> | <p>As described in Master Response 2, Wastewater Treatment, in the Final EIR, the project now proposes an on-site package wastewater treatment system (OWTS). As a result of this project change, project wastewater would be treated to tertiary standards prior to disposal in</p> |

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| | <p>has potential to seep downward to contaminate either the project’s wells, the wells of neighbors, or the wells for the Yosemite Under Canvas site. When a project applicant will be discharging many tens of millions of gallons of black and gray wastewater into leach fields on a site and will also be drawing domestic/commercial lodging water supply from groundwater from below the surface on the same site, the potential exists for the project to directly contaminate the subsurface groundwater supply.</p> | <p>on-site leach fields. As described in Master Response 2, the OWTS would not compromise surrounding water quality and hydrology.</p> |
| <p>ORG8-23</p> | <p>4) The DEIR acknowledges on page 4.10-12 that arsenic, iron, turbidity, and color were detected above drinking water maximum contaminant levels in samples from the on-site pumping wells. This admission should immediately have caused the DEIR authors to point out that water quality in the tested wells has not been proven to meet assured water quality standards. This undermines the entire premise that groundwater by itself adequately provides high quality water as the supply for the project’s enormous water demands. Instead, the DEIR acknowledges that additional water testing must be done, and if arsenic levels remain high in future tests, then onsite treatment must be devised to remove arsenic and other contaminants above drinking water standards from the groundwater.</p> <p>In assessing the EIR, Tuolumne County is considering whether to approve a giant lodging operation that would be serving up to 550 guests and staff (or more) – all dependent entirely on groundwater from wells as the water supply. The limited well tests done to date show contaminant levels of arsenic, iron, turbidity, and color all exceed maximum contaminant levels. Simply for water quality reasons, Tuolumne County should then reject the project application on the grounds that an assured safe and sufficient water supply from the wells has not been established, and future assumptions or hopes for different results are not legal grounds on which to base any project approval.</p> | <p>Response ORG6-34 in the Final EIR addresses the commenter’s concerns regarding existing water quality.</p> |
| <p>ORG8-24</p> | <p>5) The project could draw up to 80 million gallons of groundwater from below the project site over 200 days of operation each year, based upon the well pumping capacity for the site of up to 26.5 gallons per minute. Even if the actual expectation for groundwater pumping is less than that amount, the total consumption of groundwater by the project would still be enormous.</p> <p>The criteria for causing a Significant impact defines a situation when a proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Given that the Terra Vi Lodge project will remove tens of millions of gallons of groundwater each year, including during dry water years and during multiple dry and critically dry water years, there is no evidence to show that such high levels of groundwater pumping will NOT result in decreased water supplies.</p> | <p>Response ORG5-03 in the Final EIR provides detailed background information regarding the methodology used to evaluate potential impacts to water supply. As described in Response ORG5-03, the study approach was both appropriate and conservative.</p> |
| <p>ORG8-25</p> | <p>6) The cumulative groundwater demands from the project and the neighboring Yosemite Under Canvas project are inarguably tremendous. Never in the past 30 years in Tuolumne County have two neighboring projects both proposed the pumping of groundwater at tens of millions of gallons each on a ridge area site with fractured rock groundwater. The cumulative amount of groundwater pumped between the Terra Vi Lodge project and the Yosemite Under Canvas project would combine to be a truly staggering amount. Yet for HYD-6 the DEIR consultants erroneously claim that the “proposed project with reasonably foreseeable projects” (including “Yosemite Under Canvas”)</p> | <p>Response ORG6-44 in the Final EIR addresses potential cumulative water supply impacts. As described in Response ORG6-44, the pump testing for the project was conducted at the same time as pump testing for the Yosemite Under Canvas project to account for the cumulative condition of both projects operating simultaneously.</p> |

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| | <p>would result in less-than-significant cumulative impacts to hydrology and water quality. There is no evidence to support that misleading claim.</p> <p>Given the fact that both projects will be producing huge amounts of wastewater (both black and gray) and that both projects have no connection to public sewer systems, the discharge of wastewater from the two combined sites is higher than any previously approved lodging-type proposed project in Tuolumne County. The fact that both proposed projects also plan to pump tens of millions of gallons of groundwater from beneath sites where they are discharging tens of millions of gallons of wastewater presents a strong potential for contamination. At the least the DEIR should fully acknowledge that there is uncertainty due to the inability for consultants or the County to map accurately WHERE the subsurface groundwater is flowing in the fractured rock beneath the site and WHERE the discharged water in leach fields will seep down into that same fractured rock system.</p> | <p>As described in Response ORG8-22, Master Response 2 in the Final EIR explains that the project now proposes use of an OWTS for wastewater treatment, rather than a septic system. As a result of this project change, project wastewater would be treated to tertiary standards prior to disposal in on-site leach fields. As such, the OWTS would not have the potential to contribute to cumulative water quality impacts associated with wastewater disposal.</p> |
| ORG8-26 | <p>7) On page 4.10-16 of the DEIR, the document supposedly considers risks to Water Quality. Yet other than mentioning pollutants potentially generated during project construction and operation, the cumulative amounts of petroleum byproducts from vehicles on the Terra Vi Lodge and Yosemite Under Canvas sites, as well as the total combined wastewater discharge from the two projects, are not even mentioned.</p> | <p>Potential water quality effects from fuel products are addressed as part of both construction and operational impacts. Page 4.10-9 of the Draft EIR states under the heading "Construction Impacts," that "Clearing, grading, excavation, and construction activities would have the potential to impact water quality through soil erosion and increased silt and debris discharged into runoff. Additionally, the use of construction materials such as fuels, solvents, and paints may present a risk to surface water quality. Finally, the refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system." Page 4.10-9 further states, under the heading "Operational Impacts," that "Runoff from residential and commercial properties and parking lots typically contain oils, grease, fuel, antifreeze, and byproducts of combustion (such as lead, cadmium, nickel, and other metals), as well as fertilizers, herbicides, pesticides, and other pollutants." These potential contaminants, while not specifically mentioned, are incorporated into the cumulative analysis on page 4.10-16, which considers that "Cumulative projects have the potential to generate pollutants during project construction and operation." Therefore, no revision to the Draft EIR is necessary.</p> |
| ORG8-27 | <p>8) Early on a key Project Objective was to develop a site which has a safe, reliable, and sustainable source of water. Instead, based on the extremely insufficient well testing done to date of only a 10-day test during a fall period in a normal water year, there is no evidence that the groundwater under the project site is "reliable" or "sustainable." Further, even before wastewater discharge has begun</p> | <p>The comment summarizes the comments above. Please see Responses ORG8-19 through ORG8-26.</p> |

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| | <p>on the site, the tested water to date shows that contaminants exceed acceptable levels. That provides the only current well testing evidence for water quality, which means that the water is currently not shown to be “Safe.”</p> <p>CSERC strongly asserts that the County should NOT approve the Terra Vi Lodge project based on well tests for water supply that show evidence of contamination, that were not done during the dry season nor in a dry water year, and that cannot be assured of reflecting groundwater conditions in a drought period or in a single critically dry water year.</p> <p>Similarly, the FEIR should fully acknowledge that the well tests done to date do not provide any evidence of what well capacity may be in a multiple dry year situation. And the FEIR should also acknowledge that envisioned effective treatment of tens of millions of gallons of wastewater between the project and the neighboring Yosemite Under Canvas project will combine to potentially create high risk for subsurface water contamination.</p> <p>Based upon the clear information provided in the DEIR, <u>the FEIR should admit that:</u></p> <p>HYD-2: The proposed project <u>would</u> substantially decrease groundwater supplies... which would result in a Significant impact.</p> <p>HYD-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, <u>would</u> result in <u>Significant</u> impacts with respect to hydrology and water quality.</p> | |
| ORG8-28 | <p>UTILITIES AND SERVICE SYSTEMS – ADDITIONAL FLAWS IN THE DEIR</p> <p>On pages 4.16-3 and 4.16-4, the DEIR accurately informs that most areas served by wells in Tuolumne County are underlain by fractured rock that provides inconsistent groundwater conditions. The DEIR further states that the Tuolumne-Stanislaus Integrated Regional Water Management Plan determined that data is insufficient to quantify available sustainable groundwater supply. “This is not atypical in fractured rock environments such as those that occur throughout the Sierra foothills.”</p> <p>Under 4.16.1.3 IMPACT DISCUSSION the DEIR defines a project creating a Significant impact if there are not sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.</p> <p>The DEIR then asserts that because the single test period of 10-days in October of 2019 provided pumping levels of 53 gpm combined between the two wells, then supposedly each well can pump safely at a rate of 26.5 gpm or 38,160 gpd. “Since the water demand for the proposed project would be 16,636 gpd, each well can individually supply the proposed project’s demand.”</p> <p>That DEIR claim is unsupported and unproven for multiple reasons. First, there is no evidence for the</p> | <p>It is assumed that the fractures for the two wells utilized in the pump test are interconnected, based on the demonstrated response of the wells to pumping. Nevertheless, the wells would be able to serve as backup for each other in the event of mechanical failure of the pump or pipeline, or structural failure of the well, even if they do not draw from separate sources.</p> <p>Please also see Responses ORG8-19 and ORG8-20 regarding the commenter’s concerns regarding the pump testing conducted for the proposed project.</p> <p>Response PUB87-09 in the Final EIR addresses connectivity with the wells on the Yosemite Under Canvas site. As described in Response PUB87-09, pumping simultaneously from both of the Terra Vi wells might have resulted in drawdown of as much as 1.23 feet in the Yosemite Under Canvas well located closest to the</p> |

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| | <p>assumption that each well is drawing from an independent groundwater source. It is fully possible and likely that the two wells are both drawing from the same subsurface fractured rock water source. Therefore, one well cannot be the backup for the other well, because no matter which well is pumping, water is still being drawn from the same groundwater source.</p> <p>Second, as these comments repeat for emphasis, there is zero evidence that the groundwater well test period of 10 days in October of 2019 in a normal water year either represents the groundwater conditions that will be present at the height of the summer dry season, nor does that single 10-day test period provide even a clue as to whether or not the groundwater will be adequate during a critically dry water year or multiple dry years during a drought. The fact that there was a multiple dry year drought in the past few years intensifies the potential for such dry periods to dramatically reduce groundwater. Yet the DEIR authors assume that groundwater will always be reliable – based upon the single 10-day test period that was done in October in a normal year following an exceptionally wet water year.</p> <p>THERE IS ZERO EVIDENCE PROVIDED IN THE DEIR THAT THE WELLS ON THE PROJECT SITE WILL BE PRODUCTIVE ENOUGH TO MEET THE PROJECT’S NEEDS IN A CRITICALLY DRY WATER YEAR OR IN MULTIPLE DRY YEARS.</p> <p>THERE IS ZERO EVIDENCE THAT THE WELLS ON THE PROJECT SITE AND THE NEARBY WELLS ON THE ADJACENT “YOSEMITE UNDER CANVAS” PROJECT SITE ARE NOT DRAWING FROM THE SAME, POTENTIALLY LIMITED GROUNDWATER SOURCE.</p> <p>THERE IS ZERO EVIDENCE IN THE DEIR THAT THE WELLS ON THE TWO PROPERTIES WILL BE PRODUCTIVE ENOUGH TO MEET THE <u>CUMULATIVE WATER DEMANDS OF THE TWO LODGING PROJECTS</u> DURING A CRITICALLY DRY WATER YEAR OR DURING MULTIPLE DRY YEARS.</p> <p>The DEIR on page 4.16-7 purports to prove that there is no connection between the two projects based on the fact that water levels in wells on the Terra Vi property showed no impact from the only well testing done in October 2019. The DEIR authors then add in the unsupported assumption that the two properties “are on different sides of a watershed boundary and likely are accessing different fracture zones. Based on these results, both properties would be able to meet their water demands during single and/or multiple dry years.”</p> <p>To restate for emphasis, there is zero evidence to back up that conjecture that the two properties’ wells are drawing from different fracture zones, nor is there the slightest evidence that groundwater under either property is sufficient to meet water demands in multiple dry water years.</p> | <p>Terra Vi project site. This drawdown is considered insignificant and would have no impact on Yosemite Under Canvas well operations. This is not a significant impact considering that both of the Terra Vi wells and Yosemite Under Canvas Well No. 1 were pumping approximately 4.7 times the anticipated cumulative demand for the projects. However, when Yosemite Under Canvas conducted the pumping test of their Well Number #1, groundwater levels in all of the Terra Vi wells showed no change. This suggests that only if both Terra Vi wells are pumping, there be a slight amount of drawdown at the Yosemite Under Canvas well.</p> |
| ORG8-29 | FORESTRY RESOURCES | The opinion of the commenter is noted. The project site is not currently used or zoned for timber production, and tree density is diminished due to the previous Rim Fire. |

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| | <p>FOR-2: The project <u>would</u> result in an adverse effect associated with the loss of forest land or conversion of forest land to non-forest use.</p> | <p>However, page 4.6-5 of the Draft EIR acknowledges that approval of the proposed project would require submittal of a Timberland Conversion Permit because the proposed project would develop the site for non-timber harvesting uses.</p> |
| | <p>FOR-3: The project <u>would</u> involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.</p> | |
| | <p>Claims made by the DEIR authors denying there would be a Significant Impact for FOR-2 and FOR-3 are highly false and incorrect.</p> | <p>The project's non-compliance with the California Forest Improvement Program contract is noted in impact discussion FOR-2 in the Draft EIR. However, non-compliance with a contract is not a physical impact on the environment.</p> |
| | <p>Beyond any argument, the Terra Vi Lodge property site is being converted for commercial forest use to a recreational lodge property.</p> | |
| | <p>IT IS A VIOLATION OF PUBLIC TRUST FOR THE COUNTY TO PUT FORWARD A DEIR THAT ATTEMPTS TO CLAIM THAT FOREST CONVERSION WILL NOT OCCUR IF THIS PROJECT IS APPROVED. Forest conversion is obviously occurring. The impact for both FOR-2 and FOR-3 should be defined as Significant.</p> | <p>As noted in Response ORG9-28 of the Final EIR, page 4.6-5 of the Draft EIR describes the status of the CFIP agreement as follows: "The owner of the project site entered into a CFIP contract with CAL FIRE in 2015 that preserves the site for forest and timber land uses. [...] The proposed project would result in non-compliance with this CFIP contract. However, the agreement expired on December 31, 2019, and the project applicant would be required to refund State funds awarded for the project site, consistent with the request of CAL FIRE." Since publication of the Draft EIR, the County learned that the contract had not yet expired. The text in the Draft EIR was therefore revised accordingly, as shown in Chapter 3 of the Final EIR. However, subsequent to the publication of the Final EIR, the County learned that, in November 2020, the CFIP contract was rescinded and therefore is no longer in effect.</p> |
| | <p>THIS PROJECT CREATES CONFLICT WITH A WRITTEN CONTRACT WITH THE STATE OF CALIFORNIA BECAUSE PROJECT APPROVAL IS BASED UPON THE PROPERTY BEING GIVEN A TIMBERLAND CONVERSION PERMIT.</p> | |
| | <p>TO GAIN APPROVAL FOR THE TERRA VI LODGE DEVELOPMENT, TIMBERLAND CONVERSION IS NEEDED TO REMOVE THE PROPERTY FROM COMMERCIAL FOREST MANAGEMENT. YET IN ORDER TO OBTAIN STATE GRANTS FUNDS FOR FOREST MANAGEMENT PURPOSES, THE PROPERTY OWNER IN 2015 SIGNED A LEGAL AGREEMENT, ASSERTING THAT HE WOULD KEEP THE PROPERTY IN COMMERCIAL FOREST MANAGEMENT FOR AT LEAST 10 YEARS. EXCEPT, NOW <u>HE ISN'T</u>...</p> | |
| | <p><i>10. "Participant 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, as explained below. "</i></p> | |
| | <p>The excerpt above is directly from the Gregory Robert Manly CFIP Agreement 2015 GGRF Project Number: `4-GHG-CFIP-01-0054 (page 3). The property owner, <u>Mr. Manly, signed a legal agreement committing to not develop the property for uses incompatible with forest resources management for at least 10 years.</u> Yet now a significant portion of the property is being put up for approval for a commercial recreation glamping tent cabin resort project on the Yosemite Under Canvas property on the south side of Highway 120 and the Terra Vi Lodge development is now up for approval on the property on the north side of the highway.</p> | |

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This is a stunning factual violation of a legal agreement that should be underscored by the EIR.

Mr. Manly committed in his written agreement with the State that the grant funds to be applied to the property would be used with the primary goal of reducing greenhouse gases (GHGs). And now the property owner and the project applicant stand to profit if they gain approval for a proposed Terra Vi Lodge development that the DEIR identifies as causing Significant impacts for GHG-1.1 and GHG-1.2.

THAT IS BOTH IRONIC AND A CLEAR CONTRADICTION OF THE JUDGMENT OF THE DEIR AUTHORS.

Is it possible that Tuolumne County is not fully aware that the property owner for the Terra Vi Lodge development project committed in writing to the State of California that he would not develop his property for uses incompatible with forest resources management until at least December of 2025 or later?

The property owner signed a legal agreement with the State -- assuring that the grant funds would be applied to "increase carbon sequestration through tree growth and timberland management" and "avoided GHG emissions resulting from retaining the forest and avoiding conversion to another use."

Yet now the County would be approving a project on the property that increases GHG emissions. This revealing information is truly a game-changer when it comes to the County processing and considering approval for the Terra Vi Lodge project. **CSERC respectfully asserts that the County (or a court) should find that, indeed, the owner of the Terra Vi Lodge property site legally committed to maintain the project property in forest management for at least until the 10-year period has expired.**

Even if the property owner takes advantage of the loophole to escape his legal contract, his current proposed development project should not even be considered for approval until after that time has passed.

Quoted below is the twisted logic used by the DEIR authors to avoid acknowledging the very clear conversion of forest land that is explicitly prohibited by the signed written agreement:

"The owner of the project site entered into a CFIP contract with CAL FIRE in 2015 that preserves the site for forest and timber land uses. The CFIP requires a property owner supply protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations in exchange for providing funds to help complete such improvements and preservation. The proposed project would result in non-compliance with this CFIP contract. However, the agreement expired on December 31, 2019, and the project applicant would be required to refund State funds awarded for the project site, consistent with the request of CAL FIRE. Therefore,

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| | <p><i>the proposed project would not result in the loss or conversion of forest land and impacts would be less than significant.” (DEIR page 4.6-5)</i></p> <p>THAT CLAIM IN THE DEIR IS SIMPLY FALSE.</p> <p>IT DOES NOT MATTER WHETHER THE PROPERTY OWNER CAN LEGALLY GET OUT OF THE 2015 SIGNED GRANT AGREEMENT BY PAYING BACK THE GRANT FUNDS. That is not the issue.</p> <p>The applicant must pay back grant funds to the State because <u>he will be failing to abide by a written commitment to not develop the property for a use incompatible with forest resources management. He will be paying back the grant funds because he is removing the property from forest resources management and converting the property to a non-forest use.</u></p> <p>The applicant must obtain a Timberland Conversion Permit for this project to be approved. The DEIR criteria for significance explains <u>that the project will create a Significant impact if the project will result in the conversion of forest land to non-forest use.</u> The property owner is getting a permit to do exactly that. There is no debate that this causes a Significant impact.</p> <p>Yet the DEIR misleadingly asserts that the proposed project would not result in the conversion of forest land. This is not just a debatable judgment where the DEIR authors can be excused for having a questionable perspective. This is a clear example of bias and misinformation -- another example of why the DEIR should be rejected because it is consistently misleading, inaccurate, and biased.</p> <p>The project will result in forest land be converted to a non-forest use, which is a Significant impact.</p> <p>Furthermore, the <u>Cumulative</u> Impact caused by the conversion of forest lands is even greater as a Significant Impact due to the <u>additional</u> conversion of forest land by the Yosemite Under Canvas project across the street as well as the on the Terra Vi Lodge project property. Whether or not the properties are formally designated as timberland by Tuolumne County is irrelevant, since the property owner applied for grant funds for continuing commercial forest management. Clearly the State accepted the property as qualifying as commercial forest management.</p> <p>For all of the reasons above, the proposed project would result in a Significant and unavoidable impact due to the conversion of forest land to a non-forest use. The FEIR should correct all of the flaws, false claims, and lack of information related to this topic.</p> | |

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| ORG8-30 | <p>PUBLIC SERVICES AND AGENCIES’ INABILITY TO SERVE THE PROJECT SITE</p> <p>One of the most glaring errors in the DEIR is the unsupported rationalization by the authors to reduce the characterization of the Public Service impacts for the project from Significant for four separate issues of concern to a rating to Less-than-significant for those issues.</p> <p>In reality, the DEIR shows inarguably that there will be a Significant Impact from the project due to the lack of capacity by Tuolumne County or other responsible agencies for fire response, law enforcement response, and emergency medical/ambulance response when emergencies occur at the project site.</p> <p>The evidence is so clear, it is truly inappropriate and frustrating for the interested public to see that the DEIR authors have attempted to diminish the significance of this pivotal public safety issue.</p> <p>UNCLEAR FIRE RESPONSE IS COMPLETELY UNACCEPTABLE FOR ALL RESPONSIBLE AGENCIES</p> <p>First, the DEIR makes it clear that the project site is located within a CAL FIRE designated State Responsibility Areas (SRA). While fire protection services are provided through a multi-jurisdictional effort, Tuolumne County has the main responsibility for fire protection services to unincorporated areas of the county, including the project site. “The closest fully staffed fire station is Station 76... located 40.4 miles to the northeast.” That means the closest County fire engine is located at least 50 minutes from the project site. Furthermore, a County commissioned study in 2019 determined that there are significant challenges to the ongoing provision of fire and EMS services within the unincorporated areas of the county <u>BEFORE</u> adding in the Under Canvas and Terra Vi Lodge projects’ additional demands.</p> <p>The closest staff CAL FIRE crew is the Groveland Community Service District, which is a 22-minute drive from the project site if there is no traffic and <u>IF</u> that GCSD crew is not already committed to another event or emergency call for the area it serves. The closest actual CAL FIRE station is described as being approximately 28 minutes from the project site.</p> <p>All of the response times are identified as being substandard to each agency’s objectives. The inability of a fire response agency to arrive at the project property within the desired response time is a significant public safety matter.</p> <p>Yet the DEIR authors skew the question for Significance to the Environmental Checklist question that addresses whether or not the lack of an agency’s ability to maintain acceptable service rations, response times, or performance objectives does or doesn’t result in the construction of new facilities</p> | <p>Master Response 6, Public Services, in the Final EIR, provides a detailed response to comments received regarding the Draft EIR analysis of impacts to fire protection services. The focus of the environmental analysis on the physical impacts associated with facility expansion are not only due to the wording of CEQA Appendix G checklist questions, but is due to CEQA case law. As Master Response 6 explains: “CEQA regulations and applicable case law on this issue demonstrate the threshold concerns only the environmental effects associated with the provision of new or altered physical public service facilities. [...] CEQA Guidelines Section 15382 restricts the effects that CEQA mitigation addresses to those ‘significant effects on the environment’ which are defined to include ‘adverse change in any of the physical conditions within the area affected by the project.’ ‘An economic or social change by itself shall not be considered a significant effect on the environment.’ 14 Cal. Code Regs. §15382. This concept was upheld in direct relation to response times for fire and emergency services in <i>City of Hayward v. Trustees of California State University</i> (2015) 242 Cal. App. 4th 833, 842–47 where the court found that the protection of public safety is the first responsibility of local government, the ‘need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate,’ and that as it relates to response times for fire and emergency services that there is ‘no authority...that CEQA shifts financial responsibility for the provision of adequate fire and emergency response services to the project sponsor.’”</p> |

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| | <p>As pointed out earlier in CSERC comments, the State has made clear in the CEQA Guidelines that the sample Checklist in Appendix G of the CEQA Guidelines contains questions that "...are (1) broadly worded, (2) highlight environmental issues <i>commonly</i> associated with <i>most</i> types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process." The Environmental Checklist is described as only being provided as a <u>sample</u> form that can be tailored to address local conditions and project characteristics.</p> <p>Thus, the consultant authors of the DEIR cannot narrowly focus the CEQA analysis simply as to whether the project will trigger a level of significance for a narrowly worded Checklist question that fails to address the true potential environmental impacts of the project. The question isn't whether or not the County must build a new fire station due to insufficient current capacity. The issue is that the County and other multijurisdictional agencies cannot respond to fire emergencies at the project site in a timely manner in order to protect public safety.</p> | |
| ORG8-31 | <p>Second – there are errors of fact in the DEIR. On page 4.14-7 under 4.14.1.3 IMPACT DISCUSSION, the DEIR discussion claims that the proposed project would have a maximum occupancy of 400 guests. That same incorrect maximum number of guests is shown on page 4.4-11, again claiming that the project would have a maximum occupancy of 400 guests.</p> <p>In fact, the PROJECT DESCRIPTION on page 3-8 clearly states that the Hotel Lodge would accommodate a maximum occupancy of 400 guests and that Guest Cabin Rooms would accommodate a maximum occupancy of 156 guests. That is a total of 556 guests, not 400 guests – a major difference. That difference plays in to the subsequent calculations for demand for services.</p> | <p>The commenter is correct that Chapter 4.14, Public Services, Parks, and Recreation, of the Draft EIR misstates that maximum guest occupancy of the project. However, contrary to the comment, this number does not specifically factor into the impact finding related to police facilities. In addition, the estimated number of service calls on page 4.14-7 of the Draft EIR was based on the hotel room count, not the maximum occupancy number. Nevertheless, the text of Chapter 4.14 is proposed for amendment as shown below.</p> <p>The first sentence in impact discussion PS-1 on page 4.14-7 of the Draft EIR is hereby amended as follows:</p> <p>Development of the proposed project would introduce employees and visitors to the project site, as, when operational, it would accommodate an average of 290 hotel guests, with a maximum occupancy of 400-556 guests, and include approximately 40 employees.</p> <p>The first sentence in impact discussion PS-3 on page 4.14-11 of the Draft EIR is hereby amended as follows:</p> <p>Development of the proposed project would accommodate an average of 290 hotel guests, with a maximum occupancy of 400-556 guests, and include approximately 40 employees once the project is operational.</p> |

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| ORG8-32 | <p>LAW ENFORCEMENT SERVICES ARE EVEN MORE UNRELIABLE AND BEYOND CAPACITY</p> <p>Third – Even with errors and omissions, the DEIR determines that the Project would result in a Significant impact for law enforcement services due to the fact that the Tuolumne County Sheriff Departments provides law enforcement service to the project site, but the headquarters is located in Sonora – roughly an hour from the project site.</p> <p>The Groveland substation is 15 miles west (not “east” as described in the DEIR) of the project site, but the Groveland substation is not permanently staffed with a full-time sworn-in officer. “It does not meet the current demands for police services in the part of the county which it serves..”</p> <p>Thus, there is inadequate law enforcement service to the project site with no clear solution on how such service will be provided. Furthermore, the same is true for Emergency Medical Services and the extremely limited ambulance service that is already determined to be insufficient for demands when there are multiple overlapping calls.</p> | <p>The Draft EIR acknowledges the distance between the project site and existing sheriff services, and identifies a significant impact at the project and cumulative levels. The Draft EIR includes Mitigation Measure PS-3, through which the project would be required to provide on-site security 24 hours a day, seven days a week. This mitigation measure would ensure on-site security and complaint resolution services at all times.</p> <p>The commenter correctly states that the Draft EIR contains an error regarding the description of the Groveland substation in relation to the project site location. Accordingly, the text of Chapter 4.14 is proposed for amendment as shown below.</p> <p>The first sentence under the heading “Staffing” on page 4.14-10 of the Draft EIR is hereby amended as follows:</p> <p>The Groveland substation, located at 18678 Main Street, is located approximately 15 miles east<u>west</u> of the project site.</p> |
| ORG8-33 | <p>The DEIR determines that the project would cause a Significant impact due to impacts from the project and other cumulative projects. Similarly, the DEIR has identified that the project along with other projects will cumulatively result in a Significant impact for the delayed response to fire services.</p> <p>“Despite the fire resistant and suppression physical features, non-physical features, and training program, the proposed project would still exacerbate existing fire protection service response time deficiencies in the region due to an increase in visitors and employees on the project site. ...the proposed project would have a significant impact regarding fire protection services.” (page 4.14-8)</p> <p>Those are factual and correct judgments, but then the DEIR authors without valid evidence wildly exaggerate the benefits of having the project incorporate features to aim to prevent fires, have onsite water storage, do fire prevention preparedness, etc. The DEIR does not acknowledge that nearly all businesses attempt to minimize fire risk and yet fires nevertheless still happen (both from ignitions onsite or from fires spreading onto the site from surrounding wildlands).</p> <p>But the DEIR authors incorrectly point to the mitigation that the project commits to have staff to be trained to meet volunteer fire service standards and that the project will commit to provide personal protect equipment and and communication equipment for all “emergency staff.”. It is truly nonsense</p> | <p>Master Response 5, Wildfire, in the Final EIR provides a comprehensive response to public comments related to wildfire issues. Table 5-3 in Master Response 5 provides a detailed discussion of how each of the proposed project’s wildfire risk reduction would reduce wildfire risks. In addition, as described in the Final EIR in Response GOV4-06, Mitigation Measure PS-1 is intended to ensure the provision of on-site fire protection resources to address on-site incidents. This, combined with on-site sprinklers, hydrants, and stored water for fire suppression will aid in preventing larger fires.</p> |

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| | <p>to claim that magically those unprofessional, unexperienced but newly trained staff will somehow have the ability to fight a wildfire with no fire engine, no depth of experience, etc.</p> <p>Since CSERC staff has years of experience fighting severe wildland fires, our Center asserts that it is completely unreasonable to drop the level of Significance for fire risk and fire response to Less than Significant based on having two unexperienced volunteer-level employees on staff and on site. To say that is a wildly inaccurate judgment is a great understatement.</p> | |
| ORG8-34 | <p>Similarly, for POLICE SERVICES, the lack of having any Groveland substation staffed for law enforcement is deemed on page 4.14-11 to be Significant, yet once again the DEIR authors then ignore the facts and assume that the lack of law enforcement will drop to Less Than Significant if the project commits to have a private security personnel on staff (Manager on Duty).</p> <p>AT THE VERY LEAST, THE PROJECT IN COMBINATION WITH THE YOSEMITE UNDER CANVAS PROJECT, THE BERKELEY-TUOLUMNE CAMP, AND THE THOUSAND TRAILS RV RESORT EXPANSION PROJECT WILL INARGUABLY ADD A MAJOR ADDITIONAL CUMULATIVE AMOUNT OF LAW ENFORCEMENT DEMAND OVER EACH YEAR DESPITE THE FACT THAT TUOLUMNE COUNTY ALREADY POINTS OUT THAT IT IS BEYOND CAPACITY FOR MEETING ÅEXISTING LAW ENFORCEMENT DEMAND.</p> <p>THE DEIR IS INVALID AND SIMPLY WRONG to suggest that having a trained private security person on the staff will somehow make up for the lack of response capacity by professional, experienced law enforcement personnel from the Tuolumne County Sheriff’s Department.</p> <p>To suggest that the good intention to have a private security person available on staff can somehow be sufficient (to deal with the wide range of minor to major law enforcement matters that have potential to arise at any time of day or night over years of the project’s operation) is a unrealistic, unvalidated claim, and the County should not accept that misinformation in the final EIR.</p> <p>BASED ON BOTH PUBLIC INPUT IN PROJECT COMMENTS AS WELL AS THE INFORMATION MADE AVAILABLE IN THE PUBLIC SERVICES SECTION OF THE DEIR, THE PROJECT INARGUABLY WILL FAIL TO HAVE ADEQUATE PUBLIC SERVICES FOR NECESSARY FIRE RESPONSE, LAW ENFORCEMENT RESPONSE, AND EMS SERVICES. THE DEIR SHOULD HAVE SOLIDLY DEFINED THOSE DEFICIENCIES AS EACH BEING A SIGNIFICANT IMPACT – that makes the project unsafe and a public risk.</p> | <p>As stated in Response ORG8-32, the Draft EIR identifies a significant impact related to law enforcement services at both the project and cumulative levels.</p> <p>As described in Response ORG8-30, CEQA guidelines and applicable case law demonstrate that the analysis of public service impacts concerns only the environmental effects associated with the provision of new or altered physical public service facilities. Mitigation Measure PS-3 provides continuous on-site security as a way to alleviate demands for the County Sheriff services.</p> <p>Impacts related to emergency medical service (EMS) provision are included as part of the analysis of impacts to fire protection services. Please see Responses ORG8-30 and ORG8-31 regarding the commenter’s concerns regarding fire services.</p> |
| ORG8-35 | <p>WILDFIRE THREAT IS SIGNIFICANT - MORE THAN DESCRIBED</p> <p>Similar to the proposed development project that is located across the highway from the project site, the Terra Vi Lodge property does not currently have even a single residence on the property. It was nevertheless classified back in 2007 as being a Very High Fire Hazard Severity Zone by CAL FIRE, as identified in the DEIR. That designation was made by the State prior to the 2013 Rim Fire burning across the site with varying degrees of fire intensity. Based upon fuel loading, slope, fire weather, and</p> | <p>The opinion of the commenter is noted. Please refer to Master Response 5, Wildfire, in the Final EIR for a thorough discussion of the project’s proposed features to reduce wildfire hazards and a discussion of cumulative impacts associated with fire protection services. The commenter misstates wildfire significance criteria 2 and 4 on page 4.17-20 of the Draft EIR, which state:</p> |

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| | <p>other relevant factors, this site was ranked in 2007 as very high fire risk. That was proven to be accurate as the Rim Fire proved.</p> <p>Now, for commercial lodging purposes, the Terra Vi Lodge project applicants desire to place up to 576 people at one time on this high-fire-risk site during the busy tourist season, which extends throughout the summer/fall fire season. Those 550+ people in combination with the possibly 250 or more additional people who could be present on the Yosemite Under Canvas project site directly across the highway could result in an overall total of perhaps 800 people -- guests, workers, market customers, or visitors -- present on the two Very High Fire Hazard risk properties during the height of the summer/fall fire season.</p> <p>As these comments have already addressed in relationship to inadequate public services, there are multiple reasons why the danger of placing customers on the Terra Vi Lodge and Under Canvas sites is made even worse by the site's remote location from emergency services - far from the nearest county fire station, from a CAL FIRE station, and even from a staffed Forest Service engine crew (since the Buck Meadows engine crew is often unavailable and is frequently not staffed except for daytime hours).</p> <p>The DEIR fails to discuss that the wildfire risk is a public concern that has been raised to the highest level by a wide range of community interests, including in comments from the Rush Creek Lodge, CSERC, area property owners, Audubon, the Sierra Club, and the Groveland Community Service District. Many concerned citizens have raised concerns in previously submitted comments about the adequacy and availability of fire and other emergency services for this project site and the Yosemite Under Canvas project site across the street. Once again, those concerns about the adequacy of fire and other emergency service responses are inadequately analyzed in the DEIR and are a glaring defect of the DEIR.</p> <p>The DEIR spells out on page 4.17-20 that a project would have a significant impact if it would expose project occupants to the uncontrolled spread of a wildfire or expose people or structures to significant risks. That is straightforward and fully accurate criteria for significance for this high hazard project site. That criteria is reflective of a reasonable approach to assessing fire risk under CEQA.</p> <p>Yet instead of the DEIR authors acknowledging that the truthful reality is that the Terra Vi Lodge project and the Yosemite Under Canvas project both separately and cumulatively WOULD INDEED create a significant impact by exposing project occupants to the risk of an uncontrolled spread of wildfire, the DEIR consultants instead dismiss any significant risk on the grounds that the property would have various treatments done to reduce hazardous fuel -- as if fuel reduction treatments magically make fire risk disappear for a forest site to disappear. The DEIR asserts that project landscaping will be fire resistant, which is completely at odds with the claim that planted trees with dense foliage will screen the view of the project site from passing vehicles.</p> | <p>2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</p> <p>4. Expose people or structures to significant risks due to downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes</p> <p>The subsequent analysis is consistent with the intent of the thresholds by providing an evaluation of the physical characteristics of the site and the proposed project features intended to reduce wildfire risk on the project site.</p> <p>In addition, Mitigation Measure WF-2 would require a Vegetation Management Plan to ensure the use of fire-resistant landscaping. Please see Response ORG-18 which provides an updated description of the Yosemite Under Canvas project's heating fuel source.</p> |

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| | <p>Even if fuel reduction treatments are implemented to reduce natural vegetation surface and ladder fuels, the Terra Vi Lodge project and the Yosemite Under Canvas project across the street would still be adding flammable fuel – including all of the structures and all of the vehicles proposed to be on the Terra Vi Lodge project site along with the various structural fuels on the Under Canvas property site -- 99 fabric tents and wooden tent support structures, 99 wood heating stoves and stacks of firewood, 3 community campfire rings, a large portable kitchen facility (with gas burning appliances and combustible materials), a portable administrative facility, and more than 100 cars or other vehicles. Mitigation measures to make the additional fuel (added as a result of the project) only create minimal additional risk does not take away the original baseline risk that comes from the two adjacent project sites cumulative creating significant risk by being forested with flammable groundcovers and ladder fuels.</p> <p>It has already been proven by the Rim Fire that this project site can burn intensely. And whether or not various fuel reduction and dead tree removal actions are taken, due to the forest cover the site will still be rated as being located within a Very High Fire Hazard Severity Zone within a State Responsibility Area.</p> | |
| ORG8-36 | <p>CSERC emphasizes that occupants of this site will consistently be placed at risk due to wildfire threats – especially during late afternoon periods or early evening periods in the heat of summer – when the site will be filled with guests, staff, over 200 vehicles, and all the new visitor-serving facilities.</p> <p>During a wildfire threat, <u>at best</u> a fire crew from the Groveland area will be available to respond instead of that crew already being committed to a response call elsewhere). Even then, it will take that fire engine crew 25 minutes or more to reach the project site. Upon arrival, if a spreading wildfire is threatening the site, that fire engine crew will need to decide whether to protect Terra Vi Lodge or the Yosemite Under Canvas facilities, or the newly rebuilt Berkeley-Tuolumne Camp just down the hill, or the Thousand Trails-Yosemite Lakes RV resort project with up to 150 new campsites. In a wind-whipped wildfire, a single fire engine will literally be meaningless when it comes to protecting hundreds of people on any site, let alone needing to protect four sites that are within a high-risk State Responsibility Area. It is also highly conceivable that the closest U.S. Forest Service, National Park Service, and CAL FIRE/County fire engines will all be assigned to initial attack fire suppression actions at the head of any expanding wildfire or that those engine crews will be already committed to structure protection near the wildfire’s ignition site. That realistic scenario leaves no engine or only one engine to protect the Terra Vi Lodge site and three other lodging facilities that would also be facing the wildfire threat.</p> <p>Accordingly, due to the flammability of the project site and the slow response time for any fire protection crew to arrive, IT IS INARGUABLE THAT THE PROJECT, IF APPROVED, WOULD EXPOSE PROJECT OCCUPANTS TO THE RISK OF THE UNCONTROLLED SPREAD OF A WILDFIRE. For years CSERC’s Executive Director worked as a Forest Service firefighter and taught wildland fire behavior to Hot Shot fire crews and to other firefighters.</p> | <p>The opinion of the commentor is noted. Please see Master Response 4, Emergency Evacuation, on page 5-9 and Master Response 5, Wildfire, on page 5-16 of the Final EIR, respectively, for more information regarding wildfire risk.</p> |

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| | <p>There is nothing that minimally-trained Terra Vi Lodge and Yosemite Under Canvas employees with very limited fire suppression equipment could do to effectively suppress a major wildfire or to provide safe refuge on the project site for project occupants if a wind-whipped conflagration blew flames across the property.</p> <p>Simply getting people packed and effectively evacuating from the site in the midst of a potential firestorm situation is likely beyond the capacity of a small staff who would be dealing with panicked clients – many who will never have been in a wildfire risk situation previously.</p> <p>THE PROJECT WILL CLEARLY EXPOSE PROJECT OCCUPANTS TO THE POTENTIAL RISK OF THE UNCONTROLLED SPREAD OF A WILDFIRE. THAT IS A SIGNIFICANT IMPACT OF SUCH IMPORTANCE THAT TUOLUMNE COUNTY PLANNING COMMISSIONERS AND COUNTY SUPERVISORS CANNOT IGNORE WITHOUT BEING RESPONSIBLE FOR FUTURE OUTCOMES.</p> <p>THE COUNTY OFFICIALS WHO ALLOWED RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECTS TO BE APPROVED AND IMPLEMENTED IN WHAT BECAME KNOWN AS THE DEADLY “CAMP FIRE” AREA HOLD CLEAR RESPONSIBILITY FOR THEIR CULPABILITY IN CONTRIBUTING TOWARD THE DEATHS OF 80+ PEOPLE UNDER HORRIFIC CONDITIONS. IT SHOULD BE UNACCEPTABLE FOR TUOLUMNE COUNTY OFFICIALS TO SHRUG OFF THE WILDFIRE RISK AT THIS ALREADY BURNED SITE AND TO CONSIDER GIVING APPROVAL TO A PROJECT (TWO PROJECTS) THAT WOULD RESULT IN HUNDREDS OF PEOPLE BEING ONSITE EACH DAY DURING FIRE SEASON, EVEN THOUGH THERE IS NO CAPACITY FOR FIRE PROTECTION CREWS TO PROVIDE TIMELY RESPONSE TO PROTECT THEM.</p> | |
| ORG8-37 | <p>To further add to the key comments on Wildfire Risk stated above, CSERC notes that despite good intentions that are featured in the DEIR, in reality there is no feasible way that the project managers can effectively ensure that those with smoking habits would only smoke in a designated smoking area. Smokers will vary in terms of their compliance, and over a long fire season, many will not abide by requirements that are not convenient. Furthermore, the project add unusually flammable fuels such as major propane tanks and propane lines on site. In addition, here apparently would be “fire pits located in public areas and operated and maintained by hotel staff only.” (page 4.9-19)</p> | <p>The opinion of the commentor is noted. Please refer to Master Response 5, Wildfire, on page 5-16 of the Final EIR for more information regarding potential risk of wildfire.</p> |
| ORG8-38 | <p>For all of these additional fire hazards or risks created by the project, the DEIR claims there would be Less Than Significant risk, when in fact the project would both independently and cumulatively be creating a Significant risk for Wildfire by exposing people to a significant risk of loss, injury, or death involving wildland fire through inviting them to a high hazard wildfire site in the midst of a broad expanse of forest and surface fuel.</p> <p>THE ISSUE IS NOT WHETHER THE PROJECT WOULD TAKE STEPS TO REDUCE RISK OF WILDFIRE. THE LEGAL QUESTION IS WHETHER, DESPITE MITIGATION MEASURES, WILL THERE STILL BE FLAMMABLE VEGETATION, VEHICLES, STRUCTURES, FUELS, AND OTHER FLAMMABLE MATERIALS ON THE PROJECT</p> | <p>The opinion of the commentor is noted. Please refer to Master Response 5, Wildfire, on page 5-16 of the Final EIR for more information regarding potential risk of wildfire.</p> |

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| | <p>SITE AND THE ADJACENT “UNDER CANVAS” PROJECT SITE – CUMULATIVELY CREATING A SIGNIFICANT RISK FOR UP TO 800 PEOPLE TO BE EXPOSED TO HIGH FIRE RISK?</p> <p>The DEIR is often flawed – with misinformation and biased judgments that falsely assume that having some trained staff equipped with fire protective equipment or that planting “fire-resistant landscaping plants” will somehow help protect the project site from a wind-whipped wildfire. During major wildfires, CSERC staff has observed water-filled ice-plant vegetation burn intensely and tires on parked vehicles catch on fire in wind-blown conflagrations, even though those fuels normally cannot be lit with a flame that is held directly against them for an extended period.</p> <p>This commercial lodging development project is proposed on an extremely risky site surrounded by many square miles of highly flammable vegetation in a location far from the responsible fire response agency’s closest engine. Because the project would result in so many people being at risk for wildfire, the impact of the project is SIGNIFICANT.</p> <p>To resolve the conflicts with public risk and the goals and objectives of the Project, it is imperative to select a different location that can achieve a safer, more positive outcome.</p> | |
| ORG8-39 | <p>ALTERNATIVES TO THE PROPOSED PROJECT</p> <p>HOLCOMB PROPERTY IS AN ALTERNATIVE LOCATION WITH FAR LESS IMPACTS</p> <p>In 2010 Tuolumne County approved the Holcomb Project on agricultural land that lies south of Highway 120 west of the USFS Buck Meadow Station and east of the intersection of Smith Station Road. The site was approved as a large agritourism-based recreational commercial project. Approval currently allows for a specific project that included a major conference center, a 40-room lodge, guest cabins, a store/market, a theater, a swimming pool, and various other visitor serving amenities.</p> <p>The Holcomb Project site is currently almost completely undeveloped with a single barn/residential use facility and a corral. However, in contrast to the less than scenic or only marginally desirable Big Oak Flat “scar” site which certainly provides one alternative site for consideration, the Holcomb property features large old beautiful oaks, mature conifers, scenic meadows, impressive views, and a flat terrain that is easily developable for the Terra Vi Lodge project.</p> <p>Compared to the current proposed Terra Vi Lodge project site, the Holcomb Project site is many miles closer to emergency services, law enforcement, and fire response agencies. Due to it being at a low point in surrounding hills and vegetation (instead of being on a ridge setting at the current proposed Terra Vi Lodge site), there is a far higher likelihood of a shorter well distance to groundwater. Perhaps most important, due to the open nature of the surrounding lands, while there is absolutely still a level of wildfire risk at this Holcomb property site, the openness of meadows west and north of the property and to some degree to the east of the property would result in far lower wildfire risk for</p> | <p>The Holcomb property, which is in Tuolumne County, is an approved project with an activated entitlement process currently underway, so it would not be considered a feasible site for evaluation.</p> |

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| | <p>people who occupied the site as guests or staff. AND PERHAPS MOST VITAL, IT IS ALREADY APPROVED FOR USE AS A COMMERCIAL LODGING EVENTS PROJECT SITE.</p> <p>For all of the reasons listed above and additional reasons, CSERC strongly recommends that the FEIR move past the applicant’s and the County’s resistance to considering Alternatives to the Project site. CSERC urges the consultants and the project applicant to consider the many benefits and the reduced impacts that would come from shifting from the current proposed project site to the Holcomb property - which is vacant and apparently available.</p> <p>The DEIR suggests that because that site near Buck Meadows is in another county that it does not need to be carefully analyzed for comparison of environmental impacts. CSERC asserts that the argument is specious and that any reasonable alternative site with fewer environmental impacts cannot be ignored just because the site is outside of the jurisdiction of the decision-making agency. The Holcomb site should be fully considered.</p> | |
| ORG8-40 | <p>ASSESSING OTHER REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT</p> <p>For purposes of meeting CEQA requirements, the DEIR consideration of alternatives to the proposed project is defective because so many Significant impacts are not appropriately defined under the Issue categories – and thus the reasons to consider an alternative that would lessen impacts are either ignored or minimized. For instance, by repeatedly dismissing any Significant impact for an obvious impact such as Forest Conversion, the DEIR fails to accurately compare the impacts of the project at the current proposed project site with a site where no Forest Conversion would occur. Similar inaccuracies in terms of comparing alternatives to the project occur for the other issue areas where these comments have shown strong evidence of a Significant impact despite the DEIR authors</p> | <p>The opinion of the commenter is noted. Please see Responses ORG8-15 through ORG8-17, Responses ORG8-19 through ORG8-28, and Responses ORG8-30 through ORG8-38 in this Errata.</p> |
| ORG8-41 | <p>ALTERNATE LOCATION ALTERNATIVE DISCUSSION IS MISLEADING</p> <p>CSERC notes that the DEIR authors have given consideration to “the Scar” property which is vacant, and which has many benefits and reductions for potential project effects if the project was located at that site rather than the currently proposed site. CSERC agrees with the DEIR that the Scar project site is not within the desired 10-mile distance from Yosemite and that there are other visual and locational factors that could make it less marketable for the objectives outlined by the project applicant in the DEIR. However, the DEIR fails to acknowledge that there are other factors such as higher connectivity to the Big Oak Flat and Groveland area communities, closer proximity to a work force, and other assets that could potentially compensate.</p> <p>In terms of responding to the DEIR, CSERC re-emphasizes the failure of the consultants for the DEIR to provide a balanced, neutral, unbiased analysis. When comparing the project to alternate locations, the DEIR authors’ failure to be unbiased is replete throughout the discussions of the ALTERNATE LOCATION ALTERNATIVE and the REDUCED FOOTPRINT ALTERNATIVE sections. For example, because</p> | <p>The attributes of the alternative site referenced in the comment (higher connectivity to Big Oak Flat and Groveland are not factors considered in the EIR, other than emergency service response times which are addressed in the Public Services and Recreation discussion of the off-site alternative. Please see Master Response 7, Alternate Location Alternative, and Responses ORG8-19 through ORG8-28 in this Errata for information regarding the adequacy of the on-site water supply.</p> |

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| | the Scar site provides connectivity to both public water and public sewer, the unproven sustainability of the wells on the proposed project site would be avoided, yet that is not even mentioned. | |
| ORG8-42 | As another example, for wildfire risk and access to fire response services, the fact that a fire engine could arrive at within 3-5 minutes compared to 22+ minutes (or realistically, far longer) at the proposed project site is mentioned, but not fairly described as a major benefit. Instead, the fact that a marginally feasible emergency helicopter pad is proposed at the current proposed site is described as positive for the current site and negative because the Scar site wouldn't have such a helipad. In reality, few fire agencies would EVER consider landing a helicopter on the current proposed project site due to the danger to the copter crew posed by tall trees that will still be left growing on the site along with all the trees on adjacent sites. But if a helipad might have meaningful value, a helipad could be created at the Scar site. | Please see Response ORG8-30 in this Errata. Mitigation Measure HAZ-5 addresses the safety considerations of the proposed heliport through the required approvals from the Federal Aviation Administration and Tuolumne County. |
| ORG8-43 | Likewise, for emergency medical services, the DEIR discussion admits that the Scar site would be far closer to EMS and within a service district, but then the DEIR authors shift to the supposed benefit of having an emergency helipad at the current proposed site. If there are no Terra Vi Lodge or Under Canvas projects at the proposed site due to so many Significant impacts, there would be no benefit for having an emergency helipad – especially due to the unsafe locational hazards of trees. | The comment is noted. The comment does not address the adequacy of the Draft EIR. |
| ORG8-44 | Most succinctly, the Scar alternate site has many, many key reasons why impacts from a proposed project would be reduced at that location compared to the proposed project site. Yet the DEIR only minimally discusses many of those important differences. Similarly, the DEIR discussion of the REDUCED FOOTPRINT ALTERNATIVE is inadequate by failing to describe the reduced impacts of a smaller overall project. Instead, it spells out the loss of the “indoor-outdoor relationship” that cabins would provide, and it claims that the exclusion of the helipad would deprive the public benefit of that as a new “emergency resource.” Again, the authors favor the proposed project instead of reasonably listing that fewer guests would produce less wastewater, would consume less groundwater, would produce less noise, would result in lower GHG emissions, etc. | Please see Response ORG8-42. Section 6.5.3. Reduced Footprint Alternative, in the Draft EIR, notes that impacts for Air Quality, Biological Resources, Energy, Hydrology and Water Quality, Noise, Transportation and Utilities and Service Systems would all be lower than the proposed project. |
| ORG8-45 | <p>ENVIRONMENTALLY SUPERIOR ALTERNATIVE</p> <p>The DEIR accurately describes the No Project Alternative as environmentally superior followed by the Reduced Footprint Alternative.</p> | The comment is noted. The comment does not address the adequacy of the Draft EIR. |
| ORG8-46 | <p>CLOSING SUMMARY COMMENTS FROM CSERC</p> <p>In the years leading up to the approval by County supervisors of the revised Tuolumne County General Plan, the board of supervisors, planning commissioners, and supportive interests of the building and development community all stressed the goal to increase development in the County. As a result, <u>the primary objective of the recently approved County General Plan became the goal to provide for development in the County.</u></p> <p>Given that strong philosophical view -- <u>seeing new development as highly desirable – it is likely that current county decision-makers will already be leaning towards approval</u> of the project and ignoring</p> | The comment provides a summary of comments ORG8-01 through ORG8-45. The comment does not address the adequacy of the Draft EIR. |

| Comment Number # | Comment | Response |
|------------------|---|---|
| | <p>the Significant impacts that development at the proposed location would cause if the Terra Vi Lodge and Under Canvas projects are approved.</p> <p>CSERC cannot change anyone’s strongly held perspectives or opinions. What CSERC’s comments <u>may</u> hopefully do, however, is to point out facts that are so strong and clear that even pro-development advocates will find them meaningful.</p> | |
| ORG8-47 | <p>UNSAFE LOCATION</p> <p>First, this project site is an unsafe location for placing a new lodging development that is intended to have as many as 550+ guests and staff on the property. The next high-severity wildfire along the Highway 120 corridor could potentially sweep upslope from the west, north, or south and burn across this area with wind-whipped intensity. Because county decisionmakers may not have personally experienced being amidst the panic and confusion that the general public can exhibit in such unexpected, stressful situations, it may not be obvious why people make poor choices, or why a Paradise-type conflagration costs so many lives. This site is an unsafe site due to wildfire risk.</p> | <p>The comment is noted. The comment does not address the adequacy of the Draft EIR. Please see Responses ORG8-35 through ORG8-38 in this Errata for more information on alternative project locations and wildfire risk.</p> |
| ORG8-48 | <p>LACK OF ADEQUATE WATER SUPPLY IN CRITICALLY DRY OR DROUGHT PERIODS</p> <p>No matter whether the County generally accepts wells as a sole water supply for special commercial type projects, the Terra Vi Lodge project and its adjacent Under Canvas neighboring project cannot assure in any way that wells beneath the site will provide reliable water in drought periods or in a critically dry water year. Further, the inadequate testing done to date shows contamination of wells exceeds acceptable water quality thresholds. There is no assured water supply for multiple dry years or a drought situation. <u>There is no backup water supply. This is not the right site.</u></p> | <p>The comment is noted. The comment does not address the adequacy of the Draft EIR. Please see Responses ORG8-19 through ORG8-28 in this Errata for more information regarding water supply.</p> |
| ORG8-49 | <p>THE SCALE OF WASTEWATER TREATMENT NEEDED FOR TWO COMBINED ADJACENT LODGING PROJECTS POSES RISK TO GROUNDWATER RESOURCES</p> <p>Despite good intentions and assurances that an engineered septic system can be designed and constructed for both projects, in fact the black water and gray water wastewater produced by the two projects has high potential to contaminate groundwater directly beneath those leach fields or other areas of discharge. Having a total of up to 800 people per day rely solely on fancy septic systems and leach fields positioned above the project’s groundwater supply cannot provide assurance that groundwater will be protected and contamination will be totally avoided.</p> | <p>Please see Response ORG8-25 in this Errata and Master Response 2, Wastewater Treatment, for additional information regarding wastewater treatment.</p> |
| ORG8-50 | <p>COUNTY CANNOT PROVIDE TIMELY FIRE, EMS, AND LAW ENFORCEMENT SERVICES</p> <p>Good intentions are not legally sufficient. The DEIR spells out in detail the inability of fire responses to be assured for serving the project site in a timely manner. Law enforcement service capacity is even worse, and the DEIR acknowledges limited EMS capacity despite failing to assess that issue in a</p> | <p>Please see Responses ORG8-30 through ORG8-34 in this Errata for more information regarding emergency services to the project site.</p> |

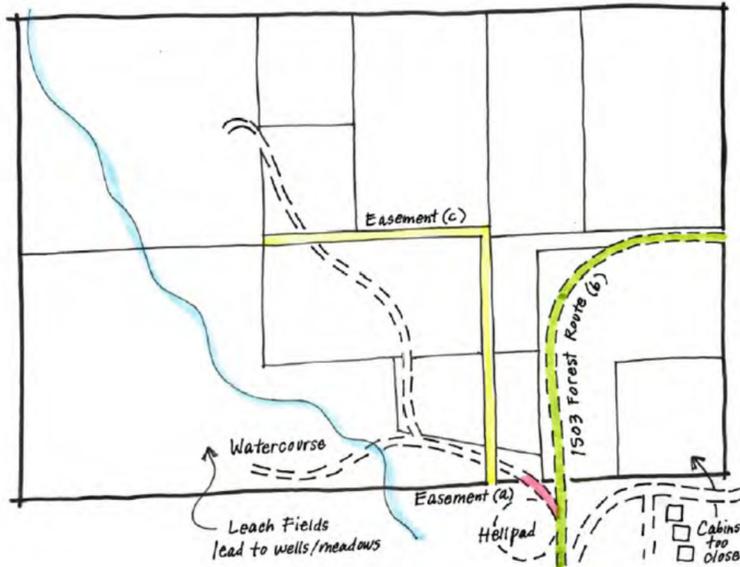
| Comment Number # | Comment | Response |
|---------------------------|---|---|
| | thorough manner. Leap-frog development far outside of a service district and many miles from county service providers results in a Significant legal defect. Critical services needed for public health and safety cannot be provided at this distant location for a variety of reasons. | |
| ORG8-51 | <p>THE PROJECT WOULD CAUSE A SIGNIFICANT IMPACT DUE TO FOREST CONVERSION</p> <p>The DEIR would fail immediately to pass a legal threshold for adequacy due to its convoluted and false rationale that there will be no Significant impact due to forest conversion. Changing use from forest management to lodging is inarguable. Again, this is a Significant effect tied to this specific project site.</p> | Please see Response ORG8-29 in this Errata for more information regarding forest conversion on the project site. |
| ORG8-52 | <p>THE PROJECT WOULD CREATE SIGNIFICANT CUMULATIVE IMPACTS FOR SCENIC VIEWS, GHG EMISSIONS, TRANSPORTATION, AND OTHER KEY ISSUES</p> <p>The points contained in these comments make clear why the project would create undesirable, Significant negative effects for a wide range of identified issues.</p> | Responses ORG8-15 through ORG8-17 above addresses comments on aesthetic resources. The Draft EIR concludes that the project would result in significant and unavoidable GHG emissions. Section 4.15.4 found no cumulative transportation impacts, and the commentor does not provide evidence of potential cumulative transportation impacts. |
| ORG8-53 | The final EIR should correct the extensive number of DEIR flaws, provide accurate analysis, and acknowledge in detail why this project site is not legally appropriate for approval of the proposed project as now designed. | Please see Responses ORG8-1 through ORG8-52. |
| PUB88 | Nancy Constantino, July 30, 2020 | |
| PUB88-01 through PUB88-25 | <i>Comments PUB88-01 through PUB88-25 were addressed as part of the Final EIR.</i> | |

Comment
Number # Comment

PUB88-26

Response

The comment is a map referenced in Comment PUB88-02. Please see Response PUB88-02 in the Final EIR.



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From: John Buckley <johnb@cserc.org>
Sent: Thursday, July 30, 2020 9:41 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>; Sherri Brennan <SBrennan@co.tuolumne.ca.us>; Ryan Campbell <RCampbell@co.tuolumne.ca.us>; Anaiah Kirk <AKirk@co.tuolumne.ca.us>
Subject: Terra Vi Lodge DEIR comments from CSERC

Quincy:

Please confirm that you have received and are able to open and read the following attached PDF comments that are submitted on behalf of our Center.

Background for these comments from CSERC

It is with considerable frustration and concern that these comments are submitted on behalf of the members and staff of the Central Sierra Environmental Resource Center.

First, the County unreasonably denied a request by CSERC and similar requests by other concerned citizens for a time extension for the submission of public comments for this massive DEIR and the associated Yosemite Under Canvas DEIR for the property directly adjacent to this site.

Because the County chose to release both the Yosemite Under Canvas DEIR and the Terra Vi Lodge DEIR with overlapping public comment deadlines, CSERC and interested members of the community have been forced to attempt to simultaneously review, analyze, and assess the two extremely lengthy and detailed EIRs – including more than 1,800 pages overall for this DEIR. Combined with the 1,200 pages of associated project materials for the Yosemite Under Canvas project, the public has needed to scrutinize over 3,000 pages of documentation. Given the additional challenges for citizens caused by the COVID-19 situation, it is especially disrespectful for the County to rush through this phase of the planning process with what appears to be disinterest by County leaders in the ability of citizens to become well informed about the proposed action in order to comment most effectively.

Second, CSERC respects that different interests can certainly hold different perspectives. However, professional analysis done for the purpose of meeting CEQA requirements should be neutral, accurate, and without highly slanted bias.

If this matter ends up in court, it is the hope of our staff that that **the many instances described in our comments that point out misinformation and totally illogical judgments made by the DEIR consultants will underscore the failure of the Terra Vi Lodge DEIR to provide accurate information and unbiased conclusions -- as is legally required by CEQA.**

Finally, CSERC respectfully requests that in addition to our formal comments, that all previous CSERC input, including pre-scoping written input submitted to Tuolumne County relative to the Terra Vi Lodge project, all be made a part of the legal record for this planning process.

ORG8-01

ORG8-02

ORG8-03

John Buckley, Executive Director
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July 30, 2020

From John Buckley, executive director
Central Sierra Environmental Resource Center
P.O. Box 396
Twain Harte, CA 95383

Quincy Yaley, Community Development Director
Tuolumne County Community Development Department
2 S. Green Street
Sonora, CA. 95370

RE: Comments for Terra Vi Lodge Yosemite DEIR

To Quincy Yaley, the Tuolumne County Board of Supervisors, and Planning Commissioners:

Executive Summary of Key Comments

1) THE DEIR FAILS TO MEET STATE REQUIREMENTS FOR ACCURACY AND ADEQUACY -- The DEIR is filled with contradictions, misinformation, and inaccurate claims. As the comments below will spell out, the DEIR inarguably fails to comply with clear state requirements.

ORG8-04

2) RESPONSIBLE AGENCIES LACK ADEQUATE CAPACITY TO PROVIDE ESSENTIAL PUBLIC SERVICES -- The DEIR acknowledges in detail that the proposed project cannot be effectively served for fire response, law enforcement response, and emergency medical services. The minor mitigation measures proposed by the DEIR to compensate for the lack of public service capability cannot possibly reduce the level of significance for this public safety impact.

ORG8-05

3) WILDFIRE RISK IS HIGHLY SIGNIFICANT -- The project both independently and in combination with other proposed projects will put hundreds of people at significant risk due to the potential for a deadly wildfire burning across the project site that already burned severely just 7 years ago.

ORG8-06

4) THE PROJECT'S SOLE SOURCE OF WATER SUPPLY IS BOTH CONTAMINATED AND UNPROVEN -- The DEIR spells out that the limited 10-day well testing showed levels of contamination that exceed thresholds. One 10-day testing of wells in a normal water year cannot provide any evidence of a long-term, reliable, adequate water supply during future drought periods or critically dry water years.

ORG8-07

5) HIGH AMOUNTS OF WASTEWATER POSE RISK TO GROUNDWATER – The cumulative impact of this project combined with the Yosemite Under Canvas project across the street will discharge tens of millions of gallons of black water and gray water (wastewater) onto sites where wells will provide the projects’ water supply. Risk of contaminating subsurface water in fractured rock is significant.

ORG8-08

6) IMPACTS TO AESTHETICS AND SCENIC VALUES WILL BE SIGNIFICANT – In contradiction to the proposed solution to scenic impacts (which is to plant dense landscaping of trees to block the view of the facilities), fire risk measures will prevent that proposed dense planting of the screening trees. Thus, the impact will be significant.

ORG8-09

7) THE CONVERSION OF USE FROM COMMERCIAL FOREST MANAGEMENT IS SIGNIFICANT – The project must obtain a Timberland Conversion Permit. The site is being converted from forest management to a commercial lodging use. This is a Significant Impact that is falsely dismissed with no legitimate rationale by the DEIR authors.

ORG8-10

8) THE CREST OF THE HILL AT THE PROJECT LOCATION RESULTS IN TRANSPORTATION SAFETY RISK – Viewing distance constraints and motorists hurrying toward Yosemite or back from Yosemite pose risk not just for vehicles turning in or out of the project site, but the cumulative effects of the project combined with the project across the street intensifies the risk. Pedestrians crossing the busy highway to access the Terra Vi Lodge market from the Yosemite Under Canvas project will also add additional safety risk.

ORG8-11

DUE TO THE SITE’S HIGH FIRE RISK AND THE SIGNIFICANT LACK OF PUBLIC WATER, PUBLIC SEWER, AND TIMELY PUBLIC SERVICES, AS WELL AS THE SIGNIFICANT IMPACT OF FOREST CONVERSION, THE POTENTIAL FOR SO MANY SIGNIFICANT IMPACTS THUS LEADS TO THE NEED TO FIND A MORE SUITABLE SITE AT AN ALTERNATIVE LOCATION.

ORG8-12

AREAS OF CONCERN THAT ARE DESCRIBED INITIALLY IN THE DEIR

The DEIR starts with a bullet list of 22 issues that are supposedly inclusive of the critical comments of concern that were raised during the scoping process. How an issue is worded can directly determine how the response to that issue can be formulated by the DEIR consultants. In many instances throughout the DEIR, CSERC asserts that the consultants have strategically slanted the wording of an environmental issue (that was raised in comments) or of a definition of what qualifies as a Significant Impact. And by doing so, the DEIR response or analysis to that slanted question or description of the issue ends up skewing what was originally raised as the concern for the key issue.

ORG8-13

As our Center shared in our comments for the adjacent Under Canvas project DEIR, **the State has made clear in the CEQA Guidelines that the sample Checklist in Appendix G of the CEQA Guidelines contains questions that “...are (1) broadly worded, (2) highlight environmental issues *commonly* associated with *most* types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process.”** The Environmental Checklist is described as only being provided as a sample form that can be tailored to address local conditions and project characteristics.

Thus, the consultant authors of the DEIR cannot narrowly focus the CEQA analysis for purposes of legal significance on simply whether the project will trigger a level of significance for a Checklist question that fails to address the true potential environmental impacts of this specific project on this specific site. CSERC will re-emphasize this point in our comments below.

ORG8-13
cont.

Adding to that concern is the matter of key issues being overlooked or dismissed inappropriately. The DEIR list of Areas of Concern, for example, does not even mention the issue of **forest conversion from commercial forest management to a recreational lodging operation**. Neither does the list of Areas of Concern identify the frequently raised issue of the **inadequate capacity of available county services to be able to provide essential services to this leapfrog development location**.

DEIR SUMMARY OF IMPACTS AND MITIGATION MEASURES

As summarized in Section 1.6, **the DEIR asserts that all impacts would be reduced to a less-than-significant level if mitigation is adopted except for impacts GHG-2.2, GHG 1.2, and NOI-3.1**. That that incorrect judgment is a clear example of the bias and inaccuracy of the DEIR.

In reality, with these comments our Center will show that even if the recommended mitigation measures are adopted, **the project will still independently or cumulatively cause potential Significant Impacts for:**

- Aesthetics,
- Air Quality,
- Hydrology and water quality,
- Forestry Resources,
- GHG Emissions,
- Public Safety,
- Land Use and Planning,
- Public Services,
- Transportation,
- Utilities and Service Systems,
- Noise, and
- Wildfire.

ORG8-14

It would be hard for a court to find another project with a wider range of potential Significant Impacts for which the DEIR consultants so inaccurately dismiss the vast majority of impacts as being Less Than Significant.

AESTHETICS

AE-3: The project would change and degrade the existing visual character or quality of public views of the site and its surroundings.

AE-5: The proposed project would contribute to significant cumulative aesthetics impacts.

Both of the above Impacts should be shown as “Significant” rather than dismissed as LTS.

For **AE-3**, the project would dramatically change and degrade the existing visual character or quality of public views of the site and its surroundings from a natural forest site (with no currently visible structure, lighting, onsite road system, parking areas, or signage, etc.) to a commercially developed site with all of those visible effects.

The DEIR purports that within 10 years after the project gains approval, fast-growing planted trees will be tall enough and dense enough to screen from view the development for those driving along the highway. That claim is wildly inaccurate.

Even if fast-growing ponderosa pines or incense cedars are planted and watered, it is highly debatable that in 10 years they will actually have grown sufficiently to screen the project from the view of those driving on the adjacent highway. Further, an EIR cannot pre-judge that mitigation that may eventually result in screening for the project at some point in the future can be assured, since planted trees can die from insects, a roadside fire ignition, or other causes. Even if all the projected tree growth occurs, up to the time (12-15 years) that the planted trees may actually take to reach a height sufficient to generally screen the development from motorists’ views, **there will still have been more than a decade of a Significant visual impact.**

ORG8-15

PIVOTAL POINT OF MISINFORMATION AND BIAS IN THE DEIR FOR AESTHETICS

The DEIR painstakingly provides four viewing sites (as examples) and presents artist-altered photos of the existing views to purportedly show that fast-growing conifers will fully block the view of the lodge, cabins, parking areas, water tank, etc. at 10 years. Such artistic renderings are highly subjective and debatable. Over many years of actual project implementation in the County observed by CSERC staff of planted landscaping at projects, the actual effectiveness and growth of screening is almost always far less than what is envisioned by project applicants to be achieved in a decade of growth.

What is especially misleading is for the DEIR authors to have buried in the text on page 4.1-26 the information that in fact Mitigation Measure WF-2 will prohibit the individual trees (that will make up the screening landscaping) to be installed in such close proximity as depicted in the artistically altered photos in the DEIR due to the fire safety need to keep adequate spacing between bushes and trees so as to reduce the spread of wildfire burning vegetative fuel on the project site.

PUT MOST SIMPLY, FIRE SAFETY REQUIREMENTS WILL CONFLICT WITH THE ABILITY OF LANDSCAPING TO EFFECTIVELY SCREEN THE TERRA VI LODGE FACILITIES, PARKING AREAS, the WATER TANK, EMPLOYEE HOUSING, AND OTHER STRUCTURES FROM THE VIEW OF MORE THAN A MILLION PEOPLE A YEAR DRIVING BY ON THE HIGHWAY.

Yet, on pages 4.1-26-27 the DEIR authors claim that despite the plantings needing to be planted further back from the highway and despite the plantings needing to be more widely spaced than originally envisioned, the plantings “would still fill the visual space and screen the proposed project from Highway 120 and Sawmill Mountain Road.” Thus, the DEIR authors assert that there would not be impacts to aesthetics or visual resources.

Even after acknowledging that fire risk requirements will prevent the screening trees from being planted in close proximity, the DEIR consultants still exaggerate the benefits of planted trees for screening purposes on page 4.1-28. They assert that Figures 4.1-8c and 4.1-9c accurately depict that “the proposed project will be almost entirely concealed from Highway 120, except for a view of the resort sign located off of Sawmill Mountain Road.

That claim by the DEIR authors is simply not true and is contradicted by their own admission as to the need to have plantings more widely spaced for wildfire mitigation purposes.

CAL FIRE fuel reduction standards and fuel spacing requirements within 100 feet of structures (especially structures that will have up to 570 or more people at one time) will absolutely not allow closely packed-together tree plantings that would visually screen the project facilities from the view of travelers on Highway 120. Scattered screening may reduce to some degree how much of the project is visible at any one spot along the project boundary, but the overall project will certainly be highly visible from Highway 120.

The very fact that the public will be seeing a developed commercial lodge operation rather than undeveloped natural forest inarguably degrades the character of the scenic forest views that visitors to Yosemite Park and the national forest are used to experiencing along this highway corridor.

AE-3 should be identified as a Significant Impact because the project would change and degrade the existing visual character or quality of public views of the site and its surroundings.

For AE-5, the proposed project in combination with the Yosemite Under Canvas project across the road will result in new development now being visible on both sides of the highway for an extended area along the road. This inarguably results in a degradation of the natural character at a level of cumulative effects that cannot simply be dismissed as not even needing mitigation.

Both development sites will have signs, new road work, parking areas, visible parking areas with cars and RVs, the fancy glamping tents on the Yosemite Under Canvas property, and the lodge, market, cabins, and employee housing on the Terra Vi Lodge property. A court should find that if the Project is implemented there will inarguably be a Significant degree of change and degradation of the scenic view from the natural forest setting currently visible on both sites.

AGAIN, SHOULD A COURT CONSIDER THE FACTUAL ADEQUACY OF THIS DEIR, THIS AESTHETICS SECTION IS BUT ONE OF MANY CRITICAL ISSUE AREAS WHERE THE DEIR AUTHORS BLATANTLY DEFY LOGIC IN ORDER TO AVOID ACKNOWLEDGING THE SIGNIFICANT IMPACT OF THE PROJECT.

ORG8-15
cont.

ORG8-16

On page 4.1-31, the authors falsely claim that the Terra Vi Lodge project will be screened from public view because the tree line on the property “will block views from surrounding roadways, residences, and scenic vistas.” That is nonsense. Elsewhere in the DEIR the authors admit that most of the trees that survived the Rim Fire on the Terra Vi Lodge site have no lower branches to screen views (which is clearly portrayed in the photos of the four scenic view points). Similarly, the conifers that survived directly across the street on the Yosemite Under Canvas site also suffered the same scorching and the killing back of lower branch foliage. Thus, except for the trunks of the trees, there is almost no visual screening at all that will somehow block views on either the Under Canvas or the Terra Vi Lodge project sites. A large percentage of the Under Canvas project’s 99 tented campsites as well as the new kitchen facility, administrative facility, and parking areas would all be highly visible. Our staff visited both project sites again on July 21 and took photos that prove that views from the highway inarguably allow those in passing vehicles to see clearly the areas on both properties where the tent cabins and the Terra Vi Lodge facilities will be constructed. Yet the DEIR authors claim that the “...proposed project would not, in combination with this cumulative project, change the visual character of the site vicinity, impact scenic vistas... or create a cumulatively significant impact to light and glare.”

ORG8-16
cont.

That claim by the DEIR authors once again is a completely false judgment that is contrary to fact.

AE-5 should be identified as a Significant Impact.

The cumulative effects of the two projects combined must be fully and correctly analyzed by the FEIR. As now presented, the DEIR fails to carefully consider the scenic viewshed impacts of the two combined projects for whether they would substantially degrade the existing natural visual character of public views of the site and its surroundings. The daytime visual scenic impacts of the two projects will cumulatively exceed the criteria for creating a significant visual impact.

In addition, there is currently zero visible nighttime lighting on the two sites except for a very minor transportation building light that is barely visible. But if both projects are approved their construction and operation will result in a highly significant change – with both sites having lighting that will be in stark contrast to pre-project conditions. For the Under Canvas project, there will be all the lights associated with the kitchen facility, administrative facility, each of the 99 tent structures, as well as lights for the parking area. For the Terra Vi Lodge project, there will be even greater levels of lighting due to the higher number of buildings, occupied guest rooms, the market, the bar, the restaurant, the parking areas, etc. The combined cumulative impact of nighttime lighting from the two projects will be markedly significant compared to the current lack of lighting. Even if the installed lights meet county General Plan standards and are pointed downward, those mitigation measure requirements will primarily reduce a project’s upward facing lighting impacts on nighttime raptors and other wildlife, rather than reducing scenic lighting impacts for those traveling past the site in motor vehicles.

ORG8-17

Millions of travelers pass each year on the highway directly between the two adjacent development projects. They will be directly affected – both in the daytime and in darkness – if the two projects gain approval and are allowed to become operational.

Implementation of the project would certainly create a new source of substantial light or glare which would adversely affect nighttime views in the area. The project will result in a Significant Impact for Aesthetics.

AIR QUALITY

AQ-3: The project would expose sensitive receptors to substantial pollutant concentrations.

AQ-4: The project could result in other emissions adversely affecting a substantial number of people.

AQ-5: The project would result in combination with past, present, and reasonably foreseeable projects, result in significant impacts regarding air quality.

As described above in the Summary of Impacts, the Terra Vi Lodge DEIR authors assert that the project would not expose a substantial number of people to pollutant concentrations nor result in other impacts regarding air quality. **In reality, the claims for AQ-3, AQ-4, and AQ-5 are incorrect. They should all be shown as resulting in a Significant impact.**

State and federal air quality studies underscore the risk to lungs and public health that can be caused by particulates less than 10 microns in diameter. As identified in the Yosemite Under Canvas DEIR and as identified in various scoping comments for this Terra Vi Lodge project, there is high potential for dense smoke to be generated routinely on the adjacent Yosemite Under Canvas project site on cool evenings or mornings when 99 wood heating stoves are all burning firewood. Yet the Terra Vi Lodge DEIR fails to sufficiently describe and address this important air quality and public health issue that would be directly threaten air quality not just for the clients of the Under Canvas project, but for the hundreds of staff and visitors of the Terra Vi Lodge project as well.

On the Yosemite Under Canvas site across the street, that project openly features the plan to allow 99 wood-burning stoves in addition to the 3 community campfire burn sites on the property. Those particulate-producing source of emissions will be in addition to the Terra Vi Lodge Project's new creation of air quality emissions due to vehicles idling, kitchen functions that will include propane gas burning, and various other sources of cumulative air quality emissions on the two sites. The likely concentrated production of wood smoke from so many sources on the Yosemite Under Canvas project site along with the various air quality emissions from hundreds of vehicles and the operations of the restaurant, bar, lodge, cabins, and employee housing – will all cumulatively result in a Significant amount of substantial pollutant concentration of particulate matter and other emissions that would expose all the occupants of the Terra Vi Lodge facility as well as the occupants of the Yosemite Under Canvas project site.

The total number of people (570+ people) potentially present on the project site and (250+ people) at the Yosemite Under Canvas project site across the street, along with neighbors on parcels north of the Terra Vi Lodge property, all will potentially suffer from inhaling fine particulate matter from the smoke generated by the Under Canvas project's community campfires and the "up to 99" woodstoves all burning at the same time.

A project could have a significant impact on air quality if it would result in emissions adversely affecting a substantial number of people. Given that up to 800 people may be present on the two project sites on any cool evening or morning when up to 99 woodstoves and 3 community campfires are all burning, the resulting production of PM₁₀ particulate matter has very high potential to cause significant adverse health effects. That is the opposite of the conclusion by DEIR authors, who incorrectly skew the discussion to dismiss air quality impacts.

ORG8-18

The FEIR should correct the failure of the DEIR to identify the 99 woodstoves combined with community fire pits on the Yosemite Under Canvas project site as a source of particulate-laden smoke and air quality emissions that collectively pose health risk for up to 800 people at one time on the two project sites. It is incorrect for the DEIR to dismiss air quality emissions of PM₁₀ particulate matter just because there is not a concentration of narrowly defined “sensitive receptors” close to the project site. Instead, there are up to 800 people on or adjacent to the project site who will be the receptors of the smoke, and any number of them could have asthma, lung disease, be elderly, etc.

ORG8-18
cont.

Air quality emissions and PM₁₀ particulate matter for the two adjacent projects combine to be an issue of high concern for this project.

HYDROLOGY AND WATER QUALITY

HYD-2: The proposed project would substantially decrease groundwater supplies...

HYD-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in Significant impacts with respect to hydrology and water quality.

In the DEIR, the consultants inaccurate claim for HYD-2 and HYD-6 that neither would result in a Significant impact. The two claims are incorrect and need to be revised in the FEIR.

The project does pose potential to substantially decrease water supplies that are valuable and essential to project neighbors who have solely groundwater for their source of water. The project combined with the Yosemite Under Canvas project has high potential to result in a Significant impact with respect to cumulative effects for hydrology and water quality – for multiple reasons described in this section of our comments and our comments related to wastewater.

Tuolumne County’s General Plan allows for special commercial type developments to be designed and located on parcels that are not served by public water or public sewer. But such a use is allowed only where a planned project can provide sufficient water supply to fully meet project needs during drought periods and only where appropriate wastewater treatment for the project can be achieved – including during wet periods when snowmelt of rainfall have saturated a site’s soils.

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In this case, the County and the authors of the EIR cannot assure that either of those water supply and wastewater treatment requirements can be met for this site – which has no public water or public wastewater treatment options available.

Throughout the public scoping and meetings or discussion with planning staff prior to the preparation of the DEIR, concerned members of the public repeatedly raised the issue that limited testing of wells on the project site during a normal water year that followed an exceptionally wet water year would NOT represent subsurface groundwater conditions during either a single dry water year or multiple years of drought. Tuolumne County supervisors and other county staff coordinated with state agencies and local utility district staff during the recent exceptional multi-year drought period when many long-functioning wells in the County faltered or failed. WELLS MAY TEST FINE IN A NORMAL YEAR (AND ESPECIALLY IN A NORMAL YEAR FOLLOWING AN EXCEPTIONALLY WET YEAR. BUT THOSE

WELLS HAVE NO ASSURANCE OF BEING PRODUCTIVE OR EVEN HAVING THE SAME LEVEL OF WATER QUALITY IN A DRY WATER YEAR OR DURING MULTIPLE DRY OR CRITICALLY DRY WATER YEARS.

CSERC raised the issue of well testing as a pivotal issue that should be fully addressed in the DEIR.

But the DEIR simply points to a single 10-day pumping testing period in October 2019 as supposed evidence that there is not only sufficient groundwater to support the proposed project over the long-term, but that the water quality is also supposedly adequate.

THIS IS ONE OF THE MOST IMPORTANT ISSUES IN THE ENTIRE DEIR, AND CSERC STRONGLY ASSERTS THAT THERE IS NEITHER SUFFICIENT EVIDENCE TO SUPPORT THE CLAIM OF SUFFICIENT WATER SUPPLY IN TERMS OF QUANTITY NOR TO SUPPORT THE CLAIM OF ADEQUATE WATER QUALITY.

The DEIR should instead honestly admit that while initial water pumping tests show there may be sufficient water in a normal year following a wet water year, there has been no test done in a dry year or in the midst of multiple dry years when the fractured rock beneath the project site may have far lower levels of groundwater.

ORG8-19
cont.

TIMING OF THE GROUNDWATER TEST WAS INADEQUATE TO SHOW SUPPLY IN DRY YEARS

1) CSERC notes that our understanding of Water Board recommended protocols is that well tests be done during a June-September period so as to overlap with the driest time of the year. Instead, the well test for this project was done outside of that protocol-recommended testing period.

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2) As noted previously, the only 10-day well testing on the project site was done in a normal water year following a wet water year. Any well test results cannot reliably be extrapolated to reflect the capacity of fractured rock layers beneath the project site to contain the same level of groundwater in a dry or critically dry water year or during multiple years of drought.

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3) There is no map or any other evidence to prove exactly where the groundwater in fractured layers exists beneath the project site. As proposed, the project will supposedly pump 60-80 million gallons of groundwater over 200 days, and a significant portion of that water will then become gray water and black water and be disposed of in leach fields or in landscape watering of the property. That contaminated water has potential to be not fully treated by onsite OWTS operations so that effluent has potential to seep downward to contaminate either the project's wells, the wells of neighbors, or the wells for the Yosemite Under Canvas site. When a project applicant will be discharging many tens of millions of gallons of black and gray wastewater into leach fields on a site and will also be drawing domestic/commercial lodging water supply from groundwater from below the surface on the same site, the potential exists for the project to directly contaminate the subsurface groundwater supply.

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4) **The DEIR acknowledges on page 4.10-12 that arsenic, iron, turbidity, and color were detected above drinking water maximum contaminant levels in samples from the on-site pumping wells.**

This admission should immediately have caused the DEIR authors to point out that water quality in the tested wells has not been proven to meet assured water quality standards. This undermines the entire premise that groundwater by itself adequately provides high quality water as the supply for the project's enormous water demands. Instead, the DEIR acknowledges that additional water testing must be done, and if arsenic levels remain high in future tests, then onsite treatment must be

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devised to remove arsenic and other contaminants above drinking water standards from the groundwater.

In assessing the EIR, Tuolumne County is considering whether to approve a giant lodging operation that would be serving up to 550 guests and staff (or more) – all dependent entirely on groundwater from wells as the water supply. **The limited well tests done to date show contaminant levels of arsenic, iron, turbidity, and color all exceed maximum contaminant levels. Simply for water quality reasons, Tuolumne County should then reject the project application on the grounds that an assured safe and sufficient water supply from the wells has not been established, and future assumptions or hopes for different results are not legal grounds on which to base any project approval.**

ORG8-23
cont.

5) The project could draw up to 80 million gallons of groundwater from below the project site over 200 days of operation each year, based upon the well pumping capacity for the site of up to 26.5 gallons per minute. Even if the actual expectation for groundwater pumping is less than that amount, the total consumption of groundwater by the project would still be enormous.

The criteria for causing a Significant impact defines a situation when a proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Given that the Terra Vi Lodge project will remove tens of millions of gallons of groundwater each year, including during dry water years and during multiple dry and critically dry water years, there is no evidence to show that such high levels of groundwater pumping will NOT result in decreased water supplies.

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6) The cumulative groundwater demands from the project and the neighboring Yosemite Under Canvas project are inarguably tremendous. Never in the past 30 years in Tuolumne County have two neighboring projects both proposed the pumping of groundwater at tens of millions of gallons each on a ridge area site with fractured rock groundwater. The cumulative amount of groundwater pumped between the Terra Vi Lodge project and the Yosemite Under Canvas project would combine to be a truly staggering amount. Yet for HYD-6 the DEIR consultants erroneously claim that the “proposed project with reasonably foreseeable projects” (including “Yosemite Under Canvas”) would result in less-than-significant cumulative impacts to hydrology and water quality. There is no evidence to support that misleading claim.

Given the fact that both projects will be producing huge amounts of wastewater (both black and gray) and that both projects have no connection to public sewer systems, the discharge of wastewater from the two combined sites is higher than any previously approved lodging-type proposed project in Tuolumne County. The fact that both proposed projects also plan to pump tens of millions of gallons of groundwater from beneath sites where they are discharging tens of millions of gallons of wastewater presents a strong potential for contamination. At the least the DEIR should fully acknowledge that there is uncertainty due to the inability for consultants or the County to map accurately WHERE the subsurface groundwater is flowing in the fractured rock beneath the site and WHERE the discharged water in leach fields will seep down into that same fractured rock system.

ORG8-25

7) On page 4.10-16 of the DEIR, the document supposedly considers risks to Water Quality. Yet other than mentioning pollutants potentially generated during project construction and operation, the cumulative amounts of petroleum byproducts from vehicles on the Terra Vi Lodge and Yosemite

ORG8-26

ORG8-26
cont.

Under Canvas sites, as well as the total combined wastewater discharge from the two projects, are not even mentioned.

8) Early on a key Project Objective was to develop a site which has a safe, reliable, and sustainable source of water. Instead, based on the extremely insufficient well testing done to date of only a 10-day test during a fall period in a normal water year, there is no evidence that the groundwater under the project site is “reliable” or “sustainable.” Further, even before wastewater discharge has begun on the site, the tested water to date shows that contaminants exceed acceptable levels. That provides the only current well testing evidence for water quality, which means that the water is currently not shown to be “Safe.”

CSERC strongly asserts that the County should NOT approve the Terra Vi Lodge project based on well tests for water supply that show evidence of contamination, that were not done during the dry season nor in a dry water year, and that cannot be assured of reflecting groundwater conditions in a drought period or in a single critically dry water year.

Similarly, the FEIR should fully acknowledge that the well tests done to date do not provide any evidence of what well capacity may be in a multiple dry year situation. And the FEIR should also acknowledge that envisioned effective treatment of tens of millions of gallons of wastewater between the project and the neighboring Yosemite Under Canvas project will combine to potentially create high risk for subsurface water contamination.

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Based upon the clear information provided in the DEIR, the FEIR should admit that:

HYD-2: The proposed project would substantially decrease groundwater supplies... which would result in a Significant impact.

HYD-6: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in Significant impacts with respect to hydrology and water quality.

UTILITIES AND SERVICE SYSTEMS – ADDITIONAL FLAWS IN THE DEIR

On pages 4.16-3 and 4.16-4, the DEIR accurately informs that most areas served by wells in Tuolumne County are underlain by fractured rock that provides inconsistent groundwater conditions. The DEIR further states that the Tuolumne-Stanislaus Integrated Regional Water Management Plan determined that data is insufficient to quantify available sustainable groundwater supply. “This is not atypical in fractured rock environments such as those that occur throughout the Sierra foothills.”

Under **4.16.1.3 IMPACT DISCUSSION** the DEIR defines a project creating a Significant impact if there are not sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

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The DEIR then asserts that because the single test period of 10-days in October of 2019 provided pumping levels of 53 gpm combined between the two wells, then supposedly each well can pump safely at a rate of 26.5 gpm or 38,160 gpd. **“Since the water demand for the proposed project would be 16,636 gpd, each well can individually supply the proposed project’s demand.”**

That DEIR claim is unsupported and unproven for multiple reasons. First, there is no evidence for the assumption that each well is drawing from an independent groundwater source. It is fully possible and likely that the two wells are both drawing from the same subsurface fractured rock water source. Therefore, one well cannot be the backup for the other well, because no matter which well is pumping, water is still being drawn from the same groundwater source.

Second, as these comments repeat for emphasis, there is zero evidence that the groundwater well test period of 10 days in October of 2019 in a normal water year either represents the groundwater conditions that will be present at the height of the summer dry season, nor does that single 10-day test period provide even a clue as to whether or not the groundwater will be adequate during a critically dry water year or multiple dry years during a drought. The fact that there was a multiple dry year drought in the past few years intensifies the potential for such dry periods to dramatically reduce groundwater. Yet the DEIR authors assume that groundwater will always be reliable – based upon the single 10-day test period that was done in October in a normal year following an exceptionally wet water year.

THERE IS ZERO EVIDENCE PROVIDED IN THE DEIR THAT THE WELLS ON THE PROJECT SITE WILL BE PRODUCTIVE ENOUGH TO MEET THE PROJECT’S NEEDS IN A CRITICALLY DRY WATER YEAR OR IN MULTIPLE DRY YEARS.

THERE IS ZERO EVIDENCE THAT THE WELLS ON THE PROJECT SITE AND THE NEARBY WELLS ON THE ADJACENT “YOSEMITE UNDER CANVAS” PROJECT SITE ARE NOT DRAWING FROM THE SAME, POTENTIALLY LIMITED GROUNDWATER SOURCE.

THERE IS ZERO EVIDENCE IN THE DEIR THAT THE WELLS ON THE TWO PROPERTIES WILL BE PRODUCTIVE ENOUGH TO MEET THE CUMULATIVE WATER DEMANDS OF THE TWO LODGING PROJECTS DURING A CRITICALLY DRY WATER YEAR OR DURING MULTIPLE DRY YEARS.

The DEIR on page 4.16-7 purports to prove that there is no connection between the two projects based on the fact that water levels in wells on the Terra Vi property showed no impact from the only well testing done in October 2019. The DEIR authors then add in the unsupported assumption that the two properties “are on different sides of a watershed boundary and likely are accessing different fracture zones. Based on these results, both properties would be able to meet their water demands during single and/or multiple dry years.”

To restate for emphasis, there is zero evidence to back up that conjecture that the two properties’ wells are drawing from different fracture zones, nor is there the slightest evidence that groundwater under either property is sufficient to meet water demands in multiple dry water years.

**ORG8-28
cont.**

FORESTRY RESOURCES

FOR-2: The project would result in an adverse effect associated with the loss of forest land or conversion of forest land to non-forest use.

FOR-3: The project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use.

Claims made by the DEIR authors denying there would be a Significant Impact for FOR-2 and FOR-3 are highly false and incorrect.

Beyond any argument, the Terra Vi Lodge property site is being converted for commercial forest use to a recreational lodge property.

IT IS A VIOLATION OF PUBLIC TRUST FOR THE COUNTY TO PUT FORWARD A DEIR THAT ATTEMPTS TO CLAIM THAT FOREST CONVERSION WILL NOT OCCUR IF THIS PROJECT IS APPROVED. Forest conversion is obviously occurring. The impact for both FOR-2 and FOR-3 should be defined as Significant.

THIS PROJECT CREATES CONFLICT WITH A WRITTEN CONTRACT WITH THE STATE OF CALIFORNIA BECAUSE PROJECT APPROVAL IS BASED UPON THE PROPERTY BEING GIVEN A TIMBERLAND CONVERSION PERMIT.

TO GAIN APPROVAL FOR THE TERRA VI LODGE DEVELOPMENT, TIMBERLAND CONVERSION IS NEEDED TO REMOVE THE PROPERTY FROM COMMERCIAL FOREST MANAGEMENT. YET IN ORDER TO OBTAIN STATE GRANTS FUNDS FOR FOREST MANAGEMENT PURPOSES, THE PROPERTY OWNER IN 2015 SIGNED A LEGAL AGREEMENT, ASSERTING THAT HE WOULD KEEP THE PROPERTY IN COMMERCIAL FOREST MANAGEMENT FOR AT LEAST 10 YEARS. EXCEPT, NOW HE ISN'T...

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10. "Participant 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, as explained below. "

The excerpt above is directly from the Gregory Robert Manly CFIP Agreement 2015 GGRF Project Number: `4-GHG-CFIP-01-0054 (page 3). The property owner, Mr. Manly, signed a legal agreement committing to not develop the property for uses incompatible with forest resources management for at least 10 years. Yet now a significant portion of the property is being put up for approval for a commercial recreation glamping tent cabin resort project on the Yosemite Under Canvas property on the south side of Highway 120 and the Terra Vi Lodge development is now up for approval on the property on the north side of the highway.

This is a stunning factual violation of a legal agreement that should be underscored by the EIR.

Mr. Manly committed in his written agreement with the State that the grant funds to be applied to the property would be used with the primary goal of reducing greenhouse gases (GHGs). And now the property owner and the project applicant stand to profit if they gain approval for a proposed Terra Vi Lodge development that the DEIR identifies as causing Significant impacts for GHG-1.1 and GHG-1.2.

THAT IS BOTH IRONIC AND A CLEAR CONTRADICTION OF THE JUDGMENT OF THE DEIR AUTHORS.

Is it possible that Tuolumne County is not fully aware that the property owner for the Terra Vi Lodge development project committed in writing to the State of California that he would not develop his property for uses incompatible with forest resources management until at least December of 2025 or later?

The property owner signed a legal agreement with the State -- assuring that the grant funds would be applied to "increase carbon sequestration through tree growth and timberland management" and "avoided GHG emissions resulting from retaining the forest and avoiding conversion to another use."

Yet now the County would be approving a project on the property that increases GHG emissions. This revealing information is truly a game-changer when it comes to the County processing and considering approval for the Terra Vi Lodge project. **CSERC respectfully asserts that the County (or a court) should find that, indeed, the owner of the Terra Vi Lodge property site legally committed to maintain the project property in forest management for at least until the 10-year period has expired.**

Even if the property owner takes advantage of the loophole to escape his legal contract, his current proposed development project should not even be considered for approval until after that time has passed.

Quoted below is the twisted logic used by the DEIR authors to avoid acknowledging the very clear conversion of forest land that is explicitly prohibited by the signed written agreement:

"The owner of the project site entered into a CFIP contract with CAL FIRE in 2015 that preserves the site for forest and timber land uses. The CFIP requires a property owner supply protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations in exchange for providing funds to help complete such improvements and preservation. The proposed project would result in non-compliance with this CFIP contract. However, the agreement expired on December 31, 2019, and the project applicant would be required to refund State funds awarded for the project site, consistent with the request of CAL FIRE. Therefore, the proposed project would not result in the loss or conversion of forest land and impacts would be less than significant." (DEIR page 4.6-5)

THAT CLAIM IN THE DEIR IS SIMPLY FALSE.

IT DOES NOT MATTER WHETHER THE PROPERTY OWNER CAN LEGALLY GET OUT OF THE 2015 SIGNED GRANT AGREEMENT BY PAYING BACK THE GRANT FUNDS. That is not the issue.

The applicant must pay back grant funds to the State because he will be failing to abide by a written commitment to not develop the property for a use incompatible with forest resources management. He will be paying back the grant funds because he is removing the property from forest resources management and converting the property to a non-forest use.

The applicant must obtain a Timberland Conversion Permit for this project to be approved. The DEIR criteria for significance explains that the project will create a Significant impact if the project will result in the conversion of forest land to non-forest use. The property owner is getting a permit to do exactly that. There is no debate that this causes a Significant impact.

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Yet the DEIR misleadingly asserts that the proposed project would not result in the conversion of forest land. This is not just a debatable judgment where the DEIR authors can be excused for having a questionable perspective. This is a clear example of bias and misinformation -- another example of why the DEIR should be rejected because it is consistently misleading, inaccurate, and biased.

The project will result in forest land be converted to a non-forest use, which is a Significant impact.

Furthermore, the Cumulative Impact caused by the conversion of forest lands is even greater as a Significant Impact due to the additional conversion of forest land by the Yosemite Under Canvas project across the street as well as the on the Terra Vi Lodge project property. Whether or not the properties are formally designated as timberland by Tuolumne County is irrelevant, since the property owner applied for grant funds for continuing commercial forest management. Clearly the State accepted the property as qualifying as commercial forest management.

For all of the reasons above, the proposed project would result in a Significant and unavoidable impact due to the conversion of forest land to a non-forest use. The FEIR should correct all of the flaws, false claims, and lack of information related to this topic.

ORG8-29
cont.

PUBLIC SERVICES AND AGENCIES' INABILITY TO SERVE THE PROJECT SITE

One of the most glaring errors in the DEIR is the unsupported rationalization by the authors to reduce the characterization of the Public Service impacts for the project from Significant for four separate issues of concern to a rating to Less-than-significant for those issues.

In reality, the DEIR shows inarguably that there will be a Significant Impact from the project due to the lack of capacity by Tuolumne County or other responsible agencies for fire response, law enforcement response, and emergency medical/ambulance response when emergencies occur at the project site.

The evidence is so clear, it is truly inappropriate and frustrating for the interested public to see that the DEIR authors have attempted to diminish the significance of this pivotal public safety issue.

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UNCLEAR FIRE RESPONSE IS COMPLETELY UNACCEPTABLE FOR ALL RESPONSIBLE AGENCIES

First, the DEIR makes it clear that the project site is located within a CAL FIRE designated State Responsibility Areas (SRA). While fire protection services are provided through a multi-jurisdictional effort, Tuolumne County has the main responsibility for fire protection services to unincorporated areas of the county, including the project site. "The closest fully staffed fire station is Station 76... located 40.4 miles to the northeast." That means the closest County fire engine is located at least 50 minutes from the project site. Furthermore, a County commissioned study in 2019 determined that there are significant challenges to the ongoing provision of fire and EMS services within the unincorporated areas of the county BEFORE adding in the Under Canvas and Terra Vi Lodge projects' additional demands.

The closest staff CAL FIRE crew is the Groveland Community Service District, which is a 22-minute drive from the project site if there is no traffic and IF that GCSO crew is not already committed to another event or emergency call for the area it serves. The closest actual CAL FIRE station is described as being approximately 28 minutes from the project site.

All of the response times are identified as being substandard to each agency's objectives. The inability of a fire response agency to arrive at the project property within the desired response time is a significant public safety matter.

Yet the DEIR authors skew the question for Significance to the Environmental Checklist question that addresses whether or not the lack of an agency's ability to maintain acceptable service ratios, response times, or performance objectives does or doesn't result in the construction of new facilities.

As pointed out earlier in CSERC comments, **the State has made clear in the CEQA Guidelines that the sample Checklist in Appendix G of the CEQA Guidelines contains questions that "...are (1) broadly worded, (2) highlight environmental issues *commonly* associated with *most* types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process."** The Environmental Checklist is described as only being provided as a sample form that can be tailored to address local conditions and project characteristics.

Thus, the consultant authors of the DEIR cannot narrowly focus the CEQA analysis simply as to whether the project will trigger a level of significance for a narrowly worded Checklist question that fails to address the true potential environmental impacts of the project. **The question isn't whether or not the County must build a new fire station due to insufficient current capacity. The issue is that the County and other multijurisdictional agencies cannot respond to fire emergencies at the project site in a timely manner in order to protect public safety.**

Second – **there are errors of fact in the DEIR.** On page 4.14-7 under 4.14.1.3 IMPACT DISCUSSION, the **DEIR discussion claims that the proposed project would have a maximum occupancy of 400 guests.** That same incorrect maximum number of guests is shown on page 4.4-11, again claiming that the project would have a maximum occupancy of 400 guests.

In fact, the PROJECT DESCRIPTION on page 3-8 clearly states that the Hotel Lodge would accommodate a maximum occupancy of 400 guests and that Guest Cabin Rooms would accommodate a maximum occupancy of 156 guests. **That is a total of 556 guests, not 400 guests – a major difference.** That difference plays in to the subsequent calculations for demand for services.

LAW ENFORCEMENT SERVICES ARE EVEN MORE UNRELIABLE AND BEYOND CAPACITY

Third – Even with errors and omissions, the DEIR determines that the Project would result in a Significant impact for law enforcement services due to the fact that the Tuolumne County Sheriff Departments provides law enforcement service to the project site, but the headquarters is located in Sonora – roughly an hour from the project site.

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cont.

ORG8-31

ORG8-32

The Groveland substation is 15 miles west (not “east” as described in the DEIR) of the project site, but the Groveland substation is not permanently staffed with a full-time sworn-in officer. “It does not meet the current demands for police services in the part of the county which it serves..”

Thus, there is inadequate law enforcement service to the project site with no clear solution on how such service will be provided. Furthermore, the same is true for Emergency Medical Services and the extremely limited ambulance service that is already determined to be insufficient for demands when there are multiple overlapping calls.

The DEIR determines that the project would cause a Significant impact due to impacts from the project and other cumulative projects. Similarly, the DEIR has identified that the project along with other projects will cumulatively result in a Significant impact for the delayed response to fire services.

“Despite the fire resistant and suppression physical features, non-physical features, and training program, the proposed project would still exacerbate existing fire protection service response time deficiencies in the region due to an increase in visitors and employees on the project site. ...the proposed project would have a *significant* impact regarding fire protection services.” (page 4.14-8)

Those are factual and correct judgments, but then the DEIR authors without valid evidence wildly exaggerate the benefits of having the project incorporate features to aim to prevent fires, have on-site water storage, do fire prevention preparedness, etc. The DEIR does not acknowledge that nearly all businesses attempt to minimize fire risk and yet fires nevertheless still happen (both from ignitions onsite or from fires spreading onto the site from surrounding wildlands).

But the DEIR authors incorrectly point to the mitigation that the project commits to have staff to be trained to meet volunteer fire service standards and that the project will commit to provide personal protect equipment and and communication equipment for all “emergency staff.”. It is truly nonsense to claim that magically those unprofessional, unexperienced but newly trained staff will somehow have the ability to fight a wildfire with no fire engine, no depth of experience, etc.

Since CSERC staff has years of experience fighting severe wildland fires, our Center asserts that it is completely unreasonable to drop the level of Significance for fire risk and fire response to Less than Significant based on having two unexperienced volunteer-level employees on staff and on site. To say that is a wildly inaccurate judgment is a great understatement.

Similarly, for POLICE SERVICES, the lack of having any Groveland substation staffed for law enforcement is deemed on page 4.14-11 to be Significant, yet once again the DEIR authors then ignore the facts and assume that the lack of law enforcement will drop to Less Than Significant if the project commits to have a private security personnel on staff (Manager on Duty).

AT THE VERY LEAST, THE PROJECT IN COMBINATION WITH THE YOSEMITE UNDER CANVAS PROJECT, THE BERKELEY-TUOLUMNE CAMP, AND THE THOUSAND TRAILS RV RESORT EXPANSION PROJECT WILL INARGUABLY ADD A MAJOR ADDITIONAL CUMULATIVE AMOUNT OF LAW ENFORCEMENT DEMAND OVER EACH YEAR DESPITE THE FACT THAT TUOLUMNE COUNTY ALREADY POINTS OUT THAT IT IS BEYOND CAPACITY FOR MEETING ÅEXISTING LAW ENFORCEMENT DEMAND.

THE DEIR IS INVALID AND SIMPLY WRONG to suggest that having a trained private security person on the staff will somehow make up for the lack of response capacity by professional, experienced law enforcement personnel from the Tuolumne County Sheriff’s Department.

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To suggest that the good intention to have a private security person available on staff can somehow be sufficient (to deal with the wide range of minor to major law enforcement matters that have potential to arise at any time of day or night over years of the project's operation) is a unrealistic, unvalidated claim, and the County should not accept that misinformation in the final EIR.

BASED ON BOTH PUBLIC INPUT IN PROJECT COMMENTS AS WELL AS THE INFORMATION MADE AVAILABLE IN THE PUBLIC SERVICES SECTION OF THE DEIR, THE PROJECT INARGUABLY WILL FAIL TO HAVE ADEQUATE PUBLIC SERVICES FOR NECESSARY FIRE RESPONSE, LAW ENFORCEMENT RESPONSE, AND EMS SERVICES. THE DEIR SHOULD HAVE SOLIDLY DEFINED THOSE DEFICIENCIES AS EACH BEING A SIGNIFICANT IMPACT – that makes the project unsafe and a public risk.

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cont.

WILDFIRE THREAT IS SIGNIFICANT - MORE THAN DESCRIBED

Similar to the proposed development project that is located across the highway from the project site, the Terra Vi Lodge property does not currently have even a single residence on the property. It was nevertheless classified back in 2007 as being a Very High Fire Hazard Severity Zone by CAL FIRE, as identified in the DEIR. That designation was made by the State prior to the 2013 Rim Fire burning across the site with varying degrees of fire intensity. Based upon fuel loading, slope, fire weather, and other relevant factors, this site was ranked in 2007 as very high fire risk. That was proven to be accurate as the Rim Fire proved.

Now, for commercial lodging purposes, the Terra Vi Lodge project applicants desire to place up to 576 people at one time on this high-fire-risk site during the busy tourist season, which extends throughout the summer/fall fire season. Those 550+ people in combination with the possibly 250 or more additional people who could be present on the Yosemite Under Canvas project site directly across the highway could result in an overall total of perhaps 800 people -- guests, workers, market customers, or visitors -- present on the two Very High Fire Hazard risk properties during the height of the summer/fall fire season.

As these comments have already addressed in relationship to inadequate public services, there are multiple reasons why the danger of placing customers on the Terra Vi Lodge and Under Canvas sites is made even worse by the site's remote location from emergency services - far from the nearest county fire station, from a CAL FIRE station, and even from a staffed Forest Service engine crew (since the Buck Meadows engine crew is often unavailable and is frequently not staffed except for daytime hours).

The DEIR fails to discuss that the wildfire risk is a public concern that has been raised to the highest level by a wide range of community interests, including in comments from the Rush Creek Lodge, CSERC, area property owners, Audubon, the Sierra Club, and the Groveland Community Service District. Many concerned citizens have raised concerns in previously submitted comments about the adequacy and availability of fire and other emergency services for this project site and the Yosemite Under Canvas project site across the street. Once again, those concerns about the adequacy of fire

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and other emergency service responses are inadequately analyzed in the DEIR and are a glaring defect of the DEIR.

The DEIR spells out on page 4.17-20 that **a project would have a significant impact if it would expose project occupants to the uncontrolled spread of a wildfire or expose people or structures to significant risks. That is straightforward and fully accurate criteria for significance for this high hazard project site.** That criteria is reflective of a reasonable approach to assessing fire risk under CEQA.

Yet instead of the DEIR authors acknowledging that the truthful reality is that the Terra Vi Lodge project and the Yosemite Under Canvas project both separately and cumulatively WOULD INDEED create a significant impact by exposing project occupants to the risk of an uncontrolled spread of wildfire, the DEIR consultants instead dismiss any significant risk on the grounds that the property would have various treatments done to reduce hazardous fuel -- as if fuel reduction treatments magically make fire risk disappear for a forest site to disappear. The DEIR asserts that project landscaping will be fire resistant, which is completely at odds with the claim that planted trees with dense foliage will screen the view of the project site from passing vehicles.

Even if fuel reduction treatments are implemented to reduce natural vegetation surface and ladder fuels, the Terra Vi Lodge project and the Yosemite Under Canvas project across the street would still be adding flammable fuel – including all of the structures and all of the vehicles proposed to be on the Terra Vi Lodge project site along with the various structural fuels on the Under Canvas property site -- 99 fabric tents and wooden tent support structures, 99 wood heating stoves and stacks of firewood, 3 community campfire rings, a large portable kitchen facility (with gas burning appliances and combustible materials), a portable administrative facility, and more than 100 cars or other vehicles. Mitigation measures to make the additional fuel (added as a result of the project) only create minimal additional risk does not take away the original baseline risk that comes from the two adjacent project sites cumulative creating significant risk by being forested with flammable groundcovers and ladder fuels.

It has already been proven by the Rim Fire that this project site can burn intensely. And whether or not various fuel reduction and dead tree removal actions are taken, due to the forest cover the site will still be rated as being located within a Very High Fire Hazard Severity Zone within a State Responsibility Area.

CSERC emphasizes that occupants of this site will consistently be placed at risk due to wildfire threats – especially during late afternoon periods or early evening periods in the heat of summer – when the site will be filled with guests, staff, over 200 vehicles, and all the new visitor-serving facilities.

During a wildfire threat, at best a fire crew from the Groveland area will be available to respond instead of that crew already being committed to a response call elsewhere). Even then, it will take that fire engine crew 25 minutes or more to reach the project site. Upon arrival, if a spreading wildfire is threatening the site, that fire engine crew will need to decide whether to protect Terra Vi Lodge or the Yosemite Under Canvas facilities, or the newly rebuilt Berkeley-Tuolumne Camp just down the hill, or the Thousand Trails-Yosemite Lakes RV resort project with up to 150 new campsites. In a wind-whipped wildfire, a single fire engine will literally be meaningless when it comes to protecting hundreds of people on any site, let alone needing to protect four sites that are within a high-risk State Responsibility Area. It is also highly conceivable that the closest U.S. Forest Service,

ORG8-35
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ORG8-36

National Park Service, and CAL FIRE/County fire engines will all be assigned to initial attack fire suppression actions at the head of any expanding wildfire or that those engine crews will be already committed to structure protection near the wildfire's ignition site. That realistic scenario leaves no engine or only one engine to protect the Terra Vi Lodge site and three other lodging facilities that would also be facing the wildfire threat.

Accordingly, due to the flammability of the project site and the slow response time for any fire protection crew to arrive, **IT IS INARGUABLE THAT THE PROJECT, IF APPROVED, WOULD EXPOSE PROJECT OCCUPANTS TO THE RISK OF THE UNCONTROLLED SPREAD OF A WILDFIRE.** For years CSERC's Executive Director worked as a Forest Service firefighter and taught wildland fire behavior to Hot Shot fire crews and to other firefighters.

There is nothing that minimally-trained Terra Vi Lodge and Yosemite Under Canvas employees with very limited fire suppression equipment could do to effectively suppress a major wildfire or to provide safe refuge on the project site for project occupants if a wind-whipped conflagration blew flames across the property.

Simply getting people packed and effectively evacuating from the site in the midst of a potential firestorm situation is likely beyond the capacity of a small staff who would be dealing with panicked clients – many who will never have been in a wildfire risk situation previously.

THE PROJECT WILL CLEARLY EXPOSE PROJECT OCCUPANTS TO THE POTENTIAL RISK OF THE UNCONTROLLED SPREAD OF A WILDFIRE. THAT IS A SIGNIFICANT IMPACT OF SUCH IMPORTANCE THAT TUOLUMNE COUNTY PLANNING COMMISSIONERS AND COUNTY SUPERVISORS CANNOT IGNORE WITHOUT BEING RESPONSIBLE FOR FUTURE OUTCOMES.

THE COUNTY OFFICIALS WHO ALLOWED RESIDENTIAL AND COMMERCIAL DEVELOPMENT PROJECTS TO BE APPROVED AND IMPLEMENTED IN WHAT BECAME KNOWN AS THE DEADLY "CAMP FIRE" AREA HOLD CLEAR RESPONSIBILITY FOR THEIR CULPABILITY IN CONTRIBUTING TOWARD THE DEATHS OF 80+ PEOPLE UNDER HORRIFIC CONDITIONS. IT SHOULD BE UNACCEPTABLE FOR TUOLUMNE COUNTY OFFICIALS TO SHRUG OFF THE WILDFIRE RISK AT THIS ALREADY BURNED SITE AND TO CONSIDER GIVING APPROVAL TO A PROJECT (TWO PROJECTS) THAT WOULD RESULT IN HUNDREDS OF PEOPLE BEING ONSITE EACH DAY DURING FIRE SEASON, EVEN THOUGH THERE IS NO CAPACITY FOR FIRE PROTECTION CREWS TO PROVIDE TIMELY RESPONSE TO PROTECT THEM.

To further add to the key comments on Wildfire Risk stated above, CSERC notes that despite good intentions that are featured in the DEIR, in reality there is no feasible way that the project managers can effectively ensure that those with smoking habits would only smoke in a designated smoking area. Smokers will vary in terms of their compliance, and over a long fire season, many will not abide by requirements that are not convenient. Furthermore, the project add unusually flammable fuels such as major propane tanks and propane lines on site. In addition, here apparently would be "fire pits located in public areas and operated and maintained by hotel staff only." (page 4.9-19)

For all of these additional fire hazards or risks created by the project, the DEIR claims there would be Less Than Significant risk, when in fact the project would both independently and cumulatively be creating a Significant risk for Wildfire by exposing people to a significant risk of loss, injury, or death involving wildland fire through inviting them to a high hazard wildfire site in the midst of a broad expanse of forest and surface fuel.

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cont.

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THE ISSUE IS NOT WHETHER THE PROJECT WOULD TAKE STEPS TO REDUCE RISK OF WILDFIRE. THE LEGAL QUESTION IS WHETHER, DESPITE MITIGATION MEASURES, WILL THERE STILL BE FLAMMABLE VEGETATION, VEHICLES, STRUCTURES, FUELS, AND OTHER FLAMMABLE MATERIALS ON THE PROJECT SITE AND THE ADJACENT "UNDER CANVAS" PROJECT SITE – CUMULATIVELY CREATING A SIGNIFICANT RISK FOR UP TO 800 PEOPLE TO BE EXPOSED TO HIGH FIRE RISK?

The DEIR is often flawed – with misinformation and biased judgments that falsely assume that having some trained staff equipped with fire protective equipment or that planting “fire-resistant landscaping plants” will somehow help protect the project site from a wind-whipped wildfire. During major wildfires, CSERC staff has observed water-filled ice-plant vegetation burn intensely and tires on parked vehicles catch on fire in wind-blown conflagrations, even though those fuels normally cannot be lit with a flame that is held directly against them for an extended period.

This commercial lodging development project is proposed on an extremely risky site surrounded by many square miles of highly flammable vegetation in a location far from the responsible fire response agency’s closest engine. Because the project would result in so many people being at risk for wildfire, the impact of the project is SIGNIFICANT.

To resolve the conflicts with public risk and the goals and objectives of the Project, it is imperative to select a different location that can achieve a safer, more positive outcome.

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cont.**

ALTERNATIVES TO THE PROPOSED PROJECT

HOLCOMB PROPERTY IS AN ALTERNATIVE LOCATION WITH FAR LESS IMPACTS

In 2010 Tuolumne County approved the Holcomb Project on agricultural land that lies south of Highway 120 west of the USFS Buck Meadow Station and east of the intersection of Smith Station Road. The site was approved as a large agritourism-based recreational commercial project. Approval currently allows for a specific project that included a major conference center, a 40-room lodge, guest cabins, a store/market, a theater, a swimming pool, and various other visitor serving amenities.

The Holcomb Project site is currently almost completely undeveloped with a single barn/residential use facility and a corral. However, in contrast to the less than scenic or only marginally desirable Big Oak Flat “scar” site which certainly provides one alternative site for consideration, the Holcomb property features large old beautiful oaks, mature conifers, scenic meadows, impressive views, and a flat terrain that is easily developable for the Terra Vi Lodge project.

Compared to the current proposed Terra Vi Lodge project site, the Holcomb Project site is many miles closer to emergency services, law enforcement, and fire response agencies. Due to it being at a low point in surrounding hills and vegetation (instead of being on a ridge setting at the current proposed Terra Vi Lodge site), there is a far higher likelihood of a shorter well distance to groundwater. Perhaps most important, due to the open nature of the surrounding lands, while there is absolutely still a level of wildfire risk at this Holcomb property site, the openness of meadows west and north of the property and to some degree to the east of the property would result in far lower wildfire risk for people who occupied the site as guests or staff. AND PERHAPS MOST VITAL, IT IS ALREADY APPROVED FOR USE AS A COMMERCIAL LODGING EVENTS PROJECT SITE.

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For all of the reasons listed above and additional reasons, CSERC strongly recommends that the FEIR move past the applicant's and the County's resistance to considering Alternatives to the Project site. CSERC urges the consultants and the project applicant to consider the many benefits and the reduced impacts that would come from shifting from the current proposed project site to the Holcomb property - which is vacant and apparently available.

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cont.

The DEIR suggests that because that site near Buck Meadows is in another county that it does not need to be carefully analyzed for comparison of environmental impacts. CSERC asserts that the argument is specious and that any reasonable alternative site with fewer environmental impacts cannot be ignored just because the site is outside of the jurisdiction of the decision-making agency. The Holcomb site should be fully considered.

ASSESSING OTHER REASONABLE ALTERNATIVES TO THE PROPOSED PROJECT

For purposes of meeting CEQA requirements, the DEIR consideration of alternatives to the proposed project is defective because so many Significant impacts are not appropriately defined under the Issue categories – and thus the reasons to consider an alternative that would lessen impacts are either ignored or minimized. For instance, by repeatedly dismissing any Significant impact for an obvious impact such as Forest Conversion, the DEIR fails to accurately compare the impacts of the project at the current proposed project site with a site where no Forest Conversion would occur. Similar inaccuracies in terms of comparing alternatives to the project occur for the other issue areas where these comments have shown strong evidence of a Significant impact despite the DEIR authors

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ALTERNATE LOCATION ALTERNATIVE DISCUSSION IS MISLEADING

CSERC notes that the DEIR authors have given consideration to “the Scar” property which is vacant, and which has many benefits and reductions for potential project effects if the project was located at that site rather than the currently proposed site. CSERC agrees with the DEIR that the Scar project site is not within the desired 10-mile distance from Yosemite and that there are other visual and locational factors that could make it less marketable for the objectives outlined by the project applicant in the DEIR. However, the DEIR fails to acknowledge that there are other factors such as higher connectivity to the Big Oak Flat and Groveland area communities, closer proximity to a work force, and other assets that could potentially compensate.

ORG8-41

In terms of responding to the DEIR, CSERC re-emphasizes the failure of the consultants for the DEIR to provide a balanced, neutral, unbiased analysis. **When comparing the project to alternate locations, the DEIR authors' failure to be unbiased is replete throughout the discussions of the ALTERNATE LOCATION ALTERNATIVE and the REDUCED FOOTPRINT ALTERNATIVE sections.** For example, because the Scar site provides connectivity to both public water and public sewer, the unproven sustainability of the wells on the proposed project site would be avoided, yet that is not even mentioned.

As another example, for wildfire risk and access to fire response services, the fact that a fire engine could arrive at within 3-5 minutes compared to 22+ minutes (or realistically, far longer) at the proposed project site is mentioned, but not fairly described as a major benefit. Instead, the fact that a marginally feasible emergency helicopter pad is proposed at the current proposed site is described as positive for the current site and negative because the Scar site wouldn't have such a helipad. In

ORG8-42

reality, few fire agencies would EVER consider landing a helicopter on the current proposed project site due to the danger to the copter crew posed by tall trees that will still be left growing on the site along with all the trees on adjacent sites. But if a helipad might have meaningful value, a helipad could be created at the Scar site.

ORG8-42
cont.

Likewise, for emergency medical services, the DEIR discussion admits that the Scar site would be far closer to EMS and within a service district, but then the DEIR authors shift to the supposed benefit of having an emergency helipad at the current proposed site. If there are no Terra Vi Lodge or Under Canvas projects at the proposed site due to so many Significant impacts, there would be no benefit for having an emergency helipad – especially due to the unsafe locational hazards of trees.

ORG8-43

Most succinctly, the Scar alternate site has many, many key reasons why impacts from a proposed project would be reduced at that location compared to the proposed project site. Yet the DEIR only minimally discusses many of those important differences. Similarly, the DEIR discussion of the REDUCED FOOTPRINT ALTERNATIVE is inadequate by failing to describe the reduced impacts of a smaller overall project. Instead, it spells out the loss of the “indoor-outdoor relationship” that cabins would provide, and it claims that the exclusion of the helipad would deprive the public benefit of that as a new “emergency resource.” Again, the authors favor the proposed project instead of reasonably listing that fewer guests would produce less wastewater, would consume less groundwater, would produce less noise, would result in lower GHG emissions, etc.

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ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The DEIR accurately describes the No Project Alternative as environmentally superior followed by the Reduced Footprint Alternative.

ORG8-45

CLOSING SUMMARY COMMENTS FROM CSERC

In the years leading up to the approval by County supervisors of the revised Tuolumne County General Plan, the board of supervisors, planning commissioners, and supportive interests of the building and development community all stressed the goal to increase development in the County. As a result, the primary objective of the recently approved County General Plan became the goal to provide for development in the County.

Given that strong philosophical view -- seeing new development as highly desirable – it is likely that current county decision-makers will already be leaning towards approval of the project and ignoring the Significant impacts that development at the proposed location would cause if the Terra Vi Lodge and Under Canvas projects are approved.

ORG8-46

CSERC cannot change anyone’s strongly held perspectives or opinions. What CSERC’s comments may hopefully do, however, is to point out facts that are so strong and clear that even pro-development advocates will find them meaningful.

UNSAFE LOCATION

First, this project site is an unsafe location for placing a new lodging development that is intended to have as many as 550+ guests and staff on the property. The next high-severity wildfire along the Highway 120 corridor could potentially sweep upslope from the west, north, or south and burn across this area with wind-whipped intensity. Because county decisionmakers may not have personally experienced being amidst the panic and confusion that the general public can exhibit in such unexpected, stressful situations, it may not be obvious why people make poor choices, or why a Paradise-type conflagration costs so many lives. **This site is an unsafe site due to wildfire risk.**

ORG8-47

LACK OF ADEQUATE WATER SUPPLY IN CRITICALLY DRY OR DROUGHT PERIODS

No matter whether the County generally accepts wells as a sole water supply for special commercial type projects, the Terra Vi Lodge project and its adjacent Under Canvas neighboring project cannot assure in any way that wells beneath the site will provide reliable water in drought periods or in a critically dry water year. Further, the inadequate testing done to date shows contamination of wells exceeds acceptable water quality thresholds. There is no assured water supply for multiple dry years or a drought situation. **There is no backup water supply. This is not the right site.**

ORG8-48

THE SCALE OF WASTEWATER TREATMENT NEEDED FOR TWO COMBINED ADJACENT LODGING PROJECTS POSES RISK TO GROUNDWATER RESOURCES

Despite good intentions and assurances that an engineered septic system can be designed and constructed for both projects, in fact **the black water and gray water wastewater produced by the two projects has high potential to contaminate groundwater directly beneath those leach fields** or other areas of discharge. Having a total of up to 800 people per day rely solely on fancy septic systems and leach fields positioned above the project's groundwater supply cannot provide assurance that groundwater will be protected and contamination will be totally avoided.

ORG8-49

COUNTY CANNOT PROVIDE TIMELY FIRE, EMS, AND LAW ENFORCEMENT SERVICES

Good intentions are not legally sufficient. The DEIR spells out in detail the inability of fire responses to be assured for serving the project site in a timely manner. Law enforcement service capacity is even worse, and the DEIR acknowledges limited EMS capacity despite failing to assess that issue in a thorough manner. Leap-frog development far outside of a service district and many miles from county service

ORG8-50

providers results in a Significant legal defect. **Critical services needed for public health and safety cannot be provided at this distant location** for a variety of reasons.

ORG8-50
cont.

THE PROJECT WOULD CAUSE A SIGNIFICANT IMPACT DUE TO FOREST CONVERSION

The DEIR would fail immediately to pass a legal threshold for adequacy due to its convoluted and false rationale that there will be no Significant impact due to forest conversion. **Changing use from forest management to lodging is inarguable. Again, this is a Significant effect tied to this specific project site.**

ORG8-51

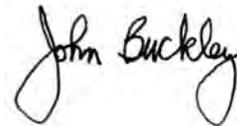
THE PROJECT WOULD CREATE SIGNIFICANT CUMULATIVE IMPACTS FOR SCENIC VIEWS, GHG EMISSIONS, TRANSPORTATION, AND OTHER KEY ISSUES

The points contained in these comments make clear why the project would create undesirable, Significant negative effects for a wide range of identified issues.

ORG8-52

The final EIR should correct the extensive number of DEIR flaws, provide accurate analysis, and acknowledge in detail why this project site is not legally appropriate for approval of the proposed project as now designed.

ORG8-53



Executive Director, CSERC

July 30, 2020

Ms. Quincy Yaley
Assistant Director, Development
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370-4618

RE: Terra Vi Lodge Project DEIR

Dear Ms. Yaley,

I submit the following comments to address key concerns regarding the Draft Environmental Impact Report for the proposed Terra Vi Lodge development. The areas of concern determined during scoping meetings and public comment were not adequately studied. The following Significant Impacts have not been properly analyzed and mitigation measures are inadequate.

PUB88-01

Property Access:

Section 4.11.1.2 (Existing Conditions), under the Land Use and Planning chapter, omits several easements that impact the proposed property: a) Existing narrow, one-way dirt skid trail driveway that leads off Forest Route 1S03 provides the only access to about half of the 80 acre homestead homes. The trail has been used continuously for 60 years since we have been on the mountain, as well as the homesteaders before us who settled the land in the early 1900's. b) Another forestry service easement over private property exists for the other portion of the homestead homes on Route 1S03. c) Our deed describes an easement that allows access to our private property and abuts the Manly property line and the driveway leading to Forest Route 1S03. (See attached document, "Sawmill Easements")

My concern is that these easements have not been mentioned in the DEIR and should have been identified before designing the site. Last year, I pointed out the omissions during the NOP public comment period. I should hope that the Terra Vi planners and the County are reading all comment letters and addressing the issues brought forth. Knowing where the easements are located is crucial to understand before any planning should commence. It seems that the architect or planner was given the boundary lines of the property without any idea of the surrounding properties, access roads, Forest Routes, and basic understanding of how the Terra Vi property ties into the neighborhood. There are several planning mistakes, such as the septic location which is located on a slope flowing into a known watercourse that provides well water to many neighboring homes. Another mistake is that the proposed helipad is within mere feet of the only means of access to my property and my neighbor's properties. These and other mistakes to be discussed later in this letter. I will begin with Forest Routes:

PUB88-02

The most critical planning flaw in the DEIR is the assumption of Forest Route 1S03 as the "primary access road for guests and employees of the lodge" and Terra Vi's main circulation." Forest Routes are not roads and are not meant for commercial access. These rudimentary trails are built and managed by the Forest Service, under control by the US Government, to access remote undeveloped areas for the purposes of the logging industry, forest management workers, and backcountry access. Furthermore, Forest Route 1S03 is the only dedicated access and egress for the 80 acre Sawmill Mountain area, residential neighborhood.

Let me explain Life Safety Codes for those who may not be knowledgeable in this area: At least two exits must be provided and must be located remote from each other, arranged in such a way to minimize the chance that one may be blocked by fire or some other emergency situation. The exits follow a "diagonal rule" that requires the distance between the exits to be more than 1/2 the longest diagonal distance of the area served.

Occupancy plays a key role in the determination of interior exits, the door size, corridor width, door swing, the building materials, location, type of hardware such as (panic) required on doors, etc. The Terra Vi lodge serves high occupancy loads with assembly spaces, marketplace, event areas, and lodging. High loads, as determined by Building and Fire Codes trigger certain compliance restrictions. Smaller occupancy loads determined by the Uniform Building Code such as single family residential, storage rooms, closets, etc. are obviously less restrictive.

Once building occupants have exited safely, they must then be provided with two safe and distinct exits to evacuate the site. The Terra Vi property fronts Highway 120 and can easily accommodate this requirement. Many other hotels and lodges on the 120 corridor maintain direct ingress and egress from 120 with dual access points. Unfortunately the Terra Vi designer did not understand the issues with occupancy loads, safe evacuation from the site, and the fact that 1S03 is a Forest Route only for the administration of the forest and not meant for commercial use. The project incorrectly assumes use of 1S03 as the primary access road for guests and employees of the lodge and Terra Vi's main circulation. Again, FOREST ROUTES ARE NOT ROADS AND NOT MEANT FOR COMMERCIAL ACCESS. Forest regulations stipulate that when there is another viable option for access to the property, it must be considered first. Placing two exits off Highway 120 meet this requirement without any use of Forest Route 1S03.

This serious planning misunderstanding could prove deadly: 1S03 is the ONLY access into and out of the Sawmill neighborhood properties. It is considered a culdesac or dead-end road which is very dangerous. It would be careless and illegal to add any more cars on this route than necessary in such a high fire severity zone. The low occupancy load, based on rural residential single family homes and existing timberland properties that access 1S03 currently are the maximum the route can safely handle and approved by code. The traffic study showed that 50 cars traveled Forest Route 1S03 on a summer day last year, which is actually a large amount for the rugged, rural route.

The current proposed entrances/exits on the Forest Route cause undue and unfair hardship to the residents of Sawmill Mountain making it an immitigable situation. The firefighters who camped out in our meadow and saved the majority of the Sawmill structures during the Rim Fire warned that they would never be able to return to fight a fire in that area should one ever reoccur. They stated that they were trapped because there was only one exit out of the area and they were backed up to National Forest boundaries with no secondary means of egress. They had no safe way out! The dedicated Sawmill Forest Route access must be maintained for the Sawmill home properties and facilitation of forest maintenance only.

Evacuation:

Another oversight is that Under Canvas is proposing the use of Forestry Route 1S09 directly across from the Sawmill exit which would create an additional "intersection" choke point during evacuation. This is a cumulative problem that has not been addressed by Terra Vi or UC.

The planners on both projects must seek to design with the entire Sawmill/Hardin Flat area in mind. Again, the Forest Routes are not meant for commercial use and this is an issue that needs to be acknowledged rather than dismissed as insignificant. Terra Vi should have considered this when planning the overall footprint, access, egress, and internal circulation for the lodge. The project cannot move forward as proposed with the systemic problems inherent in the cumulative site evacuation plan.

Once evacuees have exited the site safely, they must then be provided with two directions of egress. **The infrastructure and basic layout of the two-lane Highway 120 corridor lacks two separate distinct exits required by fire safety code. Both exits from the site lead to 120!** When thousands exit onto Highway 120, there is essentially only one way off the mountain (the path into Yosemite would most likely be closed in an emergency) and then all evacuation would be forced to route through the small towns of Hardin Flat, Buck Meadows, Groveland and then down Priest Grade (a dangerous road for most tourists unfamiliar with mountain driving).

**PUB88-02
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PUB88-03

This section of the Highway 120 corridor does not support the high occupancy loads of such massive lodges. It is a mistake to locate high occupancy type commercial developments on this stretch of the Highway and there is no way to mitigate the situation. Safe access and egress is determined by the Building and Fire codes that restrict hordes of people from being subjected to unsafe situations. The physical layout of the mountain cannot be changed to provide two distinct exits. Instead, alternative locations for the developments should be sought out or other suitable occupancy types should be considered for the property.

PUB88-03
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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 and Hardin Flat are in the same terrible predicament. Why would the County knowingly place a highly hazardous property use such as Terra Vi and Under Canvas in a Very High Fire Hazard Severity Zone without contemplating safe exits and evacuation?

The evacuation issues all stem from these oversights and mistakes. Somewhere during the process, an ill-informed decision was made to rezone these properties without going through the proper reviews, approvals, and public notification procedures. If the information had been reviewed appropriately at that time, it would have been obvious to the Fire Marshal and Planning department that a zoning change would not work. The occupancy loads for commercial projects exceed the exits and safety for this rural forest area and two lane Highway. The DEIR fails to evaluate evacuation scenarios.

This brings us back to the issues of
Land Use, Agriculture and Forestry Resources, Zoning

The proposed project area meets the definition of “Timberland” pursuant to Public Resources Code 4526. Mr. Gregory Robert Manly entered into a Forest Improvement Program contract agreement with California Department of Forestry and Fire Protection (CFIP) in June, 2015.

According to this contract, the participant (Mr. Manly) certifies that the parcel of forestland 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. The DEIR asserts that the CFIP has now been annulled but there is no evidence of this statement.

PUB88-04

Per the CFIP agreement signed by Manly, he declared the property was zoned AE Agricultural and that the current zoning is Rural. The DEIR talks in circles about the fact that this is Timberland, that it isn't Timberland, that it would not result in the loss or conversion of forest land and that impacts would be less than significant. Let's resolve these issues once and for all. Please provide all pertinent information and compliance criteria regarding the rezoning, the CFIP, and the land conversion for public review and comment.

The paper trail will likely reveal that this has all been done without correct applications, nor waiting periods or public notifications. This zoning issue is ultimately causing the inherent problem with safety, exits, and evacuation. This is exactly the type of issue that good planning, due diligence, and following County, Building, Planning and Fire code seeks to avoid.

The DEIR states, “There are no other lands in the vicinity of the project site that are zoned for commercial use and thus development of a hotel on the project site is not expected to lead to surrounding lands being developed with similar or ancillary uses”. Interesting that this is a concern but not applied to the very projects, Terra Vi and Under Canvas. The DEIR falsely claims that the project does not conflict with existing zoning but it absolutely conflicts and would result in the loss of forest land which is a significant impact that cannot be mitigated.

The Public Resources Code (PRC) regulates the conversion of timberland to non-timberland uses and the permit system for rezoning. Public Resources Code, Section 4621-4628 stipulates that “Conversions can be approved if it is approved to be in the public interest, would not cause a substantial and unmitigated adverse effect upon timberland or open space areas, if the soils, slopes, and watershed would be suitable for the proposed uses, if there is no alternate suitable land for the proposed development to occur, and if the existing use is uneconomic in character.” However, there ARE alternate suitable lands for Terra Vi to consider. Additionally, the watershed is NOT suitable for the proposed use and the conversion WILL cause significant adverse effects upon timberland property.

**PUB88-04
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The conclusions are so convoluted, its hard to understand the logic for “Because the proposed project would not contribute to any identified cumulative impacts associated with forestry resources, the proposed project would result in a less-than-significant cumulative impact with respect to forestry resources.” The rationalization is actually irrational. The plain idea that the timberland at Terra Vi and Under Canvas is proposed to be converted is a significant impact. The DEIR’s attempt to claim otherwise has not been substantiated.

Transportation, Traffic

The impacts related to the public concerns about site access to Sawmill Mountain via Forest Route 1S03 have not been addressed at all, other than to reiterate the description of the project and claim that it is a less than significant issue. I have delineated the reasons why the access is not viable for Terra Vi Lodge and why all commercial access must be moved to the Highway, should this project advance. The impacts to the residents of Sawmill Mountain are significant, yet the DEIR ignores the subject.

Another problem that reinforces the need to relocate Terra Vi’s primary access is that the sight lines and distance from the western approach are too short for safe Sawmill Mountain exit access. The DEIR discusses cutting the embankment and removing vegetation in order to accommodate construction, and again, asserts a less than significant impact. There is no mention of discussions with CalTrans regarding this roadway change or the environmental impacts caused by the supposed problem correction itself. As mentioned above, the primary lodge access on Forest Route 1S03 needs to be relocated to 120. Locating the Terra Vi entry further down the Highway would also serve to increase the safety of the current Sawmill Area access for Sawmill residents; this approach is dangerous currently due to poor visibility. The Under Canvas access from Forest Route 1S09 must also be relocated to avoid congestion in the immediate Sawmill exit “intersection.”

PUB88-05

The internal circulation proposed at Terra Vi has been planned without any sensitivity to the proximity of several Sawmill homes. These homes are not just vacation cabins; some are full time residences. A cluster of Terra Vi cabins is also planned right along the northern edge of the property boundary line. Why would Terra Vi propose a road and cabins immediately adjacent to private residential property unless they were designing without knowledge or concern for the existing property owners? The constant 24/7 traffic, car and motorcycle sounds, doors slamming, people talking, lights, and luggage dragged across the parking lot will ruin the right for Sawmill residences to enjoy the solitude and privacy of their property. The DEIR does not address any of these significant issues.

Circulation:

The project proponents have established a goal of 10 percent resort guests using YARTS to reach Yosemite National Park per day during the peak season. This sounds like an arbitrary percentage; how was it determined? To achieve this goal, Terra Vi would provide a YARTS stop, with bus access being provided to the site to pick up riders staying at the lodge.

PUB88-06

Additionally, posed as an intended public benefit, the project would provide up to 30 day-use parking stalls to encourage the use of the public transportation and ride sharing. What is the true motivation behind this? Could this be an attempt to maintain the original size of the parking lot at 286 spots even

though the size of the Lodge has been reduced? I fear that the real reason is to enable future phases of the lodge to easily be shoved through the planning process. This is akin to the “existing wells” on site which were actually just drilled last year, and suddenly we will have “existing parking” that just happens to meet the demand of the new phases. What is the justification? Bringing MORE tourists to the quiet, rural area with an already massive lodge and precarious evacuation measures is ridiculous. How about sizing the parking lot to match the building size and reduce the amount of concrete, impervious surfaces, and ugly parking lot views. The YARTS system is already crowded and there are times when capacity is met and travelers are stranded. Furthermore, why bring huge 45’ diesel coaches into the area adding more pollution, contributing to endless noise, and inviting more people to drive up to Sawmill to park, thereby creating more environmental issues.

PUB88-06
cont.

Aesthetics

Yosemite National Park is known as one of the most beautiful places in the state, the country, and the world. Scenic Highway 120 is exactly that; it is scenic. Land Use and Planning Goal 1B, Policy 1.B.3 claims the design is “consistent” with the General Plan because it minimizes views of the parking lot from Highway 120. However, the DEIR fails to review the parking lot as viewed from the Sawmill vantage point, which is definitely not consistent with the General Plan.

The proposed Terra Vi Lodge project has been reduced in size since the last proposal, except (as mentioned above) the parking lot remains the same with 286 parking spaces. The DEIR does not outline the subsequent phases and the proposal is not sincere or transparent regarding future plans. Also, what is the “Site for Future Development” shown on the plans?

The current drawings show 100 guest rooms with up to 240 in future phases, 7 cabins now and up to 25 four bedroom cabins in future phases, 286 parking spaces, a helipad, YARTS bus stop, shopping market, large event space, and multiple out-buildings. We are talking about over 500 guests plus employees with this first phase and over 1,300 for future phases, plus several hundred support staff on site daily; this huge project does not suit the lot size, location, and will degrade the beauty of the forest and the scenic highway.

The addition of the Glamping project, more campsites at Yosemite Lakes Thousand Trails RV park, and Berkley-Tuolumne Camp further congest this precious, remote, rural timberland. I implore that all decision makers consider all of the proposed projects and future expansions in the area at this time; the cumulative impact is substantial. The scenic vistas, in particular will be significantly impacted and forever destroyed. Once trees are cut down, they are gone.

PUB88-07

When the Covid pandemic eases, things will have drastically changed. Serious consideration of Yosemite’s future plans for admitting visitors to the park should be studied: quantities, day permits, reservations, etc. There may not be a need for accommodations outside the park. We should slow down and take some time to consider the impacts before any projects are slated for approval. Otherwise, we would then have an obsolete, vacant building that serves as an eyesore, a graffiti and homeless magnet, and another fire ignition risk in Tuolumne County. These impacts seriously affect the aesthetic quality of the Scenic Highway 120 corridor.

As currently designed, the scenic views from my property as well as my neighbors on Forest Route 1S03 will be substantially impacted. New artificial lighting will further deteriorate views of the night sky. The DEIR provides information about lighting at the helipad that cannot be shielded; this is unacceptable. The artificial lighting is noted under Aesthetics but also impacts Biological Resources 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. There is no mitigation noted for these impacts other than “complying with building codes.”

Cultural and Tribal Cultural Resources

The Tuolumne Band of Me-Wuk Indians has requested that one of their Native American Monitors be present for an updated archeological survey as well as ground disturbing activities. While I see that this has been mentioned in the DEIR and that it is included in CULT-1a and CULT-1B, I do not see it in the text of the DEIR. Please identify where these requests have been included in the Mitigation Measures.

During the initial comment period for the Terra Vi Lodge, the Draft Environmental Impact Statement alluded that “through a collaborative effort with the Tuolumne Me-Wuk Tribal Council their heritage would be celebrated.” Mr. Stanley Cox, Me-Wuk Cultural Director stated in a letter dated December 17, 2018 to the County that “our cultural department has not had any contact with this company (Hansji Development) and they should not imply that we are working with them.”

Please advise as to how the decisions were made regarding the open space, as well as firewood and medicinal plant gathering activities prior to construction. Is this a satisfactory agreement that the Me-Wuk have agreed to?

It is concerning that the Terra Vi Lodge project would knowingly state falsehoods in their documents and potentially significantly impact a sacred place with cultural, archeological, prehistoric and historical value to a California Native American tribe.

PUB88-08

Hazards

Helicopter: Please provide the restrictions and required clearances. The current pad location is an obstruction located next to our only driveway into and out of our homes. How will Sawmill residences evacuate when a helicopter is blocking our ONLY egress from Sawmill Mountain. Based on what the DEIR claims, the helipad will be used twice a day with “unavoidable, excessive, and significant noise” that cannot be mitigated.

It is ludicrous to state that mitigation techniques such as upgraded doors and windows at the lodge and “Disclosure Statements” to the guests that the helicopter will create maximum noise, especially at night, will alleviate the problem. It does nothing for the surrounding properties and fails to mitigate the issue to less than significant. Removing the helicopter all together would solve the problem. If a true emergency were to occur, the over-sized ample parking lot could easily serve as a landing pad.

Pedestrians: The DEIR dismisses the issue of pedestrians attempting to cross the highway to visit the Terra Vi store, bar, restaurant, pool and vice versa. What is to keep the tourists from trespassing through and damaging adjacent private property? Please address these concerns.

Deer: The DEIR does identify deer migration patterns and habitat and acknowledges that “the project has the potential to indirectly interfere with the movement of native resident mule deer traveling to and from winter range through the introduction of additional people, pets and traffic.” However, the proposed mitigation is shameful. “Prior to the Certificate of Occupancy, the project applicant will pay a non profit who conducts deer research activities. Is this really the mitigation solution? Will the deer not be frightened away by the two years of construction prior to receiving the Certificate of Occupancy? The deer herd on Sawmill Mountain is well established and my family enjoys watching the deer in our protected, quiet meadow. Scaring deer away from their migration paths and habitat during construction and then offering to pay for research after the fact, is deplorable. This alone shows Terra Vi’s true colors and lack of consideration for the forest and it’s inhabitants.

Roadway: The DEIR fails to adequately analyze safety hazards that would occur during the lengthy two year construction period. Slow-moving equipment and construction trucks may cause potential collisions and traffic delays.

PUB88-09

PUB88-10

PUB88-11

PUB88-12

The DEIR also fails to analyze hazards related to bicyclists. Instead, conclusions about safety impacts are considered insignificant because it is incorrectly assumed that bicyclists will remain only on the portion of road between Sawmill and Hardin Flat. Plenty of bicyclists utilize Highway 120 and travel beyond to Yosemite or Groveland. This is a significant safety concern.

PUB88-13

The DEIR fails to address the hazards associated with snowfall in the area and the presence of snow plow equipment that enters and exits the CalTrans maintenance shed located at Sawmill. Travelers on this portion of Highway 120 are typically ill equipped and pull over to park, becoming stranded along the side of the road which often creates issues with safe snow removal and passage.

PUB88-14

Hydrology and Water Quality

I will defer this category to the experts for specifics, but must point out key concerns about coronavirus contamination, septic contamination, water quality, and water supply. A project of this size is an incompatible use on a remote forest site without public water or public sewer. The lodge and glamping developments may deplete our precious and scarce groundwater supplies.

Contamination: The developer has proposed a location for septic tanks and leach lines that is situated on a known watercourse that leads through my meadow, my neighbor's meadow, several wells, and empties into the stream, the creek and ultimately the Tuolumne River. The CFIP contract describes the project site as located in the Big Creek planning watershed (calwater 2.2 #6536.800201) that is classified as high risk by the FRAP (Fire and Resource Assessment Program) team. The 14,197.1 acre watershed is part of the broader Tuolumne River watershed that is also classified as high risk. The South Fork of the Tuolumne River runs ¼ mile south of the property.

I have brought up this major concern and planning flaw in previous comment letters regarding the location of the leach field and proximity to my well. The report included under Biological Resources emphasizes one of the ephemeral channel locations, flow pattern and freshwater emergent wetland adjacent to the leach field that threatens the health of the meadow, however this has been ignored during the planning process. The leach area and septic tanks should not be located on a known watercourse which leads to resident's wells. Terra Vi has not recognized this mistake; the system must be relocated.

PUB88-15

The DEIR has failed to supply concrete evidence that the project's wastewater treatment system will not contaminate my water. Instead, the rationale provided is that the system will be built to code and will therefore be adequate. This is not adequate analysis. Also, during the pump testing it should be noted that our well water had an odorous smell that permeated our whole cabin; this has never happened in the 60 years we have owned the property.

I have also pointed out in previous letters that the leach fields as designed have the potential for freezing atop the ground during winter months. This concern will significantly impact our private properties and has never been addressed.

A new concern is relevant with regard to the Coronavirus and recent findings of the virus in Mariposa County's wastewater system. What this means is that tourists are staying in hotels and shedding the virus which then contaminates the system. This is scary. I do not want to worry about potential virus leaching into my water supply. The DEIR should address this issue.

Availability: The availability and quality of my water will be adversely affected by the Terra Vi project. The DEIR does not provide any assurances that ample groundwater exists to supply all cumulative properties and does not adequately provide testing information that would simulate a drought year situation. It is not known if the new wells drilled will be able to provide enough water for a sprinkler system, storage tanks, swimming pool, laundry facilities, maintenance facilities, special events, cleaning, water treatment, food preparation/ service waste water treatment, and most importantly fire suppression.

PUB88-16

As mentioned in previous letters regarding Biological Resources, any watercourse disturbance 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 Spring, my meadow as well as my neighbor's adjoining meadow were brimming with wildlife activity, particularly the Pacific Chorus Frog, the Arboreal Salamander, and California Newt, a species of special concern in California.

I defer to the independent experts with regard to ample water supply for all of Terra Vi and Under Canvas water needs, though it appears that groundwater supply will be depleted by such large projects. Under Canvas says they need over two million gallons per day supplied by two wells on the project site; that does not include water for fire suppression, nor provision of storage tanks. There is no assurance that adequate water supplies exist to continually serve the project without depleting groundwater supplies to neighboring properties. What would happen during a drought event?

How many gallons of water per day will Terra Vi consume during normal operations and how much water will be required for fire fighting efforts? The DEIR only indicates demand for visitor usage and sites the amount of water that will be generated for reclaimed and treated grey water for fire suppression, hydrants and sprinklers. But is it enough and how can we be guaranteed that the usage will not dry up our sources. The demand is massive, especially cumulatively with Terra Vi and Under Canvas. The DEIR fails to fully account for Terra Vi's TOTAL water usage.

Regarding fire sprinklers alone, Jason Gogal, P.Eng 2016 "Wildfire Water Pumping and Sprinkler System Handbook" says, "You need a lot of water to effectively run a fire water pumping system. What is a lot of water? A fire water pumping system with just five sprinklers use 72,000 gallons per day. Even when using a tank for a fire water supply, it can drain very fast when supplying a wildfire water pumping system. It is best to use a lake or river as the water source; a lot of water is necessary to effectively run a fire water pumping system. We don't have a lake or river available; it is foolish to think that the groundwater wells could supply so much water without causing detrimental effect to neighboring wells. The well driller has stated that fractured granite aquifers are unreliable water sources.

Based on my conservative calculations for the current Terra Vi Lodge square footage proposed, the fire sprinklers would require 420,000 gallons per hour. That would amount to 5 million gallons of water for half a day. Imagine if the project requested additional construction phases; the groundwater supply will most certainly be depleted. The DEIR states that three water storage tanks will be provided but doesn't state the sizes. It also says that only 2 tanks will be utilized without any explanation. Actual estimates must be disclosed.

Alternatives

The DEIR claims to have reviewed alternatives but in fact has rejected many before any review has actually occurred. The reasoning for the rejections is unsound, flawed and contradictory.

1. Rejected. Alternative Site Access: "The County considered an alternative where the primary access point would be located along Highway 120 rather than 1S03 Forest Route." The DEIR claims that no significant impacts were associated with the location of the project's proposed access point and that such an alternative would not avoid any significant impacts. This claim is completely false and misguided. As discussed previously, Forest Route 1S03 is not to be utilized for commercial use, would create serious evacuation issues, and is the only designated access for Sawmill residences. This alternative must be considered.

PUB88-16
cont.

PUB88-17

2. Rejected. Relocated Leach Field: "The County considered an alternative under which the leach fields would be relocated to the eastern portion of the project site." Yet the DEIR erroneously claims again that there are no significant impacts associated with the location of the project's leach fields. Again, please review my valid concerns that the current location of the leach fields will contaminate my meadows and well water, and will contaminate the watercourse which leads to the Tuolumne River. The impacts are indeed significant. The DEIR has rejected an alternative without any consideration. This alternative must be considered.

PUB88-18

3. Rejected. Alternative Water Source: "The County considered an alternative where imported water would be utilized rather than groundwater pumped from on-site wells." Does this mean that water would be trucked in? What does "imported water" mean? My understanding is that trucked water is not legal for commercial businesses in California, so another viable alternative should be evaluated. At any rate, the DEIR claims that no significant impacts associated with the groundwater wells have been identified. This flawed logic suggests that looking at alternatives is unnecessary. However, there is no guarantee that groundwater supplies will not be depleted, which is a highly significant environmental impact. Alternatives must be considered.

PUB88-19

4. Rejected. Alternate Location: Casa Loma was rejected because the site, located a mere 8 miles from the Manly site is in Mariposa County rather than Tuolumne County. However, this is a viable option to be considered.

PUB88-20

5. Considered. Reduced Footprint Alternative: This alternative still proposes improper utilization of the 1S03 Forest Route as the main circulation. This alternative would need to be redesigned in order to be considered as an alternative.

PUB88-21

6. Considered. No Project Alternative: This is the only alternative that would work on the property.

PUB88-22

7. Considered. Alternate Location: The Scar looks like a viable alternative yet the DEIR laments that it would not include an emergency helipad. This is not a requirement of the project and even though the DEIR claims it would provide improved emergency access, it would not substitute for ground-based emergency vehicle access. The Scar option seems to be the only alternative that makes sense, with access to public water and sewer, as well as being situated closer to emergency services in the town of Groveland. This location is ideal because it is below the snow line, thereby avoiding difficulties with tourists driving in the snow, putting on chains on the side of the road and avoiding hazards such as snow removal equipment. The addition of a grocery store close to town would be another asset to the Groveland community, as there is only one marketplace in the area currently.

PUB88-23

The environmentally superior alternative that is expected to generate the least amount of impacts is the No Project Alternative. CEQA guidelines state that if the environmentally superior alternative is the No Project Alternative, then the EIR must also identify an alternative among the alternatives.

The DEIR then claims that the runner up option is the Reduced Footprint Alternative. However, as delineated above and throughout this letter, the Reduced Footprint Alternative is reliant upon dedicated use of Forest Route 1S03 which is not viable.

PUB88-24

It is abundantly clear that the DEIR is flawed in making false conclusions and it is clear that the Terra Vi project is not suited for the proposed project property. In actuality, no viable option has been offered other than the No Project Alternative or the Scar Alternative location.

Conclusion

Overall, the DEIR has not thoroughly evaluated the concerns that the public has brought forward in previous meetings and comment letters. The project interferes with safe evacuation and emergency response which is in direct violation of the General Plan. Additionally, I have delineated many new issues that require serious review and substantial planning changes to be considered. As currently designed, the project contains many significant environmental impacts which cannot be adequately mitigated.

The cumulative impacts from projects proposed in this area are significant. It is vital that the County, Planning Commission, Board of Directors, Forestry, and other Agencies reviewing and commenting on the proposed projects are looking well beyond the confines of the drawings and boundaries of the project property lines to determine the overall impacts on the surrounding areas, now and in the future. We must all be good stewards of the land.

The two proposed projects, (Terra Vi) with over 100 guest rooms in a three story high Lodge, with 7 four-bedroom cabins, 22 employee apartments and suites, 286 parking spaces, a helipad, bus stop, shopping market, large event space, multiple out-buildings, swimming pool, with **550 guests and 50-100 support staff** on site, as well as (Under Canvas) with 99 tent structures, mobile kitchen, dining and reception tents, laundry facility, swimming pool, another helipad, 102 campfire pits, barbecues, bathrooms and approximately **400 guests and 30-50 employees**, do not suit the lot size or location, and are inconsistent with the character of our community. There are additional projects proposed for Berkeley Camp and Yosemite Lakes that must also be factored in, as the cumulative impacts would be significant.

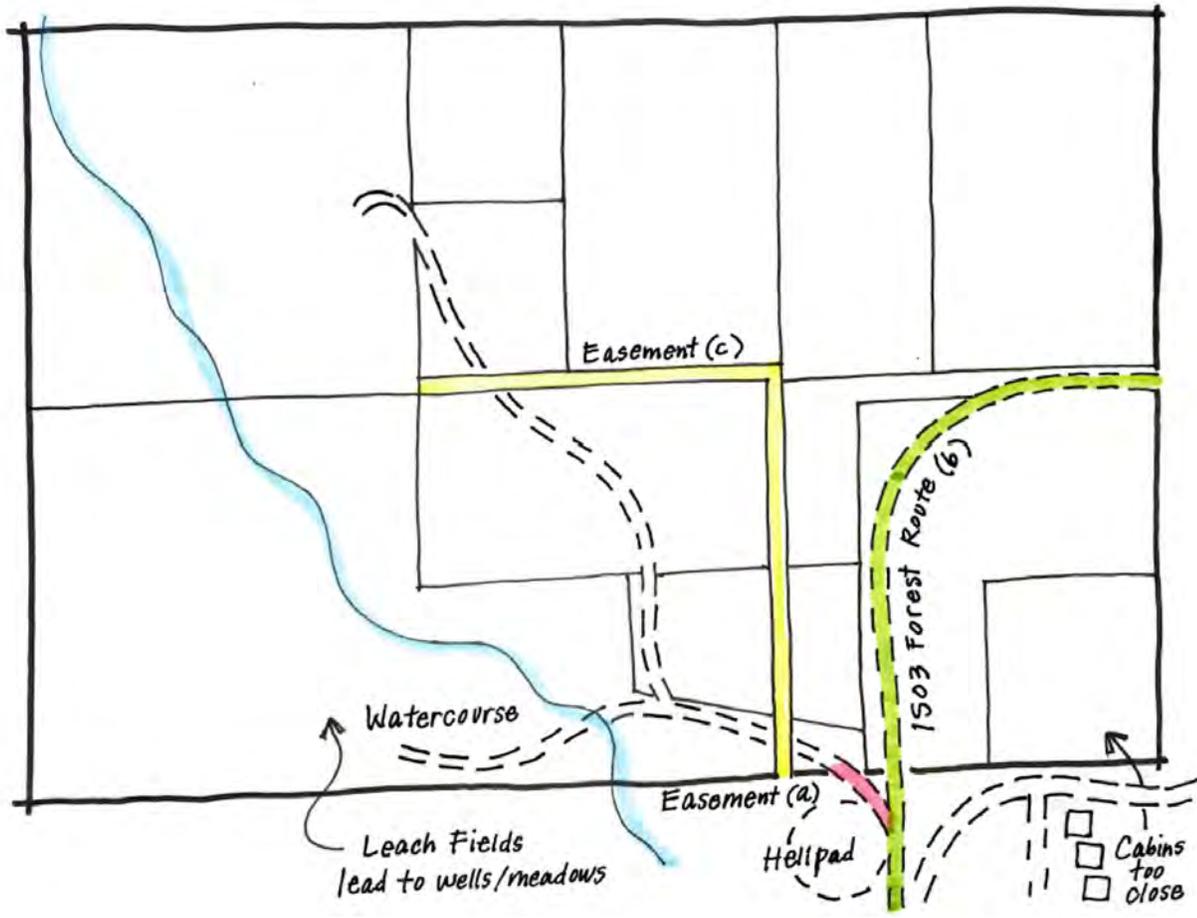
In conclusion, there are many categories that require an objective, thorough review and revision of the DEIR that require recirculation for public comment. I have outlined just some of the key areas that are concerning while there are many more that must be considered by the appropriate agencies.

Sincerely,

Nancy Constantino

PUB88-25

Sawmill Easements



PUB88-26

