
APPENDIX A:

NOTICE OF PREPARATION AND SCOPING COMMENT



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Notice of Preparation Environmental Impact Report Lake County

DATE: January 9, 2024

To: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Lake County Clerk
Interested Organizations

From: Mireya G. Turner
Director, Community Development Department, Lake County
255 North Forbes Street
Lakeport, CA 95453
Mireya.Turner@lakecountyca.gov
(707) 263-2221

SUBJECT: Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Lake County General Plan and Local Area Plans Update Project

Lead Agency: Lake County

Project Title: Lake County General Plan and Local Area Plans Update

Project Sponsor: Lake County

Notice is hereby given that Lake County (County) will prepare an EIR for the Lake County General Plan and Local Area Plans Update (proposed project) and will hold a public meeting to receive comments on the scope of the EIR, as detailed below. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15206, the proposed project is considered a project of statewide, regional, or areawide significance. The County, acting as the lead agency, determined that the proposed project could result in potentially significant environmental impacts and that an EIR is required.

The County will prepare an EIR to address the potential environmental impacts associated with the proposed project at a programmatic level consistent with CEQA Guidelines Section 15168. The program-level EIR will evaluate the proposed project for potential impacts on the environment and analyze the proposed policies to determine the potential environmental consequences of future change. An evaluation of project alternatives that could reduce significant impacts will be included in the EIR. The proposed project, its location, and potential environmental effects are described below.

The County is requesting comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. With respect to the views of responsible and trustee agencies as to significant environmental issues, the County needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the proposed project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the 30-day NOP review period at **5:00 p.m. on Wednesday, February 7, 2024**. If you submit comments on the scope of the EIR, you will automatically be added to the County's distribution list for future notices and information about the environmental review process for the proposed project. If you do not wish to submit comments on the scope of the EIR but would like to be added to the County's mailing list, you can submit your contact information, including email address with a request to be added to the mailing list.

Please send your written comments to Mireya G. Turner, at the address shown above or email to LakeCounty2050@lakecountyca.gov with "*General Plan and Local Area Plans Update Project EIR*" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

A copy of this NOP can be viewed online at <https://www.lakecountyca.gov/195/Environmental-Filings-CEQA> and on the Governor's Office of Planning and Research CEQAnet Web Portal at <https://ceqanet.opr.ca.gov/>.

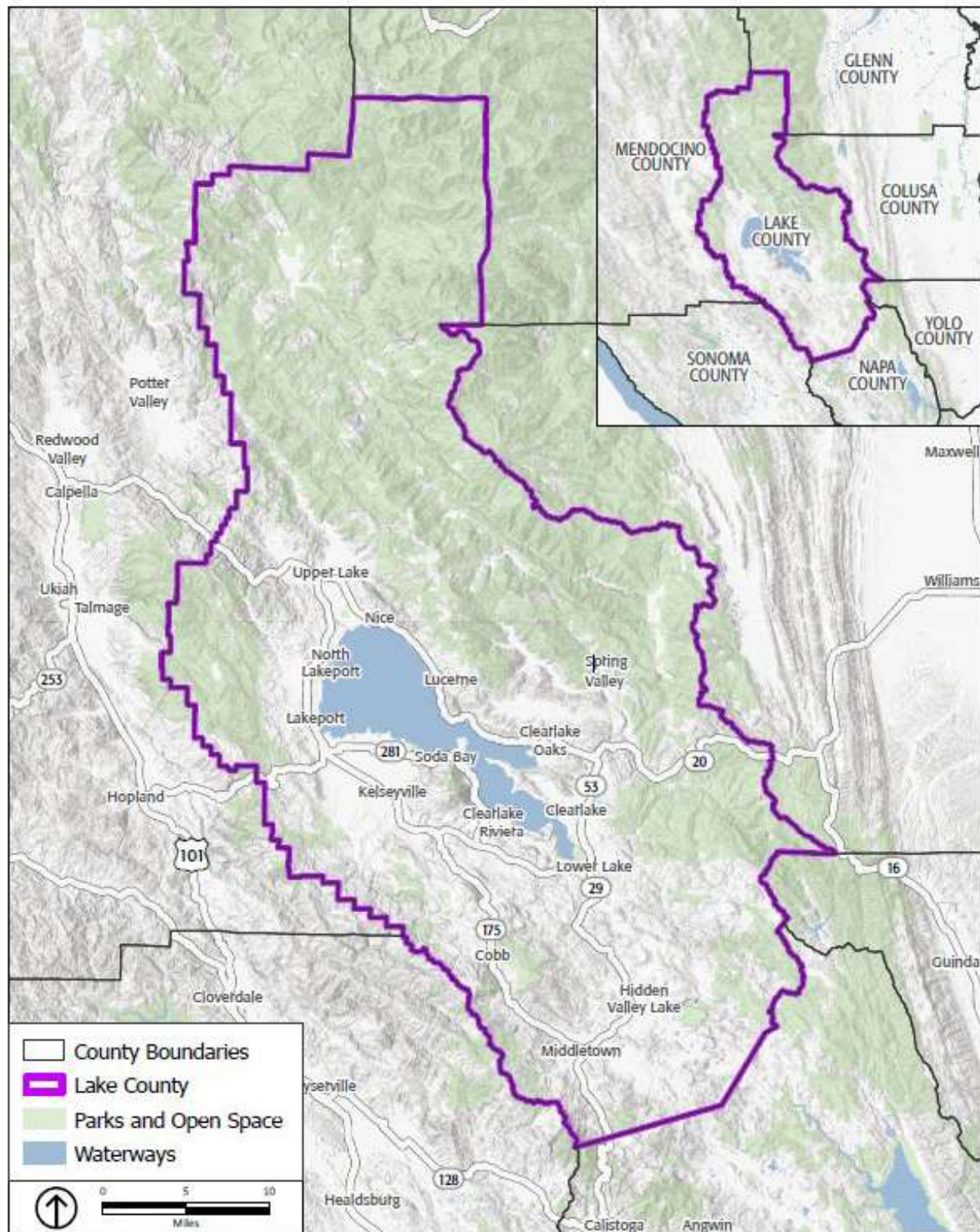
Project Location. Lake County lies within the Pacific Coastal ranges approximately 100 miles north of San Francisco, 90 miles northwest of Sacramento, and 35 miles east of the Pacific Ocean. Lake County is bounded by Mendocino County to the west, Yolo, Colusa, and Glenn Counties to the east, and Sonoma and Napa counties to the south. The major roadways that traverse the county include State Route 20, which joins up with Highway 101 and Interstate 5, and State Routes 29, 53, and 175. Figure 1, *Regional and Vicinity Map*, shows the county's location within Northern California.

Project Description and Objectives. Lake County is preparing a comprehensive update to the 2008 General Plan and all eight of the County's Local Area Plans, which were adopted at various times between 1988 and 2010. Often described as each jurisdiction's "constitution," general plans are required by State law to guide land use and development, typically within a 20-year horizon. General plans must be periodically updated to respond to new State laws, changing conditions, and emerging issues and opportunities. State law requires that the General Plan contain eight elements: land use, circulation, housing, open space, noise, safety, conservation, and environmental justice. The County's eight Local Area Plans comprehensively cover the entire county (see Figure 2, *Local Area Plans*) and provide additional guidance for potential future development. The County's updated General Plan and Local Area Plans will include goals, policies, and actions that set the long-term plan (blueprint) for potential future development in unincorporated Lake County. The proposed project will build off the current General Plan and Local Area Plans and provide a framework for land use, transportation, and conservation decisions, and direct future growth within unincorporated Lake County (EIR study area) through the year 2050.

Environmental Review and Environmental Factors Potentially Affected. The Draft EIR will determine whether implementation of the proposed project may result in environmental impacts that require mitigation measures to offset potential impacts. By incorporating implementation provisions (goals, policies, and actions) that focus on reducing environmental impacts, the proposed project can be made largely "self-mitigating", which reduces the need for separate EIR mitigation measures, improves the efficiency of implementation, and increases the likelihood that development within the county will be environmentally sustainable. In accordance with CEQA, the cumulative impacts discussion will be based on review of other plans shaping development outside of the study area. CEQA requires that an EIR evaluate alternatives to a project that could reasonably attain the project objectives while reducing any significant impact of the project, as well as considering the "No Project" Alternative (i.e., what could happen if the project were not approved). The EIR will address the proposed project's potential impacts in the following environmental topics: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural and tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, parks, and recreation, transportation, utilities and system services, and wildfire. Please note that study area is not located in a liquefaction zone;¹ therefore, this issue will not be discussed in the EIR.

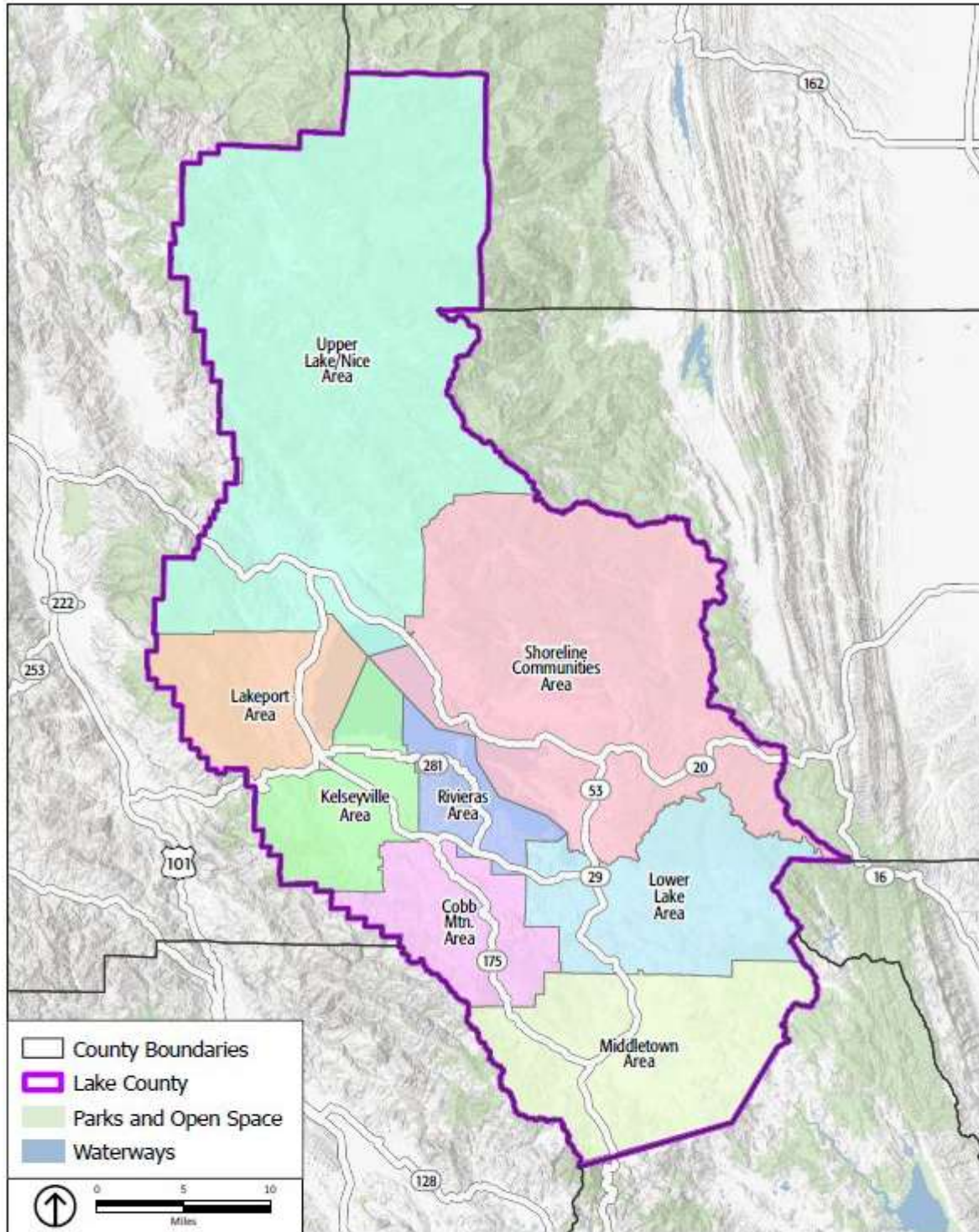
Public Meetings and Workshops. The County will continue to hold public workshops and meetings throughout the planning process to inform the public and interested agencies about the proposed project and solicit feedback on the contents of the proposed project. A hybrid Public Scoping Meeting will be held to receive comments regarding the scope and content of the EIR on Wednesday, January 24, 2024, from 10:00 a.m. to 12:00 p.m. Community members can attend in two ways – at the Board Chambers (255 N. Forbes Street, First Floor, Lakeport, CA 95453) or virtually at <https://lakecounty.zoom.us/j/89060146256?pwd=cWF4bER4bURrdXUwZmlxa2Q5Q3g0UT09>. To join by phone, call 1-669-444-9171 and use this Webinar ID: 890 6014 6256. The passcode is 681561.

¹ California Department of Conservation, 2023. CGA Seismic Hazards Program: Liquefaction Zones. <https://gis.data.ca.gov/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones-1/explore?location=36.878423%2C-122.298502%2C8.01>, accessed November 21, 2023.



Source: Lake County, 2023; PlaceWorks, 2023.

Figure 1
Regional and Vicinity Map



Source: Lake County, 2023; PlaceWorks, 2023.

Figure 2
Local Area Plans



NATIVE AMERICAN HERITAGE COMMISSION

January 13, 2024

Mireya G. Turner
Lake County
255 N Forbes Street
Lakeport, CA 95453

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EXECUTIVE SECRETARY
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Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2024010158, Lake County General Plan and Local Area Plans Update Project, Lake County

Dear Ms. Turner:

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

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

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

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

AB 52

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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

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

If you have any questions or need additional information, please contact me at my email address:

Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse

From: ROBERTSON, JESSE GRAHAM@DOT
To: [Mireya Turner](#); [Michelle Irace](#)
Cc: [Lisa Davey-Bates](#)
Subject: [EXTERNAL] Lake County GPU NOP
Date: Wednesday, January 24, 2024 11:42:13 AM

Hi Mireya,

Thanks for inviting Caltrans' comments. We will be sending comments in writing in follow-up to today's meeting. Some initial thoughts include:

Much of State Routes 29 and 53 are access-controlled freeway and expressway. Portions of State Route 20 may be access-controlled as well. We have historically had conflicts between land use zoning and access rights. Allowing commercial, industrial, multi-family, or public road approach standards may be inconsistent with the deed restrictions to public rights of way for parcels that were zoned for agriculture or single-family use. These deed restrictions must be addressed before zoning changes or land use entitlements can be considered. We can provide mapping information about the location of access openings and the limits of access control in a follow-up email/correspondence.

Unfortunately, because of audio issues I missed the entirety of PlaceWorks' presentation. From the ensuing conversations, Vehicle Miles Traveled (VMT) may be considered as part of the community planning process. We will have more detailed comments with best practices for land uses that support reductions in VMT. Some questions or topics that we may want to discuss with the County during the next phase of the GPU development include:

- Previous efforts to influence VMT in Lake County
- Data sources for VMT
- Thresholds of Significance for VMT impacts
- VMT Mitigation

I appreciate Tanya Sunberg's acknowledgement of the 2008 Complete Streets Act and the commitment to make multi-modal planning a focus of the General Plan Update. We can recommend local, regional, and State transportation plans that may be incorporated into the General Plan Circulation Element. We will also share a list of projects that Caltrans has in planning or project development pipeline that may result in changes to the County transportation network. We will request that the County incorporate the proposed projects into the long-term vision for the Circulation Element.

Caltrans has changes the way we view transportation safety. We have adopted a Vision Zero goal and will implement this goal by using a "Safe Systems Approach." More guidance on Caltrans' Safety program will be included in the near future.

We may want to schedule a transportation scoping meeting to look at the scope of work for developing the circulation element. CEQA provides a provision for Caltrans to request a separate transportation scoping meeting with the lead agency. This will allow us to provide input prior to conducting a transportation analysis and the release of a public draft of the EIR.

Thanks for the opportunity to comment.

Jesse Robertson
Transportation Planning
Caltrans District 1
(707) 684-6879 (mobile)

Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 263-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

ATTN: Mireya Turner,

As co-Conservation Chair for the Redbud Audubon Society and a board member for the Lake County Land Trust, I would like to encourage two important ideas be included in the scope of the updated General and Area Plans for Lake county.

As climate change progresses and the importance of native vegetation, including chaparral and our native trees, especially all species of Oak trees, becomes more evident we feel it is vital to include an Oak preservation ordinance or requirement in the updated plans. Such ordinances are not unusual and many have been adopted by other jurisdictions throughout the State of California.

Another area of concern is the concept of wildlife corridors. As the county continues to be developed more and more areas are being blocked to the free travel of large and small mammals. Wildlife corridors can be maintained and/or created while still allowing development.

We look forward to a meaningful participation in this important planning and zoning update that could determine the well-being of Lake County and its inhabitants into the future.

Sincerely

Roberta Lyons

Redbud Audubon Society

Lake County Land Trust

From: [Donna Mackiewicz](#)
To: [Lake County Community Development](#)
Subject: [EXTERNAL] "General Plan and Local Area Plans Update Project EIR"
Date: Sunday, January 28, 2024 6:37:19 AM

I would like for the EIR to evaluate and include

1. Evaluation of wildlife corridors and analyzing and including wildlife habitat connectivity and wildlife corridors in these three separate scales: Regional corridors are those that are greater than 500 meters in width. Sub-regional corridors are medium sized corridors that range between 500 and 300 meters in width. Local corridors are the smallest corridor type and are less than 300 meters in width.
2. Protection of oak woodlands, including chaparral especially birds, plants and animals affected by the loss of habitat.
3. Community awareness of the watershed and how it affects the lake.
4. Community awareness of the birds of Lake County. Redbud Audubon can supply years of bird population numbers with their Annual Christmas Bird County data (participation 40+ years).
5. Long-term effects cannabis has on the environment (example Sourz HVR/Aviona LLC 80 acres of 1,640-acre parcel in High Valley, Clearlake Oaks, Eli Hagoel's failed project).
6. Inclusion of development on the County Trail Regional Plan that could provide more community access around the lake and county.

Thank you for the opportunity to give input.

Sincerely,

Donna Mackiewicz, Clearlake Oaks



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

February 2, 2024

Mireya Turner
Director, Community Development Department
Lake County
255 North Forbes Street
Lakeport, CA 95453
Mireya.Turner@lakecountycal.gov

RE: NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR LAKE COUNTY GENERAL PLAN AND LOCAL AREA PLANS UPDATE, DATED JANUARY 9, 2024 STATE CLEARINGHOUSE # [2024010158](#)

Dear Mireya Turner,

The Department of Toxic Substances Control (DTSC) received a NOP of a DEIR for Lake County General Plan and Local Area Plans Update (Project). Lake County is preparing a comprehensive update to the 2008 General Plan and all eight of the County's Local Area Plans, which were adopted at various times between 1988 and 2010. The County's updated General Plan and Local Area Plans will include goals, policies, and actions that set the long-term plan (blueprint) for potential future development in unincorporated Lake County. The proposed project will build off the current General Plan and Local Area Plans and provide a framework for land use, transportation, and conservation decisions, and direct future growth within unincorporated Lake County (EIR study area) through the year 2050.

DTSC has identified that this project may affect multiple active and nonactive mitigation

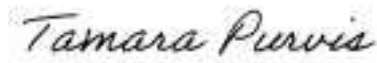
and clean-up sites within the project boundaries therefore, based on our project review, we request the consideration of the following comments:

1. The proposed project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.
2. Due to the broad scope of the project, DTSC is unable to determine all of the locations of the proposed project site, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the project site to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. DTSC recommends providing further information on the project site and areas that may fall under DTSC's oversight within the DEIR. Please review the in [Lake County project area](#) in [Envirostor](#); DTSC's public-facing database.

DTSC believes Lake County must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered.

DTSC appreciates the opportunity to comment on the Lake County General Plan and Local Area Plans Update. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in cursive script that reads "Tamara Purvis".

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP – Permitting Division - CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP – Permitting Division - CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

From: [Mireya Turner](#)
To: [Joey Hejnowicz](#); [Lake County Community Development](#)
Cc: [Victor Fernandez](#); [Kevin Ingram](#); [Laura Hall](#)
Subject: RE: General Plan and Local Area Plans Update Project EIR
Date: Tuesday, February 6, 2024 9:58:02 AM
Attachments: [image002.png](#)
[image003.png](#)

Good morning Joey,

Thank you for your email. The BOS established the categories of voting members at a previous meeting, and it did not include city jurisdictions. However, as always, your input is most welcome. We will make sure you are included in the notification list of meetings (Laura, please make sure they are included). If you would still like to apply for a member seat on the GPAC, please go to the following link for the link to the standard advisory board application. [Board of Supervisors | Lake County, CA \(lakecountyca.gov\)](#)

Please let me know if I can be of further assistance.

Cordially,



Mireya G. Turner, MPA
Director

Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 263-2221
Fax: (707) 263-2225
Email: mireya.turner@lakecountyca.gov

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From: Joey Hejnowicz <jhejnowicz@cityoflakeport.com>
Sent: Monday, February 5, 2024 5:10 PM
To: Lake County Community Development <mbx.CommunityDevelopment@lakecountyca.gov>; Mireya Turner <Mireya.Turner@lakecountyca.gov>
Cc: Victor Fernandez <vfernandez@cityoflakeport.com>; Kevin Ingram <kingram@cityoflakeport.com>
Subject: [EXTERNAL] General Plan and Local Area Plans Update Project EIR

Good Afternoon,

Please see the attached NOP comment letter from the City of Lakeport. City staff is interested in participating in any General Plan Advisory Committee(s) that may be formed during this process. Victor Fernandez (Associate Planner) and I would be interested City of Lakeport staff members.

Thank you for the opportunity to comment and participate in this important process for our

community.

All the best,

JOEY HEJNOWICZ
Community Development Director | City of Lakeport



Ph: (707) 263-5615 x201 | jhejnowicz@cityoflakeport.com
225 Park Street
Lakeport, CA 95453
www.cityoflakeport.com



CITY OF LAKEPORT

Community Development Department

225 PARK STREET
LAKEPORT, CALIFORNIA 95453

TELEPHONE 707.263.5615 x203
FAX 707.263.8584
E-MAIL vfernandez@cityoflakeport.com

February 5, 2024

County of Lake – Community Development Department
255 North Forbes Street
Lakeport, CA 95453

RE: Notice of Preparation (NOP) of the Environmental Impact Report (EIR) for the Lake County General Plan and Local Area Plans Update Project

Dear Community Development Department:

The City of Lakeport is writing to formally express our interest in the upcoming update to the Lake County General Plan and the Local Area Plans. The City of Lakeport requests to be included in the process of updating the Lakeport Area Plan. The Lakeport Area Plan directly impacts our local planning efforts, zoning regulations, and infrastructure needs.

Furthermore, we respectfully request that the County notify the City of Lakeport regarding any proposed changes in developments within our sphere of influence. The City is particularly interested in learning more about the proposed updates to the Lakeport Area Plan and General Plan. These are critical elements for our residents and businesses, and we are eager to understand the County's vision for addressing water availability and quality. City of Lakeport staff is interested in participating in upcoming meetings conducted by the General Plan Advisory Board.

Thank you for providing the City of Lakeport with the opportunity to comment and we look forward to coordinating with the County of Lake on this project.

Sincerely,

Joey Hejnowicz
Community Development Director

Denise Rushing
PO Box 1082,
Upper Lake, CA 95485

February 6, 2024

Mireya Turner, Community Development Director
County of Lake, Planning Division
255 N. Forbes St
Lakeport, CA 95453
Mireya.Turner@LakeCountyCA.gov

Dear Mireya,

The General Plan Update will play a critical role in shaping the future of Lake County. As an individual citizen of Lake County, I respectfully submit the following comments regarding the Notice of Preparation (NoP) of the EIR for the Lake County General Plan and Local Area Plans Update Project. During the development of the 2008 General Plan and associated area plans, and in subsequent application of these plans, I served on the County Board of Supervisors. Thus I participated in community meetings, engaged with local residents, community groups, and county staff throughout the planning process and beyond. Given the accelerated timeframe, my comments address areas of greatest concern.

Much has changed since the creation and adoption of the 2008 General Plan and related Area Plans: Widespread and massive destructive regional wildfires, expansion of cannabis agriculture, the decline in Clear Lake Hitch population are just a few examples. These changes continue to transform the region's ecosystems in ways that differ from those envisioned in previous planning processes, have substantially reduced wildlife habitat and compromised ecosystems, and thus necessitate a detailed evaluation in the EIR.

PROJECT DESCRIPTION AND SCOPE

The County stated in its January 24, 2024 public scoping meeting that the planning timeline is ambitious and that many sensitive environmental issues will be addressed in the Area Plans. The County should take extra care to ensure that **common themes, cumulative impacts, as well as potential synergies are adequately identified and receive the attention required. Further, the Programmatic EIR is an opportunity to look at the whole bioregion and consider a whole system approach.**

The EIR needs to consider the degraded ecosystems of Clear Lake and its surrounding region especially: nutrient-loading in Clear Lake and its tributaries, catastrophic wildland fires and the loss of wetlands and its associated impact on wildlife including the Clear Lake Hitch.

Today, the County understands more about how the Clear Lake Watershed's ecological

systems function and is in a better position to address problems using a systemic approach. I would urge the County to consider within the EIR scope not just the identification of potential negative environmental impact of human presence and development, but also **identify ways that the community can restore and regenerate what has been lost**, positively improving our area's living systems.

For example, the County might consider:

- How to **incorporate holistic and cooperative land management practices on a wider scale**, such as reincorporating traditional indigenous land management techniques of "good fire" and habitat restoration as fostered by the Tribal Ecosystem Restoration Alliance and its agency partners.
- How to identify and implement **potential nature-based cyclical solutions**. For example, the County could explore, test and (if successful) adopt innovative ways to "close the loop" in waste management. These could include policies that foster "circular economy" projects to transform what would otherwise be biomass waste into economic value, particularly forest biomass. This could also include biology-based septic and other waste-recovery systems at both the county General Plan and the area plan level.

I offer the following questions that I hope the EIR will answer:

Have prior mitigation measures worked? if not why not?

Have cumulative impacts been adequately mitigated? If not, why not? How can we ensure these are addressed going forward?

How will changes in climate impact groundwater, surface water and ecological systems?

For what new pressures on our infrastructure and systems do we need to plan?

How might we create and foster a circular local economy in harmony with our living systems?

ADDITIONAL COMMENTS BY CATEGORY

BIOLOGICAL RESOURCES

Wildfires have destroyed much of the wildlife habitat in the Mendocino National Forest and other public and private lands. Further, prior to the 2008 General Plan Lake County had already compromised or lost 70% of its wetlands surrounding Clear Lake. Given the imperiled state of wildlife and the destruction of habitat on a massive scale in Lake County, great care should be taken to avoid further damage and to repair and restore natural systems.

Specific areas of concern include: the impacts of human disruption, intrusion into and destruction of wildlife habitat especially wetlands, light pollution, chemical use in the watershed: especially herbicides, pesticides and rodenticides, wildlife safety..

HYDROLOGY AND WATER QUALITY

Meteorological shifts have already changed the local climate: extended periods of drought and less frequent but intense, major storms or sequential storms. Such storms test local stormwater pathways and, by infiltration, septic and sewer systems and produce surface ponding and localized flooding. Steadily, over the decades of development envisioned for the General Plan, depleted aquifers and potential subsidence in drought years as well as rising groundwater in flood years (subsurface aquifers) will exacerbate the problem. For Clear Lake, the EIR needs to **set a framework for development actions that can adapt and survive these boom-bust cycles due to climate change** and to preserve the outcomes the General Plan pursues.

LAND USE AND PLANNING

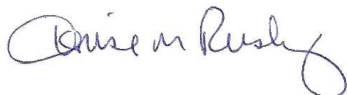
Lake county's history includes permitting the subdivision of land without stringent requirements or expiration of the entitlement based on the developer's promises of economic development and future benefits. The worst of these decisions usually has taken place at the tail end of an economic boom cycle in the larger US economy. The result: thousands lots in '**paper subdivisions**' which have created a nightmare for land use planning and dashed expectations for those purchasing these lands. The General Plan, and the EIR should include an assessment of the state of these subdivided lands and develop policies to foster recovery over time.

TRANSPORTATION

Given the reduction in wildlife habitat and the increasing pressures described above, establishing migration corridors for, and mitigation of impact on wildlife is critical. This includes identifying where wildlife corridors have already been disrupted, and fully mitigating disruption going forward.

Thank you for the opportunity to submit comments on the General Plan Update NoP. Please add me to your list of interested parties for notification purposes

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Rushing". The signature is fluid and cursive, with the first name "Denise" and last name "Rushing" clearly distinguishable.

Denise Rushing



Sierra Club Lake Group
PO Box 4362
Clearlake, CA 95422

February 6, 2024

Mireya Turner, Community Development Director
County of Lake, Planning Division
255 N. Forbes St
Lakeport, CA 95453
Mireya.Turner@LakeCountyCA.gov

Dear Ms. Turner,

The Sierra Club Lake Group respectfully submits our comments on the Notice of Preparation (NoP) for the Environmental Impact Report (EIR) of the Lake County General Plan and Local Area Plans Update Project. Our vested interest in the Clear Lake region's ecosystems, especially the biologically sensitive areas, drives our engagement. Recognizing the General Plan Update's pivotal role in shaping Lake County's future, we emphasize the importance of a comprehensive and inclusive planning process.

Project Description and Approach

We appreciate the Program EIR's intent to provide a framework for tiered project-level documents. However, we caution against an overly ambitious planning timeline that risks overlooking cumulative impacts and regional synergies. A holistic approach is essential to ensure the Plan addresses not only localized but also broader environmental concerns effectively.

CONSIDER A WHOLE SYSTEM APPROACH

This General Plan Update, and its programmatic EIR, presents an opportunity to consider a "whole system" approach to the Clear Lake bioregion.

In a few short decades, human development and activity have degraded the ecosystems of Clear Lake and its surrounding region to disastrous effect. Indicators of compromised ecosystems include but are not limited to:

- The Clear Lake Hitch, once in massive numbers just a few short decades ago, is now

at risk¹

- Significant nutrient-loading in the watershed resulting in regular and intense cyanobacteria blooms in Clear Lake and its tributaries,
- Multiple catastrophic wildland fires,
- Flooding in developed areas along the lake shore,
- The loss of over 70% of the regions wetlands and its associated wildlife
- Reduction in key land-based wildlife species, many of which played a critical role in the ecology of the region due, in part, to development and loss of habitat and useful corridors.

On the plus side,

- The County has learned more about how the Clear Lake Watershed's ecological systems function.
- Thanks to difficult challenges, by necessity the County, Tribes, Agencies and the community as a whole have demonstrated the ability to work together rather than in silos.

The General Plan Update offers a unique opportunity to adopt a "whole system" perspective, addressing the degraded ecosystems around Clear Lake. We urge the inclusion of strategies in the EIR scope that not only mitigate negative impacts but also promote ecological restoration and improvement. Incorporating holistic land management practices, such as traditional indigenous techniques and nature-based solutions, will be crucial.

WHAT HAS CHANGED?

The EIR scope should address the significant changes that have taken place since the creation and adoption of the 2008 General Plan and related Area Plans.

These include but are not limited to: widespread and massive destructive regional wildfires, expansion of viticulture and cannabis agriculture, the precipitous decline in keystone species such as the Clear Lake Hitch, and the escalating impacts of climate change on agriculture, flora, fauna and water. These changes continue to transform the region's ecosystems in ways that differ from those envisioned in previous planning processes and thus necessitate a detailed assessment in the EIR.

The above factors also introduce the potential for substantial human impacts to sensitive and diminishing wildlife habitat. This should be reflected in the project description and its impacts should be specifically evaluated in the EIR.

¹ The Center for Biological Diversity's legal actions to secure Endangered Species Act protections for this species highlight the severity of its decline, with a reduction to less than one percent of its historical population. The USGS's ongoing research in partnership with the U.S. Fish and Wildlife Service further substantiates the need for effective management and conservation strategies for this imperiled species.

Identify Changes and Updates to Prior Mitigation Measures

We understand from the County's January 24, 2024 scoping meeting that mitigations adopted in the 2008 General Plan EIR will carry over and be supplemented with additional mitigation measures in the Area Plans (and any subsequent EIRs, if applicable) for this General Plan Update. **Please clearly identify in the EIR any mitigation measures that are intended to update or supersede mitigations adopted in the 2008 General Plan EIR and the as well as which measures they supplant.**

CUMULATIVE IMPACTS

The EIR scope should include an analysis of cumulative impacts, or at the very least, identify when cumulative impacts must be considered. This should include a list of activities where cumulative impacts might be significant. These include (but are not limited to) the following activities:

- Watershed activities that create nutrient load in Clear Lake
- Activities that impact fisheries, most especially the Clear Lake Hitch
- Fireshed activities
- Dollar General and other formula box store proposals
- Cannabis Cultivation
- Activities that impact groundwater, particularly in imperiled groundwater basins in drought years
- Climate resilience and mitigation activities

EIR ANALYSIS CATEGORIES

While the NoP outlines a comprehensive list of environmental analysis categories, we recommend including additional areas such as Geothermal Development and Management, Climate Mitigation and Resilience, and the promotion of a Circular Economy. These areas are integral to a forward-looking environmental strategy.

ADDITIONAL COMMENTS BY CATEGORY

Aesthetics: Identify and protect scenic resources, setting standards to minimize the impact of development on community viewsheds.

Air Quality and Greenhouse Gas Emissions: Provide a quantitative analysis of emissions from future projects, with appropriate mitigation measures.

Biological Resources: Given the imperiled state of wildlife and the destruction of habitat on a massive scale in Lake County, great care should be taken to avoid further damage and to repair and restore natural systems. For all impacts on wildlife and habitats in such an imperiled state, the highest and best mitigation is avoidance. The EIR should establish a Biological Resource Assessment standard for tiered projects. The Biological Resources analysis needs to reach beyond the CEQA checklist and regional databases to establish appropriate standards to be used by tiered projects.

Hazards and Hazardous Materials: Evaluate all hazards: wildfire, flooding among them. Evaluate the cumulative impacts of hazardous sites and incorporate strategies for addressing potential land use conflicts due to contamination.

Hydrology and Water Quality: Address climate change-induced challenges to water resources, emphasizing adaptive management strategies for stormwater and groundwater.

Land Use and Planning: Assess the impact of "paper subdivisions" and develop policies for their recovery.

Population and Housing: Examine the implications of development on the jobs/housing balance.

Recreation and Public Services: Evaluate the impact of growth on recreational facilities and public services, incorporating mitigation strategies for increased demand.

Transportation: Consider the impact of transportation projects on wildlife and habitats, particularly migration. The EIR should analyze and provide options for preserving and enhancing wildlife corridors

Utilities and Service Systems: Provide a detailed analysis of existing utility infrastructure, particularly sewer and water, highlighting areas in need of upgrade.

We appreciate the opportunity to contribute to the General Plan Update process and look forward to continued collaboration.

Sincerely,
Debra Sally
Chair, Sierra Club Lake Group



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
(916) 358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 6, 2024

Mireya Turner
Director, Community Development Department
Lake County
255 N Forbes Street
Lakeport, CA 95453
LakeCounty2050@lakecountycal.gov

Subject: Lake County General Plan and Local Area Plans Update
ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2024010158

Dear Mireya Turner:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of a draft Environmental Impact Report (DEIR) from Lake County for the Lake County General Plan and Local Area Plans Update (Project) in Lake County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

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

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

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 2 of 7

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in Lake County, positioned within the Pacific Coastal ranges approximately 100 miles north of San Francisco, 90 miles northwest of Sacramento, and 35 miles east of the Pacific Ocean. Lake County is bounded by Mendocino County to the west, Yolo, Colusa, and Glenn Counties to the east, and Sonoma and Napa counties to the south. The major roadways that traverse the county include State Route 20, which joins up with Highway 101 and Interstate 5, and State Routes 29, 53, and 175.

The Project consists of updating the 2008 General Plan and all eight of the County's Local Area Plans, which were adopted at various times between 1988 and 2010. The General Plan, as required by State law, contains eight elements: land use, circulation, housing, open space, noise, safety, conservation, and environmental justice. The County's eight Local Area Plans comprehensively cover the entire county and provide additional guidance for potential future development. The County's updated General Plan and Local Area Plans include goals, policies, and actions that set the long-term plan (blueprint) for potential future development in unincorporated Lake County. The project will build off the current General Plan and Local Area Plans and provide a framework for land use, transportation, and conservation decisions, and direct future growth within unincorporated Lake County (DEIR study area) through the year 2050.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist Lake County in adequately identifying and/or mitigating future projects significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on proposed projects with respect to impacts on biological resources. CDFW recommends that the following policies are adopted by the County in order to reduce impacts to biological resources from future development to a less than significant level and provide more protection for sensitive resources within the County of Lake.

- The County shall promote the preservation and restoration of contiguous areas of natural habitat throughout the county and support their integration with existing and future regional preserves;

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 3 of 7

- The County shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;
- The County shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with State and federal regulations in perpetuity;
- The County shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with State and federal regulations protecting wetland resources, and if applicable, special-status species such as bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), western pond turtle (*Emys marmorata*), foothill yellow-legged frog – north coast distinct population segment (DPS) (*Rana boylei pop. 1*), California red-legged frog (*Rana draytonii*), yellow warbler (*Setophaga petechia*), California spotted owl (*Strix occidentalis occidentalis*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), with special emphasis on Clear Lake hitch (*Lavinia exilicauda chi*). Additionally, the County shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no-net loss of value and/or function;
- The County shall ensure appropriate conservation of Clear Lake hitch (*Lavinia exilicauda chi*) (CLH) and its habitat in Clear Lake and associated tributaries. The County shall support and pursue the removal of fish passage barriers (organic and man-made) throughout the CLH historic range and where possible enhance critical CLH spawning habitat through improved flow capacity, removal of invasive vegetation, and scheduled maintenance to prevent the buildup of trash and debris. Additionally, the County will disclose the potential of a project to take State-listed species and how the impacts will be avoided, minimized, and mitigated.
- The County shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with State and federal regulations protecting foraging habitat for those species known to utilize this habitat;

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 4 of 7

- The County shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the county that provide habitat for common native, and special-status wildlife species;
- The County shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;
- The County shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the County shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry-recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the Project site. Survey Reports shall be prepared and submitted to the County and CDFW or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with State and federal law;
- The County will thoroughly analyze future projects potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed the County will define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The County shall analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, the County shall analyze a projects cumulative impacts and determine if that contribution would result in a significant impact.
- The County will adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of projects. Mitigation will be roughly proportional to the level of

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 5 of 7

impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § 15126.4(a)(4)(B), 15064, 15065, and 16355).

- The County shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the county; and
- The County shall support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements.
- Lake county supports the Cache Creek watershed including Clear Lake and its associated tributaries including but not limited to Middle Creek, Scotts Creek, Manning Creek, Adobe Creek, Kelsey Creek, Cole Creek and Cache Creek. Lake county also supports portions of the Eel River watershed including Lake Pillsbury, as well as portions of the Putah Creek watershed including St. Helena Creek and Putah Creek, the County will fully identify a project's potential impacts to the lakes and streams and/or their associated vegetation and wetlands throughout the county. If it is determined a project will result in significant impacts to these resources the County shall coordinate with CDFW to provide appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level. Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may substantially divert or obstruct the natural flow of any river, stream or lake, substantially change or use any material from the bed, channel or bank of any river, stream, or lake or deposit debris, waste or other materials where it may pass into any river, stream or lake.
- The County shall comply with all applicable laws related to nesting birds and birds of prey. Potential habitat for nesting birds and birds of prey is present throughout Lake County. The County shall analyze all potential activities that may incur a direct or indirect take to nongame nesting birds within the county and provide appropriate avoidance, minimization, and/or mitigation measures to avoid take. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The County shall also include specific avoidance and minimization measures that will be implemented should a nest be located within a project site. In addition to larger, protocol level survey efforts and scientific assessments, final preconstruction surveys may be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 6 of 7

ENVIRONMENTAL DATA

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

FILING FEES

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

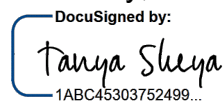
CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the Notice of Preparation of the DEIR for the Lake County General Plan and Local Area Plans Update and recommends that Lake County address CDFW's comments and concerns in the forthcoming DEIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Ben Huffer, Environmental Scientist at (916) 216-6253 or benjamin.huffer@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1ABC45303752499...

Tanya Sheya
Environmental Program Manager

Lake County General Plan and Local Area Plans Update

February 6, 2024

Page 7 of 7

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)
Ben Huffer, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>



February 7, 2024

Mireya Turner Electronically Sent <Mireya.Turner@lakecountycal.gov>
Director, Community Development Department
Lake County
255 North Forbes Street
Lakeport, CA 95453

The California Department of Transportation, Caltrans Aeronautics has reviewed the Notice of Preparation of a Draft EIR for the Lake County General plan and Local Area Plans Update. One of the goals of the California Department of Transportation, Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Aeronautics Program in the review of the Notice of Preparation.

Caltrans Aeronautics reviews environmental documents with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). Caltrans Aeronautics has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects, and we have permit authority for public-use and special-use airports, and heliports. The following comments are offered for your consideration.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or, if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource for all public use airports and is available online at: <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-all.pdf>

The Airport Land Use Commission (ALUC) for Lake County, has adopted an airport land use compatibility plan (ALUCP) for Lampson Field, which is the sole public use general aviation airport within the Lake County region. The Lake County Airport Land Use Compatibility Plan (2007) was adopted by the ALUC pursuant to the PUC, Section 21674.

General Plans

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones or airport influence area, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan(s) formed by the ALUC pursuant to the PUC, Section 21674.

The Lake County General Plan and Local Area Plans should aim to meet the compatibility standards set forth in the ALUCP. This is in respect to safety, noise, overflight, and obstruction standards. Future projects that come forward from the plans and are within an airport land use plan are subject to a consistency review by the ALUC.

An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development in the vicinity of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport.

Housing

Caltrans Aeronautics stresses the importance of considering the compatibility policies in the ALUCP, with references in the Caltrans Aeronautics Handbook for supplemental guidance. Additionally, as an unfortunate commonality in California, Caltrans Aeronautics understands that cities and counties are facing affordable housing supply shortages and are looking for new areas to accommodate residential developments. Environmental justice and equity concerns should also be reviewed for consistency with goals identified in the California Transportation Plan 2050 (CTP 2050) and the California Aviation System Plan 2020 (CASP 2020). Caltrans Aeronautics notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which require counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

Ms. Mireya Turner, Director, Community Development Department
February 7, 2024
Page 3

The protection of airports from incompatible land use encroachment is vital to California's economic future. Airports are an economic asset that should be protected through effective airport land use compatibility planning and engagement with stakeholders and the community. Although the need for compatible and safe land uses near airports is both a local and State issue, it is crucial to adhere to the requirement that airport staff, airport land use commissions and airport land use compatibility plans are vital to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport aims to relieve future conflicts between airports and their neighbors.

If you have any questions or need additional information, please contact me at my email address: tiffany.martinez@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Martinez". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Tiffany Martinez
Transportation Planner

c: State Clearinghouse <state.clearinghouse@opr.ca.gov>

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

2617 South Main Street
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421



Douglas G. Gearhart
Air Pollution Control Officer
doug@lcaqmd.net

-MEMORANDUM-

To: Mireya G. Turner
Director, Community Development Department
Lake County

DATE: February 7, 2024

FROM: Peter Helldorfer, Air Quality Engineer

SUBJECT: General Plan and Local Area Plans Update Project EIR

Mireya G. Turner

On January 10, 2024 the Lake County Air Quality Management District (District) received your request for comments and guidance on the scope of an Environmental Impact Report for the Lake County General Plan and Local Area Plans Update Project.

Lake County has enjoyed some of the cleanest air in the nation since 1990 and the District is excited to work with you to ensure that concerns of air quality are addressed so that we may all continue to enjoy our clean air.

The District recommends consideration of the State of California's mandate to become carbon neutral by 2045. A significant component of this goal is to reduce and/or eliminate fossil fuel combustion and replace this energy with electricity or other renewable resource. The State of California has mandated that all new cars sold in California be zero emission by 2035 and most on-road medium and heavy duty trucks be zero emission by 2045. This will require a large number of electric vehicle chargers and/or other alternative energy fueling systems to be installed throughout the county to support this change. Ensuring easy and widespread access to alternative energy sources will be crucial to businesses, residents and those who visit our beautiful county.

The County should include plans on how to address the need to install numerous electric vehicle charging points (and/or other alternative fueling points) as well as increasing infrastructure capacity and resiliency for times of disaster and/or other unforeseen events.

The County should identify and encourage methods to reduce the energy needs of existing structures such as replacing existing lighting with LED lightening, replacing insulation, replacing windows and doors and replacing heating and cooling equipment with more efficient and modern heat pump technology.

The County should include a plan to address greenhouse gas emissions from activities such as business, construction, transportation and other economic activity.

The County should include a Climate Change Element and include thresholds where mitigation is necessary as well as examples of acceptable mitigation methods such as installation of a minimum number alternative energy fueling points, installation of solar panels, sidewalks, bike paths and/or alternative transportation methods.

The County should include a land use guide to avoid the placement of sources of toxic air contaminants near residential areas and sensitive receptors such as schools, daycares, senior housing and hospitals. These sources include, but are not limited to, power generation facilities, diesel generators, gasoline stations, welding operations and automotive/aerospace/wood/marine coating operations. Each emit substances which pose significant long term health impacts.

The County should include special considerations for low income, sensitive communities and disadvantaged communities to help end the cycle of inequitable expose to cancer causing and toxic materials. Examples of this inequitable exposure include, but are not limited to: proposal and construction of low income and senior housing in areas which contain Asbestos, a known Toxic Air Contaminant and significant cancer causing substance, in Lakeport and proposal of low income housing at the same location of a diesel powered PG&E Microgrid in Middletown which emits diesel particulate matter, a known Toxic Air Contaminant and significant cancer causing substance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Helldorfer", written in a cursive style.

Peter Helldorfer
Air Quality Engineer

From: [Tom Margaux Kim](#)
To: [Lake County Community Development](#)
Subject: [EXTERNAL] "General Plan and Local Area Plans Update Project EIR"
Date: Wednesday, February 7, 2024 2:23:27 PM

Lake County General Plan and Local Area Plans Update Project EIR Representative,

General Plan and Environment Impact Report (EIR) Approach

For scope and guidance for Environmental Impact Report (EIR) content, please keep in mind that California Governor's Office of Planning and Research recommends that the EIR be developed early, so it can "influence development of the general plan", but "an EIR will not provide meaningful information if it is prepared before actual policy language is

developed."^[i]

It seems impossible to draft an EIR before the General Plan—much like building a plane while in flight. The lack of an outline or guideline for EIR comments increases the challenge of providing relevant comments in the most effective format.

In terms of approach, Lake County's decision to draft Local Area Plans first and have them inform the General Plan seems to defy logic. Applying the granular to the macro level challenges common sense.

<!--[if !supportLists]-->• <!--[endif]-->How can distinct hydrology and water usage data in separate Local Area Plans feed coherently into the General Plan, covering the entire county?

<!--[if !supportLists]-->• <!--[endif]-->How can the county determine sound policy by stitching together data or policy from disparate local areas into an overarching policy document for the entire county, the General Plan?

It's my understanding that the current General Plan did not take the proposed approach of drafting Local Area Plans first. The better approach for updating the county's General Plan is to develop the Local Area Plans *after* drafting the General Plan.

For the General Plan to be more than a perfunctory exercise, accountability measures must be built in. The plan needs identified milestones, target dates and regular reporting on progress to the public. A RASIC chart should accompany the General Plan, clearly distinguishing decision-makers from stakeholders who need to be informed and actors performing the work.

Environmental Impact Report Scope

For EIR scope, it is important to address sustainability and resilience. The following examples are not exhaustive:

Conservation and Resilience

<!--[if !supportLists]-->• <!--[endif]-->Implementing best practices for water management

<!--[if !supportLists]-->○ <!--[endif]-->Promote conservation

<!--[if !supportLists]-->■ <!--[endif]-->Promote wise water usage by

residents and commercial interests

<!--[if !supportLists]-->■ <!--[endif]-->Develop and implement plan to recharge aquifers

<!--[if !supportLists]-->○ <!--[endif]-->Address the cumulative impact of water usage by commercial agricultural and industrial interests on the aquifer

<!--[if !supportLists]-->■ <!--[endif]-->to ensure water supply for residents

<!--[if !supportLists]-->● <!--[endif]-->by monitoring and safeguarding groundwater resources

<!--[if !supportLists]-->● <!--[endif]-->implement water usage estimates by agriculture and industry as a water management tool

<!--[if !supportLists]-->● <!--[endif]-->set consequences for agriculture and industry entities which exceed their estimated water usage

<!--[if !supportLists]-->○ <!--[endif]-->Implement resilience best practices

<!--[if !supportLists]-->■ <!--[endif]-->to minimize wildfire risk and impact of continuing drought and flood

<!--[if !supportLists]-->● <!--[endif]-->identify areas that should be off limits for housing because of high risk for wildfire or flooding

<!--[if !supportLists]-->● <!--[endif]-->develop and implement policy to enact the point above

<!--[if !supportLists]-->■ <!--[endif]-->Develop and implement robust drought management plans

<!--[if !supportLists]-->■ <!--[endif]-->Abiding by smart development (few examples follow)

<!--[if !supportLists]-->● <!--[endif]-->minimize urban/residential sprawl

<!--[if !supportLists]-->● <!--[endif]-->locate development near existing infrastructure and public transit

<!--[if !supportLists]-->● <!--[endif]-->expand public transit to high-density residential areas

<!--[if !supportLists]-->● <!--[endif]-->preserve and improve quality of life

<!--[if !supportLists]-->○ <!--[endif]-->promote walkable and bicycle-friendly communities with public transit options that reduce reliance on carbon fueled vehicles

- <!--[if !supportLists]-->○ <!--[endif]-->install sidewalks with curb cuts to accommodate the mobility challenged,
- <!--[if !supportLists]-->○ <!--[endif]-->protect the county's air quality—once the cleanest in the state—by prohibiting the use of carbon-based fuel generators except for narrowly defined emergencies

Economic Development Resiliency and Land Use

- <!--[if !supportLists]-->● <!--[endif]-->Embed sustainability and resilience into economic development policy and plans
 - <!--[if !supportLists]-->○ <!--[endif]-->Target industries and projects that offer living wages and upward mobility for residents
 - <!--[if !supportLists]-->○ <!--[endif]-->Return on investment analysis must include environmental and quality of life costs
 - <!--[if !supportLists]-->■ <!--[endif]-->Negative impact to the health, safety and well-being of residents should not be tolerated to support a venture not on track to produce anticipated lucrative revenue generation.
 - <!--[if !supportLists]-->■ <!--[endif]-->Potential revenue gains however lucrative should not override the negative impact on residents of a county-supported venture.
 - <!--[if !supportLists]-->○ <!--[endif]-->Return on investment analysis must consider available data on revenue performance and projected revenue income by project or program
 - <!--[if !supportLists]-->■ <!--[endif]-->For example, at the 23 January 2024 Board of Supervisors meeting, it was reported that in 2023 Lake County had \$1.4 million more on cannabis expenditures than cannabis tax revenue collected.
 - <!--[if !supportLists]-->■ <!--[endif]-->Lake County reduced cannabis tax rates through 2024 to assist the ailing cannabis industry.
 - <!--[if !supportLists]-->■ <!--[endif]-->Various news media report that the cannabis market is flailing. Prices have fallen dramatically. The return of high prices for cannabis is unlikely as more municipalities legalize cannabis.
 - <!--[if !supportLists]-->■ <!--[endif]-->Lake County is one of poorest counties in California. The county's needs outstrip its available funds. To survive and thrive, scarce resources must be used wisely.
 - <!--[if !supportLists]-->● <!--[endif]-->In Lake County, cannabis cultivation and business has not lived up to its promise of booming economic development.
 - <!--[if !supportLists]-->● <!--[endif]-->Good stewardship of the

county's scarce resources demands a hard look and tough action aimed at poor economic performers such as cannabis cultivation and business.

• Examine return on investment

○ Does the county-supported industry create jobs that pay a living wage?

○ Or is it seasonal work with limited prospects for upward mobility?

• Limits of support (tax breaks, favorable treatment in zoning, permitting, etc.) need to be identified for poor economic performers that receive county aid. Otherwise, the county could continue to hemorrhage desperately needed funds for projects or programs with a higher public good impact.

Specifically, what are the parameters that Lake County voters willing to tolerate on poor economic producers (cannabis industry) receiving county support?

How many millions of dollars in losses are the voters comfortable with and for how long?

One means of limiting the county's losses on its cannabis support is to strategically target county support for a cannabis cultivation / business profile that best suits the county's priorities.

• Target county support for priority economic development.

• As its commitment to cannabis potential in Lake County, the county could target its support to local resident small yield growers and business people who live in the county and produce artisanal cannabis products.

This approach parallels the county's priority to favor local businesses over big box chain stores. In land use, Big Cannabis (large cannabis operations often funded by investors outside the county) is the equivalent to big box chain stores.

General Plan: Roadmap for a Thriving, Vibrant Community

Land Use | Safety | Circulation | Air Quality | Housing

On a positive note, updating the General Plan presents exciting opportunities for Lake County. For instance, if the county wishes to become a Blue Zone, then the EIR needs to account for impacts a Blue Zone may bring: increasing walkability and bike safety in Lake County, encouraging healthier eating habits. This can entail more sidewalks (e.g. in the

City of Lakeport), bike lanes and community gardens (e.g. at or near public schools).

Recreational Assets for Locals and Tourism Draw

Cycle Clear Lake

To improve recreational opportunities for residents and visitors, the county can consider developing a bike trail or lane that circles the lake (the Clear Lake Loop or Ring Around the Lake). If safe and done well, a bike trail that circles the lake could have great visitor and resident appeal. With planning and road changes (e.g. road widening or temporary lane closure to motorized vehicles for a special event), a bike trail or lane that circles the lake could become the centerpiece of an annual event, Cycle Clear Lake.

Such an event touches on economic development and visitors need for lodging, dining services, entertainment, sundries and souvenirs. This in turn, triggers possible impacts for inclusion in the EIR. More visitors mean more air pollution emissions for visitor circulation and transport of goods for the visitors plus increased demand for water and food; these are impacts for notation in the EIR.

Green Ferry

Consider reviving ferry service on Clear Lake—powered by green energy. This has potential to be a recreational asset for residents and visitors.

This project could be developed in partnership with the college / university, and or private sector. It could be a demonstration project, highlighting green energy research for marine applications. Perhaps research for the green ferry could lead to technology that can power a larger marine vessels, including a larger ferry to accommodate summer crowds.

Other Low or No Carbon Water Recreation

A lower tech version of promoting water recreation on Clear Lake is to promote the rental of paddle boats, paddle boards. Promotion does not necessarily mean subsidy.

Housing

To address the need for more affordable housing stock, the county can (if not doing so already) convert tax delinquent residential properties into livable occupied spaces. If the tax delinquent residential properties are beyond repair, then acquiring the delinquent property, razing the dilapidated structure(s) and salvaging building materials is an option. Razing dilapidated homes has environmental impact that the EIR must capture.

A public / private / nonprofit partnership in the form of jobs training could assist in rehabilitating the county's aging housing stock. Trainees learn how to repair and or deconstruct and salvage building materials; they get on the job training by repairing or deconstructing homes beyond repair. High school or community college vocational programs may be good partner candidates for such a training and jobs program.

To improve the career prospects of the trainees, instruction should also cover topics of general contracting and construction project management. Trainees commuting to the job site will have an environmental impact on air quality if traveling by internal combustion engine vehicle.

In addition, volunteers interested in housing issues can be invited to participate in housing rehabilitation efforts.

Encouraging more mixed use in downtowns (e.g. retail downstairs and residential space upstairs) is another way to increase housing supply and foot traffic downtown. The additional demand for water and sewer services are among other impacts need to be noted in the EIR.

Circulation and Conservation: Public Transit Using Renewable Fuels

For better air quality, public transit and school buses could use a carbon neutral or renewable fuel. More and better public transit is better for air quality and circulation.

Traditional bus travel may not be the most effective mode of public transit for a significant number of residents. Perhaps a better alternative is an on-demand taxi-like service in a renewable fuel vehicle, electrical vehicle or electric hybrid van.

For efficiency, perhaps this service is coordinated through a senior center; seniors tend to need transportation to health care appointments and for other tasks. The service does not have to be limited to seniors. Youngsters who need rides to extracurricular activities could use this service.

To test the viability of this project, a survey of stakeholders and pilot should be undertaken. If there is sufficient public interest, local transit or a partnership of local transit with the county, federal grants, private sector and other entities.

Conclusion

While Lake County has great potential, current quality of life should not be sacrificed. I hope that the next General Plan and its EIR yield prosperity, good health and high quality of life for all county residents.

Margaux Kambara
Lake County Resident & Property Owner
District 4

^[1] [CA Governor's Office of Planning and Research, General Plan General Guidelines and Technical Advisories, Chapter 10: CEQA, 270].

From: [Tom Margaux Kim](#)
To: [Lake County Community Development](#)
Subject: [EXTERNAL] "General Plan and Local Area Plans Update Project EIR"
Date: Wednesday, February 7, 2024 4:43:46 PM

Begin forwarded message

From: Tom Margaux Kim <tomarkim@gmail.com>
Date: February 7, 2024 at 16:42:05 PST
Subject: "General Plan and Local Area Plans Update Project EIR"

General Plan and EIR Representative,

This an addendum to my previously submitted comments.

Land Use and Conservation

As part of wildfire mitigation, the county should take measures to chip, compost deadfall throughout county. Biomass processing maybe a viable alternative.

To preserve and press its unique advantage, the county should protect its dark skies. The county should at minimum limit and reduce light pollution. The county's dark skies appeal to stargazers and visitors who appreciate celestial beauty.

Thank you for the opportunity to provide input.

Sincerely,
Margaux Kambara
Lake County Resident & Property Owner
District 4

Sent from my mobile

February 7, 2024

Mireya G. Turner
Director, Community Development Department, Lake County
255 North Forbes Street
Lakeport, CA 95453
Mireya.Turner@lakecountyca.gov
(707) 263-2221

RE: Lake County 2050 General Plan and Local Area Plans Update Project EIR Scoping Comments

Dear Ms. Turner,

Lake County provided a Notice of Preparation (“NOP”) that it would commence preparing an Environmental Impact Report (“EIR”) in relation to the update of Lake County’s General Plan. The County requested comments and guidance from interested individuals and organizations regarding the scope and content of the EIR. NorCal 4 Health is honored to take part and we applaud the work of the staff, consultants, and Board of Supervisors in updating these important visioning documents. Please know we are here to support as we can.

It is understood that while the proposed Lake County General Plan update does not necessarily involve site-specific development, however, as with any General Plan update, proposed amendments to the existing General Plan and Local Area Plans could indirectly lead to future development, which could result in potential impacts to the environment.

A jurisdiction is responsible for protecting the public health, safety, and welfare of its citizens, and has the ability to do so through the implementation of land use plans, policies, and programs to meet the needs of its communities. The built environment and land use decisions play an important role in shaping the pattern of community development for either promoting or discouraging good health for its citizens. The following comments are provided in consideration of 2050 Lake County General Plan updates to help support and preserve open space, conservation, and promote community safety with the overarching goal of health and wellness for the residents in and visitors to Lake County.

Nor Cal 4 Health encourages the EIR to address within the scope and content the environmental impacts of secondhand smoke, tobacco product waste and its pollution, as well as tobacco retailers and the environmental impact these entities have on land use, hazardous materials, biological resources, air quality and wildfires.

Land Use

California's Office of Planning and Research provides that the Land Use element "[W]ill reflect the community's vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements."

Establishing a community that is environmentally safe and flourishing is a goal Lake County residents can all agree upon. When crafting policies, goals, and action items to help mitigate or reduce environmental impacts, the General Plan EIR could require that public health, welfare, and safety be taken into consideration when engaging in land use planning as well as establish a public health, welfare and safety standard when prioritizing land use conflicts.

One area of environmental concern is the current and future siting of tobacco retailers in Lake County. While the current siting of tobacco retailers does not necessarily implicate environmental harms in future development, research does indicate siting of tobacco retailers has resulted and continues to result in an aggregation of environmental harms. Research has advanced in public health since the last General Plan update in 2008, and with it, understanding. Since 2008, various studies have been conducted regarding the environmental impacts of tobacco product waste, and they indicate that tobacco product waste aggregates where tobacco retail stores are sited.^{1,2} "Because of the ubiquitous disposal of cigarette butts and [Electronic Smoking Devices], several waste management systems may be sources of tobacco pollutants to the environment. These include the effluents of treated domestic wastewater, leachates seeping out of landfills, and discharges from urban storm drains."³

Communities looking to address and mitigate existing environmental harms require policies to center environmental health so as to reduce current negative impacts in environmental health.

Hazardous Materials

The emergence of electronic smoking devices largely happened after the 2008 Lake County General Plan update. As such, the issues associated with electronic smoking device tobacco product waste were not of consideration and were not incorporated for environmental considerations in the last update. Electronic smoking devices pose a new environmental threat including discarded plastics, heavy metals, toxic residues, and lithium-ion batteries, which can create a significant fire hazard.

¹ Araujo M, Costa M. *A critical review of the issue of cigarette butt pollution in coastal environments*. Environ Res. 2019 Feb 1;172.

² Freire Lima C, Amaral dos Santos Pinto M, Brasil Choueri R, Buruaem Moreira L, Braga Castro I. *Occurrence, characterization, partition, and toxicity of cigarette butts in a highly urbanized coastal area*. Waste Manage. 2021 Jul 15;131:10-9.

³ Novotny TE, Bialous SA, Hill K, Hamzai L, Beutel M, Hoh E, Mock J, Matt GE. *Tobacco Product Waste in California: A White Paper*. California Tobacco Control Program, California Department of Public Health, February 28, 2022.

E-cigarettes typically contain an e-liquid that is a harsh chemical and is considered a hazardous waste. Nicotine⁴ is a P-listed waste as it can cause death or permanent injury/illness even in small quantities. Electronic cigarettes, vapes, e-hookahs, and any other tobacco products and accessories that contain nicotine e-liquid are acute hazardous waste when they are discarded or intended to be discarded. This is the case regardless of whether the products are spent or if they are unused in their original packaging. E-cigarettes can also be known to use lithium-ion batteries, chargers and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they need to be recycled as e-waste. There is currently no safe procedure established for consumers to dispose of these products.⁵ If Lake County experiences a wildfire, flooding, or earthquake near any of its communities where tobacco retailers are sited, it is important to assess the environmental impact of these products and mitigate that impact by awareness of the volume of the hazardous materials retailers possess, as well as requiring a plan for proper disposal and containment in case of natural disaster.

There is currently no safe procedure established for consumers to dispose of these products.⁶ It is also of note that with the recent enactment of SB 793, banning the sale and inventory possession of flavored tobacco products, many commercial tobacco products are set to be discarded, as legally they can no longer be sold or stored by commercial tobacco retailers. The EIR has the capacity to address this issue through its policy objectives and implementation measures regarding hazardous materials. Tobacco products contain materials that are hazardous, such as nicotine, batteries, and other toxic chemicals and metals. When these products are destined to be discarded, they become subject to federal and state regulation under hazardous waste management laws. Jurisdictions will need to address how these products are disposed of safely and educate retailers and residents as to their hazardous waste designation and proper disposal protocols.

Biological Resources

Numerous studies have been conducted regarding the impact of tobacco product waste and its impact on waterways, the growth and death of microorganisms, plant life, and non-mammalian animals (some but not extensive research was conducted on mammalian animals).⁷ Ingestion of cigarette butts by animals has been reported to cause tremors, vomiting, lack of coordination, convulsions, respiratory failure, and early onset death. Nicotine has been found to cycle through plant and soil systems. Plants and crops contaminated by nicotine has a significant impact on the food-supply chain, resulting in economic losses for farmers and loss of commodity plants and or crops.

Introduction of any future development of tobacco retailers near urban agricultural areas, existing agricultural spaces, as well as recreation areas, open spaces, and waterways, would need to be assessed and mitigation techniques employed to set a minimum proximity distance of tobacco retailers from these operations so as to reduce environmental harms and pollution to food-supply chains. Lastly, buffer

⁴ Nicotine and Nicotine Salts are considered an acute hazardous waste under the Resources Conservation and Recovery Act (RCRA). The EPA has nicotine and salts listed as an "acute hazardous waste." California is authorized by the Environmental Protection Agency (EPA) to enforce RCRA and its regulations.

⁵ World Health Organization. Tobacco and its Environmental Impact: An Overview. 2017. California Coastal Commission. Statewide Results for Cleanups from 1988 to 2020 [dataset]. 2020. <https://www.coastal.ca.gov/publiced/ccd/stats/data.xlsx>

⁶ World Health Organization. Tobacco and its Environmental Impact: An Overview. 2017. California Coastal Commission. Statewide Results for Cleanups from 1988 to 2020 [dataset]. 2020. <https://www.coastal.ca.gov/publiced/ccd/stats/data.xlsx>

⁷ Novotny et. al. *Tobacco Product Waste in California: A White Paper*. California Tobacco Control Program, California Department of Public Health, February 28, 2022.

zones uocan be employed regarding tobacco products so as to reduce tobacco product waste in these spaces, which can mitigate environmental harms to microorganisms, plant life, non-mammalian and mammalian animals.

Air Quality and Wildfire

It is well established there is no safe level of secondhand smoke.⁸ The California Air Resources Board identified in 2006 that secondhand smoke is a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.^{9,10} In 2006, the California EPA added secondhand smoke to the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm.¹¹

The impact on air quality is well-researched. In addition to impacting residents, air quality impacts tourists and potential business developers. We know that our urban visitors have come to expect smoke-free outdoor spaces. Additionally, air quality isn't just a consideration for human beings—the quality of air should also be assessed towards wildlife and the potential environmental impacts on wildlife, ecosystems, and plant and tree life. Commercial tobacco smoke is an environmental harm, which through regulation and planning, can be mitigated. When developing an EIR in relation to air quality and the impacts of secondhand smoke, Lake County could create a policy to assess the creation and preservation of smoke-free spaces as local communities continue to grow.

During 2012–2016, U.S. fire departments responded to an estimated 18,100 smoking-related structure fires, which resulted in an estimated 1,130 injuries, 590 deaths, and \$476 million in direct property damage.¹² The United States Forest Service Fire Program Analysis-Fire Occurrence Database provides that eighty-four percent (84%) of wildfires in the U.S. from 1992 until 2021 were caused by humans.¹³ When reviewing Lake County's Fire Severity Map (Figure 7-3) it is clear that the majority of Lake County is in a very high fire hazard severity zone. In order to best protect natural resources in Lake County, as well as preserve open spaces, which include mostly, but are not limited to forests, lakes, and mountains, the EIR could mitigate the constant environmental risk humans pose to these areas by enacting smoke-free buffer zones to protect these areas.

⁸ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2006. Available at: www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm.

⁹ Air Resources Board, California Environmental Protection Agency. *Frequently Asked Questions—Environmental Tobacco Smoke*. Available at: www.arb.ca.gov/toxics/ets/factsheetets.pdf. Accessed February 1, 2024.

¹⁰ California Identifies Secondhand Smoke as a “Toxic Air Contaminant” [press release]. January 26, 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm. Accessed February 1, 2024.

¹¹ Office of Environmental Health Hazard Assessment, California Environmental Protection Agency. *The Proposition 65 list*. <https://oehha.ca.gov/proposition-65/proposition-65-list>. Accessed February 4, 2024.

¹² National Fire Protection Association. *Home Fires Started by Smoking*. Quincy, MA: National Fire Protection Association. 2019. Available at: <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/US-Fire-Problem/Fire-causes/ossmoking.ashx>.

¹³ Balch, J.K., Bradley, B.A., Abatzoglou, J.T., Nagy, R.C., Fusco, E.J., & Mahood, A.L. (2017). *Human-started wildfires expand the fire niche across the United States*. Proceedings of the National Academy of Sciences, 114(11), 2946-2951. <https://doi.org/10.1073/pnas.1617394114>

In sum, we know that Lake County's residents envision a healthy community and vibrant economy, which involves protecting residents, wildlife, and the land from exposure to harmful nicotine and tobacco products and their waste. A strong and healthy community is an attractive feature to not only families, but also tourists and relocating businesses and industries. What our project has come to learn is that these are things that can be addressed at the community planning and policy level. Addressing tobacco retailer proximity to residential, youth-oriented, recreation, conservation, and designated open spaces, as well as implementing measures and guidance for businesses and residents to properly dispose of hazardous waste, supports this vision as well as mitigates any negative environmental impacts. Please feel free to reach out to our project for any questions you may have and thank you, again, for this opportunity to serve this valuable community process.

Respectfully submitted,

JoAnn Saccato, MA

Community Engagement Coordinator
Lake & Mendocino
NorCal 4 Health project
California Health Collaborative

Phone: 707 530-5171
www.NorCal4Health.org



Central Valley Regional Water Quality Control Board

7 February 2024

Mireya Turner
Lake County Community Development Department
255 North Forbes Street
Lakeport, CA 95453
Mireya.Turner@lakecountyca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, LAKE COUNTY GENERAL PLAN AND LOCAL AREA PLANS UPDATE, SCH#2024010158, LAKE COUNTY

Pursuant to the State Clearinghouse's 9 January 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Lake County General Plan and Local Area Plans Update, located in Lake County.

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

I. Regulatory Setting

Basin Plan

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

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

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

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

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the

State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

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

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

From: [Mireya Turner](#)
To: [rtnc](#)
Cc: [Lake County Community Development](#); [Eddie Crandell](#); [Pamela Kicenski](#); [Michelle Irace](#); [Laura Hall](#)
Subject: Re: [EXTERNAL] General Plan and Local Area Plans Update Project EIR
Date: Wednesday, February 7, 2024 1:05:13 PM

Dear Chuck and Holly,
Thank you for these great thoughts. We will add it to the public input record.
Cordially,
Mireya G. Turner, MPA
Director, Community Development Department
County of Lake
707.263.2221

> On Feb 7, 2024, at 12:32 PM, rtnc <rtnc@sonic.net> wrote:

>

> February 7, 2024

> Mireya Turner, Community Development Director

> County of Lake, Planning Division

> 255 N. Forbes St

> Lakeport, CA 95453

>

> We are submitting our areas of concern which could be addressed in the current General Plan and Area Plan updates. These include:

>

> 1) Aesthetics: Protection of the natural viewshed - views from Clear Lake and views of Clear Lake as well as designated scenic corridors. This includes reductions in light pollution, curtailment of industrial activities.

>

> 2) Disasters: Emergency evacuation routes and procedures tailored to various disasters such as fire, mudslides, floods, earthquakes, including development of multiple exit routes.

>

> 3) Water Usage: Protection of water by establishing an over-riding Water Management Plan including a mandatory, tiered Drought Management Plan which would address all water users.

>

> 4) Water Quality: Address nutrient-loading with development of a sedimentation-reduction plan for the protection of Clear Lake and our water sources.

>

> 5) AG Lands: Protection of agricultural lands for food-bearing products and a food security plan.

>

> 6) Land Use, Recreation, Economic Benefit: Staged implementation of the paper subdivision management plans for the benefit of the county and public.

>

> We also would like the Area Plans to address community self-reliance in the face of potential disasters, and to relook at the Areas of Special Interest to ascertain if they still make sense.

>

> Please also add us to the notification lists at rtnc@sonic.net.

>

> Thank you,

> Holly Harris/Chuck Lamb

> Clearlake Oaks residents

> 707-998-0135

>



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ukiah Field Office
2550 North State Street, Suite 2
Ukiah, CA 95482
www.blm.gov/office/ukiah-field-office

March 6, 2024

County of Lake
Community Development Department
Attn: Mireya Turner, Community Development Director
255 N. Forbes Street, Lakeport, CA 95453

Dear Mireya Turner:

Thank you for inviting us to participate in the EIR scoping meeting for the Lake County General Plan. We look forward to participating in future meetings as the general plan develops. We want to provide some preliminary comments relevant to your continued efforts. The Bureau of Land Management, Ukiah Field Office (BLM) is currently working on a couple of plans within our BLM management areas, more specifically, the South Cow Mountain region for OHV-recreation use and the Berryessa Snow Mountain National Monument Plan. The BLM's mission is to manage these public lands for various uses, such as energy development and recreation, while ensuring natural, cultural, and historical resources are maintained for present and future generations.

The development of several plans prepared concurrently presents itself with great opportunities that can be beneficial to federal and local governments that can maximize opportunities for commercial, recreational, and conservation activities that can benefit local communities, such as recreation tourism and other economic opportunities while ensuring the protection of valuable resources that the general public can continue to appreciate. In addition to this, it can also provide opportunities to address underlying issues and concerns that historically impact federal public lands, such as illegal cannabis and illegal dumping within Lake County. Strategic planning and consideration can alleviate these impacts. Therefore, land use (such as zoning) adjacent to federal land should be consistent with the surroundings to ensure federal laws and regulations compliance. Working together with BLM staff in partnership with the local county to provide multiple-use opportunities that are consistent in both plans can contribute to increasing public value while working collaboratively can provide opportunities to work toward our goals and mission effectively and efficiently that can support both efforts.

We are happy to contribute to your planning process and provide what data we can to support this endeavor. Please reach out to our Planning & Environmental Coordinator, Sateur Ham (sham@blm.gov) with any questions or needs you may have from the BLM.

Sincerely,

Field Manager

INTERIOR REGION 10 • CALIFORNIA-GREAT BASIN

CALIFORNIA*, NEVADA*, OREGON*

* PARTIAL

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