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## 15.0 PARTIAL RECIRCULATED DRAFT EIR COMMENTS AND RESPONSES

### 15.1 INTRODUCTION

This chapter contains responses to each of the comment letters submitted regarding the Tierra Robles Planned Development Partial Recirculated Draft EIR (RDEIR). Similar to the comments and responses on the 2017 Draft EIR, each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the RDEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the RDEIR text are required in response to the comments, such revisions are noted in the response to the comment and are also listed in the Errata section of the Executive Summary for this Final EIR. All new text is shown as underlined (example) and deleted text is shown as strike through (~~example~~).

The changes to the analysis contained in the RDEIR represent only minor clarifications or amplifications and do not constitute significant new information or change any of the conclusions of the RDEIR. Therefore, in accordance with CEQA Guidelines, Section 15088.5, recirculation of the RDEIR is not required.

### 15.2 PARTIAL RECIRCULATED DRAFT EIR COMMENTS

A list of agencies, organizations, and interested persons who have commented on the content and adequacy of the RDEIR is provided below. A copy of each numbered comment letter and a lettered response to each comment is provided in Section 15.3, PARTIAL RECIRCULATED DRAFT EIR RESPONSES TO COMMENTS.

#### COMMENT LETTERS / CORRESPONDENCE

##### State Agencies

No State Agencies Commented on the RDEIR.

##### Local Agencies/Tribal Agencies

1. Bella Vista Water District, February 2, 2021

##### Commenting Persons

2. Remy Moose Manley, February 2, 2021
3. James and Teresa Griffith
4. Kelly Tanner
5. Brad and Barbee Seiser, February 2, 2021
6. Daniel Hoer

7. Gerald and Susan Hayler, February 2, 2021
8. Leslie Golden
9. David Munro
10. Sara and Glenn Hoxie, February 1, 2021
11. Robert Grosch – Letter A
12. Robert Grosch – Letter B
13. Robert Grosch – Letter C
14. Robert Grosch – Letter D
15. Robert Grosch – Letter E
16. Robert Grosch – Letter F
17. Robert Grosch – Letter G
18. Robert Grosch – Letter H
19. Robert Grosch – Letter I
20. Shasta Living Streets - February 1, 2021
21. Gunther and Jean Sturm, January 20, 2021
22. Georgia LaMantia, January 31, 2021
23. Pat Jones, December 28, 2020
24. Vickie Wolf, February 2, 2021
25. Janet Wall, February 2, 2021
26. Raymond and Carol Ramos, February 1, 2021
27. Richard and Mary Martin, January 26, 2021
28. Sandra Kotch, February 2, 2021
29. Nancy Main, February 2, 2021
30. David Codromac, January 15, 2021

## 15.3 PARTIAL RECIRCULATED DRAFT EIR RESPONSES TO COMMENTS

### MASTER RESPONSES TO COMMENTS

Master responses to comments raised in multiple comment letters on the RDEIR have been prepared to address comments related to general issues that are common throughout several comment letters. The intent of a master response is to provide a comprehensive response to an issue so that all aspects of the issue are addressed in a coordinated, organized manner in one location. This reduces repetition of responses. When an individual comment raises an issue discussed in a master response, the response to the individual comment includes a cross reference to the appropriate master response. For example, if a comment identifies a question concerning an extension to the public review period, the response will include the statement, “refer to **Master Response-1.**”

Numerous comments covered similar issues, particularly with regards to water supply demand and availability, the Traffic Evacuation Study, Wildfire Hazards, and The Tierra Robles Community Services District and Tierra Robles HOA. In order to reduce repetitive responses, this document includes a “*Master Responses to Comments*” specifically focusing on the above noted concerns raised through the RDEIR public review.

### WRITTEN AND VERBAL COMMENTS

Written and verbal comments received on the RDEIR during the public review period are also addressed in their entirety in this section. Each comment has been assigned a reference code. The responses to reference code comments follow each letter. A response is provided for each comment raising significant environmental issues, as received by the County during the RDEIR 45-day public review period. Where appropriate, the commenter may be referenced back to the Master Responses to Comments noted above.

# **MASTER RESPONSES TO COMMENTS**

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## Master Response-1: Water Supply Analysis

### General Discussion

Numerous comments were received on the Partially Recirculated Draft Environmental Impact Report (RDEIR) regarding potential impacts on water supply and the water demand calculations used in the project analysis. Some comments regarding the water supply analysis focused specifically on the methodology used in RDEIR to calculate the water demand calculations for the project

The proposed project consists of 166 single-family residential lots ranging in size from 1.19 to 6.81 acres zoned for rural residential development. This is similar to other areas within the County that are zoned for rural residential development and includes many of the areas and parcels within the Bella Vista Water District (BVWD). It is important to note that the proposed project would not change the overall density of dwelling units contemplated in the County's General Plan or what was considered in BVWD's 2015 Urban Water Management Plan (2015 UWMP). Therefore, development of the proposed project is consistent with the long-term growth projections anticipated in these documents. As described in detail below, the proposed project would use water at a reduced rate compared to typical rural residential development within the BVWD.<sup>1</sup>

The potential impacts of the proposed project on water supply were evaluated in Section 5.17 of the RDEIR by comparing the anticipated project effects on water service with existing conditions. The evaluation is based on the professional judgment by qualified engineers at Tully & Young, an analysis of project consistency with the goals and policies of the Shasta County General Plan, and the significance criteria established by Appendix G of the State CEQA Guidelines, which the County has determined to be appropriate criteria for this RDEIR. The findings from the Water Demand Evaluation (Tully & Young, 2017) have also been referenced when determining potential impacts of the proposed project.

The available water supply analysis for the project is based on the BVWD adopted Urban Water Management Plan. As such the analysis is correctly based on projections adopted by the BVWD. The RDEIR notes that based on BVWD UWMP projections that there could be a water supply shortfall during a multiple dry year event. As such, the RDEIR requires mitigation to reduce potential impacts for a potential water supply shortfall. As discussed on page 5.17-18 of the RDEIR, to mitigate this potential shortfall, the proposed project would be required to provide an alternative water supply during dry-year conditions until such time as the proposed project's demands have existed for three 100-percent water allocation years and are included in BVWD's baseline water demand. Implementation of Mitigation Measure 5.17-4b requires the project applicant to identify and implement an Agreement to augment (i.e., supply) BVWD dry-year water supplies until such time as the proposed project's water demands have existed for three 100-percent Central Valley Project water allocation years delivered by USBR. Water supplies would be a minimum of 90 percent of the project's prior year water usage. Page 5.17-19 of the RDEIR, the mechanics

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<sup>1</sup> Portions of this master response are based on a letter dated September 24, 2021 from S<sub>2</sub> ~ J<sub>2</sub> Engineering, Inc., the project applicant's engineer, to the Shasta County Director of Resource Management. This letter is provided as Attachment 1 to this response to comments section. The S<sub>2</sub> ~ J<sub>2</sub> Engineering, Inc. letter was peer reviewed by qualified engineers at Tully & Young, subconsultant to Kimley-Horn and Associates, Inc., the County's environmental consultant for the proposed project. A memorandum dated September 28, 2021 from Tully & Young regarding their review of the S<sub>2</sub> ~ J<sub>2</sub> Engineering, Inc. letter is provided as Attachment 2 to this response to comments section.

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of transferring a supplemental water supply from the Clear Creek Community Services District to BVWD to serve the proposed project during dry-year periods are explained.

The water supply availability discussion is provided on pages 5.17-17 to 5.17-20 of the RDEIR. The discussion below provides an explanation of why the water demand analysis in the RDEIR (pages 5.7-14 to 5.17-17) is adequate.

As noted on page 3-21 of the PROJECT DESCRIPTION (Section 3.0 of the 2017 Draft EIR), in an effort to provide specific guidance for future lot development, individual “Lot Book” pages were developed to reflect the unique characteristic for each lot with the goal of providing long-term resource protection, including the management and maintenance resources, as directed by the Tierra Robles Wildland Fuel/Vegetation Management Plan (TRWF/VMP). The designated building envelope for each individual lot would allow for the area to be cleared and graded for the construction of one single-family residence and limited accessory structures. Furthermore, the Lot Book restricts the irrigated outdoor space for any lot to a maximum of 5,000 square feet. Other restrictions prohibit raising or boarding large animals such as horses or other livestock. The Lot Book is included in its entirety in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, of the 2017 Draft EIR. Please see Master Response #4, below, regarding the enforcement capabilities of the proposed Tierra Robles Homeowners Association.

As noted above, the proposed project would restrict the development footprint within each lot and stipulate that the development envelope may include a maximum of 5,000 square feet of irrigable landscape, with no irrigable landscape outside of the designated envelope. All homes will be required to be built to the latest California Building Code (CBC) requirements, which would include being equipped with low and ultra-low water use appliances and fixtures. With the landscape restrictions, coupled with use of water efficient appliances and fixtures, the estimated water usage on a lot by lot basis would mimic new residential developments within the more urban areas of the BVWD service areas situated west of the project site.

Within the irrigable landscaped area, the proposed project would restrict landscape irrigation demand as determined by the State of California’s Model Water Efficient Landscape Ordinance (MWELo). In consideration of previous BVWD requests, this component has already been identified as a condition of approval for the project. This condition would include County certification of MWELo compliance (refer to requirement 1g in BVWD Letter to Shasta County dated March 24, 2016 provided in Appendix 15.1, NOTICE OF PREPARATION, of the 2017 Draft EIR). The County fully recognizes this requirement and will include such provisions as a condition of approval, should the project be approved.

As discussed above, the water use of the proposed project would more closely resemble that of urban single-family uses than of typical rural residential uses. This is consistent with page 26 of the 2015 UWMP which states:

*“The District is predominately zoned rural residential. This land use type has a large impact on water use. Rural residential and agricultural customers have properties at least two acres or larger and therefore use more water than the typical single-family or multi-family urban residential connections.” (Emphasis Added)*

Because the water use of the project would more closely resemble that of urban single-family uses than of typical rural residential uses, the water use of the proposed project would be consistent with and in agreement with the 2015 UWMP in this regard.

Furthermore, the proposed project includes the formation of either the Tierra Robles Community Services District (TRCSD) or the Tierra Robles Homeowners Association (TRHOA). As discussed in Appendix 15.2.5, TIERRA ROBLES COMMUNITY SERVICE DISTRICT FORMATION, the TRCSD or TRHOA will be the entity that will be in place to oversee the Tierra Robles Subdivision. It is the TRCSD or TRHOA that will have the responsibility to ensure that the Tierra Robles Subdivision adheres to the conditions which were approved by the County of Shasta. Accordingly, the TRCSD or TRHOA would be used as a means to oversee, implement, and enforce compliance with the State MWELO or County ordinance requirements (if more restrictive than the State MWELO). It will be incumbent on the TRCSD or TRHOA to make all property owners aware of all covenants and conditions regarding use of all properties within the development; refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, of the 2017 Draft EIR.

### **Consistency with California Water Code**

The proposed project's water demand is estimated by separately determining indoor and outdoor use factors for each lot. Indoor estimates are based upon an assumed average daily per-capita use of 55 gallons for each day of the year. With an average occupancy of 2.5 people, each home would be estimated to use 137.5 gallons per day, or nearly 51,000 gallons per year. The use of 55 gallons per-capita per day (gpcd) complies with the California Water Code (CWC) §10608.20(b)(2)(A).

Section 6 of the CWC under 10608.20, as referenced specifically in BVWD Comment 5, states as follows:

"10608.20. (a) (1) Each urban retail water supplier *shall develop urban water use targets* and an interim urban water use target by July 1, 2011. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis, as provided in subdivision (a) of Section 10608.28, and may determine the targets on a fiscal year or calendar year basis.

(2) It is the intent of the Legislature that the urban water use targets described in paragraph (1) *cumulatively result in a 20-percent reduction from the baseline daily per capita* water use by December 31, 2020.

(b) An urban retail water supplier shall adopt *one of the following methods for determining its urban water use target* pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) *For indoor residential water use, 55 gallons per capita daily water use as a provisional standard*. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) *For landscape irrigated* through dedicated or residential meters or connections, *water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations*, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

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As noted on page 46 of the 2015 UWMP, BVWD chose the 20 percent reduction methodology to set their goals. Accordingly, this page states,

“...the District’s method for calculating the 2020 water use target will remain Method 1 – 80% of Base Daily Per Capita Use. Based on the 10-year baseline daily per capita use of 947 GPCD determined previously (Table 5-3), the 2020 target is 758 GPCD.”

The County notes the text of the baseline water calculation based on CWC §10608.20 that defines a target for water use. As discussed above, the County concurs that the overall baseline per capita water use rate would be 947 gpcd. However, the CWC does not require this value to be used as the measure by which a residential development’s demand for water be calculated. As explained above and below in this Master Response, use of this value would greatly overinflate the actual water demand for future residential development. The County further notes that the baseline water use per capita is meant to enable water agencies to set goals for water conservation, not to be used as a measure to estimate a proposed development’s water demand.

As most recently codified, the CWC has amended the residential indoor standard to drop below 55 gpcd. The new statutory requirements reduce the average value to 52.5 gpcd as of 2025, and potentially to 50 gpcd as of 2030, as required by CWC §10609.4(a), chaptered on May 31, 2018. Each reduction in average indoor gpcd below 55 could be superseded by a greater value if such is jointly recommended to the Legislature by the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB). However, it is unlikely that such a joint DWR/SWRCB recommendation would exceed the 55 gpcd standard used in the project’s demand analysis. Rather, it is more likely that, given currently available residential water use fixtures and appliances, indoor per-capita demands could be even lower than those estimated using 55 gpcd.

### **Projected Water Demand**

Because of the landscape restrictions placed on each lot, a more appropriate comparison of per-dwelling unit water use for the proposed project is the average water use by urban residential lots within higher density developments within the BVWD (e.g., an 8,000square-foot lot with 5,000 square feet of MWELO-compliant landscaping, 2,000 square feet of home foundation footprint, and 1,000 square feet of driveway, patio, and other hardscape area). The 2015 UWMP does not contain data at this detail. Rather, BVWD provides two categories that may relate to the project: residential and rural. The BVWD residential classification includes single- and multi-family residences, and all ages and densities of single-family homes. The rural category is undefined as to parcel sizes, typical uses, and other water-use affecting factors. For instance, most rural parcels served by BVWD do not have any restriction on landscape area or use, thus demand can vary significantly on a parcel by parcel basis.

In consideration of the information above, and further calculations provided below, the proposed project’s estimated per-lot water use (also known as water demand) is accurate and not understated. To reiterate, the use of rural residential use rates compared to what would occur under the proposed project (as some commenters suggested) is not a reasonable comparison. The 2015 UWMP provides the total population served, which can be divided by total residential and rural water use to determine per capita water use within the BVWD (such data is available in appendices to the 2015 UWMP). However, such an average does not provide any basis for a comparison to the demand estimates for a proposed development project, as it represents an average across many different existing residential and rural users – with no refinement to adjust for density, age of home, occupancy, total irrigated landscape area, or



other water uses. While specific numbers and values were not available for these specific variables to include in this response, it should be noted that the discussion above and that found below, includes them in general terms as appropriate and as the information is available.

Page 27 of the 2015 UWMP discusses the number of active connections as of 2015 in **Table 4-1: 2015 Active Connections**. The applicable portions of the table are mirrored below. Applicable text from page 27 that precedes this table states the following:

“Water demands served by BVWD are primarily agricultural and domestic (residential, rural, commercial, and public institutional). Residential connections comprise the majority of customers for the District. It is assumed that the number of residential and rural connections will continue to increase over time. Although these categories make up the majority of connections, agricultural properties cover more land and typically consume more water per connection. It is assumed that as development encroaches on agricultural properties and water deliveries become more expensive and less reliable, agricultural connections will decrease over time, being replaced by single-family residential and rural customers. The number of active connections in 2015 is shows in Table 4-1 and illustrated in Figure 4-1.”

Table 4-1 from the 2015 UWMP presents the following information:

Connections	Connections	% of Total connections
Residential	3,391	64.3%
Aquacultural	5	0.1%
Agricultural	194	3.2%
Rural	1,637	26.8%
Commercial	291	4.8%
Public Institutional	57	0.9%
<b>Total</b>	<b>6,115</b>	<b>100.0%</b>

Regarding the paragraph from the 2015 UWMP above, the County understands that the majority of connections are either rural residential or residential. The County also understands, as noted with the *italics* and underlined text, that agricultural properties account for only 194 connections, but as noted on the following pages, consume far more water per connection. This fact is reflected on page 33 of the 2015 UWMP that contains **Table 4-2 Demand for Potable Water – Current and Projected**. This table reflects water use rates per land use category and shows the projected water use per land use category through 2040. In this table, it should be noted that agricultural uses account for only 194 connections but approximately 5,702 acre-feet per year (AFY) or approximately 40 percent of the total water demand of 14,252 AFY. This high level of water demand by agricultural uses skews per capita water use calculations. The applicable portions of Table 4-2 and the average water use in AFY are summarized below:

**Table 4-2 Demand for Potable Water – Current and Projected**

<b>Use Type</b>	<b>Average Use (AFY) (1995-2015)</b>	<b>Average Use**</b>
Residential*	2,858	20.1%
Rural	2,223	15.6%
Agricultural	5,702	40.0%
<b>TOTAL</b>	<b>14,252</b>	--
*Residential uses include both single-family and multi-family		
** Based on average use from 1995-2015		
Note: The total is greater than the listed uses, because inapplicable uses were omitted from the table.		

The project includes numerous features that will cause it to be extremely water efficient. Based on the use of advanced water efficiency features and restrictions on outdoor landscaping, the combined indoor and outdoor water use for a new project home is estimated to be approximately 0.45-acre feet per year (AFY).<sup>2</sup> By way of comparison, the average existing urban and rural residential users in the same water district are estimated to use between 60% and 193% more water.<sup>3</sup>

The project would require an initial 2 acre feet per year (AFY) of water for construction and then 41 AF of operational water between year 2020 and year 2025.<sup>3</sup> The project is estimated to have a total annual water demand of approximately 80 AFY within 10 years following project initiation.<sup>4</sup>

The RDEIR demonstrates that during normal years, BVWD has a water surplus ranging between 7,874 and 9,204 AFY through the year 2040.<sup>5</sup> Further, the project is included in BVWD's Urban Water Management Plan (2015) demand projections and surplus water is available to serve the project's 80 AFY water demand under normal-year conditions.<sup>6</sup>

The County understands that the Residential designation also include multi-family units that would require less water per capita. However, the number of multi-family units within the BVWD service area is very small. Multi-family units would be most prevalent in the westerly portions of the District near and within the City of Redding. The dominant uses in this area, however, would remain single-family residential uses.

Thus, in consideration of the above, and based on the existing 3,391 residential connections and their use of approximately 20.1% of the total water provided (14,252 AFY), the residential connections would account for, as reflected in the 2015 UWMP, 2,858 AFY (or 931,280,000 gallons per year). This would equate to a total water use of 236,906 gallons per year per residence (649 gpd per residence) or 259 gallons per capita per day (assuming 2.5 persons per household). Calculated another way, this would equal 0.72 AFY of water used for existing BVWD residential uses. If this volume is applied to the proposed project, it would equate to approximately 119.52 AFY. This is approximately 232.48 AFY less than the BVWD's estimate of 352 AFY for the proposed project.

<sup>2</sup> RDEIR, page 5.17-15. Note, 15 residences with an accessory dwelling unit are estimated to use 0.48 AFY.  
<sup>3</sup> BVWD, UWMP 2020, pages 20, and 34 estimating that the 4,025 residential users use approximately 2,2882 AFY (0.72 AFY per user and the 1,721 rural users use approximately 2,273 AFY (1.32 AFY per user).  
<sup>4</sup> RDEIR, page 5.17-16  
<sup>5</sup> RDEIR, page 5.17-16  
<sup>6</sup> RDEIR, page 5.17-17

The County reviewed more recent water use statistics available from the California State Water Boards' website at:

[https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/conservation\\_reporting.html](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/conservation_reporting.html).

Water use data for BVWD is searchable within the database by category including residential uses. Data is available from June 2014 through February 2021. Although not every month was accounted for, the data set provides a thorough record of water used for a total of 55 months. Based on the available information, the average water use between June 2014 and February 2021 was approximately 203 gpcd. Based on this data, the proposed project would use approximately 22 percent less water than the data provided in the 2015 UWMP.<sup>7</sup>

### **California Water Code Baseline Calculations**

The County disagrees with commenters that the above outlined projected water demand is an appropriate estimate of what the proposed project's actual water use would be. As discussed above, because the total water use within the BVWD service area includes rural residential and agricultural uses the per capita use rate that would occur under the proposed project would be greatly inflated if the baseline water use rates are applied to the project.

In relation to the CWC referenced above, and as highlighted by the sections cited as follows, the County believes that BVWD is misapplying SB 606. This is highlighted by the introductory language to SB 606, which reads as follows:

*"Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020.* Existing law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified. Assembly Bill 1668 of the 2017–18 Regular Session, if enacted, would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water and would establish specified standards for per capita daily indoor residential water use.

*The bill would require an urban retail water supplier to calculate an urban water use objective no later than November 1, 2023, and by November 1 every year thereafter, and its actual urban water use by those same dates.* The bill would require an urban retail water supplier to submit a report to the department for these purposes by those dates. The bill would authorize the board to issue information orders, written notices, and conservation orders to an urban retail water supplier that does not meet its urban water use objective, as specified. The bill would authorize the board to waive these requirements for a period of up to 5 years, as specified."

Thus, this section of code is not stating that a water district should use the 20 percent reduction to estimate water use for proposed projects, it is stating that overall per capita water use should be reduced by 20 percent. The proposed project goes further than a 20 percent reduction, and in essence, set its own

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<sup>7</sup> Based on 259 gallons per capita per day from UWMP – 203 gpcd based on actual use from Water Conservation and Production Reports from the State Water Resources Control Board. (259 gpcd – 203 gpcd = 56 gpcd; 56 gpcd/259 gpcd = 21.6%)

[https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/conservation\\_reporting.html](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/conservation_reporting.html)

target of using 55 gallons per capita per day for indoor water use, and as discussed above and in more detail below, also will implement and require all future residences to comply with the MWELO of the California Code of Regulations (CCR).<sup>8</sup> Thus, the proposed project does more than meet the per capita water use reduction goals, it greatly exceeds for the per capita water use reduction goals.

The County understands that BVWD is focused on using CWC §10608.20 (b)(1) which states, “Eighty percent of the urban retail water supplier’s baseline per capita daily water use”. In recent comments, BVWD references the 2015 UWMP per capita water use of 947 gallons per day. As noted above, however, and as shown elsewhere in the 2015 UWMP and these responses, existing uses within BVWD also include rural residential (26.8%) of connections and agriculture (3.2%), and residential including both rural residential and residential, account for 64.3% of connections. Further, because rural residential and agriculture combined use substantially greater volumes of water, the 947 gallons per day per capita significantly overestimates the proposed project’s water demand.

As explained, the projected water demand as disclosed in the RDEIR, was accurate, was appropriate for the proposed uses and is consistent with BVWD’s per capita water use reduction goals when appropriately separated from other dissimilar uses such as agriculture and more traditional rural residential uses. The accuracy of the basis for the project’s anticipated water use is further bolstered by the fact many of the existing residential units within the BVWD were built between 1970 and 2009. As stated in the 2015 UWMP, “BVWD was formed on June 4, 1957 to provide agricultural and domestic water to the area northeast of the City of Redding.” At the time BVWD was formed and in the subsequent decades homes were built with less stringent standards compared to the current and future Building Codes under which the project would be developed.

With regard to dry water years the BVWD 2020 UWMP identifies demand management measures, as management methods that BVWD plans to implement to achieve its water use targets pursuant to Section 10608.20 of the CWC.

The measures include:

- Wastewater Prevention Ordinances
- Metering
- Conservation Pricing
- Public Education and Outreach
- Programs to Assess and Manage Distribution System Real Loss
- Water Conservation Program Coordination and Staffing Support
- Other demand management measures that have a significant impact on water use as measures in gallons per capita per day, including innovative measures, if implemented.

During dry and multiple dry-year conditions, in part because the project would not yet be included in BVWD’s existing water delivery baseline, the project would utilize water that would otherwise be available to existing BVWD customers and further exacerbate water shortages.<sup>9</sup> As such, the RDEIR includes a mitigation measure requiring an alternative water supply be provided during dry-year conditions until

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<sup>8</sup> Chapter 2.7, Division 2, Title 23, California Code of Regulations.

<sup>9</sup> See Recirculated Draft Environmental Impact Report, page 5.17-18.

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such time as the project's demands have existed for three 100-percent water allocation years and are included in BVWD's baseline water demand.<sup>10</sup>

Specifically, the mitigation measure MM 5.17-4b provides the following:

Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project's prior year water usage. Shortage conditions shall be defined to exist when BVWD has been notified by the U.S. Bureau of Reclamation (USBR) that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15th of each year. The augmenting water supplies shall be made available to BVWD through the Agreement with BVWD consistent with the methodology of USBR's Central Valley Project Municipal and Industrial Storage Policy, Guidelines and Procedures until such time as BVWD has received three successive water years of full (Unconstrained) CVP water allocations and completion of all phases of the development and newly created water demands. For any shortage condition that occurs after three years of full CVP allocation following buildout, the project applicant shall no longer be required to provide BVWD with augmenting water supplies, but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers. The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.<sup>11</sup>

The RDEIR analyzes one potential water supply that could satisfy the requirements of MM 5.17-4b.<sup>12</sup> The RDEIR evaluates Clear Creek Community Services District's (CCCSD) ability to supply 100 AF of supplemental water and the potential environmental effects that could potentially result. As documented in the RDEIR, CCCSD could supply 100 AF of water through a groundwater substitution transfer without significant environmental effects.<sup>13</sup> This conclusion is based on past pumping activities by CCCSD and the stable groundwater levels in the Anderson Sub-basin.<sup>14</sup>

As referenced above, the RDEIR analyzes one potential supply of supplemental water, but that is not the only option. MM 5.17-4b provides both assurances and flexibility. The assurance is that the mitigation must be satisfied before development may occur (i.e., development is curtailed if sufficient water is not available). The flexibility is that, beyond the potential supplemental water supply option analyzed in the RDEIR, other supplies may be utilized to satisfy the mitigation.

For example, two other water providers could potentially provide supplemental water.<sup>15</sup> As explained in the RDEIR, the McConnell Foundation has a contract to receive 5,100 AFY of Central Valley Project (CVP)

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<sup>10</sup> Ibid.

<sup>11</sup> See Recirculated Draft Environmental Impact Report, page 5.17-30.

<sup>12</sup> See Recirculated Draft Environmental Impact Report, page 5.17-19 to 5.17-30.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> See Recirculated Draft Environmental Impact Report, page 5.17-2.

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water each year, without any shortage provision curtailment.<sup>16</sup> Additionally, BVWD has a long-term transfer agreement with the Anderson-Cottonwood Irrigation District for 1,536 AFY of CVP water.<sup>17</sup>

Further, to the extent supplemental water supplies would need to come from groundwater, draft sections of the Enterprise Groundwater Sustainability Plan and the Anderson Groundwater Sustainability Plan (the applicable groundwater basins) both demonstrate that groundwater levels are and have been stable for many years, even when groundwater pumping has increased in the past during dry years.<sup>18</sup> Thus, a nominal, temporary increase in pumping to satisfy the project's potential supplemental water needs in a multiple dry-year scenario would not have a significant effect on the environment. This conclusion is also supported by analysis in the RDEIR.<sup>19</sup>

It is also important to consider that the project and its anticipated water demand are specifically referenced and included in BVWD's Urban Water Management Plan, both in 2015 and in the 2020 Update (attached as Exhibit C).<sup>20</sup> In other words, BVWD already anticipated serving the Project and is planning accordingly.

This consideration is particularly important to understand in the context of BVWD's 2020 Drought Contingency Plan.<sup>21</sup> As noted in Section 5 of that plan, BVWD is planning numerous actions to ensure that its water supply is more efficient (e.g., leak detection), increased (e.g., new groundwater wells), and more available (e.g., water storage projects). As one example, the plan analyzed potential new groundwater wells and determines that, with one additional groundwater well, BVWD could reasonably provide an additional 965 to 1,040 AFY of well water supplies beyond what BVWD's current wells provide.<sup>22</sup> BVWD is planning to construct new groundwater wells "every 10 years starting in 2020," which could increase groundwater by 810 AFY per well.<sup>23</sup> These figures are well in excess of the project's total anticipated water demand of 80 AFY.

Consistent with the conclusions in the RDEIR, there are sufficient water supplies to provide for the project in normal, dry, and multiple dry years, and the project will not have a significant effect on water supplies. The proposed mitigation mandates an agreement be entered into with BVWD to ensure there is sufficient water, and the RDEIR analyzes one potential supplemental water supply that could satisfy the proposed mitigation. But, as discussed previously, there are other supplemental water options that could also satisfy the project's proposed mitigation. The mitigation provides BVWD with the opportunity to shape the

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<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> See pages 3-12 and Figures 3-14 and 3-15 of Section 3 of the draft Enterprise Groundwater Sustainability Plan and Anderson Groundwater Sustainability Plan, included as Exhibits A and B to Attachment 1 of this Final Recirculated Draft Environmental Impact Report Responses to Comments. Also available at <https://www.cityofredding.org/departments/public-works/eagsa>

<sup>19</sup> See Recirculated Draft Environmental Impact Report, page 5.17-23 to 5.17-26.

<sup>20</sup> See Exhibit C of Attachment 1 to this Final Recirculated Draft Environmental Impact Report Responses to Comments, Bella Vista Water District- Urban Water Management Plan Update 2020, at Section 3.1.3.2. Also available at: [https://www.bvwd.org/documents/503/BVWD\\_2020\\_UWMP\\_Final\\_2021-06-17.pdf](https://www.bvwd.org/documents/503/BVWD_2020_UWMP_Final_2021-06-17.pdf). The water demands listed in the UWMP are much greater than will actually be needed because BVWD based the assumed water usage on similar rural residential users, despite the fact that the project's users will be even more efficient than BVWD's residential uses in non-rural areas.

<sup>21</sup> BVWD's 2020 Drought Contingency Plan is attached as Exhibit D to Attachment 1 of this Final Recirculated Draft Environmental Impact Report Responses to Comments

<sup>22</sup> See Attachment D at pages 5-16 to 5-18.

<sup>23</sup> See Recirculated Draft Environmental Impact Report, page 5.17-4. As previously noted, the groundwater basin levels are stable and capable of sustaining development of new wells.

agreement in a way that integrates with BVWD's broader efforts, consistent with BVWD's Urban Water Management Plan (which includes the project) and the multiple projects described in BVWD's 2020 Drought Contingency Plan to ensure there is sufficient water to meet all anticipated water demands.

For all the reasons discussed above, potential impacts on water supply are correct and considered less than significant.

## **Master Response-2: Traffic Evaluation Study**

Numerous comments were received on the Traffic Evacuation Study (herein referred to as “evacuation study”) with regard to its use and effectiveness as an emergency evacuation plan for the proposed project and the surrounding region (refer to Section 5.19, WILDFIRE, and Appendix D-1, of the Partial Recirculated Draft EIR (RDEIR)). The evacuation study<sup>24</sup> was developed in an effort to identify potential traffic “tensions” during several evacuation scenarios and is not intended to serve as or create a broader evacuation strategy for the proposed project or any other area within unincorporated Shasta County. Therefore, it is not appropriate to compare the evacuation study analysis to the effectiveness of an emergency evacuation plan.

Emergency response plans include elements to maintain continuity of government, emergency functions of governmental agencies, mobilization and application of resources, mutual aid, and public information. Emergency response plans are maintained at the federal, State, and local levels for all types of disaster, both natural and human-caused. Local governments have the primary responsibility for preparedness and response activities. As noted on pages 5.19-9 and 5.19-10 of the RDEIR, Shasta County has numerous levels of emergency response and protection plans, including the *Emergency Operations Plan (EOP)*, approved in 2014. The EOP is used by all key partner agencies within the County to respond to major emergencies and disasters and describes the roles and responsibilities between the County and its departments with local jurisdictions within the County (Shasta County, 2014).

The Shasta County Sheriff’s Office, CHP, and other cooperating law enforcement agencies have primary responsibility for evacuations. These agencies work with the County Office of Emergency Services, and with responding fire department personnel who assess fire behavior and spread, which ultimately influence evacuation decisions. As of this time Cal Fire, Shasta County Fire Department, Shasta County Office of Emergency Services, Shasta County Sheriff’s Office, and others have not adopted a comprehensive emergency evacuation plan applicable to this area.

All evacuations in the County follow pre-planned procedures to determine the best plan for the type of emergency. The designated County emergency evacuation and law enforcement coordinator is the Sheriff. The evacuation coordinator is assisted by other law enforcement and support agencies in emergency events. Law enforcement agencies, highway/street departments, and public and private transportation providers would conduct evacuation operations. Activities would include law enforcement

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<sup>24</sup> The Traffic Evacuation Study was prepared by De Lapidé & Associates, Inc. The author, Cornelius Nuworsoo, Ph.D., AICP, earned his Ph.D. in Transportation Engineering from the University of California, Berkeley, is a member of the American Institute of Certified Planners and the Institute of Transportation Engineers, and is a Professor in the City & Regional Planning Program at California Polytechnic State University, San Luis Obispo. A detailed description of Dr. Nuworsoo’s educational and professional background and publications can be viewed online at [www.works.bepress.com/cnuworso/](http://www.works.bepress.com/cnuworso/).

traffic control, barricades, signal control, and intersection monitoring downstream of the evacuation area, all with the objective of avoiding or minimizing potential backups and evacuation delays.

Another factor in the evacuation process would be a managed and phased evacuation declaration. Evacuating in phases, based on vulnerability, location, or other factors, enables subsequent traffic surges on major roadways to be minimized over a longer time frame and can be planned to result in traffic levels that flow more efficiently than when mass evacuations include large evacuation areas simultaneously. Law enforcement personnel and Shasta County Office of Emergency Services staff would be responsible for ensuring that evacuations are phased appropriately, taking into consideration the vulnerability of communities when making decisions.

In an effort to minimize confusion and inconsistent implementation during a time of emergency, the County does not require the development of individual evacuation plans on a project by project basis. As a result, the evacuation study does not intend to supersede nor supplement the County's 2014 EOP or any other existing countywide protection plans or policies. Additionally, as noted on page 5.19-3 of the RDEIR, the proposed project would be consistent with the County's EOP including Emergency Function 4, as outlined in the EOP, regarding fire detection, control, and suppression efforts in the County. The evacuation study, while not required by the County, was prepared in an effort to substantiate<sup>25</sup> the response to the following question from the State CEQA Guidelines (Appendix G, Section XX.a):

*Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

The evacuation study takes a conservative approach to calculating the emergency evacuation time for the proposed project area based on the following:

- The analysis does not assume early or voluntary evacuations prior to an emergency evacuation declaration.
- The analysis takes into account data on the number of buildings included in the County GIS database for the Assessor's parcels in the surrounding area, and the number of residential lots in the proposed project all evacuating at the same time.
- The amount of traffic from existing development in the surrounding area is based on a lot by lot calculation based on Assessor's parcel data and County building data.
- The traffic calculations include a 3.5% additional increment to account for large vehicles and trailers in through traffic.

The evacuation study concluded that with the existing evacuation time of 3 hours (based on the conservative approach listed above), the proposed project would add approximately 15 minutes to the evacuation time. It should be noted that this time of 3 hours and 15 minutes represents the time for the last vehicle to reach a refuge area (assuming all vehicles evacuate at the same time) and does not represent the evacuation time for every vehicle evacuating. Given the size and location of the project site, the proposed project represents a unique opportunity to provide an additional north-south access between Boyle Road and Old Alturas Road that can be used by the public residing in the surrounding area in the event of an emergency evacuation. Therefore, as noted in Section 5.19, WILDFIRE (page 5.19-22) of

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<sup>25</sup> Courts have ruled that, in the context of CEQA, substantial evidence is enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence is defined to include: "*facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*"



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the RDEIR, the proposed project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County's EOP.

### **Master Response-3: Wildfire Hazards**

Numerous comments on the RDEIR were received regarding the project's location within an area that is prone to wildfires. The County is aware of the potential for the project site to be affected by wildfire. Pages 5.19-1 through 5.19-6 of the RDEIR recognize the existing environmental conditions of the project site, accurately notes the site's location within the established Very High Fire Hazard Severity Zone (VHFHSZ), and thoroughly describes the existing topographic features, climate, vegetation communities and various fire behavior models.

Pages 5.19-7 through 5.19-11 of the RDEIR discuss the regulatory setting including State building codes, State fire code, local codes related to fire safety, evacuation, hazard mitigation, building standards, and Shasta County plans related to reducing wildfire hazards.

Pages 5.19-12 and 5.19-13 of the RDEIR discuss the proposed project's implementation of the Tierra Robles Wildland Fuel/Vegetation Management Plan (TRWF/VMP) and roadway designs to reduce the risk of wildfire hazards. The TRWF/VMP is intended to provide the management direction for the reduction of flammable vegetation from around buildings, roadways and driveways in accordance with the California Department of Forestry and Fire Protection/Shasta County Fire Department (CAL FIRE/SCFD) requirements. Implementation of the TRWF/VMP would allow for on-the-ground maintenance activities that would hand treat accumulated fuels build-ups to reduce the threat of catastrophic wildfire. The proposed Project would strategically reduce hazardous fuels by removing brush and limbing trees as prescribed in the TRWF/VMP. To minimize operational impacts to emergency access, all on-site roadways would be designed in compliance with the Shasta County Fire Safety Standards as outlined in Chapter 8.10 (Defensible Space for Fire Protection) and Title 16 (Buildings and Construction) of the Shasta County Code of ordinances prior to issuance of building permits. As a result, project operations would have a less than significant impact related to emergency response or evacuation activities within the development.

Numerous comments were received in which commenters reference the Carr Fire, Camp Fire and Jones Fire. As noted in Section 5.19, WILDFIRE, of the RDEIR, the County recognizes that there is the potential for a wildfire to occur within and around areas designated as VHFHSZ. The County also recognizes that once a fire starts, topography, fuel, and weather are the principal contributing factors that influence wildfire behavior. People and lightning start most wildfires, but once burning, wildfire behavior is based on three primary factors: fuel, topography, and weather. Fuel will affect the potential size and behavior of a wildfire depending on the amount present, its burning qualities (e.g., level of moisture), and its horizontal and vertical continuity. Topography affects the movement of air, and thus the fire, over the ground surface. The terrain can also change the speed at which the fire travels, and the ability of firefighters to reach and extinguish the fire. Weather as manifested in temperature, humidity, and wind (both short and long term) affect the probability, severity, and duration of wildfires.

The County recognizes that while evaluation of past fire behavior can be valuable, based on variability of the principal contributing factors noted above, it would be speculative to analyze possible scenarios or extrapolate what may occur within the vicinity of the proposed project based on factors that are

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inherently unique to individual fire incidents, such as factors surrounding the 2018 Carr Fire in western Shasta County and the 2018 Camp Fire in Butte County.<sup>26</sup>

The RDEIR provides a reasoned and rational approach in describing the existing conditions, both in terms of the potential for wildfire, existing transportation routes, evacuation times, and potential for the proposed project to interfere with a recognized evacuation plan.

It is important to note that the State CEQA Guidelines require that decisions regarding the significance of environmental effects addressed in an EIR be based on substantial evidence and recognize that other evidence suggesting different conclusions may exist. The RDEIR provides a comprehensive evaluation of the project's environmental impacts in compliance with CEQA and the State CEQA Guidelines and in accordance with professionally accepted methodology for the evaluation of environmental resources, including wildland fires.

The RDEIR and this Response to Comments document present substantial evidence to support the conclusions drawn within these documents concerning the significant of the project's environmental effects. When a commenter disagrees about conclusions, the EIR can acknowledge that disagreement, but it need not resolve all debates. Per Section 15151 of the State CEQA Guidelines, *"Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts."* The lead agency, in this case Shasta County, will ultimately determine which conclusion is appropriate, based on the substantial evidence presented in the RDEIR and other documents in the whole of the record.

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<sup>26</sup> Public Resources Code Section 21082.2 states that: "argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence."

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## Master Response-4: Resource Management Areas

Multiple comments were received on the RDEIR regarding the feasibility and accountability of a Homeowners' Association (HOA) implementing wastewater disposal and TRWF/VMP obligations for managing vegetation and open space areas. The comments raised concerns regarding the project utilizing a private HOA rather than a Community Services District (CSD). Among the concerns expressed is the idea that an HOA does not provide sufficient assurances of fiscal and service provision stability. The concerns reflect a common apprehension with local agencies' allocation/delegation of community services to an HOA.

HOAs are, essentially, a "private" government – an organization that has the legal authority to tax (e.g., "dues" or "assessments"). Just like a public government where people in the community elect representatives to govern themselves, HOAs elect a Board of Directors (board). Similar to a public government, the board collects "taxes" and saves the money in a public fund to be allocated for the management of the common interest of the property owners who live within the boundaries of that community.

Before any properties are sold, the developer chooses the board. In many cases the initial board will include the developer, any expert such as an accountant or lawyer, or any other individual invited by the developer. Once the first unit sells, the life of the HOA has begun and the board is in 100% control of the Association and the rules set for the community as outlined in the Covenants, Conditions & Restrictions (CC&Rs) which are established in the constitution by the government in addition to the articles of incorporation.

The *covenants* are the parts of the constitution that set up the organization. They define its purpose, its scope of authority, its obligations as an organization, what the obligations of the owners/members are, and each party's obligations regarding insurance and who's responsible for what, etc. There is a bound set of documents called "the covenants," and within the covenants, the development's conditions and restrictions are outlined. The *conditions* state that the individual property owner agrees to abide by covenants and agrees to take title to the property under the obligations and authorities as outlined in the constitution. The *restrictions* provide what the individual property owner is permitted to do with or on the property. The restrictions are mandatory and by taking title to the property the owner is agreeing to live by the restrictions.

As the units start to sell, the homeowners will begin to make up the board because they have a vested interest in the HOA. Once all the units are sold then the developer is no longer involved with the HOA and the HOA board takes over fully governing the Association. Typically, a developer will also hire an HOA management company to ensure that the Association is in alignment with the Davis-Sterling Act<sup>27</sup>, and

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<sup>27</sup> Under Davis–Stirling, a developer of a [common interest development](#) is able to create a [homeowner association](#) (HOA) to govern the development. As part of creating the HOA, the developer records a document known as the Declaration of Covenants, Conditions, and Restrictions ([CC&Rs](#)) against the units or parcels within the HOA with the county recorder. As recognized by the [Supreme Court of California](#), the Declaration of CC&Rs is the constitution of the HOA and is legally binding upon residents to the extent that it does not conflict with state or federal law.

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the make sure all of the necessary steps are taken once the majority of the HOA board is comprised of homeowners.

There are two court decisions involving HOAs that help provide solid legal assurances that the obligations imposed upon an HOA are properly discharged. The two decisions, *Ekstrom v. Marquesa at Monarch Beach HOA* (2008) 168 Cal. App. 4th 1111, and *James F. O'Toole Co., Inc. v. Los Angeles Kingsbury Court Owners Assn.* (2005) 126 Cal.App.4th 549, give local agencies strong assurances that the obligations imposed upon an HOA will be discharged as contemplated, and that the HOA will in fact raise the necessary funds to discharge its obligations. The *Ekstrom* decision held that where the HOA's CC&Rs do not give the HOA's board of directors discretion, there is no judicial deference to a board of directors' decision that is inconsistent with the requirements of the CC&Rs: The HOA board of directors cannot avoid following an obligation under the CC&Rs by evoking the "business judgement rule" deference to a board's decision to avoid performing obligations imposed by the CC&Rs.

**Concern: What assurances are there that a homeowners' association will have sufficient funds to perform any County-imposed obligations?**

For the past 15 years, the law in California has been that an HOA cannot claim insufficient funds to perform the HOA's obligations. As *James F. O'Toole Co.* held, an HOA must impose the assessments necessary to perform its CC&Rs obligations. Both the *Ekstrom* and *James F. O'Toole Co.* decisions give local agencies more assurances that the obligations imposed upon an HOA will be discharged as contemplated, and that the HOA will in fact raise the necessary funds to discharge its obligations.

**Concern: Can a homeowners' association use the bankruptcy legal process to avoid the financial obligations associated with any County-imposed obligations?**

The *Ekstrom* and *J James F. O'Toole Co.* decisions hold that HOAs have the legal obligation to perform the mandatory duties (including any duties imposed by the County pursuant to the imposition of conditions of approval associated with the development's subdivision map) and duty to pay its expenses and debts. A Bankruptcy Court case, *Oak Park Calabasas Condominium Association (2003) 302 B.R. 665* describes the unique nature of California's HOAs; they must continue to exist and pay debts and can't create an "alter ego" that is not liable for the debts.

In general, chapter 7 results in the liquidation of non-individual debtors since there are no exemptions to allow them to maintain assets or other property. In most cases this means that no debtor entity would remain from which [the creditor] could collect. **But a homeowner association is unique, since California law requires that it continue to exist and collect monies from the homeowners and that only a portion of those amounts are exempt from execution. Therefore, a homeowner association would survive chapter 7 and so would its liabilities, including this judgment, which would continue to accrue interest at 10%.**[Emphasis added].

**Concern: With respect to funding in particular, it is unclear from the EIR whether the Tierra Robles HOA will be capable of levying the same taxes as a CSD, which appears to be necessary to fund the implementation of mitigation measures on an ongoing basis.**

The Tierra Robles HOA (TRHOA) is capable of levying the same taxes as a CSD. It has some advantages over a CSD for the purpose of generating property-based funding to implement

property-related services, including mitigation measures on an ongoing basis. California voters voted to place a cap on assessment increases by CSDs; however, the California legislature eliminated caps on an HOA's boards of directors' obligation to increase assessments.

The levy and any increase in the levy of CSD taxes is subject to Proposition 218 Omnibus Implementation Act (Government Code Section 53750 – 53758), which requires property owner approval. California Constitution Article XIII C, section 2(b) provides: "No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote," where the term "local government" is defined as "any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity."

Proposition 218 specifically permits property owners to vote to repeal a local tax, assessment fee or charge through the initiative process. California Constitution Article XIII C (section 3); *Bighorn-Deser View Water Agency v. Verjil* (2006) 39 Cal.4th 205 (Prop 218 granted the initiative power to repeal fees or charges).

In contrast to the funding limitations imposed upon CSDs under California law, the TRHOA would have a statutory duty to levy property assessments to fund all of its financial obligations (Civil Code Section 5600(a)). In addition, the TRHOA board of directors would have the statutory authority to increase annual regular assessments by up to 20% for anticipated increases in expenses without the vote or consent of the TRHOA property owners. For emergency situations, including unanticipated extraordinary expenses which could not have been reasonably foreseen when the then-current regular assessments were established, the TRHOA would have the statutory authority to increase assessments without any limitation on the percentage or amount.

### **Comparison to CSD taxes**

While a CSD does receive a portion of property taxes paid by the residents of the district, traditionally this has amounted to 0.10% to 0.12% of tax revenue, revenue that is limited by the operation of Proposition 13. In comparison, by requiring owners to form and maintain an HOA, the County is not obligated to share property tax revenue, thus placing the entire burden upon the homeowners and relieving local government agencies of the expense.

**Concern: To the extent there are uncertainties regarding the ability of the TRHOA to carry out its designated functions, the EIR should include an analysis of contingencies, including whether the County is willing and able to carry out those duties.**

Throughout California, local agencies are actually undertaking the opposite analysis, as HOAs are often required to act as the contingent operator in the event the local agency (or the voters within the development) are unwilling or unable to carry out a CSD's designated functions and duties. Examples of this approach include the following:

From Placer County Conditions of Approval - Vesting Tentative Map/Conditional Use Permit (Sub-325/CUP1844A):

1. Placer County: Create a County Service Area (CSA) Zone of Benefit. The CSA will be established concurrent with and on the Final Map. In the event that the CSA is abolished by the Board of Supervisors, or the CSA is otherwise not able to function, the

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homeowners' association shall be responsible for all services previously provided by the CSA. The CSA or the CSA created for the CFD, shall provide the following services:

- a) Street lighting at project entrances (unless private lights are maintained by the homeowners' association).
- b) Storm drainage maintenance for facilities located within public easements including structural stormwater quality enhancement facilities (BMP's).
- c) Collection of fees for regional storm drainage facilities and maintenance pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance", including any future revisions thereof.

ADVISORY COMMENT: Maintenance of detention facilities by the CSA will be dependent on final design and approval by DPW. Maintenance by the homeowners' association may be required if the final design is not acceptable to the Special Districts Division of DPW.

- d) Maintenance of the public regional trail along the south side of Dry Creek.
- e) If a dedication of Lots L, M, T, or U is accepted by Placer County, the CSA Zone of Benefit shall include funding for maintenance and liability.
- f) Lot E and the community park site (AP #023-220-033, Holtzman).
- g) Walerga Road median landscaping.

As part of the conditions of approval for a development's subdivision map, some local agencies require that the provisions of CC&Rs permit the local agency to charge the HOA for tax-based services in the event the taxpayers vote to terminate the tax. The City of Rancho Cordova and the City of Vallejo have each required HOAs to serve as a back-up funding mechanism in the event certain taxes are discontinued.

Provisions of CC&Rs from a City of Rancho Cordova subdivision, based upon Conditions of Approval:

Obligation to Transit Services Tax if Zone 3 Tax Area is Disbanded. If the voters within the Rancho Cordova Transit-Related Services Special Tax Area ever vote to disband or terminate the Transit Services Tax with respect to the Lots within the Development, the City shall have the right to charge the Association for all Transit Services Taxes that would have been levied annually against all of the Lots within the Development by the City to provide for the transit-related services if the voters had not disbanded or terminated the Transit Services Tax. The Association shall levy and collect Assessments from the Owner within the Development to pay any City charges for Transit Services Tax, and shall pay such the City as provided in Section 6.18(c), below.

Obligation of Association to Pay Transit Services Tax. In the event the Transit Services Tax is terminated, the City shall bill and the Association shall pay such amounts to the City, in two (2) equal semi-annual installments, the first of which shall be paid on or before December 10th and the second of which shall be paid on or before April 10th. If the Association fails to pay the City timely, the Association shall pay the City a penalty and

interest on such delinquent Transit Services Tax in the amount equal to the penalties and interest applicable to delinquent property taxes. In addition to penalties and interest, the City may enforce the obligations of this Section by any means available to it at law or in equity and shall be entitled to attorneys' fees from the Association if the City is required to bring legal action to collect any District Expenses from the Association, together with simple interest at the rate of five percent (5%) per annum on all delinquent amounts.

Provisions of CC&Rs from a City of Vallejo subdivision, based upon Conditions of Approval:

**Special Districts.** The City has established and intends various special districts which will levy various assessments, taxes, fees, and charges to operate, maintain, repair, improve, and replace various Improvements associated with or which benefit the Development and to otherwise provide services for the benefit of the Development. Declarant and each Owner, by acceptance of a deed to a Unit, acknowledges and agrees that all Units within the Development shall be subject an allocated share of all assessments, taxes, fee assessments, charges and other amounts levied by the City or any such district, including, but without limitation, Vallejo Sanitation and Flood Control District, Greater Vallejo Recreation District fees, Mare Island Community Facilities District No. 2005-1A (Mare Island), Mare Island Community Facilities District No. 2005-1B (Mare Island), Community Facilities District No. 2002-1 (Mare Island), and any other district (each a "District"), established by the City to fund any of the expenses described in Sections 6.17(b) and (c), below (collectively, "District Expenses").

**District Maintenance Expenses.** The District Expenses for maintenance include all District assessments associated with the maintenance, repair, replacement of: Public parks including a Community Park, Parade Grounds, Alden Park, Chapel Park, Historic Park and Morton Field; Public landscape improvements including Walnut Square, Crescent Park, Coral Sea Playground, and right-of-way landscaping; Open space including shore maintenance, storm drainage, wetlands and railroad right-of-way weed and litter; Environmental management; Miscellaneous public works responsibilities including public signs and monuments, public retaining walls, historic light maintenance, historic sign maintenance, historic sidewalk maintenance, access alleys, roads and lights, street sweeping, alley lighting, and other street lighting, and Mare Island bridge, including bridge controls, pilings, guard rails, lift span, grating, painting, concrete and bearing/gear boxes.

**District Facilities Expenses.** The District Expenses include the assessments levied by the Mare Island Community Facilities District No. 2005-1A (Mare Island) to provide for payments to discharge bonded indebtedness.

**District Charges.** Each Owner, by acceptance of a deed to a Unit, acknowledges and agrees that all Units within the Development shall be subject to such secured District assessments and taxes for District Expenses.

**Obligation to Pay District Expenses if District is Disbanded.** If a District is ever disbanded by the vote of the Owners, but the District's Expenses are not allocated or absorbed by another District, the City shall have the right to charge the Association for all District Expenses that would have expended annually by the District to perform its maintenance obligations for the Development if the District had not been disbanded.

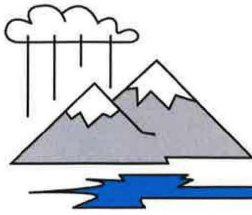
Obligation of Association to Pay District Expenses. In the event the City incurs any District Expenses due to the termination of a District, the City shall bill and the Association shall pay such amounts to the City, in two (2) equal semi-annual installments, the first of which shall be paid on or before December 10th and the second of which shall be paid on or before April 10th. If the Association fails to pay the City timely, the Association shall pay the City a penalty and interest on such delinquent District Expenses in the amount equal to the penalties and interest applicable to delinquent property taxes. In addition to penalties and interest, the City may enforce the obligations of this Section by any means available to it at law or in equity and shall be entitled to attorneys' fees from the Association if the City is required to bring legal action to collect any District Expenses from the Association, together with simple interest at the rate of five percent (5%) per annum on all delinquent amounts

Therefore, based on the details above, the TRHOA would be able to ensure compliance with any conditions of approval or mitigation measures required in the Final EIR. An HOA takes on additional legal obligations that do not apply to a local government agency. Members of an HOA, unlike residents within a CSD, are prohibited from failing to comply with requirements contained within the CC&Rs and the conditions of approval. Unlike a local government agency, an HOA cannot declare bankruptcy (e.g. Stockton, CA bankruptcy). As a result, rather than form a new local government agency which would place a burden upon the County, the formation of an HOA can carry that obligation.



## **LOCAL AGENCIES**

Letter 1: Bella Vista Water District, February 2, 2021



**DIRECTORS**  
TED BAMBINO                      BOB NASH  
JIM SMITH                        LEIMONE WAITE  
FRANK SCHABARUM

DAVID J. COXEY  
Secretary/Treasurer/General Manager

## BELLA VISTA WATER DISTRICT

11368 E. STILLWATER WAY • REDDING, CALIFORNIA 96003-9510  
TELEPHONE (530) 241-1085 • FAX (530) 241-8354

February 2, 2021

SENT VIA EMAIL: [phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)

Paul Hellman, Planning Director  
Shasta County Dept. of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001

Re: Proposed Tierra Robles Planned Development Project

Dear Mr. Hellman:

I am writing in regards to the December 2020 Recirculated Draft Environmental Impact Report (RDEIR) for the subject project. As you know, the District previously provided comments and questions on the Draft Environmental Impact Report (DEIR) in a letter dated December 22, 2017, and the District provided comments to the Final EIR in a letter dated July 16, 2019, both are hereby incorporated by reference. The District has reviewed the RDEIR for the subject project and has found many of our questions remain unanswered and comments have not been addressed in addition to some incorrect or inaccurate statements, references and assumptions and offers the following comments.

Extremely high summer temperatures, low humidity and use of evaporative cooling systems are a few of the reasons the Redding Basin has some of the highest indoor and outdoor water use on a per capita basis within the entire state. Generally, water demands for similarly zoned rural residential developments within the District are substantially higher than those projected in the RDEIR. Is the County aware of any similar rural residential developments within the region that can substantiate the very low water use projections reflected in the RDEIR for this Development?

The RDEIR references and assumes full implementation and compliance with the state's Model Water Efficient Landscape Ordinance (MWELo). The District is concerned the County does not have the staffing, process and enforcement capabilities necessary to fully implement the provisions of MWELo. What staffing, process and enforcement mechanisms does the County currently have in place to fully implement MWELo? Does the County have any examples of MWELo enforcement within the County to date for similar rural residential developments? What actions will the County take if irrigated landscape areas expand and actual water demands significantly exceed those projected in the RDEIR?

We are an equal opportunity employer and provider.

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The water supply needs for the project shall be determined based on the full potential range of development that will be allowed for the parcels. If there are no imposed and enforceable land use restrictions then parcels may potentially be utilized for agricultural purposes which would have a much larger annual water supply demand and a larger instantaneous flow (capacity) requirement than non-agricultural parcels. How will land use restrictions be enforced? How will the noted building envelopes preclude agricultural land use and how will this be enforced?

The 55 gallons per capita per day used to estimate “Indoor Residential Demand” was incorrectly derived from the California Water Code Section 10608.20. The quantity of 55 gpcd is only viable if the water district does not have a defined water goal within their Urban Water Management Plan. If a district has an Urban Water Management Plan then they shall determine their urban water use target by using eighty percent of the urban retail water supplier’s baseline per capita daily water use (California Water Code Section 10608.20.2.b.1) as defined in their 2015 Urban Water Management Plan Update (Section 10608.20.g).

Per the 2015 Bella Vista Water District Urban Water Management Plan, the baseline per capita daily water use is 947 gpcd. Target usage to be used for water planning purposes, as defined above, is 80% of baseline usage or 758 gpcd (2015 UWMP Section 5.5). Using this water demand and residential occupancy rate of 2.5 people per home for primary residences (as stated in the RDEIR), the per unit water demand is 2.12 AFY for the 166 single family homes. As noted in the 2015 UWMP, this baseline usage includes both indoor and outdoor usage and should be used for per lot water demand planning. This results in a build out water demand of 352 Ac-Ft. This volume greatly exceeds the 100 Ac-Ft maximum of the proposed transfer with Clear Creek Community Services District (CCCSO) as mitigation.

Additionally, in Section 2.2.2 of the Water Supply Evaluation the assumption that a secondary unit will replace 1500 sq.ft. of irrigated acreage is not backed by any noted requirements. The building envelopes are significantly larger than the area needed for the primary unit and the allowed 5000 sq.ft. of landscape area. Therefore, there is no viable reason to assume landscaped area will be replaced by the secondary unit. Water usage projections should be revised accordingly.

As you may know, the District receives nearly all of its water supply from the federal Central Valley Project (CVP) through a water service contract with the United States that is subject to shortage provisions pursuant to the U.S. Bureau of Reclamation’s municipal and industrial (M&I) shortage policy and any amendments thereto. The total contract quantity of 24,578 acre-feet/year is adequate for the current and planned needs of the District in normal year types. However, in single and consecutive “dry” or “severe” hydrologic year types, the District has experienced and anticipates severely reduced CVP allocations that will not meet current average year demands within the District. The yield of the Central Valley Project was reduced in 1992 with the passage of the Central Valley Improvement Act (H.R. 429, Public Law 102-575). The implementation of this Act combined with subsequent regulatory actions intended to protect threatened and endangered fish species has substantially reduced the reliability of CVP supplies, especially in shortage years. Current and anticipated regulatory actions and processes will further reduce the likelihood of the District receiving full water supply allocations especially in “below normal” year types and will exacerbate single and consecutive year shortages.

As noted in the Water Supply Evaluation of the Draft EIR the projects required water supply would reduce

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water available to existing Bella Vista Water District customers if a shortage occurs prior to three unconstrained water years. The proposed mitigation to provide a water supply agreement to the District for this significant impact has several unmentioned complications. During shortage years the availability for transfers from any source is reduced and potentially nonexistent; therefore, waiting to acquire additional water until needed is not considered a reliable mitigation measure. The other option of a long-term transfer, if water is available, for the 15 years of expected build out typically requires purchasing the water in every year of a transfer agreement, not just during shortage years. There is no funding source identified for any purchase of water for the expected duration of buildout.

Any long-term water transfer arrangement will require compliance with the California Environmental Quality Act, the National Environmental Policy Act and approval by the U.S. Bureau of Reclamation. It is the District's understanding that necessary environmental review and approvals have not been obtained or initiated.

Mitigation measure MM 5.17-4b is not feasible as written. It notes that it will provide "a quantity that represents a minimum of 90 percent of the project's prior year water usage" but then goes on to say in the implementation phase that this agreement must be in place "Prior to the issuance of a building permit of the first residence". The referenced agreement will need to be based on accurate projections, not non-existent prior-year water usage and not the inaccurate and unsubstantiated assumptions listed in the RDEIR.

MM 5.17-4b States, "The augmenting water supplies shall be made available to BVWD through the Agreement until such time as BVWD has completed three years of full CVP water allocation after commencement of operations at the project site. For any shortage condition that occurs after three years of full CVP allocation, the project applicant shall no longer be required to provide BVWD with augmenting water supplies, but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers." This mitigation measure as written does not sufficiently address the complexities of phased development or of the U.S. Bureau of Reclamation's Central Valley Project Municipal and Industrial Shortage Policy, Guidelines and Procedures for water shortages and impacts to existing customers.

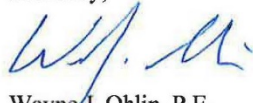
This mitigation measure should be rewritten as follows: "The augmenting water supplies shall be made available to BVWD through an Agreement with BVWD and is consistent with the methodology of U.S. Bureau of Reclamation's Central Valley Project Municipal and Industrial Shortage Policy, Guidelines and Procedures until such time as BVWD has received three successive water years of full (Unconstrained) CVP water allocations following buildout and completion of all phases of the development and newly created water demands. For any shortage condition that occurs after three years of full CVP allocations following buildout, the project applicant shall no longer be required to provide BVWD with augmenting water supplies."

This proposed development was originally issued a Will Serve Letter, dated November 25, 2008, and has now expired. The applicant has requested that BVWD issue a new Will Serve Letter; however, the District's Board of Director's tabled the item at their Board meeting of June 22, 2020, until a viable water supply augmentation agreement is secured. For your review and use, I have attached a copy of the District's Will Serve Policy, whereby "Will Serve" commitments expire after 10-years.

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Please feel free to contact me if you have any questions regarding any of the above comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. J. Ohlin".

Wayne J. Ohlin, P.E.  
District Engineer

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## Responses to Comment Letter 1 - Bella Vista Water District (BVWD)

### Response 1-1:

The commenter makes a prefatory comment and notes previous comments made by BVWD on the project and previous iterations of the environmental documentation. BVWD notes that some of their comments remain unanswered in the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 1-2:

The commenter notes the weather patterns in the Redding basin and its effects on water demand and the difference within different land uses zones and designations. The County understands BVWD is providing a comparison of water consumption based on zoning designations alone. While the project property is zoned Rural Residential, due to the proposed restrictions on development in the Tierra Robles project area (i.e. limiting the development footprint, limiting irrigable landscaping to 5,000 square feet, disallowing keeping of livestock or raising of crops), the proposed project would use substantially less volumes of water on a per unit basis than typical property zone Rural Residential. The typical rural residential uses within the vicinity and within the County as a whole to which BVWD is referring tend to use much more water than would occur within the Tierra Robles project. The proposed project includes more traditional single-family residential uses. The commenter is referred to **Master Response #1 Water Supply Analysis Master Responses General Discussion, Consistency with California Water Code, and Project Projected Water Demand**, for additional information.

The commenter also is referred to **Response 1-4** – the concern that the proposed project would be used for agriculture, thereby raising the water use, would not occur as these activities would not be allowed.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 1-3:

The commenter references discussion in the RDEIR about implementation of the State's Model Water Efficient Landscape Ordinance (MWELo) and states concern about County staffing. The commenter questions adequacy of staffing, enforcement, and steps they will take if compliance is not met.

Prior to the issuance of building permits for residences within the Tierra Robles development, Planning Division staff will verify that proposed plans comply with the applicable development standards of the Tierra Robles Planned Development, including the maximum permissible irrigable area of 5,000 square feet and compliance with the State's MWELo.

The commenter is referred to **Response 1-2**, above regarding the comparison of the proposed project to a more traditional rural residential development which would, similar to some of the surrounding properties, contain agricultural production, the keeping of livestock, and large irrigable landscaping. Although the proposed project's homes will be on larger lots, the proposed project's would be closely

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aligned with traditional single-family residential uses due to restrictions on irrigable landscaping. In terms of enforcement and continue compliance, residents of the Tierra Robles project would be subject to the Homeowners Association (HOA) rules and deed restrictions, reserve funds, budgets, bylaws, and other applicable documents and requirements of a CSD or HOA. According to the California Homeowners Association, there are 33 existing HOA's in Shasta County, 19 of which are located in the City of Redding. Please see **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowners Association**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-4:**

The commenter states that water demand of the project needs to be determined based on full potential range of development, that the project could be used for agriculture resulting in a larger demand and consumption for water. The commenter is referred to **Master Response # 1 – Water Supply Analysis Master Response Consistency with California Water Code and Project Projected Water Demand**, and **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowners Association**, and **Response 1-3**. The project would not be used for agricultural operations that are more common in traditionally rural residential developments and hence use greater quantities of water than single family residential developments which the project (aside from larger lot sizes) more closely resembles.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-5:**

The commenter questions the use of the 55 gallons per capita per day estimate and states that it is not consistent with CWC Section 10608.20 and needs to be consistent with the Urban Water Management Plan (UWMP) to determine the use. The commenter is referred to **Master Response # 1 – Water Supply Analysis Master Response Consistency with California Water Code and Project Projected Water Demand**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-6:**

The commenter states that according to the Bella Vista UWMP the base per capita daily water use is 947 gallons per capita per day resulting in a water demand greater than that discussed in the RDEIR. The Commenter is referred to **Master Response # 1 – Water Supply Analysis Master Response Consistency with California Water Code and Project Projected Water Demand**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-7:**

The commenter notes the secondary residential units and their potential demand in light of the potential for landscaped areas. The commenter states that the assumption of a secondary unit replacing 1,500 square feet of irrigated landscape area is not supported within the Water Supply Evaluation. The commenter states that there is no viable reason to assume landscape area will be replaced by a secondary unit and requests that water usage projections be revised accordingly.

Depending on the lot configuration and associated development envelope, a secondary unit could potentially be developed outside development envelope without adjusting the landscaped area. Under such a scenario, would result in an upward adjustment of 1.2 acre-feet in demand per year. The RDEIR assumed the 15 parcels with secondary residential units had a reduced demand factor for the outdoor water use from 0.29 acre-feet per year (for standard parcels) to 0.21 acre-feet per year. This reduction in the outdoor demand reflects the landscape area that is 1,500 square feet less than the landscaped area used in the standard parcels. If this adjustment is not made, the 15 parcels with secondary units would instead have the same outdoor demand factor as the standard parcels, which is 0.29 acre-feet per year. The resulting increase of 0.08 acre-feet per unit per year for the 15 units results in a total increase of 1.2 acre-feet per year. This would increase the estimated demand of the entire proposed project from approximately 80 acre-feet per year to approximately 81 acre-feet per year, a non-substantial change that would have no effect on the conclusions of the analysis. No further response is necessary and no change to the Draft EIR is necessary.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-8:**

The commenter states discusses that the BVWD derives the majority of its water supply from the Central Valley Project (CVP) and is subject to shortage provisions pursuant to the U.S. Bureau of Reclamation (USBR). The commenter notes the total contract quantity is 24,578 acre-feet per year (AFY) but in dry years the supply can be restricted.

In reference to water contract quantity of 24,578 AFY and potential for multiple dry year water use restrictions, the RDEIR addresses potential changes BVWD may implement to reduce water volumes it provides to its customers. The commenter is referred to page 5.17-4, Table 5.17-2 in Section 5.17 UTILITIES AND SERVICE SYSTEMS of the RDEIR, which notes that BVWD's contract with USBR provides up to 24,578 AFY of CVP water. The County recognizes that future supplies are subject to restrictions for environmental factors including actual flows, drought and the Central Valley Project (CVP) municipal and industrial (M&I) Shortage Policy. Pages 5.17-13 and 5.17-26 of the RDEIR discuss California Drought Regulations and Executive Orders addressing restrictions and standards intended to reduce water use and the County, consistent with the comment, also recognize that there may be uncontrollable factors such as drought and decreasing supplies that accompany dry conditions.

The commenter also is referred to Mitigation Measure (MM) 5.17-4b that requires the project applicant to identify and implement an agreement with BVWD to provide BVWD with dry-year water supplies prior to commencement of project construction. This measure ensures that actual physical development does not occur until such time as there is adequate water to serve it. MM 5.17-4b has been modified as



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suggested by BVWD and is discussed in **Response 1-11**, that specifically discusses the measure and makes suggestions for revisions to it.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-9:**

The commenter states that new demand would reduce the water supply for existing customers and the mitigation as proposed is not adequate. The commenter is correct that certain environmental constraints may make it more difficult to obtain water to supplement BVWD. It should be noted that the proposed development is consistent with the land use densities anticipated for the project site in the County's General Plan. In turn, the project is also consistent with the census data for population growth estimated by BVWD's UWMP for long term water demand projections. The County, however, disagrees that the applicant is "waiting to acquire additional water until needed..." As discussed on page 5.17-19 of the RDEIR, an agreement with CCCSD will be established prior to project approval:

"As represented in several attachments referenced throughout this section, the project applicant has facilitated discussions between Clear Creek Community Services District (CCCSD) and BVWD for the periodic transfer of a portion of CCCSD's annually available CVP water supply allocation from CCCSD to BVWD.

As detailed in Appendix RDEIR C-2 of this RDEIR, CCCSD would make available for transfer a portion of its CVP allocation in a requested year, not to exceed 100 acre-feet. CCCSD would meet its own customer needs otherwise met by the CVP supply by pumping groundwater through one of three existing, certified drinking water wells.

The source of the transfer water is a contractual entitlement under a CVP water service contract between United States Bureau of Reclamation (USBR) and CCCSD. BVWD also is a CVP water service contractor in the same area of origin as CCCSD, and therefore the transfer will be conducted in accordance with Section 3405(a)(1)(M) of the Central Valley Project Improvement Act (CVPIA) along with other applicable criteria relating to the substitution of groundwater by CCCSD."

The County also notes the discussion from CCCSD in the mentioned appendix C-2. In part, this states:

"In the event of a drought, the CCCSD proposes transferring to BVWD up to 100 AF of its own CVP Project water allocation in that year as defined in a subsequent long-term agreement entered into between CCCSD and BVWD."

The subsequent paragraph in the Appendix further states:

"Because of the need to consider a worst-case scenario and the need for possible additional supplies for BVWD during extreme drought conditions, the CCCSD has agreed to pursue the annual transfer of up to 100 Acre Feet per year of its CVP project water..."

As noted, one of the conditions includes the approval from USBR for the transfer which is anticipated to occur under the current Accelerated Transfer Programs operation to facilitate transfers among CVP contractors in the same watersheds.

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Thus, the agreement is not periodic. The agreement is concrete and would define a yearly volume of water that would be made available from CCCSD through the contractual obligation as needed and diverted to BVWD. The County concurs that transfers are anticipated to be periodic but disagrees with the commenter in that the contract for the transfers is permanent.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-10.**

The commenter notes that any long-term agreement would be subject to CEQA and NEPA requirements. The commenter is referred to Appendix C-2 which notes that as a condition of approval of the transfer CCCSD notes full compliance with NEPA and CEQA would be required. Further MM 5.17-4b on page 5.17-30 of the RDEIR concludes with the following language: “The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.”

Thus, the County recognizes that subsequent environmental documentation may be required. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-11:**

The commenter notes that mitigation measure 5.17-4b is not feasible as written. The commenter provides a suggestion for revisions to the mitigation measures. Regarding the commenter’s first note of the comment regarding MM 5.17-4b and its feasibility, the commenter is referred to **Master Response #1 - Water Supply Analysis Master Responses, Consistency with California Water Code, Project Projected Water Demand, and California Water Code Baseline Calculations** regarding project water use. The water use projections are based on project design and, although the individual residences would be located on large lots, the homes will more closely resemble that of single family residential developments as opposed to traditional rural residential development common in other areas of BVWD’s service area (reference to **Response 1-4**).

Commenter suggests an edit to MM 5.174b. MM 5.17-4b has been revised to read as follows:

“Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project’s prior year water usage. Shortage conditions shall be defined to exist when BVWD has been notified by the USBR that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15th of each year. The augmenting water supplies shall be made available to BVWD through the Agreement with BVWD and is consistent with the methodology of U.S. Bureau of Reclamation’s Central Valley Project Municipal and Industrial Storage Policy, Guidelines and Procedures until such time as BVWD received three successive water years of full (Unconstrained) CVP water allocations following buildout and

completion of all phases of the development and newly created water demands. For any shortage condition that occurs after three years of full CVP allocation following buildout, the project applicant shall no longer be required to provide BVWD with augmenting water supplies. , but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers. The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 1-12:**

The commenter reiterates previous comments related to the Will Serve letter and expands on its expiration and need for a new one, and provides a sample as an attachment. The County understands the previous Will Serve letter has expired. The County also understands the applicant will request a new Will Serve letter once the augmentation to the water supply is secured.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

## **COMMENTING PERSONS**

Letter 2: Remy Moose Manly, February 2, 2021



Collin S. McCarthy  
cmccarthy@rmmenvirolaw.com

February 2, 2021

Via Electronic & U.S. Mail

Paul Hellman, Director  
Shasta County, Dept. of Resource Mgmt.  
1855 Placer Street  
Redding, CA 96001  
Email: phellman@co.shasta.ca.us

Re: *Comments on Partial Recirculated Draft Environmental Impact Report for the Proposed Tierra Robles Planned Development Project (Zone Amendment 10-002, Tract Map 1996)*

Dear Mr. Hellman:

We are writing on behalf of Protect Against Tierra Robles Overdeveloped Lands (PATROL) to provide comments on the Partial Recirculated Draft Environmental Impact Report (RDEIR) for the proposed Tierra Robles Planned Development Project (Project). PATROL is an unincorporated association of more than 500 Shasta County (County) residents who reside in the project vicinity and stand to be affected by the Project and its adverse environmental impacts. In particular, PATROL's members will be affected by the Project's significant impacts on water supply in the region and wildfire-related hazards, among other adverse effects. PATROL's members have an interest in the proper implementation of the County's planning and zoning laws and policies and seek to ensure that any future development of the project site occurs in accordance with State and local law, and in a manner consistent with the needs, safety, and character of the existing community.

2-1

Our office previously submitted comments to the County on behalf of PATROL regarding the Project and a prior version of the environmental impact report (EIR). While we commend the County for its decision to prepare and recirculate the RDEIR in an effort to address the issues previously identified by PATROL and other members of the community, as explained more fully below, we continue to have concerns regarding the analysis of the Project's water supply and air quality impacts, the discussion of wildfire hazards and emergency evacuation, and the assumption that the Tierra Robles Homeowner's Association/Community Services District will in fact be equipped to implement the many proposed mitigation measures. These issues must be addressed before County decisionmakers consider certification of the EIR for the Project and whether or not to approve the requested entitlements.

Paul Hellman, Shasta County  
February 2, 2021  
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I. The RDEIR's Conclusion that Water Supply Impacts will be Less Than Significant is Not Supported by Substantial Evidence

First and foremost, PATROL continues to have serious concerns regarding the County's discussion and analysis of the Project's impacts on water supply presented in the RDEIR and believes that the conclusion that sufficient water supplies will be available to meet Project demands without adversely affecting existing Bella Vista Water District (BVWD) customers is not supported by substantial evidence.

The California Supreme Court set forth the requirements for an adequate evaluation of a project's water supply impacts in an environmental impact report in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 ("*Vineyard*"). In that case, the Court struck down an EIR for a master planned community for failing to adequately identify and evaluate future water sources for the project. Specifically, the Court in *Vineyard* held that CEQA requires a discussion of how the long-term water demand of a development project is likely to be met, including alternate or supplemental supplies, the environmental impacts of exploiting such sources, and how those impacts will be mitigated. (*Vineyard, supra*, 40 Cal.4th at 421.) To satisfy this requirement, the Court identified four key principles:

- (1) Decisionmakers must be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need;
- (2) An adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years;
- (3) Future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations are insufficient bases for decisionmaking under CEQA; and
- (4) Where it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of replacement sources or alternatives to the anticipated water, and of the environmental consequences of those contingencies.

(*Id.* at pp. 431–432.)

In addition, it is fundamental under CEQA that a Lead Agency's determination as to whether a Project will or will not have a significant effect on the environment in any resource area must be supported by "substantial evidence" in the record. (CEQA Guidelines, § 15064, subd. (f).) "Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion...." (CEQA Guidelines, § 15384, subd. (a).) "Substantial

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evidence” includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (*Id.* at subd. (b).)

2-3

Here, the RDEIR explains that the primary water supply for the Project will come from BVWD. (RDEIR, p. 5.17-13.) The RDEIR explains that while it is expected BVWD will have sufficient water to cover the Project’s water demand in normal year conditions, if drought or dry year conditions occur before Project uses exist for three years of 100-percent Central Valley Project water allocation, the Project demand will not be included in the BVWD’s baseline water allocation and, therefore, the Project would exacerbate water shortages experienced by existing customers. (RDEIR, p. 5.17-18.) Although the RDEIR includes an updated discussion of potential supplemental water supplies in the event of dry year conditions leading to a shortage of BVWD water supplies, specifically, a potential water transfer agreement with the Clear Creek Community Services District (CCCS) to supply up to 100 acre-feet per year to meet Project demands, previous comments on the EIR submitted by BVWD remain valid and raise serious questions regarding the accuracy of the RDEIR’s water supply analysis and conclusions. (See Attachment 1: July 16, 2019 Letter from David J. Coxey, General Manager, Bella Vista Water District, to Lisa Lozier, Shasta County Dept. of Resource Mgmt. regarding Tierra Robles Planned Development.)

2-4

Based on the past comments from BVWD, it is apparent that the RDEIR continues to rely on a significantly underestimated and erroneous water demand for the Project. (See Attachment 1.) The County’s reliance on an inaccurate water demand effectively undermines all of the RDEIR water supply analysis and the impact conclusions that follow. Most notably, the RDEIR relies on a figure of 55 gallons per capita per day for indoor water use, which it claims is derived from Water Code Section 10608.20 and “has been confirmed through analyses of residential water meter data and is reflective of new suburban single-family dwelling units and older homes retrofitted with new water efficient fixtures and appliances.” (RDEIR, p. 5.17-15.) When outdoor water use is factored in, “each lot is estimated to use 0.45 AFY for lots with only a primary residence, and 0.48 AFY for the 15 lots with accessory dwelling units.” (*Ibid.*) According to BVWD’s General Manager, however, these estimates of the Project’s residential water demand are erroneous and drastically underestimated.

2-5

As the July 2019 letter from BVWD to the County explains, under Water Code Section 10608.20, because the District has an adopted Urban Water Management Plan (UWMP), it is improper to rely on the interim target of 55 gcpd in the statute for purposes of estimating the Project water demand in the RDEIR. (Attachment 1) Relying on its 2015 UWMP, the BVWD has calculated 80% of baseline usage for purposes of establishing the target discussed in Water Code section 10608.20, which in the District’s case is 758 gallons per capita per day (indoor and outdoor combined.) As applied to the Project, this yields a demand of 2.12 AFY per home for the 166 single family homes. Thus, while according to the RDEIR the total annual project water demand at buildout is just 80 AFY, according to BVWD the total Project water demand is approximately 351 AFY – a difference of 271 AFY. (Attachment 1.) This is not merely a

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“disagreement amongst experts” regarding the appropriate methodology for calculating water demand; *BVWD is the primary water supplier for the Project and the surrounding area.*

2-6

As a result of this significant and unexplained discrepancy in estimated Project water demand in the RDEIR, virtually all of the analysis and conclusions in the RDEIR regarding the adequacy of water supplies are called into question. It also calls into question the adequacy of the County’s proposed mitigation measures. For example, while the RDEIR acknowledges that supplemental water supplies will be needed to meet demands and mitigate impacts to existing BVWD customers in dry-year year conditions, the entire discussion of supplemental water supplies from CCCSD is premised on the unsupported assumption that the Project water demand is just 80 AFY. If the more accurate demand figures provided by BVWD are used, water shortages would likely be far greater and far more supplemental water will be required than the proposed 100 AFY from CCCSD to ensure sufficient water supplies for the Project and to avoid impacts to existing BVWD customers.

Furthermore, in addition to the substantial discrepancy in the estimated water *demand* of the Project, the RDEIR water supply analysis also appears to rely on inaccurate and unsupported assumptions regarding the availability of BVWD groundwater supplies to meet customer demands. Table 5.17-2 in the RDEIR provides the following summary of projected water supply sources:

**Table 5.17-2  
 SUMMARY OF WATER SUPPLY SOURCES**

Water Supply Sources	Projected Supply (AFY)				
	2020	2025	2030	2035	2040
U.S. Bureau of Reclamation <sup>1</sup>	24,578	24,578	24,578	24,578	24,578
Groundwater <sup>2</sup>	5,010	5,010	5,820	5,820	6,630
Anderson-Cottonwood Irrigation District	1,536	1,536	1,536	1,536	1,536
<b>Total</b>	<b>31,124</b>	<b>31,124</b>	<b>31,934</b>	<b>31,934</b>	<b>32,744</b>

Source: BVWD. *Urban Water Management Plan Update 2015*. Table 6-5, page 67. December 2016.

Notes:

<sup>1</sup> BVWD’s contract with USBR provides up to 24,578 AFY of CVP water. Actual supplies are subject to restrictions for environmental flows, drought and the CVP M&I Shortage Policy.

<sup>2</sup> Groundwater wells are currently only used to supplement surface water in short and long-term shortages. 4,200 AFY is estimated to be the maximum capacity of the existing wells. Additional groundwater wells are planned for construction every 10 years starting in 2020 increasing groundwater by 810 AFY per well.

2-7

According to Table 5.17-2, projected water supplies for 2020 included 5,010 AFY from BVWD from groundwater pumping, which is purportedly based on a prior maximum capacity of 4,200 AFY for all BVWD wells plus an additional 810 AFY for new wells to be constructed “every 10 years starting in 2020.” As explained in the comments of PATROL member James Griffith, however, it is apparent that these estimates were never verified with BVWD as no new well was constructed in 2020 and actual groundwater pumping has been far less in the past, even in the driest of years. (See Attachment 2:



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CONT'D
- ↑ Letter from James & Teresa Griffith to Paul Hellman, Shasta County Dept. of Resource Mgmt. regarding Tierra Robles RDEIR, pp. 2-3.) There is also no mention of the fact that BVWD has previously removed wells from service due to low yields, which raises further questions about the claims in the RDEIR water supply analysis regarding the future pumping and availability of ground water supplies in the region (for both BVWD and CCCSD). (BVWD, Urban Water Management Plan 2015, p. 56.) These discrepancies and inaccurate information further undermine the conclusions in the RDEIR that adequate water supplies will be available to meet Project and existing water demands and, again, call into question the estimated amount of supplemental water that will be necessary to mitigate project impacts and whether sufficient supplemental water supplies will in fact be available.
- 2-8
- In sum, due to the unsupported (and directly refuted) water demand and supply estimates relied on by the County in the RDEIR, the conclusion that sufficient water supplies are likely to be available and that impacts would be less than significant with the proposed mitigation is not supported by substantial evidence. The RDEIR water supply analysis must be revised to accurately disclose, analyze, and mitigate the significant water supply impacts. In its present form, the analysis fails to comply with the standards of CEQA and also should be regarded as inadequate by the County for purposes of compliance with County General Plan Policy W-c requiring that:
- All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. Project proponents shall submit sufficient data and reports, when requested, which demonstrate that potential adverse impacts on the existing water users will not be significant....
- 2-9
- II. The RDEIR Air Quality Analysis Relies on an Inaccurate Project Description
- A second issue PATROL has identified in the RDEIR is that the air quality analysis appears to rely on an inaccurate or changed project description, despite the County's claims that the project description remains unchanged from the prior version of the EIR. Specifically, on page 5.3-14, in describing the construction activities, the RDEIR states that the Project would involve "paving of approximately 17.2 acres of roadways." In the previous EIR air quality section, however, it was stated that the Project would include the "paving of approximately 51.71 acres" (DEIR, p. 5.3-12.) Even more confusingly, the prior Project Description chapter stated that the Project would involve the paving of approximately 52.8 acres. (p. 3-33 [PROJECT CONSTRUCTION].) It is unclear which of these three figures is accurate.
- 2-10
- ↓ This discrepancy between the two documents is significant here because, as the RDEIR explains, construction-related air emissions are calculated using the California Emissions Estimator Model (CalEEMod). CalEEMod relies on inputs derived from the

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amount and type of construction activities in order to estimate emissions. If the inputs do not accurately reflect the size of the project, the resulting emissions estimates will be underestimated. Here, there is no explanation for why the amount of paving to occur during project construction was dramatically reduced from 51/52 acres to just 17 acres. This change appears to have resulted in an unsupported reduction in construction emissions. Comparing the two versions of Table 5.3-6, Unmitigated Construction-Related Emissions (*compare* DEIR at p. 5.3-13 to RDEIR at p. 5.3-15 in the RDEIR), unmitigated construction emissions are lower in the RDEIR and the RDEIR indicates that ROG emissions no longer exceed the Level A threshold. It is never explained how or why unmitigated construction emissions would be lower if the project description has not changed from the description included in the prior EIR.

This discrepancy must be addressed, and the construction air emissions analysis and impact conclusions must be revised accordingly.

III. The Conclusion in the RDEIR that Impacts Related to Wildfire would be Less Than Significant is Not Supported by Substantial Evidence

2-11

With regard to wildfire-related impacts, the RDEIR includes a new section 5.19, Wildfire, which includes a partially revised analysis of wildfire-related hazards in response to public comments and updates to Appendix G of the CEQA Guidelines. This section concludes that impacts from the Project will be less than significant. PATROL's members, many of whom reside in the immediate project vicinity, have significant concerns that the analysis and conclusions set forth in the RDEIR regarding wildfire related hazards are unsupported by substantial evidence, especially the discussion of emergency evacuation impacts.

As an initial matter, PATROL directs the County to, and incorporates herein, the detailed comments of area residents James and Teresa Griffith regarding the significant flaws and inaccuracies in the RDEIR wildfire analysis. (Attachment 2.) Under CEQA, fact-based comments of residents based on personal observations and experience constitute substantial evidence. (*Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1151-1152.)

2-12

In addition to the issues raised in the comments of James and Teresa Griffith regarding the inadequacy of the RDEIR wildfire analysis, however, PATROL wishes to emphasize that the conclusions in the RDEIR indicating wildfire-related impacts would be less than significant is without basis in fact and utterly fails to account for the severity of existing conditions in the region. As the State CEQA Guidelines instruct, the determination by a Lead Agency of whether a project may have a significant effect on the environment calls for careful judgment, based to the extent possible, on scientific and factual data. (CEQA Guidelines, § 15064(b)(1).) Moreover, it is well-established under CEQA that the significance of an activity or environmental impact "may vary with the setting." (*Ibid.*) Here, while the RDEIR acknowledges that the Project site is located

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CONT'D

↑ within a Very High Fire Hazard Severity Zone, the RDEIR goes on to conclude in the analysis of emergency evacuation times that, in effect, because evacuation times are already abysmal, the additional delay caused by Project-related traffic would not “substantially increase” clearance times. For this reason, the RDEIR concludes that Project impacts are less than significant, and no mitigation is required. Specifically, the RDEIR states:

With the addition of Project traffic, the largest travel time increase for the last sets of vehicles to arrive at refuge areas would be no more than 15 minutes out of the maximum estimate of nearly 3.5 hours.

...

As such, the Project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County’s EOP.

(RDEIR, p. 5.19-22.)

2-13

It is well documented that any additional delay time in emergency evacuations from wildfire can endanger lives, particularly in rural, fire-prone areas such as Shasta County. In recent years, numerous deaths have occurred in California while residents are trapped in vehicles attempting to evacuate.<sup>1</sup> The callous statements regarding the significance of the additional delay attributable to the Project demonstrates that the County’s approach to determining the significance of this impact fails to adequately account for the seriousness of the issue. The methodology and discussion also downplays the facts on the ground, including the constraints of the existing road network, the design of the Project with a single access point, and the existing setting in which the Project will occur. As discussed above, this runs afoul of CEQA commands for determining impact significance, which is to be based on both facts and setting.

2-14

Moreover, there are assumptions and factual oversights in the RDEIR emergency evacuation analysis which raise serious doubts as to the veracity of the information presented in the Tierra Robles Area Evacuation Traffic Study (RDEIR Appendix D-1) and the impact conclusions that follow. For example, the analysis assumes that Shasta College will have been evacuated and empty at the time of a wildfire; the analysis downplays that all Project traffic will pour onto Boyle Road, a two-lane roadway which residents know was dangerously congested during the evacuation for the 1999 Jones Fire; and the study’s model relies on the assumption that “each household would evacuate with an average of two automobiles” (RDEIR Appendix D-1, p. 5) when in reality, particularly in the Project area, emergency evacuations are likely to include large numbers of horse trailers, towed vehicles, recreational vehicles, and other trailers creating miles

<sup>1</sup> See, e.g., J. Nicas et al., *Forced Out by Deadly Fires, Then Trapped in Traffic*, New York Times (Nov. 11, 2018), available at <https://www.nytimes.com/2018/11/11/us/california-fire-paradise.html>.

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↑ long stretches of vehicles. Numerous other oversights and deficiencies with the Study are discussed in the individual comments of PATROL's members.

Finally, PATROL questions the accuracy of the statement in the RDEIR indicating that a secondary access at the proposed southernly terminus of Northgate Drive would be available to alleviate emergency response and evacuation-related impacts in the event of a wildfire. (RDEIR, p. 5.19-3.) Under Impact 5.19-1, the RDEIR states:

A secondary access is proposed at the southerly terminus of Tierra Robles Lane at Northgate Drive. The proposed connection with Northgate Drive would be gated per County fire standards and used for reciprocal emergency access only. As a result, Project operations would have a less than significant impact related to emergency response or evacuation activities within the development.

2-15

(RDEIR, p. 5.19-13.)

Contrary to this statement in the RDEIR, however, PATROL's members have in fact investigated the likelihood that this secondary access point will be available and have discovered that Northgate Drive is a private road and only the 28 homeowners on this road have access to its use. County records for parcel APN #061-210-001 indicate there is no easement for the subject property that would allow for its use for Project-related purposes. Furthermore, it is never mentioned in the RDEIR that Northgate Drive does not meet the applicable standards for emergency access roadways. Until these oversights are addressed, the County may not properly rely on the availability of a second access point at Northgate Drive to support a conclusion that impacts relating to emergency access and evacuation in the event of a wildfire would be less than significant.

IV. The County Lacks Substantial Evidence to Support the Conclusion that the TRHOA/TRCSD can Effectively Mitigate Project Impacts

2-16

↓ Lastly, a major concern with the RDEIR, much like the prior EIR, is the lack of meaningful discussion of the proposed Tierra Robles Homeowners Association (TRHOA)/Community Services District (TRCSD), which will have numerous responsibilities for Project operations and, most importantly, implementation of critical mitigation measures that are necessary to lessen the Project's adverse environmental impacts. Originally, the DEIR explained that a community services district would be formed to oversee and implement various components of the Project, including the "Tierra Robles Design Guidelines; Tierra Robles Oak Woodland Management Plan; Tierra Robles Wildland Fuel/Vegetation Management Plan, Open Space Management, and Resource Management Area Management and Oversight; Road Maintenance; Storm Drain Maintenance; and Waste Water Collection, Treatment and Dispersal Facilities." (DEIR, p. 3-12; see also DEIR, Appendix 15.2 [discussing TRCSD].) In the Final EIR, however, a revision was made to add the language "or Tierra Robles Homeowners Association (TRHOA)" everywhere in the EIR the TRCSD is referenced. (FEIR, p. ES-

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- 2.) These entities continue to be referenced in the RDEIR. (See, e.g., RDEIR, p. 5.19-13.)
- As an initial matter, the failure to include any substantive discussion of the proposed TRHOA runs afoul of CEQA’s informational requirements. CEQA requires that an EIR include enough information “to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.) An EIR must include sufficient discussion to achieve CEQA’s function of facilitating “informed agency decisionmaking and informed public participation.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988.) Here, the EIR (and RDEIR) lacks any meaningful discussion of the makeup of the TRHOA/TRCSD and, again, completely fails to explain how it will be equipped to carry out the responsibilities (e.g., enforcement) it is tasked with under the project, including the significant responsibility of implementing the Tierra Robles Wildland Fuel/Vegetation Management Plan.
- 2-17
- The lack of discussion of the TRHOA raises serious questions about the feasibility and enforceability of a number of project mitigation measures that are dependent on the TRHOA/TRCSD. (See DEIR, pp. 3-12-3-15.) As noted above, the EIR explains that the TRCSD or TRHOA, not the County, will be tasked with enforcing a number of the mitigation measures necessary to lessen the Project’s adverse environmental impacts. These responsibilities include enforcement of critical mitigation measures pertaining biological resource/oak woodland management activities (MM 5.4-1a, 5.4-1b), wildland fuel/vegetation management (MM 5.4-1c, 5.4-1f), and monitoring of fire prescription activities (MM 5.8-1). In addition, the TRCSD/TRHOA would be responsible for activities including road maintenance, storm drain maintenance, and operation of the wastewater collection and treatment facilities. The EIR must discuss how the TRHOA/TRCSD will be equipped to enforce each of these measures, including staffing requirements, expertise, and funding mechanisms, in order to satisfactorily demonstrate the measures can and will be enforced or implemented on an ongoing basis. To the extent there are uncertainties regarding the ability of the TRHOA to carry out its designated functions, the EIR should include an analysis of contingencies, including whether the County is willing and able to carry out those duties, and the associated environmental impacts.
- In the absence of substantial evidence demonstrating the TRHOA/TRCSD is capable of performing the designated responsibilities under the EIR, the conclusions that impacts would be mitigated to a less than significant level (i.e., wildfire impacts resources) are unsupported.
- 2-18
- V. Conclusion
- For the reasons set forth above, the County must revise the analysis in the RDEIR prior to the issuance of Final EIR and considering any project approvals. The County

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▲ must provide the members of the public with an opportunity to comment on a complete, accurate, and legally-compliant environmental analysis of the Project and its impacts. In its present form, while an improvement from the prior environmental review document, the RDEIR still fails to comply with the legal requirements of CEQA.

Sincerely,



Collin S. McCarthy

*Attachments:*

Attachment 1: July 16, 2019 Letter from David J. Coxey, General Manager, Bella Vista Water District, to Lisa Lozier, Shasta County Dept. of Resource Mgmt. regarding Tierra Robles Planned Development.

Attachment 2: Letter from James & Teresa Griffith to Paul Hellman, Shasta County Dept. of Resource Mgmt. regarding Tierra Robles RDEIR.

## Responses to Comment Letter 2 - PATROL

### Response 2-1:

This comment does not speak to a specific CEQA issue or impact but prefaces subsequent comments in the commenter's letter. The County does recognize that the RDEIR was recirculated for public review and comment because one or more new or more severe significant impacts were identified after the DEIR was circulated but before its certification. No further response is required and no changes to the RDEIR are required based on this comment.

### Response 2-2:

This comment does not raise a specific question regarding CEQA, question the adequacy of the document, or request clarification. The commenter does preface future comments related to water supply, providing decision makers with adequate information, speculation, significance of impacts, and substantial evidence. No further response is required and no changes to the RDEIR are required based on this comment.

### Response 2-3:

The commenter restates the information discussed in the RDEIR on pages 5.17-13 and 5.17-18 in relation to water supply, and notes the potential transfer agreement with the Clear Creek Community Services District (CCCSD). The commenter also references previous comments from the Bella Vista Water District (BVWD) dated July 16, 2019 on a previous document prepared for the Tierra Robles Planned Development and provided them as Attachment 1 to the comment letter.

The referenced comment from BVWD was on the previously circulated document. BVWD has submitted comments on the RDEIR that supersede those listed in the attachment. The commenter is referred to **Master Response #1 Water Supply Analysis-General Discussion, Projected Water Demand, Consistency with California Water Code, and California Water Code Baseline Calculations** related to water supply and use, and **Responses to Comments 1-9 and 1-10**.

Regarding the CCCSD water transfer agreement the commenter is referenced to the language in MM 5.17-4b regarding the mechanism by which the transfer would occur and that it would be required prior to project development. The water supply from CCCSD is a known supply, does exist, and CCCSD has signaled its intent to provide for the purpose of supply for the proposed project. Although a contract or memorandum of understanding for the 100 acre-feet of water per year has not yet been signed, this would be done as part of the listed mitigation, and the above preceding pages of the RDEIR regarding the water transfer, the mechanism by which it would occur, and the requirements of the mitigation that would be required prior to project development.

The County has evaluated how the water transfer from CCCSD to BVWD would work and is discussed on page 5.17-30 in Section 5.17 Utilities and Service Systems of the RDEIR. As discussed, CCCSD would pump 100-acre feet of groundwater from their existing wells and transport the water through an existing underground aqueduct and release this groundwater into the Sacramento River. BVWD would pump a commensurate amount of water from the Sacramento River from their existing intake station. No new facilities or infrastructure would be required to complete this transfer.

The County does agree with the comment that an agreement cannot be reached with an entity that does not exist. Accordingly, page 5.17- 20 describes the process by which an agreement would be reached and approved: “A letter sent from CCCSD to BVWD details the proposed transfer and outlining specific provisions. On June 17, 2020, at a regularly scheduled meeting, the CCCSD Board of Directors unanimously authorized its General Manager to participate in negotiations with BVWD to formulate the necessary agreement as detailed in the letter. A copy of the CCCSD meeting minutes is included as Appendix RDEIR C-2 of the RDEIR.”

Therefore, the language in MM-5.17-4b, which states in part, “Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies...”, is reasonable in that, specifically identified by the comment above, the agreement cannot be reached until such time the TRCSD or TRHOA is formed which would occur subject to project approval. Formation of either entity would be premature if the project is not approved.

The mitigation measure accounts for this by including language based on the current status of the tentative agreement between CCCSD and BVWD. The mitigation measure sets forth a timeline, all involved parties including an agency to verify conditions have been met, performance standards, and a methodology by which it will be implemented. The mitigation measure is fully adequate.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-4:**

The commenter notes the estimated water use of 55 gallons per capita per day and references the previous letter received from BVWD discussed in **Response 2-3** above. The commenter is referred to **Master Response #1 Water Supply Analysis-Consistency with California Water Code and California Water Code Baseline Calculations**. As discussed, the previous comments are superseded by the BVWD comment letter on the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-5:**

The commenter notes the previous letter received from BVWD. The Commenter is Referred to **Master Response #1 Water Supply Analysis General Discussion**, and **Responses 2-3 and 2-4** above that note the previous comments are superseded by the BVWD comment letter on the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-6:**



The commenter continues their discussion about the discrepancy in water demand saying that the subsequent analysis is called into question as well as mitigation. The commenter elaborates that this also affects the agreement with CCCSD as they may not be able to provide adequate water supply to cover the additional water demand.

The commenter is referred to **Responses 2-2 through 2-5**, above. As explained, the projected water use disclosed in the RDEIR was accurate, was appropriate for the proposed uses, and is consistent with the UWMP and California Water Code, when separated from other dissimilar uses such as agriculture and more traditional rural uses. As also explained in the **Master Response #1 Water Supply Analysis - Consistency with California Water Code and California Water Code Baseline Calculations**, BVWD's recommended numbers drastically overestimate water use that would occur under the proposed project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-7:**

The commenter cites Table 5.17-2 of the RDEIR and what they refer to as inaccurate BVWD groundwater supplies. The commenter elaborates on the water supply noting that an additional well was not drilled, thus the additional 810 AFY should not be accounted for. The commenter also notes there is no mention that some wells have been removed from service due to low yields which further bring the conclusions into question. The commenter is referred to **Master Response #1 General Discussion, California Water Code Baseline Calculations, and Response 1– 9**. Please see Response 3-4.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-8:**

The commenter summarizes the above comments noting that the conclusions are unsupported by substantial evidence and the evaluation of impacts and water supply analysis must be revised, and conflicts with County General Plan Policy W-c. The commenter is referred to **Master Response #1 General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations, and Responses 1-1 through 1-7**, above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-9:**

The commenter notes a discrepancy in the amount of paving from the DEIR project description to the RDEIR project description and that the air quality analysis therefore relies on an inaccurate or changed project description. The Air quality analysis in the DEIR used a conservative approach and assumed that all of the roadway right of way would be paved which would equate to approximately 51.71 acres of paving. As shown in Figure 3-8, Typical Roadway Sections, the right of way area includes a lot of area that will not be paved. For example, typical roadway sections with an 84-foot right of way include only 32 feet (less than 40 percent) of paved surface. As such, the air quality analysis in the DEIR was overly conservative

and overstated the amount of paved area within the project site. It should be noted that construction emissions were identified as less than significant with mitigation incorporated in the DEIR. The air quality analysis in the PRDEIR used the paved area shown in the table in Figure 3-7 (750,000 sf or 17.2 acres), Project Phasing, of the DEIR. Thus, Page 5.3-14 of Section 5.3 Air Quality of the PRDIER accounted for the updated paved area and used the 17.2-acre value.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-10:**

The commenter continues discussion about the air quality analysis noting the California Emissions Estimator Model (CalEEMod) which relies on input from construction activities. The commenter notes that if the area analyzed is less than what will be constructed the emissions would be underestimated. The commenter is referred to **Response 2-9** above with regard to the change in acreage for paved areas. Other changes in the analysis contributed to reductions in air quality emissions such as refinements to the CalEEMod model between the preparation of the DEIR and the RDEIR. Additionally, the air quality analysis in RDEIR includes the use of Tier IV construction equipment which has higher efficiencies with regard to emission reductions than the Tier III construction equipment used in the DEIR analysis. Tier IV construction equipment is more widely available at this time and was included in the CalEEMod modeling analysis. As a result, construction emissions were lower in the RDEIR compared to the DEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-11:**

The commenter notes that PATROL members have serious concerns about the validity of the emergency evacuation impacts. The commenter notes that the PATROL comment letter incorporates the comments of James and Teresa Griffith. The commenter is referred to **Responses 3-1 through 3-54**, that consist of the responses to the comment letter from James and Teresa Griffith.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-12:**

The commenter notes PATROL wishes to emphasize the impacts conclusion and that they are inadequate in regard to emergency evacuation time because the additional traffic from the project would be minimal in comparison to the existing evacuation times.

The RDEIR has been prepared in compliance with CEQA and the 2019 CEQA Guidelines. Its impact analysis and conclusions are supported by technical studies including computer modeling of traffic evacuation patterns. The commenter is referred to **Response 2-11** above, and **Master Response #3 – Wildfire Hazards**.

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No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-13:**

The commenter reiterates statements regarding the additional delay in evacuation and cites other fires that have occurred in California. The commenter further states that the existing conditions, including constraints of the roadway network, project access, and existing setting, are not adequately considered. The commenter is referred to **Master Response #3 – Wildfire Hazards**

While the commenter asserts that the RDEIR is inadequate, the comment letter provides no details or technical analysis to substantiate this claim. The RDEIR has been prepared in compliance with CEQA and the 2019 CEQA Guidelines. Its impact analysis and conclusions are supported by technical studies including computer modeling of traffic evacuation patterns.

The RDEIR's conclusion is based on facts and setting. The project site is characterized by relatively flat terrain and is dominated by oak woodland and grassland. While categorized as a very high fire hazard severity zone, the project site is substantially different in both features than the areas where fires occurred as referenced by the commenter. The project provides two access points into the project. As noted on pages 3-18 and 3-19 of the DEIR:

Primary access to and from the proposed project would be from Boyle Road at the southern end of the project site. Tierra Robles Parkway would be constructed to run northerly from Boyle Road beginning approximately 1.25 miles east of the intersection of Boyle Road and Old Alturas Road. Tierra Robles Parkway turns into Chatham Ranch Drive approximately mid-way through the subdivision. This new road would be located within an 84-foot wide right-of-way which would traverse the proposed project site, and ultimately tie into Seven Lakes Road, adjacent to its intersection with Old Alturas Road.

The County does not concur the analysis runs "afoul" of CEQA. Either the TRCSD or TRHOA would actively manage the project site and create and maintain defensible space as a requirement of the proposed Planned Development zone district. This also is different than the examples provided in the comment as is evidenced by the numerous pictures that show overgrown vegetation in immediate proximity to tightly packed residential and business units within the thick forest cover.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-14:**

The commenter states that there are assumptions and factual oversights in the RDEIR. The commenter states the analysis assumes Shasta College will have been evacuated and downplays the project traffic to Boyle Road. The commenter also notes the number of trailers and other vehicles creating miles of vehicles.

The commenter asserts there is an assumption in the Tierra Robles Area Evacuation Traffic Study (Traffic Evacuation Study) that Shasta College will have been evacuated and empty at the time of a wildfire. The County concurs that the Traffic Evacuation Study and PRDEIR discussed potential evacuation areas. These areas were selected as they are large areas, relatively unvegetated, and logical areas for people to evacuate to within the City in case of wildfire in surrounding areas. The County concurs that while some

activities may still be ongoing at these sites, they nonetheless remain logical locations for evacuees to use to as temporary refuges. As noted on page 5.19-13 of Section 5.19 Wildfire, the areas are identified as potential temporary refuge areas:

*“The report identified eight potential temporary refuge areas consisting of large community facilities in the surrounding area. These refuge areas are large, well known sites such as schools, shopping centers, and churches. Subject to field decisions by the fire authorities, these locations would provide short-term refuge for evacuated residents of the proposed Project. These locations are open facilities that are accompanied by large unvegetated parking areas and they can reasonably be relied upon to be available in the event of an emergency evacuation.”*

The analysis does not downplay that all Project traffic will use Boyle Road, a two-lane roadway which residents know was dangerously congested during the evacuation for the 1999 Jones Fire. This is in fact the purpose of conducting the subsequent analysis, specifically to evaluate potential increased use of Boyle Road.

It would not be logical for residents in the northern area of the project to discard use of State Highway 299 or for residents in the southern area of the project to discard use of State Highway 44 in favor of Boyle Road; all of these are east-west routes. If fires approach from either the north or the south in a manner that precludes use of the east-west highways, then users should use the north-south arterials to travel to safe areas or to get out of the area, not concentrate on an east-west road such as Boyle Road.

Responses to comments provided from other PATROL members are discussed in the respective comment letters and the commenter is referred to Master Response #2 Traffic Evacuation Study.

No further response is required and no other changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-15:**

The County concurs that that Northgate Drive is not a secondary access for the proposed project. This reference has been removed from the DEIR and RDEIR as revised in the Errata section of the Final EIR.

For commenters reference, Page 5,19-13 of the RDEIR in relation to Northgate Drive has been revised to read as follows:

The proposed internal street network consists of approximately 15 roadway segments and would be designed and constructed to meet applicable County street standards. A proposed secondary access is proposed that would meet all Shasta County Fire Safety standards and would consist of an emergency access easement across Lot No. 81 and Lot No. 98. This would include a 5.23-acre offsite extension of the proposed new access road to Old Alturas Road on the northerly side of the project. the southerly terminus of Tierra Robles Lane at Northgate Drive. The proposed connection with Northgate Drive would be gated per County fire standards and used for reciprocal emergency access only. As a result, Project operations would have a less than significant impact related to emergency response or evacuation activities within the development.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-16:**

The commenter discusses the lack of meaningful conversation regarding the Tierra Robles Homeowners Association (TRHOA) and Tierra Robles Community Services District (TRCSD). The commenter notes that not enough information is provided to make a meaningful evaluation of impacts in this regard.

Please see **Master Response #4**. The proposed project includes the formation of either the Tierra Robles Community Services District (TRCSD) or the Tierra Robles Homeowners Association (TRHOA). The TRCSD or TRHOA would be used as a means to oversee and implement the plans and facilities within the development and they would oversee the Tierra Robles Design Guidelines; Tierra Robles Oak Woodland Management Plan; Tierra Robles Wildland Fuel/Vegetation Management Plan, Open Space Management, and Resource Management Area Management and Oversight; Road Maintenance; Storm Drain Maintenance; and Waste Water Collection, Treatment and Dispersal Facilities.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-17:**

The commenter notes and questions the feasibility of enforcement of mitigation when the responsible entities are the TRHOA or TRCSD. The commenter states that the EIR must discuss staffing, funding, and expertise to satisfy requirements for mitigation.

The commenter is referred to **Response 2-16** above regarding how the implementation of Mitigation Measure 5.8-1 specifically requires that the monitoring of fire prescription activities within Resource Management Areas 1 through 5 shall be the sole responsibility of the TRCSD. As documented in the Errata section of the Final EIR, all references to the TRCSD throughout the Draft EIR are by definition references to the TRCSD or TRHOA. The commenter also is referred to **Master Response #3 – Wildfire Hazards**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 2-18:**

The commenter makes a conclusory statement and notes that the RDEIR needs to be revised. The Commenter is referred to **Responses 2-1 through 2-17** which provide a clarification of issues and explain minor revisions to the RDEIR to comply with CEQA requirements.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Letter 3: James and Teresa Griffith**

Paul Hellman  
Shasta County Department of Resource Management  
Director of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001

James & Teresa Griffith  
22209 Oak Tree Ln  
Palo Cedro, CA 96073

Mr. Hellman,

I have been a resident of Palo Cedro since 1999 and I moved here specifically for the rural community and lifestyle, with the expectation that with the county zoning, it would remain a rural residential area. I am also an agricultural water user on the Bella Vista Water District.

3-1

Before commenting on the Tierra Robles RDEIR, I would like to comment generally on the EIR process, as administered by Shasta County. Thank your sending me a flash drive containing the files from the county website, downloading these on the internet service in the area surrounding the proposed project is completely inadequate as a source for these documents. The RDEIR contains many references to information, graphs, data and opinions derived from sources that are not contained on the flash drive, county website or at the library. Some even require a paid subscription. The RDEIR does not contain links to such source material used as the basis for conclusory statements expressed in the RDEIR. I am referring to sources such as the DWR, EAGSA, USGS, CCCSD, ITE, SWITRS, CAPCOA and many others used and mentioned in the RDEIR. Much of the data referenced in the RDEIR is arcane, technical and very hard to locate from the meager info presented in the RDEIR. How can the public confirm or refute the conclusory statements based on such sources, some of which are 1000's of pages without some assistance by the authors? The county and developer take years researching these sources, using paid professionals in their field, and then give the public a mere 45 days (with little to no notice over the holidays) to locate the data and be able to formulate comments.

3-2

CEQA requires that the lead agency provide a written response to comments received on the Draft EIR. (CEQA Guidelines, § 15088, subd. (a).) Where a comment raises a major environmental issue that is at variance with the lead agency's position, CEQA requires that the response explain in detail why the comments and suggestions were not accepted. (CEQA Guidelines, § 15088, subd. (c).) "There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."

WATER

The following is quoted from the RDEIR page 5.17-1.  
 "5.17 UTILITIES AND SERVICE SYSTEMS  
*Revised Section 5.17 Utilities and Service Systems.* This section includes an updated analysis of potential water service impacts. This section was revised to provide an updated analysis regarding an alternative water supply during water shortages associated with a multiple dry year event. This section includes only the discussion related to water service impacts. Portions of this section, such as wastewater treatment and solid waste, not included in this section of the RDEIR remain unchanged from the 2017 Draft EIR.

Table 5-17-2  
 SUMMARY OF WATER SUPPLY SOURCES

Water Supply Sources	Projected Supply (AFY)				
	2020	2025	2030	2035	2040
U.S. Bureau of Reclamation <sup>1</sup>	24,578	24,578	24,578	24,578	24,578
Groundwater <sup>2</sup>	5,010	5,010	5,820	5,820	6,630
Anderson-Cottonwood Irrigation District	1,536	1,536	1,536	1,536	1,536
<b>Total</b>	<b>31,124</b>	<b>31,124</b>	<b>31,934</b>	<b>31,934</b>	<b>32,744</b>

Source: BVWD. *Urban Water Management Plan Update 2015*. Table 6-5, page 67. December 2016.

Notes:

<sup>1</sup> BVWD's contract with USBR provides up to 24,578 AFY of CVP water. Actual supplies are subject to restrictions for environmental flows, drought and the CVP M&I Shortage Policy.

<sup>2</sup> Groundwater wells are currently only used to supplement surface water in short and long-term shortages. 4,200 AFY is estimated to be the maximum capacity of the existing wells. Additional groundwater wells are planned for construction every 10 years starting in 2020 increasing groundwater by 810 AFY per well.

*The table above, copied from the RDEIR, states that BVWD has a groundwater source of up to 5010 afy starting in 2020. This table was copied from the BVWD UWMP 2015 in an effort to show how much excess water BVWD has available. However, further reading would have provided a better understanding of the water supply sources. If the authors of the RDEIR had understood what the table is stating and made a simple phone call to BVWD, they would have learned that this was a projection from 2015. Groundwater production in 2015 was a maximum of 3000 afy (75% yield on 4000 afy combined pumping). There was no new well added in 2020 as projected, 5010 afy is completely false. How can this be considered by the RDEIR to be any kind of reasoned analysis?*

To support my conclusions I have included some references below.

RDEIR Page 5.17-3  
**GROUNDWATER PRODUCTION**  
*BVWD currently has five groundwater wells.*

BVWD UWMP 2015 page 56.  
 The District currently has five active groundwater wells located along the southern boundary of the District (refer to Figure 3-1). The District also has one inactive well that is not used due to low yield.

3-3

3-4

3-4  
CONT'D

As anyone can see, the RDEIR is making a misleading statement regarding groundwater availability. Yes, BVWD has 5 active wells but, the RDEIR fails to even acknowledge that one of BVWD's wells had to be removed from service due to low yield. Why is there no mention of this? What caused the low yield on well #5? Is this offline well an indication that the Enterprise sub-basin may have replenishment problems in the area of the BVWD wells?

3-5

Continued from the UWMP:  
*Overall, when all five wells are in operation, they can collectively produce up to 4,200 AF annually. BVWD plans to expand groundwater production into the future by constructing a new well every 10 years starting in 2020. Each well is expected to increase groundwater by 810 AF annually per well.*

3-5

Before using this statement from the BVWD UWMP 2015, why didn't the authors verify it? According to the BVWD UWMP, the five wells in service can produce 2,800 to 4,000 acre feet (AF) of water annually, combined. However, the wells can only be utilized about 50 to 75 percent of the time due to operational constraints. That means 50-75 percent of 2800-4000, or 1400 to 3000 afy. Plus, pumping and treating the well water is 1.5 to 2 times more expensive than CVP water. Why does the RDEIR ignore this contradictory information that is easily found by reading the BVWD UWMP or contacting BVWD?

3-6

*Table 5.17-3, NORMAL YEAR SUPPLY AND DEMAND, shows the anticipated supply and demand for BVWD during an average year through year 2040. As indicated in Table 5.17-3, BVWD is anticipated to have a surplus of between 7,847 AF and 9,204 AF through 2040. The supply and demand totals in Table 5.17-3 include agricultural use.*

3-6

Again, this statement was from 2015 and was only a forecast. At the time of the RDEIR release for public comments it is incorrect and of little use. Why does the RDEIR continue to use data which with the most basic research can be proven incorrect?

The flawed data and incorrect supply numbers presented in the RDEIR are being used in an attempt to portray excess water availability within BVWD. Doesn't CEQA, require the EIR process to be a fair and reasoned analysis of the available data? Why does the RDEIR not present this data contradictory to the project?

#### **"5.17.4 POTENTIAL IMPACTS AND MITIGATION MEASURES**

##### **METHODOLOGY**

*The findings from the Water Demand Evaluation (Tully & Young, 2017) have also been referenced when determining potential impacts of the proposed project."*

3-7

Actually, only some of the water study's potential impacts are included in the RDEIR. The same study goes on to state the following;

*"Based upon a review of historic allocation data, the most severe period of shortage conditions prior to three years of 100 percent allocation occurred from 1990 to 1998 a period of 9 years. Considering the Proposed Project will be constructing homes, and increasing total customer use, incrementally for 15 years prior to build-out, a worst-case condition should at least be contemplated – a condition that would represent 9 years after full project build-out prior to achieving the three years of 100 percent allocation. Under such a worst-case scenario, the*



- 3-7  
CONT'D
- Project's demands would not be recognized as part of the District's supply baseline until the 10<sup>th</sup> year following build-out, a total of 25 years following project approval (assuming the 15-year build-out schedule)."*
- Why does the RDEIR only reference those portions favorable to the project? Why do the Mitigation Measures/RDEIR not follow all of the recommendations of the study? Can the RDEIR cherry pick only data that it deems favorable? Are there any other studies that support the RDEIR's conclusions? Tully & Young study also states that the projects water demands may not be recognized in the BVWD baseline water supply until the 10th year following buildout. Why then has the county changed the requirement to only have a supplemental rate agreement in place for 3 unconstrained years? Using this very weak mitigation measure could leave BVWD and its customers having to absorb the shortfall in the baseline before the project has been completed.
- 3-8
- The following quote from the Tulley & Young water study is necessary to see how the RDEIR came to its water demand conclusions:
- "2.2.1 Indoor Residential Demand  
For purposes of this memorandum, the proposed homes are estimated to use 0.15 acre feet per year (af/yr) for indoor water demand for primary residences, and 0.28 af/yr for the 15 lots with both primary and secondary units. This indoor unit demand factor is based upon an assumed value of 55 gallons per person per day (gpcd), with an assumed average occupancy rate of 2.5 people per home for primary residences, and 2 people per home for the secondary units.<sup>17</sup> The assumed per-person rate of 55 gallons per day is derived from California Water Code Section 10608.20(b)(2)(A), which states a value of 55 gallons per capita (i.e., per person) per day (gpcd) be used for estimating indoor residential use targets. When multiplied, the per- person use results in a per-dwelling unit demand of 0.15 acre-feet per year for the 166 single family homes,<sup>18</sup> and 0.12 acre-feet per year for the 15 secondary units."
- This same language is used in the RDEIR and DEIR. In 2017, during the public comment period, not only did BVWD (identified as letter #7) point out that this formula was incorrectly derived from California Water Code 10608.20 but, I also commented on this. The response, listed as 7-M referred back to MM-3 which never addressed the question posed by BVWD and myself.
- The California Water Code Section 10608.20 is very clear. It is in plain language that anyone can understand. Because BVWD has published a UWMP, that is the guiding document. BVWD, in its UWMP has stated that the baseline water use is 947 gpd. Target usage is 80% of the baseline and is 758 gpd. Using the BVWD baseline water usage, each lot would use 2.12 afy, not the unrealistic .45 and .48 afy stated in the RDEIR. What reference can the RDEIR direct readers to, to find that BVWD does not set the water baseline as specified in California Water Code 10608.20?
- 3-9
- The RDEIR claims that each lot will use only 55 gpd per person and that is reduced to 49.5 gpd during drought conditions. This reduced usage comes directly from the reference to a potential water transfer agreement that will reduce to 90% during drought

- 3-9  
CONT'D
- conditions. Does any development within BVWD or even Shasta County, similar to those planned for in this project, use less than 124 gpd for the entire lot? If yes, can you direct me to them as an example to support this absurdly low water use figure?
- from BVWD UMP 2015 page 18 discussion on Tierra Robles  
"Water use estimates use calculations ranging from 0.71 AFY/home to 5.66 AFY/home."
- The RDEIR and DEIR have both referenced the BVWD UWMP and yet have never refuted the statement above in the UWMP. Has the project applicant ever refuted this statement? Have there been any design changes since this was published that invalidate this estimate?
- 3-10
- "RDEIR Indoor Residential Demand cont'd page 5.17-15  
This indoor use value has been confirmed through analyses of residential water meter data and is reflective of new suburban single-family dwelling units and older homes retrofitted with new water efficient fixtures and appliances.<sup>20</sup>"
- Has this absurdly low water use been confirmed at any residential development in BVWD or Shasta County? BVWD has commented that this water use number is not valid, why is it still used by the RDEIR with no supporting documentation that can refute BVWD's analysis?
- Footnote <sup>20</sup> includes the following statement "which includes the suggested 55 gallons-per-person per day planning guidance." The intent of this statement is clearly not regulatory but, is suggested guidance. The footnote referenced even contains those exact words. How can the RDEIR interpret this language to mean that 55 gpd is anything other than suggested guidance? For example, a speed limit is a true regulatory limit and yet we all know that many do not obey the speed limit. Imagine if the speed limit was merely suggested guidance, would there be any authority to limit anyones speed?
- 3-11
- Page 5.17-19  
"The project applicant has identified a water supply that meets the conditions described in MM 5.17-4b."
- This statement from the RDEIR is misleading and untrue. They have identified a POTENTIAL water supply. Currently there is no contractual agreement, no MOU, not even a framework to an agreement and they have not entered into any negotiations. The parties have only begun to study the viability of a potential agreement. If they have actually met the conditions in MM 5.17-4b where is the documentation? MM5.17-4b cannot be satisfied until the establishment of the Tierra Robles Community Services District (TRCSD) or Home Owners Association (TRHOA) AND a secured agreement with BVWD. Which brings up another issue, how can there be an agreement entered into with an entity that has not been formed? MM5.17-4b says that the supplemental water agreement would happen concurrently with the formation of the TRCSD/ TRHOA. Where is the evidence of meeting these conditions as stated?
- 3-12
- According the Appendix C-2, the CCCSD has "agreed to pursue the annual transfer of up to 100 Acre Feet per year of it's CVP project water during drought restrictive years and under the following conditions". The minutes go on to list 7 conditions that must be met as part of the boards authorization to pursue an agreement. Some of these conditions include full CEQA/

- 3-12  
CONT'D ↑ NEPA compliance obtained by BVWD, approval by the Bureau of Reclamation and completion of financing agreements. Where is the evidence of the conditions stated in Appendix C-2 having been met?
- Quoted from Appendix C-3  
*“According to the Appendix C-3, The BVWD board authorized staff to verify feasibility and then, if viable, to negotiate a proposed long-term water transfer agreement with the Clear Creek Community Services District for Board consideration.”*
- 3-13 As is clearly stated by Appendix C-3, the board has not authorized any agreement. At this point they simply authorized staff to verify the feasibility of an agreement. If they determine the feasibility, then they are authorizing staff to enter into negotiations. Quoted from appendix C-3, *“District Engineer, Wayne Ohlin explained that the first Will Serve Letter for this project expired in 2018 and that there is no water supply augmentation agreement in place for this project as required by the Districts Will Serve Policy at this time.”*
- 3-14 MM 5.17-4b requires that the developer identify a water source (this MM does not say a potential water source) and implement an agreement between CCCSD, BVWD and the TRCSD (or TRHOA). Is there an agreement that meets the conditions as stated MM 5.17-4b?
- Quoted from the RDEIR page 5.17-19  
*“Proposed Source of Supplemental Water Supply*
- 3-15 The project applicant has identified a water supply that meets the conditions described in MM 5.17-4b.”
- At this time the developer has only identified a potential water source. There is no water transfer agreement between CCCSD, BVWD or USBR and no certainty that there will ever be one.
- Quoted from RDEIR page 5.17-19  
*“As detailed in Appendix C-2 of this RDEIR, CCCSD would make available for transfer a portion of its CVP allocation in a requested year, not to exceed 100 acre-feet. CCCSD would meet its own customer needs otherwise met by the CVP supply by pumping groundwater through one of three existing, certified drinking water wells.”*
- 3-16 This statement is incorrect. APPENDIX C-2 does NOT state that CCCSD would make available any amount of water. Appendix C-2 states that it is a “proposal for a subsequent agreement” and the CCCSD board has “agreed to pursue the annual transfer” subject to several conditions. As of this comment period I can find no documentation that the conditions set by the CCCSD board have been met.
- The additional water demand of up to 100 afy will ultimately come from groundwater pumping by the CCCSD. Will a groundwater pumping permit be required for export of groundwater?
- 3-17 ↓ Quoted from RDEIR page 5.17-19

- 3-17  
CONT'D
- “Because absent the transfer, CCCSD would use this portion of its CVP allocation to meet its own customer needs, it will pump groundwater from the Redding Area Groundwater Basin - Anderson (Department of Water Resources designated as Basin 5-006.03) in equivalent annual volumes.”
- The RDEIR is clearly stating that the water to be used to replace the 100 afy will be groundwater pumped by CCCSD. The authors are stating that CCCSD is expecting to pump up to 100 afy for the duration of any water transfer agreement. Has the groundwater pumping complied with the CEQA/NEPA requirements? Has an EIR been completed to meet the requirements of the Vineyard decision? Presumably, CCCSD pumping is roughly equivalent to BVWD in that groundwater pumping is 1.5-2 times more costly than CVP water, who will pay for the increase in costs?.
- 3-18
- Quoted from RDEIR page 5.17-19  
“The annual transfer of up to 100 acre-feet of CCCSD’s CVP allocation will need to be approved by USBR.” The RDEIR is clearly stating that the requirements for an agreement have still not been met because at this time, as there is no approval from the USBR. If the RDEIR states that the requirements for an agreement have not been met, why does it state on page 5.17-19 “CCCSD would make available for transfer” when at this time, there can be no certainty of a water transfer agreement?
- 3-19
- Quoted from RDEIR page 5.17-20  
“A letter sent from CCCSD to BVWD details the proposed transfer and outlining specific provisions. On June 17, 2020, at a regularly scheduled meeting, the CCCSD Board of Directors unanimously authorized its General Manager to participate in negotiations with BVWD to formulate the necessary agreement as detailed in the letter. A copy of the CCCSD meeting minutes is included as Appendix RDEIR C-2 of the RDEIR.”
- In fact, there is no agreement, simply an authorization to pursue an agreement subject to several conditions.
- 3-20
- Quoted from RDEIR page 5.17-20  
“At a regularly scheduled meeting on June 22, 2020, the BVWD Board of Directors also authorized its General Manager to enter into negotiations with CCCSD in response to the letter. A copy of the BVWD meeting minutes is included as Appendix RDEIR C-3 to this RDEIR.”
- This statement implies that an BVWD has entered into negotiations. According to Appendix C-3, BVWD has been authorized to conduct a feasibility study of the issue. Depending upon the outcome of the feasibility study, they may then enter into discussions on a water transfer agreement.
- 3-21
- Quoted from RDEIR page 5.17-23  
“While CCCSD has additional well capacity to help address shortage conditions, during the most recent CVP shortage conditions, CCCSD chose to also purchase surface water from a local water right holder – as a less-expensive solution than further operating its production wells. This additional surface water was used as a supplemental source for CCCSD in 2014, 2015 and 2016, as shown in FIGURE 5.17-3, CLEAR CREEK CSD ANNUAL DELIVERY BY SOURCE.”

- 3-21  
CONT'D ↑ If CCCSD again chooses to pursue additional surface water during shortage conditions, this will cause Tierra Robles (through CCCSD and BVWD) to be in direct competition with all AG water users in BVWD and CCCSD who depend on the ability to purchase supplemental water during drought conditions when their allocation can be dropped to zero. This would place future residents of Tierra Robles in competition with current established agricultural users who rely on the ability to purchase supplemental water during dry years, to sustain their business.
- 3-22 ↓ Quoted from RDEIR page 5.17-23  
“While the publicly available chapters of the GSP as of early September 2020 do not yet include a definition of the basin’s sustainable capacity,”  
Doesn't this mean that everything that follows is speculation? Does EAGSA/GSP state that an additional 100 acy of groundwater pumping from the Anderson Sub-basin is sustainable? What impact will CCCSD pumping up to 100 acy from their wells near monitoring well 29N/05W-11A02 (which has historically shown to be sensitive to the droughts between 2007 and 2015) have on the groundwater level? Based on historical hydrography data this will lead to greater fluctuations due to summer pumping when the water levels are already dropping.
- 3-23 ↓ Quoted from RDEIR page 5.17-23  
“Historical groundwater-level records for the Anderson Sub-basin indicate groundwater levels have been relatively consistent, generally without long-term trends of increasing or decreasing groundwater levels, as indicated by the hydrographs for wells 29N/04W-02P01 and 30N 05W-02Q01 (Figure 3-14). However, some well locations in the Anderson Sub-basin exhibit spatial and temporal variability with groundwater levels generally increasing at location 30N 04W-23G01 and decreasing groundwater levels at 29N/04W-523 04R03. Groundwater levels in 30N/04W-23G01 have generally increased from approximately 385 feet elevation during the 1976-1977 drought to nearly 400 feet elevation in 2011. Recent groundwater levels (since 2013) show declines during the recent dry and critical water years. Conversely, groundwater levels at location 29N/04W-04R03 indicate longer-term declining groundwater levels. Groundwater levels at 29N/04W-04R03 have generally decreased from approximately 450 feet elevation in 1970 to approximately 440 feet elevation in 2004. Groundwater levels in 29N/05W-11A02 have been more variable over time, increasing from approximately 450 feet elevation in the early 1970s to approximately 465 feet elevation in 1985, at which point groundwater levels remained relatively consistent until the two droughts between 2007 and 2015, when groundwater levels decreased to approximately 455 feet elevation.”<sup>25</sup>)  
Figure 3-14 in the reference above is Figure 5.17-4 in the RDEIR and is of the Enterprise Sub Basin (not the Anderson Sub Basin) and does not show the location of the 2 reference wells identified above that have decreasing water levels. Wells 29N/04W-04R03 and 29N/05W-11A02 (decreasing water levels) are the 2 wells that are the closest to the CCCSD wells to be used. How can the RDEIR reference an incorrect map of wells that it uses as a reference? See the EAGSA Draft Chapter 3 Figure 3-14 (published Sept 2020) for the location of the wells being discussed. How can this obvious issue of potential draw down not be addressed? Could additional groundwater pumping from the CCCSD wells have an increased adverse impact on the water levels in these wells? Why is Enterprise Sub-basin even discussed when the pumping would be from the Anderson Sub-basin?
- 3-24 ↓ Quoted from RDEIR page 5.17-26

3-24  
 CONT'D

“FIGURE 5.17-4, GROUNDWATER LEVELS ADJACENT TO CLEAR CREEK CSD WELLS presents an excerpt of the draft GSP’s hydrographs for wells in proximity to the CCCSD wells shown in Figure 5.17-1. As noted upon inspection, the wells in the Anderson Sub-basin have been stable for several decades. Specifically, the hydrograph for Well 29N/05W-11A02 is from a location within a mile of the CCCSD production wells and shows long-term stability since the 1980’s.

Further, the recent pumping by CCCSD (see Table 5.17-11, above), which has been as much as 500 acre feet in 2015, has not had a notable effect on local groundwater conditions.”

FIGURE 5.17-4 does not show well 29N/05W-11A02 or any well located within a mile of CCCSD wells. It also does not show any data for the well 29N/05W-11A02. Figure 5.17-4 is of the Enterprise Sub Basin and is many miles from the CCCSD wells. Using the correct Figure from the EAGSA Draft Chapter 3 Figure 3-14 for the location of the wells being discussed above. Chapter 3 states that groundwater levels at well 29N/05W-11A02 have been more variable over time but relatively consistent since 1985. However, during the drought years between 2007 and 2015 this wells groundwater levels decreased approximately 10 feet. How can the RDEIR state that the pumping by CCCSD has not had a notable effect on local groundwater conditions? Before pumping an additional 100 afy the water levels dropped 10 feet. What is the estimate, when during drought years, an additional 100 afy would be pumped?

3-25

During the 3 drought years that CCCSD pumped groundwater they averaged 284 afy and CCCSD would add approximately 35% additional pumping. If 284 resulted in a 10 foot drawdown, how much would 384 drawdown the same well? Won’t this also lead to greater fluctuations in water level due to pumping during the months that are already dropping in water level?

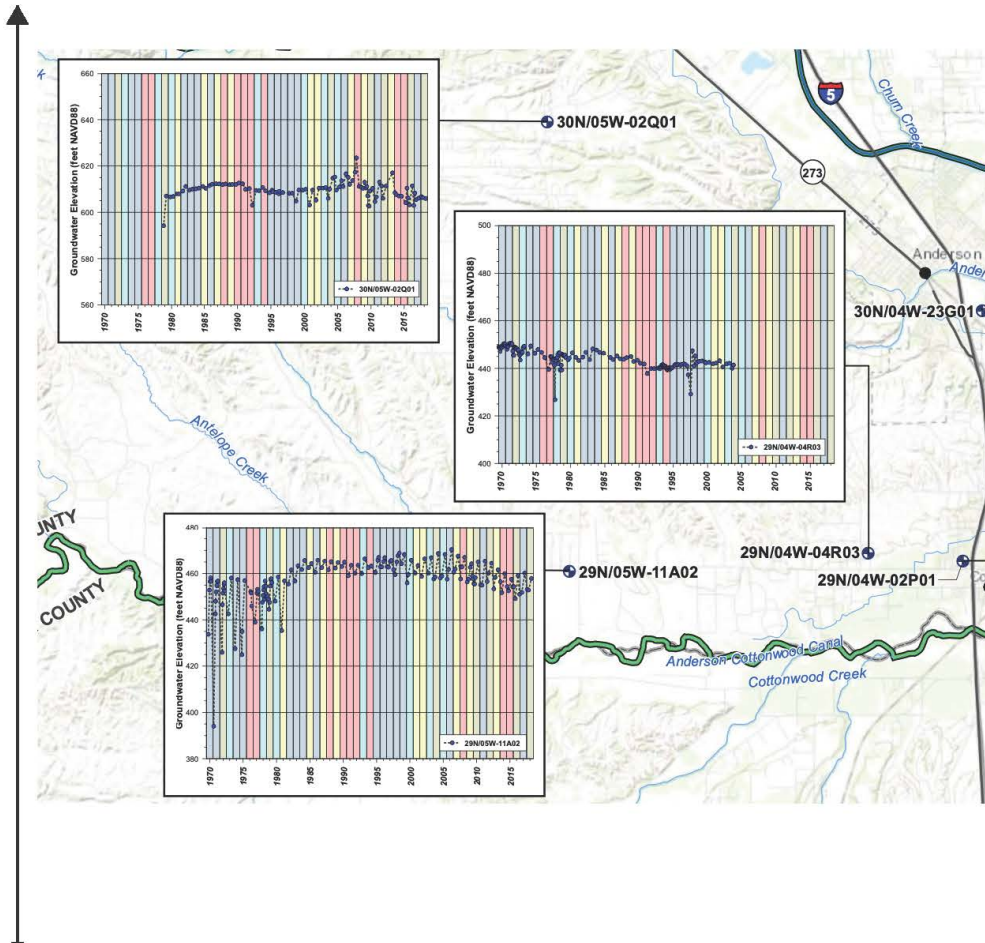
3-26

Copied from the EAGSA Draft Ch 3 page 3-12  
 3.2.1.2 Hydrographs  
 “Recent groundwater levels (since 2013) show declines during the recent dry and critical water years. Conversely, groundwater levels at location 29N/04W-04R03 indicate longer-term declining groundwater levels. Groundwater levels at 29N/04W-04R03 have generally decreased from approximately 450 feet elevation in 1970 to approximately 440 feet elevation in 2004. Groundwater levels in 29N/05W-11A02 have been more variable over time, increasing from approximately 450 feet elevation in the early 1970s to approximately 465 feet elevation in 1985, at which point groundwater levels remained relatively consistent until the two droughts between 2007 and 2015, when groundwater levels decreased to approximately feet elevation.”

Groundwater levels in most of the wells shown on Figure 3-14 depict some influence from droughts and wet periods. Groundwater levels in groundwater wells 29N/04W-02P01, 29N/05W-11A02, 30N/04W-23G01, and 30N/05W-02Q01 are responsive to multi-year wet and dry periods. The intermittent droughts between 2007 and 2015 had a large impact on groundwater levels in 29N/05W-11A02, 30N/04W-23G01, and 30N/05W-02Q01, with groundwater levels decreasing by approximately 10 to 20 feet during droughts.”

Below is a portion of Figure 3-14 from the EAGSA Draft Ch 3 page 3-12, published Sept 22, 2020 which was not included in the RDEIR. The two closest wells to the CCCSD wells are 29N/05W-11A02 and 29N/04W-04R03.

3-26  
 CONT'D



3-27

Quoted from RDEIR page 5.17-26  
 "Pumping 100-acre feet over the course of a year is not a substantial increase in the amount of groundwater relative to past groundwater pumping quantities."

What constitutes "substantial increase"? A 35% increase isn't substantial? Another way to look at Table 5.17-11, which shows a total of 824 afy of groundwater pumped by CCCSD during a 6 year period for an average of 137.3 afy. This is a 72.8% increase above the 6 year average. Would 72.8% be considered substantial?

3-28

Quoted from RDEIR page 5.17-26  
 "While no impacts to groundwater supply have been identified, it is recommended that the agreement between BVWD and CCCSD be conditioned distribute the pumping throughout a

- 3-28  
CONT'D
- particular year, whereby month-to-month pumping would be negligible, as a way to further protect from any noticeable changes in groundwater levels."
- Is this because they are referencing many of the wrong figures and documents? Misunderstood the data presented? Or had an agenda that caused the authors to preclude any data that did not affirm their conclusions? The data referenced to support this conclusory statement is not even correctly referenced in the RDEIR. The RDEIR uses Enterprise Sub-basin data and graphs when the Anderson Sub-basin is the one that is to be used for groundwater pumping. When the correct data set is used this statement cannot be supported.
- 3-29
- How can the authors of the RDEIR state "no impacts" while listing several impacts? Simply pumping 100 afy is an impact requiring compliance with CEQA/NEPA, an EIR and public comment period because of the impacts.
- 3-30
- This plan will lead to increases in water level variation due to increased pumping throughout the year causing larger drawdowns in summer months. How will pumping during the summer when there is little recharge of the aquifer affect the water levels in the basin and local wells?
- 3-31
- Quoted from the RDEIR page 5.17-26  
 "Further, the recent pumping by CCCSD (see Table 5.17-11, above), which has been as much as 500 acre feet in 2015, has not had a notable effect on local groundwater conditions. While not modeled, it is unlikely that the periodic additional pumping of 100 acre-feet per year would change the conditions represented in the hydrographs for the following reasons:"
- The RDEIR states that pumping an additional 100 afy has not been modeled but offers an opinion that it is unlikely to change the conditions (drawdown the water). Who is presenting this opinion without any modeling to support their conclusion? One of the supporting statements is;
- 3-32
- "Pumping 100-acre feet over the course of a year is not a substantial increase in the amount of groundwater relative to past groundwater pumping quantities."
- How can the RDEIR seriously state that an increase of 72% in groundwater pumping (based on an average of the 6 years listed in Table 5.17-11) is not a substantial increase? What is the threshold for a substantial increase? Who is stating this opinion? Has it come from a published source? Or even a person qualified to make such a statement?
- 3-33
- Quoted from the RDEIR page 5.17-28  
 "Reclamation still has the obligation to review even a CVP-to-CVP transfer for three additional factors: (1) potential impacts to groundwater [Section 3405(a)(1)(J)], (2) potential impacts to the transferor's finances or operations [Section 3405(a)(1)(K)], and (3) potential significant affects to USBR's operations to meet fish and wildlife resource goals."
- Even if an agreement is reached between CCCSD, BVWD and TRCSD/TRHOA the USBR must review and approve any agreement. Why has USBR not been involved in this RDEIR process to determine if this arrangement would even be feasible?
- 3-34
- Quoted from the RDEIR page 5.17-28  
 "To further illustrate how the proposed supplemental water supply could be used to meet MM 5.17-4b, a sample operation is provided that simulates the historic 2015 conditions faced by



- 3-34  
CONT'D
- CCCSD, modified to show the transfer of CVP water to BVWD and subsequent increased groundwater production by CCCSD. FIGURE 5.17-5, EXAMPLE INCREASED CLEAR CREEK CSD PUMPING SCENARIO, presents the historic condition compared to a proposed increase in groundwater production to make the CVP water supply available to BVWD.”
- Using the scenario presented, figure 5.17-5 shows that CCCSD would increase groundwater pumping not only an additional 100 afy but, it would also increase from 7 months to 10 months. How will this additional summer groundwater pumping affect the aquifers ability to recharge? How much will local wells be affected by the additional drawdown likely to occur near the CCCSD wells?
- 3-35
- Quoted from the RDEIR page 5.17-29  
“How this works mechanically is CCCSD would pump 100-acre feet of groundwater from their existing wells over the course of multiple months during a dry year. This water would be transported through CCCSD’s existing underground aqueduct from its facilities near the Whiskeytown Reservoir Dam and released into the Sacramento River just below the Keswick Dam northeast of city of Redding.”
- This statement clearly shows that groundwater pumped by CCCSD in Shasta County will be exported outside of the county by releasing in into the Sacramento river. Shasta County General Ordinance states that this would require a permit. It also is in conflict with previous statements in the RDEIR which say that CVP water will be transferred from CCCSD to BVWD. Will the water come from CVP transfer (Sacramento River) or be groundwater pumped by CCCSD and dumped into the Sacramento River?
- 3-36
- Copied from the Shasta County General Ordinance:  
“18.08.030. Permit required for export for use outside county.  
It is unlawful to extract groundwater underlying lands in Shasta County for export of that groundwater, either directly or indirectly, without first obtaining a permit as provided in this chapter. For purposes of this section, the extraction of groundwater to replace a surface water supply which has been, is being, or will be exported for commercial purposes shall be considered an extraction of groundwater that is subject to this chapter.”
- Have any discussions occurred between the county and the project applicant/CCCSD or any of their surrogates to obtain a permit? If yes, have these meetings had any public notice?
- Why would a transfer agreement even be required when water is being pumped by CCCSD, released into the Sacramento River and then an equal amount of water is being pumped downstream by BVWD? In this scenario there is no CVP water transferred, only groundwater.
- 3-37
- Quoted from the RDEIR page 5.17-30  
“Therefore, based upon the information provided by the project applicant, the publicly available data regarding groundwater conditions, and historic use data provided by CCCSD, the proposed supplemental water supply would be a feasible method to address MM 5.17-4b.”
- However, the water demand data supplied by the applicant is absurdly low and the publicly available data regarding groundwater conditions was not the correct data included in the RDEIR.

3-37  
CONT'D

I have listed many impacts above that the paid professional experts seem to have missed. I have only been given 45 days (with major holidays included) to read the RDEIR, research the data and conclusions presented and then locate the material used as a basis for those conclusions. This requires reading through thousands of pages of material to identify any flaws in the RDEIR and make knowledgeable comments. This RDEIR written by paid professionals with access to the best information, and most importantly, all the time they need, have made some basic errors and omissions regarding water availability and water demand.

An EIR should be about disclosure and informed decision making and not advocating for a certain position.

There remains sufficient uncertainty in the water demand and the water supply that needs to be resolved before this project should be approved.

## WILDFIRE

3-38

### “5.19 WILDFIRE

*New Section 5.19 Wildfire.* This section has been added and includes the thresholds provided in Appendix G of the State CEQA Guidelines. In 2018, subsequent to the release of the Draft EIR, the State CEQA Guidelines were updated. As part of that update, Appendix G was revised to include wildfire as a separate topic of discussion. As such, this section is included in this RDEIR. This section includes much of the wildfire discussion in analysis previously included in Section 5.8 of the 2017 Draft EIR as well as additional analysis consistent with the current Appendix G checklist in the State CEQA Guidelines. The discussion in this section includes the analysis from a new emergency evacuation analysis prepared for the proposed Project.”

Copied from the RDEIR page 5.19-10

#### “Shasta County Communities Wildfire Protection Plan

In 2015, Shasta County updated the existing strategic fuel management plans and community wildfire protection plans and consolidate them into a single county-wide plan. The result was the adoption of the 2016 Shasta County Communities Wildfire Protection Plan (SCWPP). The SCWPP incorporated input from a multidisciplinary team of stakeholders and agencies from which a list of ten goals and objectives was developed. The overall intent included but was not limited to controlling of fuel inventories, conducting an asset/risk and prioritization assessment, development of a fuel reduction plan, development of maps to aid in planning, identification of fuel breaks, a priority list for fire safe projects, and encouraging ongoing maintenance (Shasta County, 2016).

Within the SCWPP, there are a total of ten planning areas that cover the 2,462,080-acre Shasta County planning area. The proposed Project is located on the eastern border of the Stillwater/Churn Creek area that is generally located in an around the City of Redding. The eastern half of the Project site is in the CCPA which extends eastward approximately 40 miles. According to the SCWPP, the area generally consists of

3-38  
CONT'D

rangeland but also contains numerous small communities. The SCWPP notes that these areas have experienced significant fires in the past and with current urbanization can expect future fires to be more damaging.”

The last sentence is the most important one in the preceding paragraphs. “The SCWPP notes that these areas have experienced significant fires in the past and with current urbanization can expect future fires to be more damaging.” The residents and the county know this is a reality we must plan for.

3-39

Copied from the RDEIR page 5.19-13/14  
“Emergency Evacuation  
These locations are open facilities that are accompanied by large unvegetated parking areas and they can reasonably be relied upon to be available in the event of an emergency evacuation. These potential temporary refuge areas are listed below and shown in FIGURE 5.19-3, TEMPORARY REFUGE AREAS.  
These areas include:  
1. Shasta College  
2. Crossroads Baptist Church  
3. Deschutes Road at CA 299 Shopping Center  
4. Foothill High School  
5. Deschutes Road at Old 44 Shopping Center  
6. Old Oregon Trail at Old 44 Business Center  
7. Columbia Elementary School  
8. New Life Church of God”

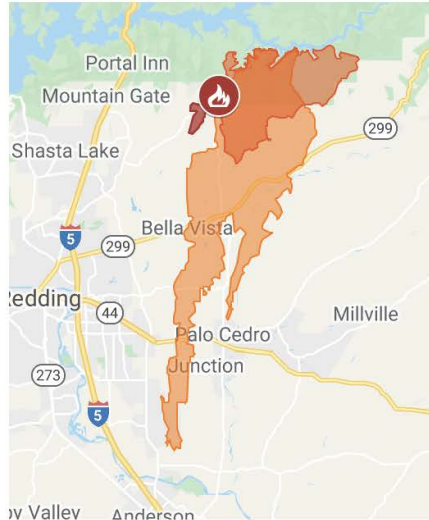
Two of these (2 and 8) refuge areas have parking for less than 70 cars each. Two (2 and 4) are one way in and one way out. Two (2 and 3) are only a few hundred yards apart but considered two separate areas. Expecting these locations to be used in the event of a wildfire evacuation is unrealistic and unsafe. The author of the evacuation study states that over 8500 vehicles will be evacuating the area. Imagine if Foothill High School was to be filled with evacuated vehicles and the fire that caused the evacuation continued s/b and required Foothill to be evacuated. The ensuing chaos of trying to get a jumble of disorganized vehicles out of this “refuge” could be catastrophic with hundreds of people and vehicles trapped. If anyone believes that this is an unreasonable scenario, I ask them to examine the 1999 Jones Fire. If anyone had evacuated to Foothill HS they would have then had to evacuate it very quickly or risk being overrun by the fast moving fire from the north. The 3.5 hours just to get from Tierra Robles to Foothill HS could have been a death sentence during the Jones Fire.

3-40

This study seems to be unaware of the 1999 Jones Fire that burned through the study area. In fact it was not even mentioned once throughout the entire study or RDEIR Appendix D-1, even though it is a perfect example of what can be expected in the study area. To this day it is still listed as Cal Fires 16th most destructive California fire ([https://www.fire.ca.gov/media/t1rdhizr/top20\\_destruction.pdf](https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf)). For those that are not familiar with the Jones fire I have included a map of the fires perimeter. Also included in the

3-40  
CONT'D

map is the 2004 Mountain fire, which had the potential to repeat the destruction of the Jones fire. Not shown is the Bear fire in the same area.



3-41

In the study Model Scenario 3, a south evacuation due to something like the Jones fire would have used refuge areas 4-5 and 6. As is clear in the map above, areas 4 and 5 were not suitable and area 6 is questionable as a refuge. Even if traffic had evacuated to them they would have then had to leave as the fire continued its approach. The data in the study is bad enough, however, unless you believe that the Jones fire is as bad as it can get, the study does not accurately portray a real world evacuation from the study area.

3-42

Copied from the RDEIR page 5.19-22  
"As such, the evacuation traffic analysis concludes that while the proposed Project would add to the volume of traffic (approximately 5%) within the surrounding area, the addition of Project traffic would not substantially increase the clearance times to evacuation centers. Further, with the addition of the proposed Project, the last sets of vehicles to arrive at refuge areas would be approximately 15 minutes out of the maximum estimate of nearly 3.5 hours."

So the study states it will only add 15 minutes to an already far too long time of 3.5 hours to evacuate from Tierra Robles to Foothill HS. In other words, because its already bad, adding another 15 minutes is not an issue that requires mitigation?

3-43

↓ Copied from the RDEIR page 5.19-22

- 3-43  
CONT'D
- “Therefore, with the addition of Project traffic the roadway network, speeds and related clearance times would not substantially change. The Project would not result in a delay for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation. While the Project would add to the volume of traffic in the area, the scenario evaluated in Table 5.19-10 demonstrates that the Project plus existing development would not substantially delay the arrival of evacuating cars at refuge areas. As such, the Project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County’s EOP.”
- These statements are very sterile and do not convey the horror that will ensue when cars are stuck in traffic (storage in the words of the RDEIR Appendix D-1) trying to evacuate from a fire, are trapped for over 3.5 hours just trying to get to Foothill High School.
- 3-44
- Copied from the RDEIR page 5.19-33  
“Project would not result in a substantial change in the evacuation times and evacuation speeds during an emergency evacuation (less than 15 minutes over a three and one-half hour period, and less than 0.3 mile per hour, respectively). Therefore, potential impacts on an emergency evacuation are not cumulatively considerable and less than significant.”
- The study is clearly stating that the worse the evacuation times are for current residents (in this case 3.5 hours), that the additional evacuations times become less significant. For example, if the evacuation times had been 1.0 hours, then adding 15 minutes would have resulted in adding 25% to the evacuation time rather than the 7% caused by adding it to the 3.5 hours. Doesn’t this therefore advantage the county and the project because the current evacuation times are already so bad?
- 3-45
- Copied from the RDEIR page 5.19-33  
“Therefore, the proposed Project would not result in incremental effects to wildfire that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The proposed Project would not result in cumulatively.” considerable impacts to or from wildfires.”
- This statement is remarkable considering the study has already stated that project evacuation traffic will add 15 minutes for vehicles to reach the refuge areas. How can there be no incremental effects? Isn’t 15 minutes an incremental effect?
- 3-46
- In 2019 the Record Searchlight printed an article concerning the Mountain, Bear and Jones fires. The following is quoted from that article and a link is included below.
- “Historically, we have seen significant fires out there, the Jones Fire in 1999 and Bear Fire in 2004,” said Brian Noel, a California Department of Forestry and Fire Protection battalion chief, on Friday morning.

- 3-46  
CONT'D
- ↑
- “So (there is) a very rich in fire history in Jones Valley and yesterday was an example of that.”
- But at 600 acres, with only seven structures destroyed as of Friday morning, the Mountain Fire has been tame compared with the ferocity of the Jones and Bear fires, which combined burned nearly 40,000 acres and destroyed more than 250 homes.
- The Bear Fire was caused by a person mowing his lawn. The cause of the Jones Fire to date has not been determined, Cal Fire said.
- When it started Thursday shortly after 11 a.m., the Mountain Fire was fueled by a north wind gusting near 20 miles an hour, challenging firefighters, but nothing compared to what they faced with the Jones Fire in the early morning hours of mid-October 1999.
- Noel recalled that fall the area was coming off a drier-than-normal rain season.
- “And so you're kind of at the tail end of the fire season. The fuels are at the driest ... and then we had a significant wind event come in,” Noel said. Fanned by gusts of up to 40 mph, the Jones Fire flared up before dawn. (<https://www.redding.com/story/news/local/2019/08/23/mountain-fire-jones-valley-wildfires-history-maps/2097253001/>)
- 3-47
- The Jones fire, with winds gusting to over 40 MPH (or almost 60 feet per second) will certainly overtake traffic moving on roads at just 3.4 MPH (Table 5.19-9 and 5.19-10) trying to get to a refuge area.
- The evacuation study also notes that 3.5% of the modeled traffic was “heavy vehicles” How is this defined? Does this include all the evacuation vehicles that would be towing livestock trailers, boats, RV's etc? Or only large commercial vehicles? If the smaller vehicles with trailers are not included in the modeling that would be missing a critical element of our area. People are not going to evacuate and leave their animals and possessions behind unless the situation is dire and they believe they fleeing for their lives. Have these vehicles been taken into account for the evacuation modeling?
- Another consideration that seems to have been missed is what the effect would be of a single vehicle becoming disabled on any of the evacuation routes. Generally these routes have little to no recovery area or shoulder suitable for moving a disabled vehicle onto. These roads are generally raised with drainage areas not suitable to even push a vehicle out of the roadway without sacrificing the vehicle.
- 3-48
- ↓
- Copied from the RDEIR Appendix D-1 page 1  
“1.2 Study Purpose  
This study conducted tests of emergency evacuation under various scenarios to identify operational performance throughout the area road network as residents seek to exit via through-roads. Based on the tests, the assessment is to identify minimum time needed

- 3-48  
CONT'D
- to evacuate neighborhoods or areas under the emergency scenarios and to confirm or modify key evacuation routes and temporary refuge areas.”
- What are the “tests” that are being referred to? These “tests” are not described and cannot be confirmed or refuted. Are they proprietary or publicly available for review? The tests were used in each of the evacuation scenarios. How can the public review the veracity of the test results without having any knowledge of the tests?
- 3-49
- Copied from the RDEIR Appendix D-1 page 3  
“2.2 Data Compilation & Assumptions  
The Evacuation Impact Assessment involved compilation of relevant data, application of an evacuation modeling tool including simulation of traffic flow through the network, and mapping of results.”
- The same questions posed above also apply to the evacuation modeling. Is this “modeling tool” publicly available for review? Does it use a recognized standard such as ITE?
- 3-50
- Copied from the RDEIR Appendix D-1 page 5  
“2.2.2 US Census Data: Vehicle Availability  
US Census data aided the determination of the average number of vehicles per dwelling unit in the area, which produced the assumption that each household would evacuate with an average of two automobiles.”
- It appears that only the automobiles are being modeled for evacuation with 3.5% as heavy vehicles. Has there been any modeling using livestock trailers? Boat trailers? RV’s? It has been my experience that when people evacuate they do not leave their animals and movable possessions behind.
- 3-51
- Copied from the RDEIR Appendix D-1 page 30  
“The last batch of evacuees would bear the brunt of inhibition from each other, recurrent congestion, residual queuing delay, and at the end experience abysmal overall speeds of less than 3 miles per hour and the longest travel times that are upward of two and three hours depending on the evacuation scenario.”
- This last batch of evacuees are the ones the will have the fire bearing down on them and will be those most likely to be trapped and/or killed in such a scenario. How can the county, knowing this information, not require any level of mitigation? Because the county has not stated what they believe to be an acceptable time to evacuate the area, does the county believe that 3.5 hours is acceptable in the next Jones fire scenario?
- I have included Table 5-1 from the RDEIR Appendix D-1 for reference. As you can see almost every scenario requires at least 2 hours, some over 3 hours, to evacuate the area. Is this acceptable to the county planners? What is the state average for similar communities? Does this represent Shasta county as an outlier or inline with other areas in high/very high fire hazard zones?

Table 5-1: Longest Clearance Times to Refuge Areas by Evacuation Scenario

Scenario & Direction	Refuge Area	Vehicles (passenger cars)	Early Departure Network Speed (mph)	Total Clearance Time (minutes)	Total Clearance Time (hours)	Max Travel Distance (miles)	Last Vehicle Speed (mph)	Include Traffic from Tierra Robles?
1-All	3	2,213	18	101	1.68	4.2	2.5	Yes (p)
1-All	4	2,125	18	97	1.61	4	2.5	Yes (p)
2-North	1	2,439	18	114	1.90	6	3.1	No
2-North	3	4,386	17	198	3.30	8.5	2.6	Yes (w)
3-South	4	4,338	17	194	3.23	4.1	1.3	Yes (w)
3-South	6	2,439	18	113	1.88	6.3	3.4	No
4-East	3	2,815	19	133	2.22	5.3	2.4	Yes (p)
4-East	4	2,867	15	138	2.22	5.9	2.7	Yes (p)
5-West	1	3,046	17	137	2.28	6.4	2.8	Yes (p)
5-West	7	3,074	15	146	2.43	8.5	3.5	Yes (p)

Notes: Yes (p) - yes, partial Tierra Robles development traffic included  
 Yes (w) - yes, entire Tierra Robles development traffic included  
 No - no Tierra Robles development traffic included

3-52 As a reminder, the Camp fire was first reported at 6:33 AM. It entered Concow at 7:00 and the town of Paradise at 8:00. As for notifications to evacuate I quote from Wikipedia on the Camp fire “Emergency alerts suffered human error as city officials failed to include four at-risk areas of the city in evacuation orders<sup>[57]</sup> and technical error as emergency alerts failed to reach 94 percent of residents in some areas and even in areas with the highest success still failed to reach 25 percent of those residents signed up.<sup>[57]</sup> ([https://en.wikipedia.org/wiki/Camp\\_Fire\\_\(2018\)\)](https://en.wikipedia.org/wiki/Camp_Fire_(2018))))

How do these evacuation times look in light of what happened in the Camp fire? Even during the Carr fire residents reported that it took them hours to evacuate some west Redding subdivisions which have much better exit routes available and everyone knew the fire was burning for days before they had to evacuate.

3-53 Will the county require that future residents in the Tierra Robles area be told about the evacuation times presented in the study? Will there be any effort to mitigate the evacuation time with or without the proposed project?

3-54 The wildfire evacuation study has confirmed what many residents already knew from past experience. It has now been placed before the decision makers with full knowledge of the risks that are now presented in a documented study.

Thank You,

James Griffith



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## Responses to Comment Letter 3 - James and Teresa Griffith

### Response 3- 1:

The comment provides general statements about the RDEIR, ability to obtain copies, and that the information provided does not provide adequate links to the referenced data and some is arcane and technical. The comment questions how the public can make reasonable comments based on these factors and that 45 days is not an adequate review period.

As discussed on page 1-3, in Section 1.0 Introduction, “The comments received on the RDEIR, along with written responses to those comments the RDEIR will be combined with the previously circulated DEIR as part of the Final EIR. The Final EIR will also include the comments received on the portions of the DEIR that have not been recirculated, as well as the comments received on the RDEIR, along with written responses to those comments.

References and citation of sources are located in both the References Section of the RDEIR and within the original DEIR which is available in its complete form on the County website located at: <https://www.co.shasta.ca.us/index/drm/planning/eir/tierra-robles/revised-project-2016/draft-eir>.

The full text of the RDEIR was and still is available for review at [www.co.shasta.ca.us/index/drm/planning/eir/tierra-robles](http://www.co.shasta.ca.us/index/drm/planning/eir/tierra-robles). In addition, all the appendices used in preparation of the document are available at the listed links as well.

Regarding the public review period, the RDEIR was circulated for the CEQA required 45 days. As noted in the State Clearinghouse CEQA Handout on page 14, located at: [https://opr.ca.gov/docs/SCH\\_Handbook\\_2012.pdf](https://opr.ca.gov/docs/SCH_Handbook_2012.pdf):

“The normal review period for a Draft EIR submitted to the SCH is 45 calendar days (PRC Section 21091(a) and CEQA Guidelines Section 15105). The state review period typically starts on the same day the Draft EIR is received by the SCH if (a) the document is received by 12:00 PM, and (b) the submittal is complete. Documents received after 12:00 PM typically are distributed the next working day, although Statute allows 3 days for SCH to distribute the documents (PRC 21091(c)(3)). Day 1 of the review period is the day the document is distributed by the SCH. The review period ends on the 45th calendar day thereafter. If the 45th day falls on a weekend or state holiday, the review period will end the next business day. On the next working day following the close of the review period, the SCH will prepare and mail a closing letter to the Lead Agency. Attached to the closing letter will be copies of comments received from state agencies.”

Lastly, without the comment providing a specific reference to issues of accessing the resources notes or specific issues references specific portions of the data sets and questions thereof, or which were not accessible or unavailable, the County is not able to provide additional clarification or provide the location of resource. No further analysis is required and no changes to the RDEIR have been made.

### Response 3-2:

This comment does not raise a comment or question related to the adequacy of the RDEIR but paraphrases State CEQA Guideline Section 15088. This comment prefaces further comments.

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The County is familiar with State CEQA Guidelines Section 15088 and notes the citation in the comment is not verbatim but a summary of the overall intent. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-3:**

The comment references Section 5.17 Utilities and Service Systems and water supply and also copies Table 5.17-2 – Summary of Water Supply Sources but that the table is misinterpreted and is not reasonable.

The commenter is referred to **Master Response #1- General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations**, all of which discuss water supply and the Bella Vista Water District Urban Water Management Plan (BVWD UWMP), and Table 5.17-2 in the RDEIR.

**Response 3-4:**

The comment discusses the groundwater production wells and cites page 56 of the BVWD UWMP, and notes the RDEIR is misleading in this regard, in part because one of the wells was taken out of production.

Regarding the water well data and the BVWD UWMP noting that BVWD planned to drill additional wells every five years, as noted in Table 5.17-2 – Summary of Water Supply Sources on page 5.17-4 of the RDEIR, the data was sourced from the most recent 2015 BVWD UWMP from Table 6-5 on page 67. The document is dated 2016.

Two footnotes appear in the table and are as follows:

Footnote <sup>1</sup>. BVWD's contract with USBR provides up to 24,578 acre-feet per year (AFY) of CVP water. Actual supplies are subject to restrictions for environmental flows, drought and the CVP M&I Shortage Policy.

It should be noted that this footnote recognizes normal supplies, and as reflected throughout the discussion of Section 5.17 Utilities and Service Systems and water supply, is used for normal year conditions and consistent with the language also discussion years with constrained supply.

Footnote <sup>2</sup>. Groundwater wells are currently only used to supplement surface water in short and long-term shortages. 4,200 AFY is estimated to be the maximum capacity of the existing wells. Additional groundwater wells are planned for construction every 10 years starting in 2020 increasing groundwater by 810 AFY per well.

As noted, the wells were planned to be drilled and this is consistent with the language in the RDEIR.

The County does understand as the commenter notes that as of 2020 the additional well was drilled. The County also notes, as shown in the Table, the water from an additional well, if it is drilled between 2020 to 2025 (the next ten years), that is correctly and appropriately reflected in the table as per BVWD UWMP.

The Commenter also is referred to Page 72 of the BVWD UWMP which discusses the use of groundwater and states:

“The District’s wells are an important component of the District’s water reliability. They are estimated to have an annual capacity of 4,200 AF. Typically, they are only used when other facilities are down for maintenance, or during short- and long-term water shortages. Hence,

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they are truly a backup supply. The District has never had a need to maximize the pumping capacity since they often are able to secure surface water purchases at a lower cost than running wells.”

Page 72 of the BVWD UWMP continues:

“The groundwater values shown in Table 7-2 (copied as Table 5.17-2 – Summary of Water Supply in the RDEIR) are not the annual groundwater pumpage, but rather the *estimated maximum yield* from the District’s wells. This represents the total available groundwater, *and is best used when estimating* future water available.”

The commenter also is referred to page 74 of the BVWD UWMP, which discusses water from the wells and states:

“It was assumed that 100% of the ACID transfer water supply (1,536 AFY) and 100% of the reliable groundwater supply (4,200 AFY) will be available for future use.”

Thus, the groundwater supply for the upcoming years under discussion rely on the existing availability of well water (4,200 AFY). As noted in the above, the District has not had to use this amount in full in previous years. The County recognizes that future year water supplies account for additional well capacity from BVWD wells. As noted above, the other tables within the UWMP also have a footnote stating, “*Additional wells are scheduled to be added (one every ten years) for an additional 810 AFY each.*” Thus, the RDEIR was correct to include this language. Further, although the County concurs that BVWD has not yet drilled another well, the County also recognizes that BVWD could drill the wells in the future, thus adding to the supply from groundwater.

As discussed above, BVWD notes that it has never had to maximize its well capacity, thus it is reasonable for the additional wells to not yet be drilled.

The commenter also is referred to **Responses 1-9 through 1-11, 2-3, 3-11, and 3-21.** regarding the CCCSD water transfer agreement, which would be used to make up for up to 100 AFY of water and be used for the proposed project.

The commenter also is referred to **Response 3-3,** above, which provides references to additional comments regarding these topic areas.

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-5:**

The commenter continues discussion about the claimed five water wells in operation and the 4,200 AFY number and questions why the actual value was not considered or verified, and is therefore, contradictory.

The commenter is referred to **Response 3-4,** above.

**Response 3-6:**

The comment references Table 5.17-3 Normal Year Supply and Demand and notes that it was only a forecast from BVWD and can be proven incorrect and is incorrectly applied in the RDEIR, conflicting with CEQA. The commenter is referred to **Response 3-4,** above. The RDEIR appropriately reflects the information in the UWMP and their potential for future action as prescribed in that document by BVWD. The proposed project also has plans to obtain supply from CCCSD to account for shortfall years. The commenter is referred to **Response 1-9** regarding the CCCSD water transfer agreement, which would be

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used to make up for up to 100 AFY of water and be used for the proposed project. Please see Master Response #1: General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations.

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-7:**

The comment notes the Tully & Young water demand evaluation and states that not all of the findings are included in the RDEIR. The comment then cites a portion of the study and questions why the RDEIR only uses conclusions favorable to the project, does not include all recommended mitigation, and questions the three-year unconstrained supply in the mitigation.

The proposed project does include the mitigation as suggested within the Water Supply Evaluation for the project. The commenter is referred to **Response 1-11**, in response to BVWD's comment letter to the RDEIR, which discusses MM 5.17b and changes to the measure as requested by BVWD.

Regarding the three year unconstrained supply, this is in reference to supply only after full build-out of the project which would be many years in the future and at a time when supplies from CVP would be adequate such that the supplemental supplies would not be required.

The commenter also is referred to **Master Response #1: Water Supply Analysis Master Responses**, which further discusses the proposed project and impacts associated with water supply.

**Response 3-8:**

The comment cited the Tully & Young water study regarding indoor residential demand and notes the BVWD had previously stated it was not the correct information and conflicts with CWC 10608.2. The commenter is referred to **Master Response #1: Water Supply Analysis Master Responses – Consistency with California Water Code and Projected Total Water Demand**.

**Response 3-9:**

The commenter notes the 55 gallons per capita per day water use estimate is not accurate and asks for examples of other developments in Shasta County with similar use rates. Regarding the appropriateness of estimated water use rate, the commenter is referred to **Master Response #1: Water Supply Analysis Master Responses – Consistency with California Water Code and Projected Total Water Demand**.

**Response 3-10:**

The comment continues discussion potential project water demand of 55 gallons per capita per day and says this is in conflict with other demand figures that should be used. The commenter is referred to **Master Response #1: Water Supply Analysis Master Responses – Consistency with California Water Code and Projected Total Water Demand**.

**Response 3-11:**

The comment notes that the language in MM 5.17-4b is misleading regarding the potential water supply. The County disagrees that the water supply is "potential." The water in question is a known supply and does exist. The County acknowledges that a contract or memorandum of understanding for the 100 AFY has not yet been signed by Clear Creek Community Services District (CCCS), but CCCS has signaled their intent to provide it. The commenter is referred to **Response 2-3** for additional information regarding the

water transfers, the mechanism by which it would occur, and the requirement that the contract be executed prior to project development.

**Response 3-12:**

The comment is correct that the listed conditions have not yet been met. It would be premature to begin the work on satisfying those conditions until such time the project is approved. The commenter is referred to **Response 3-11** above regarding the inclusion of the agreement that would include these conditions pursuant to the language in MM 5.17-4b.

**Response 3-13:**

The comment cites Appendix C-3 regarding the letter from the BVWD and that the agreement has not been authorized. The commenter is referred to **Responses 3-11 and 3-12**, above. The mechanisms needed to reach an agreement are consistent with the requirements contain in MM 5.17-4b. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-14:**

The comment reiterates concerns about MM 5.17-4b, and asks if there is an agreement between CCCSD and BVWD. The commenter is referred to **Responses 3-11 through 3-13**, above. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-15:**

The comment reiterates comments about the water transfer. The commenter is referred to **Responses 3-11 through 3-13**, above. The comment is correct there is no current agreement and no guarantee one will be reached. Hence, as discussed above, these elements are all conditions of approval and prerequisites to project construction, as discussed in the preceding pages of the RDEIR to MM 5.174b.

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-16:**

The comment reiterates comments about the transfer from CCCSD and the 100 AFY allocations. The comment states that Appendix C-2 is incorrectly referenced in the RDEIR. The commenter is referred to the first line of the first paragraph on page 2 of Appendix C-2. This sentence states, "In the event of a drought, the CCCSD proposes transferring to BVWD up to 100 AF of its own CVP Project water allocation..."

The commenter is referred to **Responses 3-11 through 3-13** above regarding the other needed elements and conditions of the agreement as detailed in the aforementioned letter.

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-17:**

The comment reiterates comments about the CCCSD transfers, potential for groundwater pumping, and compliance with CEQA and NEPA. The commenter is referred to **Responses 3-11 through 3-13** above, and **Response 1-11** regarding specific changes to MM 5.17-4b per the request of BVWD. The commenter is referred to Appendix C-2, which lists the conditions that must be met prior to initiation of any transfer. In particular, the first conditions states:

“Full project compliance with CEQA and NEPA regulations would be obtained by BVWD at no cost to the CCCSD. The developer shall provide a copy of all pertinent environmental review documents, including but not limited to Categorical Exemption, Initial Study, Negative Declaration and/or EIR.”

Thus, all appropriate CEQA and or NEPA would be completed. No further analysis is required and no change to the RDEIR is necessary.

**Response 3-18:**

The comment is restating the fact that an agreement has not yet been reached, which the County agrees is the case and would be premature and not required until the project is approved. The commenter is referred to **Responses 3-11 through 3-17** above. No change to the RDEIR is necessary.

**Response 3-19:**

The comment reiterates comments regarding the water transfer from CCCSD to BVWD and that there is no agreement. The County concurs there is no present agreement. The commenter is referred to **Response 3-18**, above. No change to the RDEIR is necessary.

**Response 3-20:**

The comment states the RDEIR implies that BVWD has entered into negotiations with CCCSD. The comment quoted the sentence in the RDEIR that states, “...the Board of Directors also authorized its General Manager to enter into negotiations with CCCSD...” This does not imply; it simply states authorization was given. No further analysis is required and no changes to the RDEIR are necessary.

**Response 3-21:**

The comment cites page 5.17-23 of the RDEIR regarding CCCSD using well water to overcome shortage conditions and how that could create competition between new Tierra Robles residents and established agricultural users in the BVWD. The commenter is correct that page 5.17-23 of Section Utilities and Service Systems of the RDEIR discusses water supply from CCCSD. The commenter also is referred to Pages 5.17-19 through 5.17-30 which further discuss CCCSD supplies and how they would accomplish the transfer, if needed, to BVWD, and lists mitigation that would be adopted and require agreements and subsequent CEQA and NEPA to enable the transfer. More specifically, page 5.17-19 further verifies the commenter’s comment and states, “CCCSD would meet its own customer needs otherwise met by the CVP supply by pumping groundwater through one of three existing, certified drinking water wells.” And page 5.17-20 further describes water supplies noting,

“CCCSD has at least two secure water supplies available to meet its municipal and industrial (M&I) and agricultural (Ag) water needs. In some conditions, CCCSD has further augmented these supplies through water transfers, as determined appropriate by its Board of Directors. The primary supplies include:

- CVP Water Service Contract for 15,300 acre-feet
- Three State-permitted, 1500 gpm drinking water wells.”

Lastly, page 5.17-20 states the following regarding the CCCSD CVP Waster Services Contract:

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“CCCSD holds a contractual entitlement for water under the water service contract with USBR for 15,300 acre-feet of water for agricultural and municipal and industrial purposes (Contract# 14-06-200-489-A-LTR1). Like all CVP water service contracts, CCCSD’s CVP supply can be constrained on an annual basis, where the allocated quantity is based upon the delivered quantity during the prior three years of 100% allocations. This is the same condition faced by BVWD and resulting in the shortage concern being addressed by MM 5.17-4b.

Table 5.17-10, CLEAR CREEK CSD CVP DELIVERIES provides the historic delivery records for CCCSD’s use of CVP water supplies, as recorded between authorized M&I and Ag customers. All CVP water diverted to serve CCCSD’s CVP contract is treated to drinking water standards at a water plant located at the base of the Whiskeytown Reservoir dam, whether the water will serve M&I or Ag needs. The separation of M&I and Ag in Table 5.17-10 associates with CCCSD’s operations, deliveries and billing. The total CVP deliveries indicate the general demand in a 100% allocation condition, such as 2017, in contrast to the limited availability of CVP water under CVP shortage conditions, such as 2014 through 2016. However, even during the 5% allocation condition of 2015, CCCSD still had an allocation of 578 acre-feet of CVP project water supplies. If such a condition were to repeat, the up-to 100 acre-feet transferred to BVWD could still be accommodated, with the CCCSD demand met instead with increased pumping from its existing municipal water wells.”

The commenter also is referred to **Response 3-11** above, which also discusses the availability of water. Thus, CCCSD has indicated it has adequate capacity to serve the project should it require the transfer. Thus, the commenters concern regarding competition for the resource is unfounded, is not a CEQA issue, and no further response is required.

**Response 3-22:**

The comment questions if the text on page 5.17-23 of the RDEIR is speculative and cites a portion of the document.

The comment cites a single sentence from the document. The balance of the sentence cited by the comment reads as follows, “the long-term trends presented in the draft basin settings can inform an evaluation of the ability for CCCSD to periodically increase its pumping by up to 100 acre-feet annually. Specifically, the draft description of the Anderson Sub-basin includes the following:”

Thus, it is not speculative, but serves to inform and provide information. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-23:**

The comment cites page 5.17-23 of the RDEIR. Discussing historical ground water levels in the Anderson Sub-basin and then references Figure 5.17-4 of the RDEIR and states that these wells are close to the CCCSD wells and the potential issue of drawdown is not discussed. Although the same terminology is not used, page 5.17-26 of the RDEIR does discuss the potential for drawdown in the basin. This and other pages refer to pumping. As noted,

“Further, the recent pumping by CCCSD (see Table 5.17-11, above), which has been as much as 500 acre-feet in 2015, has not had a notable effect on local groundwater conditions. While not modelled, it is unlikely that the periodic additional pumping of 100 acre-feet per year would change the conditions represented in the hydrographs for the following reasons:

The historical trends of the groundwater hydrographs have shown minimal fluctuation in the groundwater elevations over time;

Past use of the wells has resulted in pumping for only a portion of the year (4 to 5 months) allowing for groundwater recharge and not resulting in overdraft conditions; and

Pumping 100-acre feet over the course of a year is not a substantial increase in the amount of groundwater relative to past groundwater pumping quantities.”

**Response 3-24:**

The commenter reiterates comments about adjacent wells and their capacities. The commenter cites Figure 5.17-4 that does not include adjacent wells and questions how the RDEIR states the CCCSD pumping has not had a notable effect on ground water conditions and notes that the additional 100 AFY would drop it further.

The commenter is referred to **Responses 3-21 through 3-23**, above regarding the use of the 100 AFY and groundwater levels.

**Response 3-25:**

The comment notes CCCSD pumping during drought years and questions if this will lead to more groundwater fluctuations. The commenter is referred to **Responses 3-21 through 3-23**, above regarding the use of the 100 AFY and groundwater levels.

**Response 3-26:**

The comment discusses historic water levels in existing wells as a preface to subsequent comments. The comment does not raise a specific question pertaining to CEQA. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-27:**

The comment asks what constitutes a substantial increase. The terminology “not substantial” was in consideration of the 2015 year when pumping total 524 AFY which is approximately 19% of the water pumped that year. In addition, according to the CCCSD website, the total water used in 2017 was 3,610.63 AF, 2018 was 4,058.46 AF, 2019 3,805 AF. At these volumes, 100 AF, which would on average be (2.56 percent) would not be substantial.

**Response 3-28:**

The comment recommends that the CCCSD pumping be conditioned to distribute withdrawal throughout a particular year and spread between areas. The comment states that incorrect figures and documents are cited, and the data is misrepresented. The comment states that the Enterprise sub-basin is used but the Anderson sub-basin should be used. These comments are noted, and the commenter is referred to **Responses 3-21 through 3-27**, above.

**Response 3-29:**



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The comment asks how the RDEIR state “no impacts” while listing several impacts. Impact discussions in Chapter 5.17 Utilities and Services Systems, in relation to water use, were found to be less than significant with mitigation incorporated. Regarding CEQA and NEPA compliance, the commenter is referred to **Response 3-17**, above. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-30:**

The comment asks how will pumping during the summer when there is little recharge of the aquifer affect the water levels in the basin and local wells. The comment is correct that water is proposed to be pumped from groundwater. Regarding variations in the levels of groundwater, this effect would be minimized. As stated on page 5.17-26 of Section 5.17 Utilities and Service Systems, “While no impacts to groundwater supply have been identified, it is recommended that the agreement between BVWD and CCCSD be conditioned distribute the pumping throughout a particular year, whereby month-to-month pumping would be negligible, as a way to further protect from any noticeable changes in groundwater levels.”

The impact discussion on page 5.17-30 concludes:

“Therefore, based upon the information provided by the project applicant, the publicly available data regarding groundwater conditions, and historic use data provided by CCCSD, the proposed supplemental water supply would be a feasible method to address MM 5.17-4b.”

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-31:**

The comment cites page 5.17-26 of the RDEIR and questions the conclusion that the pumping of 100 AFY is not a substantial increase and what the threshold for substantial is.

The commenter is referred to **Response 3-27**. The comment is correct that the one of the supporting statements as listed on page 5.17-26 is as is stated in the comment. The other two supporting notes on the same page are as follows:

“The historical trends of the groundwater hydrographs have shown minimal fluctuation in the groundwater elevations over time;

“Past use of the wells has resulted in pumping for only a portion of the year (4 to 5 months) allowing for groundwater recharge and not resulting in overdraft conditions; and”

The commenter is referred to **Response 3-27** regarding the use of the terminology “substantial” and whether the withdrawal constitutes a substantial drawdown. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-33:**

The commenter cites page 5.17-28 of the RDEIR and notes that even if an agreement is reached, USBR must review and approve. The commenter is referred to **Response 4-1** regarding public and agency review of the RDEIR as well as the original DEIR. Included among these agencies is the USBR and it would be consulted after project approval and as part of the agreement with CCCSD.

**Response 3-34:**

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The commenter notes that groundwater pumping by CCCSD would increase under the agreement and questions the ability of the aquifer to recharge, and how much local wells would be affected. The act of pumping additional groundwater during summer months would not affect the ability of the groundwater to be recharged. The same volume of water would infiltrate to the aquifer. Pumping the groundwater would not create any impervious surfaces or reduce the ability of rainfall or runoff to infiltrate to the aquifers.

The commenter is referred to **Responses 3-21 through 3-26** above regarding the use of CCCSD water supplies and groundwater withdrawals.

It should be noted that another way localized withdraws from groundwater may be minimized is by using purchased surface water. As noted on page 5.17-23 of Section 5.17 Utilities and Service Systems, “While CCCSD has additional well capacity to help address shortage conditions, during the most recent CVP shortage conditions, CCCSD chose to also purchase surface water from a local water right holder – as a less-expensive solution than further operating its production wells. This additional surface water was used as a supplemental source for CCCSD in 2014, 2015 and 2016...”

**Response 3-35:**

The comment cites page 5.17-29 of the RDEIR and describes one of the mechanisms by which the water transfer would be made. The comment notes that the water would be pumped within Shasta County and released into the Sacramento River, which conflicts with other portions of the RDEIR that says water will be transferred from CCCSD to BVWD. The comment questions if the water will be a transfer or groundwater pumped by CCCSD and dumped into the Sacramento River. The commenter is referred to **Response 3-11**, above regarding the mechanisms, permitting, and coordination which would be required, prior to initiation of the 100 AF of water. The comment is correct that CCCSD would release water to the Sacramento River as a vehicle to transport and transfer the water to BVWD.

All areas mentioned by the comment (Whiskeytown Reservoir Dam, area of the Sacramento River into which water would be released, the Keswick Dam, and the project site) are all within Shasta County.

**Response 3-36:**

The comment copies text from Shasta County Code subsection 18.08.030 related to export of water outside the County. The comment then questions if discussion have occur between the County and CCCSD to obtain a permit; have meetings had public notice; and questions why a transfer agreement would be required if the water is pumped from CCCSD to the Sacramento River to BVWD. The comment notes there is no CVP water transferred, only groundwater. The commenter is referred to **Response 35**, above. The groundwater will not be exported outside of Shasta County. The transfer agreement is required because the water would be provided by one agency and transported to another. The comment is correct, under this scenario, if CCCSD CVP water is not used, CCCSD groundwater would be transferred. The commenter also is referred to **Responses 3-21 through 3-29** above, regarding additional information related to the transfer. No further analysis is required and no changes to the RDEIR have been made.

**Response 3-37:**

The comment cites page 5.17-30 of the RDEIR, which notes the proposed transfer is feasible. The comment then states the water demand estimate is low. The comment then reiterates comments about the 45-day review period. The comment continues that the RDEIR makes errors, should not advocate a

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position and the water supply remains uncertain. The commenter is referred to see **Master Response #1 – Water Supply Analysis Mater Responses – Consistency with California Water Code and Projected Water Demand.**

Regarding the public review period and availability of the document to be assessed and complete disclosures made regarding the potential for impacts, the commenter is referred to pages 1-1 through 1-4 of the Introduction section of the RDEIR. These pages discuss the previous circulation of the DEIR, the CEQA required 45-day public review period for this document, sections contained in the document, and locations the document is available for review. The document was circulated in accordance with the State CEQA Guidelines and associated requirements. Specifically, the RDEIR was revised and recirculated based on State CEQA Guidelines Section 15088.5(f)(2).

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-38:**

The comment cites Section 5.19 Wildfire noting it includes thresholds in State CEQA Guidelines Appendix G. The comment cites page 5.19-10 of the RDEIR regarding the Shasta County Communities Wildfire Protection Plan SCWFPP. The comment provides a summarization of the SCWFPP and notes some of the areas have experienced significant fires.

The proposed project recognizes and includes numerous measures and design features that make it responsive to and less susceptible the potential threat from wildfires. The commenter is referred to the comment letter received from Kelly Tanner. In particular, the commenter is referred to **Master Response #3 Wildfire Hazards** that discusses project level compliance with the State fire code, explains project level mitigation, discusses the Tierra Robles Wildland Fuel/Vegetation Management Plan (TRWF/NMP), and discusses the multi-pronged approach to reduce impacts. The commenter also is referred to **Master Response #4 Tierra Robles Community Services District and Tierra Robles Homeowners Association** that provides more details on the structure and ability of the groups to manage the project area.

No further analysis is required and no changes to the RDEIR have been made.

**Response 3-39:**

The comment cites pages 5.19-13 and 5.19-14 of the RDEIR and emergency evacuation, Figure 5.19-3, that the refuge areas are unsafe, and that the scenario is unreasonable, and that the 3.5 hours evacuation time is a death sentence. The commenter is referred to **Master Response #2** regarding the evacuation times evaluated in the RDEIR.

Page 5.19 of the RDEIR states that:

“Refuge Area 2 and Refuge Area 8 are located near other major refuge areas and are offside relative to the travel paths enabled by the configuration of the area road network areas 2 and 8 are minor locations compared to all the others. Few residents can reach these two refuge locations without passing by another more major location”

The most important point to note is that there is no evacuation scenario in which all vehicles from the evacuation envelope are anticipated to head toward any single location. All scenarios have 3 or more refuge locations (RDEIR page 5.19-14).

There is nothing saying emergency personnel must direct residents to temporary refuge areas if conditions demand that residents evacuate to points outside the area. Nevertheless, the same main travel routes which lead toward and beyond these refuge areas would serve evacuation needs. By virtue of the locations of temporary refuge areas (RDEIR page 5.19-15), the time to get across the boundaries of the evacuation envelope would remain approximately the same as indicated in the analysis.

The commenter also is referred to **Master Response #3 Wildfire Hazards** which discusses past fires including the Jones fire.

**Response 3-40:**

The comment notes the Jones Fire and provides a link to information and a map of the burn area.

Page 5.19-10 of the RDEIR states:

“According to the SCWPP, the area generally consists of rangeland but also contains numerous small communities. The SCWPP notes that these areas have experienced significant fires in the past and with current urbanization can expect future fires to be more damaging”

The combined knowledge of previous fires, fire hazard severity, and pattern of vegetation is why the Evacuation Study clearly states the following about Scenario 5 on page 5.19-19 of the RDEIR:

“This would be a likely scenario when fire begins east of the Study area. This might even be the most likely scenario given the pattern of development and proximity of the wildland-urban interface to the eastern boundary of the Study area.”

Therefore, the Evacuation Study does consider past wildfires in the area. No new impacts were identified as a result of this comment. No change to the RDEIR is necessary.

**Response 3-41:**

The comment states that in the Study Model Scenario 3 some of the evacuation sites would not be usable, the data used is bad, and does not accurately portray the potential severity of a wildfire.

The commenter is referred to **Response 3-39** above, and **Master Response #3 Wildfire**. It is precisely because no one can predict where a fire would originate from that multiple scenarios were analyzed to shed light on potential risks in terms of evacuation time. This information shows that the proposed project supports multiple evacuation scenarios and does not impair an adopted emergency response plan or emergency evacuation plan. The commenter is further referred to **Master Response #2 Traffic Evacuation Study**. No change to the RDEIR is necessary.

**Response 3-42:**

The comment cites page 5.19-22 of the RDEIR related to evacuation and the noted 3.5-hour time. The comment notes that the RDEIR estimates the project would add 15 minutes to the 3.5-hour time.

The commenter is referred to **Master Response #2 Traffic Evacuation Study**. The paragraph following what the comment quotes on page 5.19-22 of the RDEIR reads,

“Therefore, with the addition of Project traffic the roadway network, speeds and related clearance times would not substantially change. The Project would not result in a delay for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation. While the Project would add to the volume of traffic in the area, the scenario

evaluated in Table 5.19-10 demonstrates that the Project plus existing development would not substantially delay the arrival of evacuating cars at refuge areas. As such, the Project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County's EOP."

Thus, the above listed conclusion is consistent with the needed findings to conclude that the proposed project would not substantially impair an emergency evacuation plan. No change to the RDEIR is necessary.

**Response 3-43:**

The comment cites text from page 5.19-22 of the RDEIR. The comment states the comments are very sterile and do not convey the horror if cars are stuck in traffic. The commenter is referred to **Master Response #2 Traffic Evacuation Study**. The commenter also is referred to **Response 3-42**. No change to the RDEIR is necessary.

**Response 3-44:**

The comment cited page 5.19-33 of the RDEIR. The comment notes that the 3.5-hour time is the worst-case scenario and questions because the time is already so bad the 15 minutes doesn't seem like too much. The comment restates the findings of the cumulative analysis.

The commenter is referred to **Master Response #2 Traffic Evacuation Study**. As noted in the cited section of text, the proposed project would not result in a substantial change to evacuation times and evacuation speeds and impacts would not be cumulatively considerable. The analysis was not provided to identify or improve upon a desired evacuation time. There are no adopted thresholds for emergency evacuations. The analysis demonstrates that the project does not substantially impair the execution of the County's EOP. No change to the RDEIR is necessary.

**Response 3-45:**

The commenter references text from page 5-19-33 of the RDEIR regarding incremental effects of the project.

The comment only references the final paragraph of the cumulative analysis that begins on page 5.19-32 of the RDEIR and ignores the analysis of how the project in conjunction with other projects does not compound to result in cumulatively considerable impacts when considered with other projects in the area. No change to the RDEIR is necessary.

**Responses 3-46:**

The comment quotes a story and details from the story regarding the Jones Fire. The comment is not related to the analysis in the RDEIR. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No change to the RDEIR is necessary.

**Response 3-47:**

The comment cites the Jones Fire, wind speed and ties it to the Evacuation Study related to heavy vehicles and queries if it is all the vehicle towing livestock, trailers, boats, and RV's, and questions if the vehicles have been taken into account. The comment also questions about the potential of a single vehicle breaking down due to the lack of shoulder.

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The application of the 3.5% heavy vehicle factor is for area highways. However, the percentage is applied to all vehicles evacuating from the area, which includes those hauling trailers, boats, and RV's. That is only one of multiple ways in which the potential number of vehicles was adjusted to the passenger car equivalents applied in the Evacuation Study.

As discussed in the Evacuation Study, 7,124 passenger cars would be anticipated without traffic volume vehicle adjustments. As noted in the comment, with the volume vehicle adjustments a total of 8,452 passenger car "equivalents" would be generated. If the anticipated traffic volumes are increased as the comment suggests, the project would result in an equivalent increase in traffic volume. The percentage increase expected with the project regardless of volumes used would be approximately 2.3% and is not considered a substantial increase.

The Evacuation Study is not intended to serve as an emergency evacuation plan and is not intended to cover every possible scenario of what could happen during an emergency evacuation. The Evacuation Study supports the analysis that the project as proposed would not substantially impair an adopted emergency response plan or emergency evacuation plan. While the project would result in an incremental increase in vehicles leaving the project area, should a wildfire occur in the area and evacuation be required, the increased vehicle trips from the proposed development is not considered a substantial increase.

The commenter is referred to **Master Response #2: Traffic Evacuation Study**. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No change to the RDEIR is necessary.

**Response 3-48:**

The comment cites page 1 of Appendix D-1. The comment questions what tests are being referred to and if they are available publicly for review and if the veracity can be measured.

The "tests" are the simulation of flows through the network for which results are reported throughout the Evacuation Study using computer models created for such calculations. The tests were created by the author for use in the fire evacuation scenarios. The modeling is a proprietary intellectual property and not provided to the public. No change to the RDEIR is necessary.

**Response 3-49:**

The comment references page 3 of Appendix D-1. The comment poses the same questions from Comment 3-48, above and if it uses Institute of Transportation Engineers (ITE) standards.

The tests were created by the author for use in the fire evacuation scenarios. The model inputs are summarized in Tables 2-1 and 2-2 of the Evacuation Study. There are no known ITE standards for modeling evacuations. The modeling is a proprietary intellectual property and not provided to the public. No change to the RDEIR is necessary.

**Response 3-50:**

The comment cites page 5 of Appendix D-1 and reiterates comments about livestock trailers, RV's and other large vehicles

The commenter is referred to **Response 3-47** above regarding the calculation for large vehicles into the Evacuation Study. No change to the RDEIR is necessary.

**Response 3-51:**

The comment cites page 30 of Appendix D-1. The comment notes that the last batch of evacuees will likely be the last and trapped or killed. The comment questions how no mitigation can be required and asks if they think the 3.5 hours is acceptable. The comment references the scenarios and the hours required and asks if Shasta County is an outlier or in line with other high/very high fire hazard severity zones.

The commenter is referred to **Master Response #2 Traffic Evacuation Study** regarding the intent of the Evacuation Study and evacuation times. No change to the RDEIR is necessary.

**Response 3-52:**

The comment references the Camp Fire and cites initial times of reporting and evacuation issues with the emergency alert system.

The commenter is referred to **Responses 3-39** and **3-42**, regarding comparisons to other fires.

**Response 3-53:**

The comment questions disclosures to future residents regarding the evacuation times in the reports.

The commenter is referred to **Master Response #2 Traffic Evacuation Study** regarding the intent of the Evacuation Study and evacuation times. No change to the RDEIR is necessary.

**Response 3-54:**

This comment restates disclosures in the RDEIR. The comment does not specifically reference any specific CEQA issue. This comment is noted for the record and will be provided to the Board of Supervisors for consideration. No change to the RDEIR is necessary.

**Letter 4: Kelly Tanner**

Comments to the RDEIR of Tierra Robles

Kelly Tanner  
Round Mountain, CA  
Kwillett2@hotmail.com

Director Paul Hellman:

4-1 The County has yet again failed to comply with the standards set out by CEQA. I was only recently made aware that this project was still in the review process. The rest of the plan lacks as much as the RDEIR. The County has no understanding of what the term “Good Faith” is. It is not merely helping people access the information they could not have accessed due to planning deficiencies. Good faith also applies by demonstrating that the CEQA process has been fully complied with. While every avenue need not be explored, certainly Good Faith would mean the County did its job to provide an informational document. Good faith means all known impacts are appropriately discussed, and impacts or the conclusion of “less than significant impacts” has been thoroughly discussed and provides substantial evidence that it is the proper conclusion. (*Gentry v. McMillin Communities* 1995). Rulings in CEQA also state that even if the proper decision is reached, it is not enough to simply draw that conclusion without supplying evidence or analysis. The public needs to see the analytical route used to come to such a conclusion with supporting evidence. (*Defend the Bay v. The Irvine Company, Real Party in Interest and Respondent* (2004). CEQA and cases regarding CEQA also give clear guidance as to what is proper mitigation and when it is permissible to defer mitigation. Mitigation must equal the amount of environmental impact a project will cause. Further, many rulings say studies cannot be deferred until after certification unless specific circumstances require it. Instead, they say that studies should be done at the earliest stage possible (*Gentry v. Mcmillin Communities* 1995). The appropriate regulating agency and agencies needed to comply should be involved as early in the process as possible.

4-2 The comments addressed to the above statements, and this paragraph will be classified as not environmental, yet if the application or standards of CEQA are not necessary to report on what is the point of doing CEQA in the first place? Labeling CEQA related issues as not environmental is a lazy and somewhat inaccurate conclusion. CEQA law also states that it is essential to consider the fiscal, social, and other constraints that make something infeasible, not just environmental factors. While CEQA is intended to look at environmental factors, reports need to determine where “specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental report. These findings must be made for each individual finding” (*Defend the Bay v. The Irvine Company, Real Party in Interest and Respondent* 2004). The County fails to do this in almost every instance.

4-3 However, I will demonstrate with the portions of the REIR where the above problems have occurred in regards to wildfire. I have a Master’s Degree in Disaster and Emergency Management and wrote my thesis on the Fountain Fire, which happened in this very County. My thoughts come from my “personal experience and academic research” and is not merely opinion. My knowledge and research in regards to wildfires should be treated like those who participated in this study, at the very least, concerning Wildfire and Public Safety. The County may consider



Comments to the RDEIR of Tierra Robles

4-3  
CONT'D

↑ hiring a real professional, perhaps out of the County Emergency Management office, to help the County comply and understand these sections rather than leave it to overpaid consultants hired to come to the conclusion you want them to. Do not make the mistake of throwing this out as an opinion or a comment. I am just as qualified, if not more so than those who contributed to this study's Wildfire section. Even more, qualified would have been comments and information given by the emergency responders and those who have specific roles given to them by both National, State and County laws in performing the Emergency Operation Plan's functions. This is not done and demonstrates the regulating agency is not as well-versed with the EOP as they should be or did not want to bother. This is not for the applicant to determine or the planning office or even the Board of Supervisors as it is a plan based on Federal Standards, and technically, they are not the ones who are required to perform the functions outlined in them. Therefore, they cannot possibly interpret or speak to plans they know nothing about or have any experience in performing. It is alarming that this County cannot perform their duties to its residents when they know the dangers already present regarding public safety, wildfire, and evacuation. The citizens and applicant are not at fault, but it is a complete failure and dereliction of all the county duties that fail to consider the implications of a very general, misleading, and inadequate assessment, especially when it is people's lives at stake. It is time for the County to start taking wildfire seriously and start actually following CEQA rather than using one obscure statement that may or may not apply to an impact instead of considering the entire impact as written. CEQA does not say pick one possible part of an impact and base your judgment on that one factor. Stop insulting the intelligence of the people that pay your salaries. If you don't have the "professional judgment" to make a proper assessment, please ask someone who does, not just people who specialize in skirting around CEQA, getting approval, or having a reason to want it approved. It makes you look ignorant or complicit in passing this project.

#### Wildfire thresholds of significance

There are no actual thresholds of significance, only broad statements. There is no reasonable way to determine whether a threshold is met as there is no measurable threshold to compare it against.

1. What "substantially impair[s] an adopted emergency response plan or emergency evacuation plan?"

4-4

Courts say "substantial is an improper standard. "The Definition of substantial effect effectively limits significant environmental impact..." "The proper standard... is considerably broader. The use of an erroneous legal standard is a failure to proceed in the manner required by law that requires reversal." (*Endangered Habitats League, Inc. v. Rutter Development Inc., Real Party in Interest 2005*).

2. How was it determined what environmental or project elements expose occupants to pollutants or uncontrolled fire spread?

3. What would require installing or maintaining the associated infrastructure that can exasperate risk or result in temporary or ongoing impacts?

2

Comments to the RDEIR of Tierra Robles

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CONT'D
4. What is considered a significant risk that exposes people or structures to landslides, post-fire instability, etc.?
- As you can see, the thresholds provided are general and open for interpretation. There is not one quantifiable measure to hold anything up to see if it complies. In “SANDAG they concluded that a lead agency abuses its discretion if it exercises it in a manner that cause an EIR’s analysis to be misleading or without informational value... A lead agency cannot avoid finding a potentially significant effect by rotely applying standards of significance that do not address the potential effect” (*Rominger v County of Colusa*). The criteria above allow the County and the planner to meet the standards by merely defining them however they wish. However, it also allows them to provide no information or support because they can simply state these things cannot occur. Without those four thresholds defined or explored further in the analysis, this can’t be an informational document. It is improper to defer these definitions for later discussion AFTER certification. It also undermines the point of CEQA since the public will be left without that information or ability to comment on it.
- 4-5
- Impact 5.19-1 is insufficient. No reasonable person, especially one that understands emergency management plans, evacuation plans, and mitigation plans, would conclude that Title 24 has any effect on any emergency related plan at local, state, or federal levels. It is irrelevant and misleading. If the courts found that Title 24 energy efficiency standards were inadequate to satisfy CEQA energy standards, the same standard can and should be applied here but in regards to wildfire. In *California Clean Energy Committee v. City of Woodland* (2014), the reasoning was not that Title 24 was inadequate. Instead, the EIR did not consider “whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy, [I will insert wildfire safety standards] or anything else to the building’s envelope” (ibid). Therefore, this argument is not substantial evidence, nor does it consider all reasoning. Why does this development need to be here, and is there a safer place to build?
- 4-6
- Further, justification includes that Fire Code Chapter 49 cites specific requirements, including “creating and maintaining defensible space and managing of hazardous vegetation and fuels.” (5-19-12). This justification is also inadequate. While a code such as this would generally be acceptable, the County is well aware this will never occur. According to the 2020-2021 budget report there is only one Fire Safety Inspector for the entire County. It also is exceptionally misleading. A Shasta County Grand Jury from the same year this report was released states that the County has ignored the wildfire problem for too long and that there are not enough resources to enforce these laws at the homes and areas already built within the County (Shasta County Grand Jury 2019). While the code itself is helpful if it can be enforced, the County cannot guarantee this; it is, in fact, infeasible. If there is evidence that this can be complied with, please provide it. I believe on the County budget, there is only one wildfire inspector. The Grand Jury report demonstrates it is not feasible. Recent failures by PG&E also demonstrates the impracticality of enforcement. PG&E has stated that it will take at least ten years to do proper clearance around all their lines. It was neglected and never enforced. Using this code as justification is a false and misleading illusion. It also never states how this project,

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the new residents, or a district never developed will comply with it. These residents and district do not even exist. The district and the residents' rules are never established nor, is there any language to enforce this. CEQA law states that it is possible to defer mitigation ONLY if there are "specific measurable mitigation" in the project. In comments to the original draft – which you will claim do not need to be responded to – people have asked for specifics of the language – your response was you did not have to. This is an example of where good faith has been ignored. It also renders the document useless and uninformative. I would not bring that up, but in this case, you failed to demonstrate good faith; there is no reason to believe these plans or measures will be followed as by the time the language is specified, it will be out of the purview of the public.

4-7

The courts would agree. "An EIR is inadequate if 'the success or failure of mitigation efforts, may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR'" (*Endangered Habitats League v. Rutter Development Company, Inc., Real Party in Interest* 2005). In another case, the court ruled "placing the onus of mitigation to the future plan and leaving the public 'in the dark about what land management steps will be taken, or what specific criteria or performance standard will be met'" (*Communities for Better Environment v. Chevron Products Company et al., Real Parties in Interest and Appellants*, 2010). In this project, details and information are sparse but left up to unknown individuals and districts. Since a new district needs to be created, there is no guarantee one will be or that their ruling body will adopt vague measures mentioned within this section and the entire EIR since; this is left to others and not the County to permit.

4-8

TRWF/VMP is in charge of implementing the measures outlined. While it is very detailed in what needs to be done, it also fails to meet CEQA requirements. Once again, much of the implementation relies on a district that does not exist. But it also gives no timeline of when this will be done and how often maintenance will occur. This has been found unacceptable by judges. "The writing of a perfect EIR becomes a futile action if that EIR is not adequately considered by the public agency responsible for approving a project, indeed it is as if no EIR was prepared at all" (*Defend the Bay v. The Irvine Company, 2004*). The success of such action DEPENDS on being carried out and regularly maintained. Yet, there is no reason to believe either will be done. A precise plan is outlined in this instance, but it involves no planning or measuring standards that will require maintenance (*Gray v. County of Madera* 2008). Thus, it leaves out one of the most critical aspects of the mitigation. Successful fuel management is contingent on the fact that it is ongoing. For example, you can make a fuel break or clear vegetation, but if you assume this is a one-time thing, your plan fails to mitigate the problem. I believe those who wrote the plans know the regulations and comply with the proper standards for clearance, but it means nothing if it is never followed through with or is never maintained. A plan is useless if never implemented. Hurricane Katrina illustrates this perfectly. Mitigation 5.8-

4-9

1 (I assume I can refer to as it is a basis to this plan) never specifies when this will occur. It sets no performance standards for maintenance. It does not explain what proper enforcement standards the non-existent district will impose. This is unacceptable and fails to comply with CEQA. Not only are the performance standards not specified by the County, or RDEIR, it states that the TRCSD will create the specific reporting methods to ensure compliance though it will be

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- dependent on the approval of Shasta County Fire. I'm not at all convinced that this complies with CEQA. Multiple court cases would agree. "An EIR is inadequate if "the success or failure of mitigation effects, may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR... The fact that the City and wildlife agencies must ultimately approve the habitat plan does not cure these informational defects" (*San Joaquin Raptor Rescue Center v. County of Merced* quoted by *Preserve Wild Santee v. City of Santee*).
- 4-10
- It is absurd to conclude that "for these reasons, the proposed Project would not impair and would be consistent with the County's EOP and EF4 regarding fire detection, control and suppression efforts within the jurisdiction." This is an astounding conclusion! Yes, treatments can slow the rate of fire spread, reduce fire intensity, and modify behavior, but treatments (which have not even been established or plans to maintain) do not possibly illustrate that plans are not interfered with. If this were the case, 90% of the current EOP should be thrown out, and everything I have learned about wildfires and Emergency Management is rendered useless. Someone should ask for their money back on the EOP as it is 184 pages long. Further, how is the slash being properly disposed of? Who will sell the fuelwood and to whom? If you are burning part of it, you have to state the environmental impacts of burning it. CEQA law requires you to also, in less detail, evaluate secondary impacts of "mitigation measures" as burning also would have environmental effects on air quality and present a fire problem itself if done improperly. Even firefighters who plan burns under the best conditions have prescribed burns escape.
- 4-11
- This plan allows the County to falsely conclude "less than significant." The wildfire section does not include California's EOP or FEMA's, or all of the other National and Regional plans that deal with Wildfire, all of which are applicable as their purpose is to allow interagency cooperation to be streamlined and easy to adopt. The very brief summary of what the Shasta County Emergency Operation Plan is and its purpose enables you to mislead the public. Nowhere in this section does it refer back to other important aspects of Emergency Planning. For example, "Historically, 80% of the burden following a disaster has fallen on the public, with a disproportionate burden placed upon vulnerable populations. For emergency planning purposes, children, elderly adults, the disabled, people whose primary language is not English, and low income residents are considered vulnerable populations..." and "18% of the total civilian non-institutionalized population is considered to be disabled. Approximately 12.6% of all families and 17.6% of the total population within the County had incomes below the poverty level. (Shasta County EOP 2-2). Where in this document does it discuss any of this? All of these demographics are important to understand and develop proper mitigation and emergency response plans and even reflect on their feasibility.
- 4-12
- The EOP also states, "The County has not defined its core capabilities **in accordance with the National Preparedness Goal** or undertaken a **formal capabilities assessment to date.**" First, I'd ask why not; how many federal disasters has this County declared? How long do you plan on putting that off? In other words, the County has no idea what it's capabilities to respond to an emergency are. Yes, this is not an environmental impact; however, it does speak to the feasibility of any measures within this section. That in itself impedes the plan because you

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- cannot reasonably understand whether you can comply with a plan if you do not know what you need or have to respond to it. The development will only add to the lack of understanding concerning capability or needs. Of course, no development with the County can impede this plan because there is no understanding of what is needed or what can be done. There is no knowledge of feasibility. The plan also requires identifying critical infrastructure to allow for continuity of services; where is this?
- 4-13
- The EOP assumes key assumptions – here are a couple. 1. “Local emergency planning efforts focus on accommodating residents while preparing for changes in population trends throughout the year. However, significant increases to the local population may introduce challenges in meeting the needs of non-residents and other travelers during an emergency or disaster” 2.9-10). In other words, keep building more developments like this, and you will overwhelm emergency response. 2. All or part of the County may be affected by environmental and technological emergencies. How is it demonstrated it doesn’t affect these items?
- 4-14
- But better yet, since “professional judgment” was used here, that means whoever wrote this should have understood the basic principles of Emergency Management. Not all professional judgment applies to every discipline. A cardiologist has lots of professional judgment should one have created this section? Emergency Managers have lots of professional experience, but should they be doing open-heart surgery? Do you see a problem with justifying everything you say by including the phrase “professional judgment?” In fact, can you specify what professional judgment led to this conclusion? Can you also provide data and statistics so I and others can understand the analytical route that led to these decisions?
- 4-15
- These are the County Emergency Services areas and how the County EOP defines them. The five principles are the foundation of Emergency Management: prevention, protection, mitigation, response, and recovery. 1. **Prevention:** To avoid, intervene, or stop an incident from occurring in order to protect lives and property 2. **Protection:** To reduce the vulnerability of Critical Infrastructure and Key Resources by deterring, mitigating, or neutralize terrorist attacks, major disasters, and other emergencies. 3. **Mitigation:** To comprehensively reduce hazard related losses with the goal of ensuring the safety and security of citizens, infrastructure protection, and economic stability. 4. **Response:** To address the short-term and direct effects of an incident, including immediate actions to save lives, protect property, and meet basic human needs. 5. **Recovery:** To restore vital services; personal, social, and economic wellbeing of citizens; and communities to pre-event or updated conditions. Showing that an infeasible mitigation measure without any enforcement or assurance it will be adopted; is only one example of whether or not it affects mitigation. To honestly assess the EOP and demonstrate a good faith effort, multiple mitigation measures should have been stated, and they should address all five areas. The plan is not up for interpretation, and the standards of those five mission areas are outlined not just at the County level but at the NATIONAL level.
- 4-16
- Please explain in detail with specific information how this development does not impede with all five of those principles. They are the basis for an EOP and are recognized nationally. Any analysis that does not address all of these areas can not allow you to judge whether a plan is impeded.

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4-17 To truly understand whether this impedes operational impacts, a current operational standard or timeline would need to be known. You cannot merely state, without evidence, that there is no effect on the operational timeline. None of the information tells me how quickly anyone can respond or how firefighters can do their job. How, then, can one determine if the operational timeline will be affected? What are normal operational times in this area, and what have been the average operational timelines in past incidents in this area. How was this affected during the Delta and Hirz fire rerouted traffic? How will the cumulative effect of possible wind-turbines being brought into the area affect this? Isn't cumulative impacts also to be explored? The only thing emergency responders can tell you is that the more cars and people in harm's way, the slower response will be. The only thing this does tell me is that whatever "professional judgment" applied here is irrelevant to Emergency Management and Emergency Planning. I wonder why they offer programs in Emergency Management and Planning if regular management and planning principles apply. Perhaps, the County should review how they do Environmental Reports with the new guidelines by CEQA because the professional judgment used here shows ignorance and a lack of understanding of what is needed and what the basic principles of an EOP are. How possibly can one make a judgment on whether it impedes a plan if you have no idea what one is?

4-18 An excellent start to finding information on all five areas of an emergency operation plan would be to look at past wildfires in the area, and there have been many. Then analyze what problems occurred in all five areas. It is a guarantee that there were problems in all five areas because even the best plans cannot know all of the factors that will be present when a disaster or wildfire strikes. This does not justify the need for a plan? A plan is better than none. NIMS (the National Incident Management System – also a plan, allows for flexibility and scalability to disasters. A plan requires knowing what resources are available, what is needed, past problems, and unique situations to this community. Those who may have difficult evacuating, those evacuating with animals, or when dissemination of information is impeded needs to be understood and planned for. That, too, is part of emergency plans. The Red Cross Plans are also plans you can interfere with, and they are given functions by the Federal Government to respond in disasters.

Emergency Evacuation:

4-19 This study and analysis are flat out absurd. It is misleading and will cost lives. "The County does not have specific thresholds regarding evacuation times for a specific project or areas such as the proposed Project." The only rational reply to this is why the heck not? Talk about Good Faith; how many people in recent years have lost their lives or been traumatized due to the County's inefficiency to plan for wildfires that occur multiple times EVERY year. The Jones Valley Fire burned through this exact area/or where the evacuation would occur. No one has any reason to believe the County has operated in "Good Faith" because if they had, the County would have demonstrated that first, they evaluated the capabilities that the EOP has said has never been addressed. 2) It would have drawn from the Jones Valley Fire in 1999, the Mountain Fire, the Bear Fire, or the Homestead fire. It has been 22 years since the Jones Valley fire. The County still has not improved capabilities, mitigation, or done any evacuation planning,

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- and 3) dares to use an evacuation study that would be great to analyze a bus route but not a wildfire evacuation. It seems that the applicant/consultant or County will try to throw the following information out, this would be unwise as it does, in fact, directly respond to the RDEIR, and it does demonstrate why it is lacking, misleading, and insufficient. It speaks to the feasibility and baseline conditions. This information should have already been utilized as it will provide much more information than a desktop analysis of traffic.
- 4-20
- What was the purpose at the end of the evacuation study to include Butte County’s information on their traffic problems? To give the appearance that they were examined or used in the study? Can you discuss how this information was used in the statistical analysis of evacuation for this area? In fact, why was Butte County’s even used because it never was factored into the discussion or into the evacuation analysis based on the variables the study said it used to create the study. A little more research into Butte County’s evacuation plans could have provided much more helpful information. For example, Paradise had a formal evacuation plan due to a fire in 2008 that resulted in severe traffic problems, which made the city develop a plan, and they mailed it to residents once a year. These plans included using five two-lane roads and one four-lane road but the fire force three routes to be closed (Arthur 2019). You may also have found that certain roads will be closed so that traffic can only flow in one direction? What happens to those evacuating in this scenario – no, it is not a worst-case scenario.
- 4-21
- Furthermore, there are numerous studies on wildfires and evacuation. One study studied evacuation and communication about evacuation during 2017-2019 in California. This study included both the Camp and Carr Fires. This study not only confirms that Paradise had evacuation plans that were restricted but also stated that “... people were forced to drive on road shoulders to avoid the flames and sometimes to escape on foot” (Wong; Broader; and Shaheen, 2020). Cars evacuated started melting, even their tires! The documents and information are available to you about MULTIPLE recent smaller fires and the larger fires that would have illustrated such problems. Instead, you relied on a study that uses inaccurate assumptions and gives the appearance that there is an adopted plan for “temporary refuge areas,” which is unclear what is meant by that term when there is not. If someone reads this section without knowing this is not a plan, it can lead to a loss of lives.
- 4-22
- The evacuations study, done outside of this document, contains pertinent information about wildfires in Shasta County, including evacuations and communicating evacuation orders concerning the Carr Fire. They found that Fire responders CAUSED congestion on significant evacuation routes, not just those evacuating. They also found that only 25.6% of respondents did not make an extra trip before finally evacuating. What does that mean? Once they found out they needed to evacuate, almost 75% of evacuees made between 2-5 trips on these roads before evacuating. 48% made at least one extra trip before evacuating, and 26.4% made between 2 additional trips and more than 5! These extra trips could be due to helping others evacuate, collecting supplies, or a wide range of reasons.
- 4-23
- Further, 20.5% of those evacuating the Carr fire towed large items. Towed items could include trailers with property, animals, or RV’s towing their cars. This number was much larger than the areas studied that were more urban, where 6-10 percent towed things. The discrepancy

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▲ likely can be accounted for due to those living in rural areas having animals, RVs, trailers, and other equipment they may be trying to get out of the fire's path. Further, between 21.5% to 33.5% found evacuating carless populations was not effective (Ibid).

4-24

These numbers more closely reflect potential evacuation behavior for this particular rural area located nearby as demographics in this area may be more similar in the need for trailers or making more trips. Not having this information also indicates the study used was useless. The primary assumption used is that each house will evacuate two cars. They will immediately evacuate, not make multiple trips. They will not be towing anything and takes no account for emergency responders or others coming into the area to help. The study was useless, inefficient, and a waste of money. While I do not use the statistical model used and cannot replicate it as I do not have access to it, I can make broad applications using the above data.

4-25

The study claims a maximum number of 8,452 passenger cars; 7,124 before development without their adding a little extra to their estimate. But the numbers above suggest this is entirely inaccurate. I cannot analyze the different routes used. However, I can assess how many numbers of cars will be on the road. If 8,452 is estimated to evacuate with the assumption that two vehicles are used, I can now add the 48% of these cars that might make one trip before they formally evacuate.

	Max Cars	Percentage of trips	Cars	Cars equivalent to number of trips
No extra	2163	25.6%	553.728	2163
1 extra	4057	48.0%	1038.24	1038.24
2	2062	12.2%	263.886	527.772
3	2003	7.9%	170.877	512.631
4	676	2.0%	43.26	173.04
5+	1817	4.3%	93.009	465.045

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4-26

▼ In this rough calculation, you can see that if similar evacuation statistics were replicated, the maximum number of cars traveling would not be 8,452; rather, it would be 12,801 (with the assumption that five was used instead of 5+ and this is Tierra Robles cars added). I also cannot include the number of emergency vehicles impacting these roadways. Furthermore, if 20 percent of the cars evacuating were towing things, that would equal 2,555 cars towing trailers or RVs towing other things; this would significantly slow down traffic as some of these roads have sharp turns and hardly any shoulders. It is unclear from the study whether multiple trips included towing things or if they only towed once when they finally evacuated.



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	Max Cars	Percentage of trips	Cars	Cars equivalent to number of trips
No extra	1824	25.6%	1823.744	1824
1 extra	3420	48.0%	3419.52	3419.52
2	1738	12.2%	869.128	1738.256
3	1688	7.9%	562.796	1688.388
4	570	2.0%	142.48	569.92
5+	1531	4.3%	306.332	1531.66
	10771			

Without the development, there would be a possible 10,771; 2,229 more cars than the maximum estimate from the study, which included the development. So the numbers could be between 2,229 (without) more cars to 4,259 (with the development) more cars than the estimate given if we have the number of cars towing things. We can assume that at the very least (assuming they do not make extra trips), 2,154 cars without the development will be towing things. With the development, that number could be 2,560 cars. Of course, this is a rough estimate based on a sample, but the CARR fire demographics will likely approximate this area much more accurately than more urban areas (though urban areas took more trips but towed less).

4-27

However, we can complicate this even further. Statistics showed that 16.5% of evacuees used three cars and not 2. For that calculation, I will assume that the third car was only used once.

Study	Study with TR	Without Dev multi trips	With TR multi trips	One car	Three cars
7124	8542	10771	12801	3562	10686

Of course, my analysis is lacking. I do not know how many people used multiple vehicles to make numerous trips. I include that as a result. I cannot add evacuation vehicles or vehicles from out of evacuation areas to help evacuate livestock or people. I also can not input how much extra times these cars will add to evacuation times.

4-28

It is unclear how many cars were attributed to Tierra Robles. I assume that the math was 166 homes with two cars each. This would equal 332 cars. Using the same formulas above, that could mean 664 more cars, not 332. Furthermore, if they too were towing things, that means 66 cars would be towing trailers or other objects.

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Just Tierra Robles	Max Cars	Percentage of trips	Cars
No extra	85	25.6%	84.992
1 extra	159	48.0%	159.36
2	41	12.2%	40.504
3	26	7.9%	26.228
4	6	2.0%	6.64
5+	14	4.3%	14.276
	664		

4-29

Another failure of this traffic study is that it ignores evidence from the study involving the Carr Fire, which found that 75% of those who evacuate received no evacuation order but decided to self-evacuate. The traffic study does not take this into account. They assume only a specific geographic location surrounding the development will evacuate rather than areas close by but who do not have orders to evacuate. This defies logic. The County is aware that most evacuations involve more than just mandatory evacuations – this has to be taken into account. If 75% of people had no orders, the numbers would significantly multiply in this study, as would the number of vehicles traveling major roads and highways. The study also falsely assumes that there will be a nice orderly timeline in which people evacuate. The evacuation study never defines what the vehicle capacity of these roads. This is necessary to understand if this much traffic is appropriate. Can this be provided?

4-30

In many cases, this has become increasingly false. Thousands if not tens of thousands are evacuating at the same time. Since so much of the analysis would require specific fire information, I agree this is difficult to calculate, but the study assumes that ONLY this area is evacuating. It does not include other neighborhoods, the entire Palo Cedro, or Redding. CEQA does require looking at cumulative effects. If all of these people evacuated at the same time, perhaps an extra 332 or 664 cars would not matter. However, every minute counts and every vehicle adds to the time it takes to evacuate under perfect and ideal conditions. As a Ventura County Official put it, “There’s absolutely no evacuation in the history of the world that is going to go seamless” (Arthur 2019). Do you have numbers from surrounding neighborhoods that would likely also evacuate? Does the new development impede possible evacuation routes that are not designated as streets?

4-31

This traffic evacuation study is very misleading and poorly conducted. I can assume it did not use data as I outlined above for lack of understanding about evacuations. Studies like this are very easy to find if you are used to working or studying emergency management. This is an example of one more reason why the wildfire section should not be left to experts who have excellent backgrounds but do not understand wildfire behavior or social behavior in a wildfire.

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4-32 Therefore, the conclusions of the study are false, reach an inaccurate conclusion, and should not be used to determine that this will not impede plans. However, it should not have been included in the plan's impact. Though we already know it should not have been the main base of supporting plans not being hindered, it considered absolutely no other factors in the plans. That is like saying because there is a fire station within a certain proximity, the 180-page document/plus multiple other documents are not hindered. It is incredibly faulty logic. This County really needs to understand their job is to check the validity of the sections. If the land department people hold no company or development to any specific standard, they should not work there.

4-33 The process could be quicker, more efficient, and more beneficial to all parties if these non-informational documents followed CEQA guidelines, to begin with. It is unfathomable the number of taxpayer dollars that have gone into this 8-year process through salaries of the employees, and their eventual pensions, of these departments; without ever producing the information required by CEQA or providing any useful information. According to the Shasta County budget for 2020-2021, the salaries alone are almost \$900,000. This figure does not include the Director of the Department of Resources' salary or any benefits or future pension, which put costs well over a million dollars. Take the assumption that salary alone would be \$1 Million without benefits, and spread that across eight years, and you have now cost the taxpayer at least \$400,000 a year with no end in sight or **\$3,200,000 over the course of eight years**. How many years will it take for the new property taxes to make up for this much money? I will assume that at least 50% of their time is spent on this project's EIR process and other projects. Of course, you are assuming no one will know the difference, I suppose.

4-34 The study itself acknowledged that it would be impossible to use one location as a shelter in place location. Of course, the study, nor the RDEIR, explain the purpose of such sites. Unless a citizen has personal knowledge of what this means, they cannot be adequately informed about its effectiveness. Let me help. The plan discusses 8 locations, picked by someone likely looking at a google map, to find a space close enough and large enough to evacuate to. This is so firefighters can make a stand around the people and protect them, as happened in the Camp Fire. This is starting to be incorporated in the agency's fire plans as fires are spreading more rapidly and jurisdictions have failed to plan for emergencies properly. To properly defend people at this site, an efficient number of firefighters, water, engines, and water tenders are needed. Without sufficient resources, this task would be impossible and put both firefighter's and citizens' lives at even more risk.

4-35 I strongly urge the County to clarify these are not official plans; people reading this may believe they are, as you gave them no indication they were not. This can get them killed. Without reading the study and at first glance, one can easily conclude this is a plan and that firefighters, the sheriff's office, and anyone else needed to perform this role are aware of it. In fact, in order for it to work, residents themselves would need to be aware of this. Of course, the study says it would be "desirable" to have more than one place this can happen. However, the study completely fails to do what CEQA needs it to. It never considers people that need help evacuating. I am unclear if the algorithm they included could equate things like fire, smoke, cars

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breaking down, trailers, RVs, livestock, and other animals' evacuation. Since it is clear, they relied on google maps to produce their images and have never have been on these roads.

4-36

Further, it takes information from Census Data that applies both to Shasta County as a whole and the city of Redding. This, too, is deceiving. Anyone in GIS knows that they can obtain information by the census block. Since all emergencies are local and every neighborhood is different, an individual or multiple census blocks would have given more accurate information if they are within the area. This County is approximately 3,800 square miles. How possibly can that data apply to this specific neighborhood?

4-37

“It appears there is enough room to park a car on the shoulder.” It appears???? I am very familiar with Old Alturas Rd and have recently driven on Boyle Rd. Are they crazy? Even more fantastic is the roads that jut off of these roads. Many people live down long lanes that are gravel and would fit only one car. Even paved roads would create a problem of fitting two cars driving down the road, not to mention the hazards if flames are in the trees and surrounding vegetation and houses. Since the study is only based on CALTRANS traffic for HWY 299 and HWY 44, this is absolutely a false, misleading, and inaccurate study and conclusion. There is no evidence whatsoever in the Wildfire section or the Evacuation study that information taken from the other traffic assessment was ever used. Maybe it should have if that was done correctly – I have not had the time to review it. I have taken a few graduate-level classes on GIS, and I am familiar with google maps and more precise GIS programs such as ArcGIS. Let me use a figure to demonstrate what I am arguing. Since the traffic study relies heavily relies on google Maps images to prove their point, so can I.



4-38

Notice this white truck is almost driving out of its lane because there is not enough room for the google car capturing the image and the truck. On the truck's side of the road, he risks

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hitting a utility pole, and you can also see the elevation increases; it is not flat. On the other side of the road, it goes downhill, though you can see sections that appear flat and could fit a car parked. Note, the drainage ditch as well since this implies runoff is a problem here, and should have been discussed further under other impacts. Sadly, the County allowed someone sitting at a computer not familiar with the area to do a study they want to call an “evacuation plan,” but it is NOT and may falsely create an illusion that one exists. You only need to add smoke, fire to these trees, hope everyone’s car has gas, and that no accidents or flat tires occur to see the problem with using an algorithm. I am not arguing the person’s credentials in traffic assessment. I am arguing that information on the ground, information that locals, local emergency responders, and others have would have been more valuable in understanding evacuation. I did not cherry-pick this image; this is typical of the residential streets near the project area. This is unacceptable. “The agency [will] not be allowed to hide behind its own failure to gather relevant data. CEQA places the burden of environmental investigation on government rather than the public. If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wide range of inferences” (*Gentry v McMillin Communities* 1995). I also believe a fair argument can be made that such deficiencies break the trust of the residents you are responsible for.

4-39

It is not that the County did not have information on evacuations in this area; they did have access to this information if they had asked for it. The sheriff’s office and official reports by CALFIRE would have included this, as would those who worked on those fires or evacuated from those fires. The Record Searchlight also may have had this information. For whatever reason, the County chose not to gather this information. It would have cost less money, time, and resources. I am left with why they didn’t, or is the “professional judgment” used in this section woefully lacking. There is no excuse not to have the most critical information as possible. A fire in this area is not a hypothetical situation. It has happened, and it will happen again. Adding 360 or whatever number of cars they concluded without rationalizing how it will not create a problem will certainly add to evacuation problems.

4-40

The assumption that somehow people can safely shelter in place at one of 8 locations or a few depends on the firefighting resources' ability (engines, crews, water, water tenders) to protect each shelter. May I ask how many would be needed to make a stand around hundreds of cars and people? I am sure the answer is no – you will iron that out later with CALFIRE, which defeats the intention of CEQA being an informational process to the public and not merely to the developer. But again, this is deceitful. Based on my knowledge of wildfires, the resources available to firefighters, and hundreds of wildfires in this County, this is IMPOSSIBLE! Just pick four locations, and it is still not feasible. It does not matter if that is environmental or not because CEQA says if you will give a plan, you better back it with evidence and prove it is feasible. I assume CEQA includes Wildfire analysis because they realize that human lives are just as important as avian and wildlife. Wildfire also directly impacts environmental processes and air quality. It contributes more to Climate Change than you can fathom. You don’t need to trust my facts; here are facts from the local newspaper in Cambria, CA, and comments from Dan



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4-42

He further goes on to say, “A fire does the most damage in the first four to eight hours... by then, you can amass enough resources.” While his explanation of four to eight hours may be correct when there are not many wildfires and you have lots of nearby firefighting resources, it is a bit of a perfect scenario. The Fountain Fire only had 10% of the capacity is needed on day 3! Those who were forced to shelter in a meadow during that fire while everything burned around them were not reached until 10 PM that evening, multiple hours after that fire, and they live much closer to the primary egress route. However, that route, similar to the one shown in the picture above, was already engulfed in flames and prevented people from evacuating. However, his comments are pertinent and undermine the findings of the study. It will take at least four to eight hours under the best case scenario to get the necessary resources, including protecting people, structures and helping evacuate. Cambria’s plan was much more simplistic, a goal of a firebreak around the entire northeastern border of the town” it does not appear to spread it out to

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8 different locations, which is entirely infeasible for what a Traffic Analyst proposed, not a firefighter.

Perhaps a timeline from the Camp Fire may help illustrate the complexities of wildfire conditions as they exist today. This timeline, in fact, helps understand the dynamics because Gary Lyon, a retired CAL Fire battalion chief, said, “The Jones Fire was fanned much like the Paradise Camp Fire, by a north wind that just raced it... and it was spotting well in advance of the fire so there was no way to put a control line around it (Benda, 2019).

6:15 Fire started in Pulga

7:00 Fire is already burning into Pulga, and an Incident Command Post is setup

7:05 ICP chief ordered **500 fire engines** and **100 strike teams**, (if you are unaware of typical resource requests this is a staggering number less than an hour after the incident started).

4-43

7:15 County dispatch learned of fire (one hour later)

7:23 Pulga ordered to evacuate

7:30 Paradise Mayor learns of fire

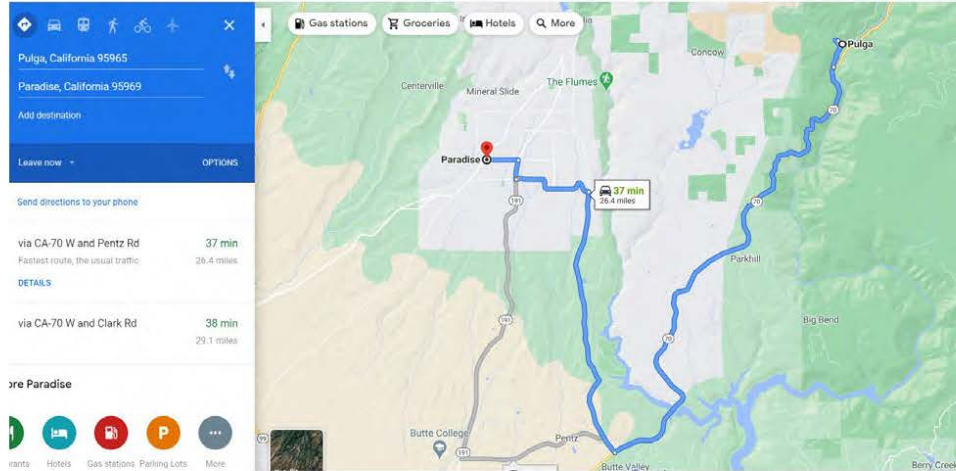
7:45 Butte County dispatch increases staff from 3 to 5 to respond to 911 calls (only 3 to 5?)

8:05 Paradise is ordered to evacuate (according to Google Maps Pulga is located 26.4 miles from Paradise, that is traveling by car: of course, without roads, they would be much closer)

8:07 A Fallen Tree blocks Hoffman Road, Concow’s main escape route, trapping a state fire crew and 20 residents. *Eight died* as the fire passes over them. (Epley 2019).



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- 8:15 Evacuation starts from zone 7 and 2 (they have 14 zones)
- 8:20 Emergency calls diverted to Chico
- 8:30 All zones need to evacuate
- 8:40 Pentz road not accessible, town engineer leaves his office to monitor traffic
- 8:44 Paradise Police Sent First Code Red Message (14 minutes after mandatory evacuations)
- 9:00 Sent second Code Red Message, ICP moved to Butte College and the Emergency Crew to Paradise
- 9:58 People begin abandoning their cars on Skyway due to gridlock and encroaching flames and began to walk. Fire and rescue crews have to push vehicles aside to gain clearance (Epley 2019).
- 10:00 Chico police dispatch Personnel to Paradise
- 10:15 **No communications** left in Paradise (less than 2 hours after mandatory evacuation issued)
- 10:20 Paradise's dispatchers arrive in Chico
- 10:30 Cal Fire moved residents to commercial building as shelter in place (this is after evacuation plans did not work – not as first choice)
- 11:00 Traffic jam on Skyway blocked by traffic lights in Chico
- 11:30 Cell phones stopped working EVEN in Chico

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- ▲ 12:02 Six hours after it started, the Camp Fire has already moved more than 17 miles (Epley 2019). That is equivalent to approximately 2.83 mph.
- 14:00 Roads opened up
- 15:00 Shelters empty, Fire reached Police Department
- (Timeline from Comfort; Soga; Stacey; McElwee; Ecosse; et al., 2019) Some other additions added to the timeline are cited. Parenthesis and bold print added for emphasis).
- 4-44
- Don't just pass this on to the board for them to read. This scenario is directly related to this section, as are all of my comments that you will say are helpful information but do not apply to this report. They apply to this report because they demonstrate the FEASIBILITY and failures of the report itself.
- 4-45
- Of course, you can approve a project even if you can't mitigate it, but it will show how much you care about the people's lives in this County. Did anyone even ask the local fire department if this is possible? I do not believe they would say it is possible to implement. In the timeline above, where firefighters were forced to rely on a situation theorized in this study, it became the last resort when 200-300 people were stranded. Firefighters directed them to a newly built Walgreens that had fire-resistant construction. The group was ushered into the building to shelter in place while firefighters circled the building with their engines. Inside the building, personnel used fire extinguishers from the shelves to keep the building cool and protect the building inside. (Ibid). I believe this is the scenario the evacuation study is suggesting, though it is not clear. Of course, it does not explain what would happen, if possible, how this would be done at all eight locations, and it **WOULD NOT** be possible to do this at eight separate locations. There would not be enough personnel on scene, assuming communications and transportation routes did not impede the process. They simply would not have enough trucks, personnel, or resources to make this happen.
- 4-46
- Further, there is no discussion on how these would be areas of refuge if I am interpreting this as a shelter in place scenario, or as the Australians call it, a "fire bunker" (Paveglio; Carol; and Jakes, n.d.). It requires significant hardening of the buildings and proper vegetation management. This is never discussed.
- 4-47
- The other possibility the study may be suggesting is that these are temporary evacuation shelters not meant for a shelter in-place situation; this should be clarified. This requires the assistance of the Red Cross, the only non-government organization (EOP) included in ANY EOP, was their input given? Also, most evacuation shelters are set a safe distance away from where the fire and main evacuation is taking place, as this can result in a need to evacuate again. It would be wasteful and time-consuming to just have to relocate again. This occurred during the Fountain Fire. During that fire, evacuees had just sat down to have dinner approximately 30 miles from where the fire originated when they were forced to evacuate again.

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4-48

In 1999, a volunteer firefighter lost her life in the Jones Valley Fire. Out of respect to her, her family, friends, and fellow firefighters, I will not go into specifics. There was, however, a report into how this happened. The flame front had passed through, CALTRANS had closed traffic, and visibility was fine, but the firefighter still was killed in a vehicle-related incident. If things go wrong for those trained to deal with emergencies, imagine the consequences for those who are not. While the report focuses on her death, it does give information that is also applicable otherwise since I do not have time to obtain an official After Action Report on the fire.

The report says the fire was first reported at 3:49 AM. By 4:17 AM, it was 150+ acres. There was a Red Flag Warning, relative humidity was 11%, the average wind speed was 17 mph and varied between 17 and 35 mph. The conditions resulted in a rapid rate of spread and extreme spotting in excess of ½ mile ahead of the flame front, and multiple times the fire was burning with multiple heads. There were also numerous breaks in fuel continuity (meaning a form of fuel break). (California Department of Forestry and Fire Protection, n.d.) This gives a substantial amount of information and is more useful than the wildfire section's description. Other reports that I will request from CalFire would be even more detailed and likely detail problems that have occurred in evacuations in this Project area.

4-49

The biggest problem with the evacuation study and this whole analysis is the one I already pointed out by the EOP and this study. The County has no significant standard to determine what acceptable time for evacuation is or the County's own capacity. This being the case, no one else reading it, and I can judge whether 30 minutes extra is a problem or not. Fifteen minutes may very well put it above an acceptable evacuation time if such a baseline existed. However, I can tell you from my research on the Fountain Fire that the clearance time of 3 hours or more for these areas can be the difference between life and death. The Fountain Fire traveled 3 hours in 12 miles or put it in terms with this study, 4 miles an hour. Hence, regardless of the scenario chosen in almost every one of these instances, the fire would have overrun the cars evacuating. In the Fountain Fire case, and what seems to be the norm in faster-spreading fires, a half-hour literally could mean life or death. Of course, that doesn't even account for the fact that the study came to faulty conclusions with improper assumptions. Therefore, what is considered an acceptable evacuation time? Perhaps this should be established before making broad assumptions simply because the County has failed to set a threshold. Once again, conflicting with CEQA, as CEQA states thresholds should not be open for a wide range of interpretation mentioned in previous sections of my comments.

4-50

Of course, you might need an emergency management background (professionally or academically) to realize a few flaws. 1<sup>st</sup>, there is still no evacuation plan, nor is there anything that states there will be. 2<sup>nd</sup>, evacuation requires all involved agencies and the public to know and preferably practice such scenarios (they had done so in Paradise before the Camp Fire). 3<sup>rd</sup>, you need a plan to disseminate information to the public and to warn them to evacuate, preferably well before a fire, even if this has to change based on fire conditions. You also need communication systems to work. This plan assumes everyone will know with plenty of time to respond. Since the Jones Valley Fire occurred in October, under what would now be a PSPS

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- shutoff for PG&E., we can expect that fewer people will have access to the primary means used to disseminate evacuation information, i.e., the internet, television, texts, SHASCOM messages, and other methods because power will be shut off. Since this has disrupted both landlines, cell phones, and the internet, it can be assumed this will limit the spread of these messages – a problem in both the Camp and Carr fires. But that is never included in this plan. Adding more people to an area where people are trying to contact their loved ones to make sure they are evacuating or need to evacuate will undoubtedly only increase jamming telephone lines. This is not a worst-case scenario and, in fact, is the norm in many emergencies. Yet, this is never discussed. What is your plan to disseminate information, and what evidence do you have this has worked during major fires like the Carr Fire?
- 4-51
- There is also no plan regarding how to help evacuate people who cannot evacuate themselves because of disabilities or lack of transportation. Will all those who purchase a home in the new subdivision be required to have a car and have a doctor signed forms stating they can evacuate themselves and have no disabilities? Of course not. This would be illegal. At least they will have backup power for their garage doors, I suppose.
- 4-52
- Furthermore, it does not appear the County has any clue as to who already has a problem that may need help. It also does not consider that in Shasta County, the group Cowboys 911 has become instrumental in driving into areas evacuating those who have problems evacuating horses and other livestock. The only thing this study tells me is that in every single way, it DOES impede with EOPs at every jurisdiction and whoever wrote this entire section's professional judgment was not appropriate to come to any conclusion in this section. "With regard to the Project's significant air quality impacts, the EIR stated that the proposed mitigation measures would "substantially reduce" that significant impact, but not to a level that was insignificant. This "bare conclusion" was not supported by any explanation or factual support. The court determined this was unlawful because it did not satisfy CEQAs disclosure requirement." (*Sierra Club v. Fresno* 2019). This is exactly what all sections of the wildfire section do except with Wildfire.
- 4-53
- Sadly, this section relies heavily on its dependence on an unspecified plan that there is no reason to believe will be implemented. The County has failed to inform the public of the real reason most wildfires spread. It fails to evaluate even a small percentage of the County EOP, let alone any other plan. It ignores the majority of the five action areas of Emergency Management required in EOPs, and only offers 1 – 2 mitigation strategies. One is faulty, and the other lacks specifics or other requirements under CEQA law to be considered "mitigation." There is no discussion on planning, protection, response, or recovery. All of which would need to be analyzed to determine if this project impedes a plan.
- 4-54
- The courts do much better justice to this than I do. "...concluding that an impact is less than significant without describing how avoidance and minimization measures of the project design prevent or minimize the impact, is not legally adequate" (*Lotus v. Transportation* 2014). This reasoning is very prevalent in this section and is likely very prevalent in portions of this document I am not allowed to comment on or have time to comment on.

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4-55 However, the Community Planning Assistance for Wildfire done for Redding (which I would highly recommend the County to do their own) discusses many inadequacies with the Redding Plans. These same inadequacies can be found within the County's plans. The inability to create decent plans puts the public at risk and allows developers a free card to do whatever they want. Here are the three main findings on plan deficiencies for Redding.

1. No plan currently provides the level of comprehensive and detailed planning required for wildfire to be addressed in the city. (I concur for the County as well – it is admitted so in this section of the report when it says capacity has never been identified).
2. The CWPP planning process is underutilized. (For reference, this is the COUNTY CWPP plan, and I am sure the same could be said of the County).
3. Plan linkages are inconsistent. Finally, while some of the city's plans connect, others do not. For example, the General Plan Health and Safety Element and the recently adopted REU Wildfire Mitigation Plan both reference the Local Hazard Mitigation Plan; similarly, the Local Hazard Mitigation Plan references the General Plan. None of these plans is linked to the Shasta County CWPP or Shasta-Trinity Unit Strategic Fire Plan. (I believe the same could be said of the County as well. In fact those reference an evacuation plan when there is none that I could find).

(Wildfire Planning International, LLC Wildland Professional Solutions, Inc., 2019)

4-56 The findings here are significant because if the analysis is based on inadequate plans, then no useful information can be gleaned from the document. Nor can the citizens or decision-makers understand the real risk, the proper mitigation measures, or the feasibility of such measures. I prefer the part of the report that says the Shasta County Community Wildfire Plan "Meets minimum requirements of Healthy Forests Restoration Act (2003)." (Ibid). The report also suggested a CWPP. While it noted above, there is a County one it seems to be implemented sparingly. Looking at the plans referenced in this document, these merely suggest high priority fuel reduction projects. I do not know whether any or all of them have been done, but this is not the only point of a CWPP. The report says this about the benefits and importance of a proper and utilized CWPP.

Developing a CWPP that targets the defined local WUI offers many benefits:

- CWPPs are community-based, and ideally **engage neighborhood and citizen groups** to contribute to the planning process and participate in its implementation. This encourages stakeholders to focus on **local risk factors** and prioritized actions **unique** to the city, and also provides the community with a plan that represents multiple local interests.
- The CWPP can become the "**collector**" of **local wildfire and WUI information and track implementation efforts in a coordinated and organized manner.**
- A CWPP complying with HFRA provides an **avenue for increasing grant and funding opportunities.** (This can tell you where to find money you might say the County does not have enough to do to implement)

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- Developing CWPPs on both city and county scales would meet multiple stakeholders' objectives for community risk reduction.
- A CWPP provides an opportunity to *address topics and projects that may not fit well in other plans, such as neighborhood evacuation planning and post-fire recovery activities.*
- A CWPP is an easy *mechanism to report accomplishments, track progress, and prioritize budget requests* to city council and the public. CWPPs must meet three minimum requirements: 1) *demonstrate collaboration* between local and state agencies, in consultation with federal agencies and other interested parties; 2) *identify and prioritize fuel treatments* to reduce hazardous fuel areas; and 3) *recommend strategies to reduce the ignitability of structures*. Beyond these requirements, communities can develop a structure and plan content that fits their needs.” (aside from fuel treatment or reduction, I did not notice in the County plan where it addressed number 3).

Impact – Expose Project Occupants to Pollutant Concentrations from a wildfire or the uncontrolled spread of a wildfire.

4-57

If you think houses are catching fire simply because of a wildfire – this is a wildly inaccurate assessment. Fires race through an area. It usually takes anywhere between 1-10 minutes. Houses catch fire from firebrands, embers, vegetation, and radiating heat. After a fire moves in, houses can still catch on fire due to items still burning, such as other homes, property, and vegetation, all of which release radiant heat and embers. The reason is that it is the radiant heat and embers that causes houses to catch fire. The longer a house is subjected to this heat, the more likely it is to catch fire. In other words, houses spaced further apart, as current baseline areas are, will be less at risk of catching fire from the homes next to it than if the development is built. More densely spaced housing will likely cause more homes to be exposed to more significant heat for longer times. It would create more fire hazard than existed before the development as there is more risk for embers to blow from these houses and a greater radiant temperature associated with their burning if they caught on fire. This surely would also help the fire spread faster.

4-58

Since more houses closer together than existed before actually spreads wildfire faster, the conclusion is wrong; at the very least, it should be “less than significant with mitigation.” This demonstrates yet again a strategy used in EIR’s to downplay the real hazard or engage in any meaningful analysis or mitigation measures. As I cannot comment on or have the time to read the 2,300+ original pages of the document, I cannot tell if any other meaningful mitigation could be used or was considered. Remember, special design techniques that are mitigation cannot be used to avoid discussing mitigation as they are mitigation, which you have clothed as “special design techniques.” These need to be addressed and supported with evidence of why they are helpful.

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4-59

This plan DOES NOT apply to all applicable goals and policies contained within the Shasta General County Plan despite your insistence that it does. In *Endangered Species v. Rutter Development Company, Inc. Real Party in Interest* 2005, the developer argued that the general plan never says “all” specific plan policies need to be met. Therefore, inconsistency is OK. The judge disagreed. Certainly, this project is not consistent with the part of the plan that “discourages development in high-risk wildfire areas.” Of course, it is unclear whether this is “mandatory” or not. I suspect the general plan is intentionally vague, with NO mandatory requirements to allow the Board of Supervisors to interpret it however they wish. However, according to the County’s argument in the EIR that the BOS and only the BOS has the right to interpret the general plan, they contradict themselves. As they later admit that it was the land planning department that analyzed and interpreted the plan, which one can only infer, means the BOS has never interpreted it –if they had, wouldn’t this have been done in a public open hearing? If there is some policy delegating this authority to the land planning department, which I do not believe there is, this would need to be redone each time a new board member is appointed as interpretation can change throughout the years, especially when a plan is 16 years old. That assumes the BOS has the legal authority to delegate such responsibility. The first thing that should be done when a project is proposed is to simply ask whether a project or inconsistencies in a project are appropriate for the general plan. Failure to do so has resulted in 8 years of taxpayer money and eight years of anxiety for many people due to this project. That is simply unacceptable. Has the Board of Supervisors been asked if this is contrary to the “intent”? I assume you have asked if you are going to make such an assertion is made on 5-19-23. Can you provide documentation that they were asked if the interpretation is consistent?

4-60

Since your consistency claims depend on your justification in Master Comments, it is fair to analyze that reasoning given to this section's comments. Used by the EIR is a case from 1993 *Sequoyah Hills Homeowners Association v. City of Oakland*, which says it could be “in harmony” without being entirely consistent. Further, you say, “an inconsistency between a proposed project and an applicable plan is a legal determination, not a physical impact on the environment.” This is not exactly true, is it, or are you just saying, “we can do this unless you take us to court?” Regardless, also quoted is Government Code 65000 et seq which states those plan policies “is to be determined by the city council or Board of Supervisors, as opposed to city/county staff, EIR consultants, applicants, or members of the public.” (14-13). Then why does this section say, “The proposed Project complies with all applicable goals and policies in the Shasta County General Plan related to urban and wildland fires.” (5.19-23). Please point me to the correspondence or what I assume would have been a public hearing open to the public where the Board of Supervisors said this since, according to the law you cited above, they are the only ones who can make that determination. However, they cannot make that determination for other agencies, State or Federal Plans; you should keep that in mind. In fact, on 5.19-12, it states, “The evaluation of impacts of the proposed Project is based on professional judgment, analysis of the County’s and state fire management policies, and the significance Criteria established...” which I will remind you was an abysmal job of analyzing appendix G and CEQA itself.

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4-61

This tells me that someone, not the BOS, used their “*professional judgment*” to determine that this fit all County/State/National and all appropriate emergency plans. I thought this was only up to the Board of Supervisors to assess consistency? Sadly, it is acknowledged that the Board of Supervisors did not interpret the consistency of this project. On 14-12 of the comments, “... **the EIR preparers... reviewed applicable planning documents**, including the Shasta County General Plan (2004), and Shasta County Code Title 15 (Subdivision Regulations) and Title 17 (zoning); 2) **consulted with Shasta County Department of Resource Management staff regarding policy interpretation**; and 3) examined the surrounding area to determine whether the proposed project would be compatible with land uses in the immediate project vicinity”. Forget the inconsistencies of the general plan; why don’t you address the inconsistencies within your EIR, California Law, and any subsequent responses, appendixes, and the RDEIR. According to the EIR preparers, the report violates Government Code 65000 et seq. Thanks for confirming that the Board of Supervisors was not involved in the interpretation of such policy. I think it is appropriate at this time to ask for an audit by the County into how much taxpayer money was spent on salaries, overtime, office supplies, future CALPERS pensions, and any other taxpayer money spent in the last eight years to NOT comply with CEQA. The cost could be staggering! I have no clue how many staff is assigned to this project. Still, since I know Paul Hellman, prior employees no longer working for the department, and at least one planning department employee has spent a significant amount of time on this project. There is reason to believe many more were involved.

4-62

I, too, can cite a court case dealing with consistency and have mentioned it prior, the Endangered Species case of 2005, which was many years after the case you cite. Its findings are that “Consistency requires more than incantation and a county cannot articulate a policy in a general plan and then approve a conflicting project... since no reasonable person could have made the consistency finding on the record before us, it must be set aside as arbitrary and capricious.” (Endangered Species 2005). Of course, they are also citing other cases supporting this judgment. As I did initially, I ask how a reasonable person can interpret this statement any differently. Shasta County General Plan FS-1: says to “discourage and/or prevent *development from location in high risk fire hazard areas.*” This is just one portion; I wonder how many other policies are not open for a wide interpretation.

4-63

I should also reiterate, there are many more plans than stated or alluded to that are never considered. Nor are many of the County policies that no reasonable person could interpret differently. This, however, should not be my job to demonstrate unless you plan on paying me, which you do not. I will reiterate, though, “Abuse of discretion is shown if (1) the agency has not proceeded in a manner required by law, or (2) the determination is not supported by substantial evidence (*Gentry v McMillian* 1995). Also, “The agency will not be allowed to hide behind its own failure to gather relevant data. CEQA places the burden of environmental investigation on government rather than the public (Ibid). “... The evidence supporting the initial studies should be disclosed... it must also disclose the data or evidence upon which the person(s) conducting the study relied. Mere conclusions simply provide no vehicle for judicial review” (Ibid). “Although Respondents contend that we should defer to the Board’s finding that



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- the mitigation measures are effective, we decline to do so where the Board’s findings are not supported by substantial evidence or defy common sense. Law is not required to abandon common sense...” (*Gray v. County of Madera 2008*). Let’s put this in more simple to understand language. The decision-makers cannot conclude without supplying data or evidence and cannot throw out common sense. This entire wildfire section does so, but I imagine your entire document's closer examination would also reiterate that common sense has not been applied. I’d also add, that the whole threshold section throws out common sense.
- 4-64
- As explained earlier, the conclusion reached for this impact uses only one thing to support its findings. It is based on the assumption that wildfires only spread because of vegetation. This is throwing out common sense. Furthermore, it relies on a district to implement, monitor, and determine compliance when that district does not exist. This is also contrary to CEQA. No performance standards are set, no maintenance timelines are set, the monitoring agency is not established, therefore has not been able to add input, and the County refuses to supply any specifics about it. Since no agency exists, they cannot possibly review this prior to certification. The Courts have been clear on this topic.
- 4-65
- Further, both the Fuel and Management Plan and the evacuation study, as one case found, “Though titled a ‘plan,’ it is truly just an analysis that provides recommendations for minimizing impacts... but there is no requirement each of them actually be included...” (*Protect Our Homes and Hills et al., Plaintiffs and Appellants v. County of Orange et al., Defendants and Respondents; Yorba Linda Estates, LLC, Real Party in Interest and Respondent 2017*). In this case, the plan states it will be implemented, but again it is to be implemented by TRCSD or TRHOA and future residents. None of these things exist, and it merely states that it will be implemented. There are no specifications of how, when, or how often. There are no specifications on how frequently this will be done, and there is absolutely no statement that says it is required!
- 4-66
- In fact, when does implementation occur according to MM 5.8-1 prior to the issuance of building permits? Therefore, there is no expectation or requirement for continue maintenance. Who will do the compliance and monitoring reports? TRCSD, who doesn’t exist? Ongoing maintenance will be the sole responsibility of TRCSD. In other words, there is no way to enforce this. There are no consequences for not complying. There is no language stating it will be an ongoing process, only that it will be implemented before a permit is issued. In other words, no information to be seen here.
- 4-67
- The problem with this “plan” or ideas also is illustrated by a report done for the City of Redding. In a 54 page report for Community Assistance Wildfire Planning done in 2019, they detail the limitations and recommendations for the City of Redding. First, they explain the background setting, past fires, and other vital information to understand the community. A discussion of community limitations follows this. One of these limitations includes:
- “Access constraints. Evacuation challenges experienced during the Carr Fire were due to a number of reasons, including the rapidly-spreading conditions of the fire, high volume of evacuees, and areas with access constraints. Access

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CONT'D

▲ constraints were based on several factors: In some cases, several subdivisions in the city have only one means of egress—these were phased subdivisions approved with the intention of additional connectivity but completion of all phases did not occur, resulting in undeveloped or incomplete access routes. In other cases, unimproved (dirt or gravel) secondary access routes were designated for emergency use only, but these routes did not serve this purpose during the Carr Fire due to poor signage or lack of local familiarity.”

4-68

Many of the constraints they found were understood better due to the Carr Fire.

1. One means of egress. 2. Secondary access routes “designated for emergency use only” were not used during the Carr Fire because of poor signage and lack of local familiarity. I believe this development has a route such as this. 3. ***“Several subdivisions approved with the intention of additional connectivity but completion of all phases did not occur, resulting in underdeveloped or incomplete access routes.”*** During my brief review, this seems to be the intention of this subdivision. They plan to do it in phases, and no measures need to be taken until the project is over. There is nothing that stipulates all phases must be completed, and one can assume that if not all phases are completed, neither will all mitigation measures described be implemented. As a result, since other subdivisions within Redding and the County were problems in the Carr Fire, there is a fair argument to be made that no one knows whether or not any of this will occur. I see no language in the EIR that requires all phases to be developed, only that things be seen once it is finished. That means that if not all phases of the development are not completed, the developer is under no obligation to implement any mitigation measure that is not required until a phase is done. This is true in this section and all others that allow the developer to incorporate any mitigation measure after completion. They will be leaving a poorly planned project left behind and risking lives that would not have been at risk before the project existed.

4-69

Merely the fact that more homes and more populations exist does increase the number of people exposed to wildfire smoke and the risk of rapidly spreading fire. Without the development, the lives of those who move into the new homes would never have been there if the project is indeed completed. There is no basis for concluding that a plan that is not required to be done has no oversight or specific measurements that an unknown body with unknown governing rules brings more people to an area that would not have been there before. How was the land used before? Was it grazed? Grazing actually reduces fire hazard than building 160 new homes. There is precedent within this County where these projects are never completed will somehow be mitigated by a plan with recommendations. This does not just apply to this impact BUT ALL impacts in this section.

4-70

Here is another finding of the report:  
“Ember ignitions in the Structure Ignition Zone. Based on post-fire damage reports, interviews, and field observations following the Carr Fire, most property

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4-71 ↑ losses that occurred within the city of Redding were a result of embers that ignited combustible materials in the structure ignition zone (SIZ) on private property. Although the city complies with state construction requirements for development in the Very High Fire Hazard Severity Zone (VHFHSZ), existing gaps will leave properties vulnerable unless voluntary or mandatory compliance is addressed. These gaps primarily exist with landscaping and the storage of combustible items within the SIZ.”

Notice that the gap exists unless voluntary or mandatory compliance is addressed. Yet, Shasta County is well aware of the problem CalFire has in monitoring compliance. It has been the subject of numerous Grand Jury Reports and reports after fires. Let’s go back to good faith again. If it has not been done in the past after fires have destroyed thousands of homes and cost many lives in this County, there is no reason to believe this project will be the *catalyst* to start a new trend of taking fire safety seriously. Here are the findings from the most recent Grand Jury Report:

FINDINGS

- 4-72 ↓
- F1. *Fire fuel management for the prevention of wildfires* in Shasta County has not been a top priority for *far too long, due to lack of funding, and limited manpower leading to a higher risk for the well-being of Shasta County.*
  - F2. *Fire Fuel management is an ongoing process that requires maintenance of previously completed projects* so regrowth remains manageable.
  - F3. *Shasta County Fire Department is unable to thoroughly identify defensible space and fire fuel management infractions due to understaffing. Absentee landowners and non-complying landowners stretch the limited law enforcement officers’ resources.*
  - F4. A structure in the Wildland Urban Interface (WUI) has an improved chance of withstanding, or not igniting a wildfire when defensible space requirements are practiced.
  - F5. There are elderly, disabled and other at-risk people living in the WUI *who need physical or financial assistance to achieve a proper defensible space and decrease their personal risk as well as risk to their neighbors.*
  - F6. Some members of the public may be *misinformed* from time to time by the media and social media about fire fuel management and defensible space re42 The project provides landings and shaded fuel breaks for fire suppression activity along a 21 mile stretch of Highway 44, through Shingletown, from Dersch Road to the Lassen National Forest Boundary. A progress report (February 14, 2020) indicated 800 acres have been treated. Spring vegetation treatment and some pile burning had yet to be completed as of March 21, 2020. The project was extremely well planned and executed by SCFD/CDF. The purpose of the project is to July 1,

Comments to the RDEIR of Tierra Robles

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 CONT'D

2020 Grand Jury Report requirements, *leading to confusion resulting in a lack of compliance and support.*

F7. *There are fewer volunteer organizations available, than in previous years, to assist the “at- risk” community with defensible space maintenance, making that community more vulnerable.*

F8. *Inmate fire crew reduction due to AB109 and the inability to use off-season volunteer fire- fighters, due to their limited fire fuel management training, has resulted in a lack of man- power available for fire fuel management projects (Shasta County Grand Jury 2020).*

4-73

Further, the analysis here is faulty because, once again, only one mitigation measure is discussed. It does not discuss pollutant concentrations, wind, slope, or any other factors within the impact. You chose one plan as if that plan alone answers all of the variables listed in the impact. It does not. Quoting the report (EXACTLY), even if the listed mitigation and other fuel management are incorporated, “the effects cannot be completely eliminated” (5.19-28). Yes, I see the grammatical error, but I am only quoting it.

4-74

Again you include complying with Fire Codes, building codes, and other things that may be helpful, but there is no analysis or discussion about the parts of these that would help or why. There is also no discussion of any other factor besides those plans. This is a faulty assumption.

4-75

In 2019 and 2020, there were two fires in this exact area. One, the Homestead Fire 2020, was limited to 7 acres, but a lawnmower caused it. The Mountain Fire in 2019 burned 600 acres and cost 3.5 million dollars; the article did not know what caused the fire. These fires forced hundreds, and the Mountain Fire forced thousands to evacuate. I myself had to call to make sure an elderly couple I knew had been able to be evacuated, calling dispatch lines. Major roads relied on in your evacuation study were closed – more evidence of your faulty evacuation study.

4-76

Impact 5.19-3

Findings are also incorrect. There is no evidence to support this conclusion. It asks if it would require installing or maintaining of infrastructure that can exacerbate fire risk or result in temporary or ongoing impacts to the environment.

The electrical above-ground infrastructure, buried electrical lines, routine maintenance of propane tanks, obviously continuous truck delivery of propane, an extension of water service lines that need regular maintenance, construction of new roadways, and off-site roads. The rationale is that it will not exasperate fire risk because it is in already disturbed areas; are these areas disturbed by the project's construction, or were they disturbed before the project? There is no discussion whatsoever, at least in this section, and I will not go through over 2,600 pages to see where you might have discussed this. According to CEQA, it is okay if it is discussed elsewhere, but you

Comments to the RDEIR of Tierra Robles

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 CONT'D

should at least refer to the portion it is discussed in or a page number, so it is easily found.

4-77

Regardless of whether the area is “already disturbed,” this avoids actual discussion of the impacts. Power equipment cause an alarming number of wildfires, and these wildfires are not caused solely by trees falling on a line. Burying transmission lines is mitigation. However, there are many ways the utility boxes themselves can cause a fire. Further, maintaining yards increases fire risk. Again, since I am not reading to find the discussion on how many lines and how much area is being disturbed by the trenching of such lines or how would water infrastructure change, I cannot speak to that – though it should have directed me to where I could find such information. While this would apply more to the water section, *Gray v County of Madera* (2008) states a change in the water source or a change in the infrastructure “might result in certain regulatory oversight that was not necessary under the neighbor’s original source of water due to connections that may be created between various well systems.” If water is not environmental, why did the Judge make a ruling on this? Considering the County has no information on water usage before or because of the project, it is absolutely confounding how any conclusion is reached. It also waits for studies to be conducted after approval. I would think the Bella Vista Water District has this information readily available from prior years? If not, I question their judgement and regulation.

4-78

Further, does that infrastructure need to be maintained, how often? Does that infrastructure involve environmental impacts somewhere else along the distribution system not yet discussed or examined? Can the various connections lower water pressure? Lower water pressure will make it more difficult to fight fires.

4-79

The problem with this section is judgment is based on one part of the impact – **exacerbate**. The rest of it is ignored and dismissed by justifying that already disturbed land is the only impact, but I do not know when the ground is disturbed. There should be more analysis of what this includes and supply evidence of how the report justifies its proof. Hazards stemming from all electrical infrastructure and adding infrastructure should also have been discussed. You cannot make a rote assumption any more than I can, according to CEQA. This entire section lacks many important details regarding wildfire and all of the impacts described. It does not comply with CEQA. It has wasted eight years and hundreds of thousands, if not millions of taxpayer dollars (not including what the applicant paid the consultants).

Conclusion

4-80

With no time to study the other portions of the draft this section is entirely insufficient to meet CEQA requirements. This is in direct violation of many court rulings. There are no real thresholds to evaluate the impacts discussed. All plans nor all the contents of those plans are

Comments to the RDEIR of Tierra Robles

- 4-80  
CONT'D
- discussed. The document picks one part of an impact to improperly conclude there is a less than significant impact without analyzing any other aspect of an impact. One mitigation measure is used to state that plans will not be impeded; however, that is only one measure. There are no specific requirements for them to be followed and are based on the assumption that an unknown entity, with unknown rules, will create unknown plans, and gives no detail on the enforcement of the unknown entity to make anybody comply with the supposed requirements which are really just possible suggestions.
- 4-81
- This County has not done its job as they cannot possibly conclude anything about wildfire without knowing their emergency capacity. Recent fires and the Jones Fire, Bear Fire, Carr Fire, Zogg Fire, and Fountain Fire demonstrate that the County does not have the capacity. Any other development within a high-risk fire area without detailed plans will stretch these resources to almost nothing. This isn't very ethical. A "Good Faith" effort is not demonstrated here. Information was available and easy to obtain, but perhaps it would not have supported the wanted conclusion. A good-faith effort would be one where the County has demonstrated it has made efforts to make the County safer after the numerous devastating wildfires that have already occurred multiple times in this area and throughout the County. A good-faith effort would not rely on studies done by people with no understanding of EOPs, the ESF – or functions within an EOP, no knowledge of the basic principles of Emergency Management, and sitting at a computer far away with inaccurate details and no personal knowledge of the area.
- 4-82
- The deficiencies in this section alone are too numerous to comment on. No evidence has been supplied of sufficient water. No comments on actual conditions present during wildfires and no emergency responder or official reports were evaluated to see complications in past wildfires in this area. This is entirely unacceptable. If this is the "good faith" effort citizens should trust, there is no reason to trust this process. The professional judgment in this section was inappropriate to be applied to this area. I strongly urge the County to handle the problems within the County regarding wildfire before complicating it further and putting more people's lives and properties at risk. That is the duty of the government – protect lives and property.

Comments to the RDEIR of Tierra Robles

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## Responses to Comment Letter 4 - Kelly Tanner

### Response 4-1:

The commenter states that the County has failed to comply with CEQA standards and has not made a good faith effort to provide an adequate informational document.

No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the Partial Recirculated Draft EIR (RDEIR) are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 4-2:

The commenter states that in accordance with CEQA it is essential to consider the fiscal, social, and other constraints that make something infeasible, not just environmental factors. The commenter further states that CEQA reports need to determine where specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified and that these findings must be made for each individual finding.

No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 4-3:

The commenter contends that the preparers of the Wildfire section of the RDEIR are not well-versed in the roles of emergency responders given to them by national, state and county laws in performing Shasta County's Emergency Operations Plan's (EOP) functions and, therefore, do not possess the professional judgment necessary to make a proper assessment of the issues addressed in this section.

Please see **Response 4-14** and **Master Response #2: Traffic Evacuation Study**, and footnote Number 1. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 4-4:

The commenter states that no actual wildfire thresholds of significance are provided and that, therefore, there is no reasonable way to determine whether a threshold is met.

The wildfire thresholds of significance utilized in the RDEIR are based upon Appendix G (Environmental Checklist Form) of the State CEQA Guidelines as amended in 2019 to address potential wildfire impacts. For each of the thresholds of significance, analysis is provided which supports the significance determination; no comments regarding the adequacy of this analysis is provided.



No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-5:**

The commenter states that Impact 5.19-1 is insufficient and that no reasonable person would conclude that Title 24 has any effect on any emergency related plan.

While the analysis of Impact 5.19-1 specifies that the project would use ignition-resistant construction methods and materials in accordance with Title 24 requirements, this statement was not the sole basis for the determination that Impact 5.19-1 would be less than significant; the analysis also addresses the Tierra Robles Wildland Fuel/Vegetation Management Plan, Shasta County Fire Safety Standards, and the findings of a project-specific traffic evacuation study. The fact is that Title 24 requirements have become increasingly stringent over the years with respect to ignition-resistant construction methods and materials, which provide some degree of protection against wildfire and, therefore, are relevant to the analysis of this impact.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-6:**

The commenter states that the County is well aware that compliance with the defensible space requirements of Fire Code Chapter 49 will never occur in part because there is only one Fire Safety Inspector for the entire County according to the County's 2020-2021 budget. The commenter further states that using this code as justification is a false and misleading illusion and that relying upon it constitutes deferral of mitigation.

The Shasta-Trinity Unit of CAL FIRE, which is contracted by the County of Shasta to manage and oversee the operations of the Shasta County Fire Department (SCFD), currently employs four inspectors (one year-round and three seasonal) who perform defensible space inspections throughout the SCFD service area, which includes the project site. Fire inspections of structures are performed by two members of the SCFD consisting of the Shasta County Fire Marshal and a Fire Inspector; this is the fire inspector position identified in the County's 2020-2021 budget as referenced in this comment. Since CAL FIRE's four inspectors who perform defensible space inspections are not County employees, these positions are not identified in the County's 2020-2021 budget. For those areas of Shasta County outside of the SCFD service area, excluding lands managed by the U.S. Forest Service, defensible space and structure inspections are performed by the applicable fire protection district. Please also see **Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowners' Association.**

Compliance with Fire Code Chapter 49 was not the sole basis for the determination that Impact 5.19-1 would be less than significant. The analysis also addresses the Tierra Robles Wildland Fuel/Vegetation Management Plan, Shasta County Fire Safety Standards, and the findings of a project-specific traffic evacuation study.

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No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-7:**

The commenter states that details and information are sparse and are left up to unknown individuals and districts and that since a new district needs to be created there is no guarantee one will be or that their ruling body will adopt vague measures mentioned in the RDEIR.

Mitigation measures are adopted as part of the project and conform to all applicable CEQA standards. It should be noted that not all impacts need be reduced through formally adopted mitigation measures. A conclusion that potential impacts may be reduced by including modifications to project design, changing a project location, and/or other elements such as implementation of plans or policies contained in previous planning documents incorporated as part of a project, can have a similar effect.

State CEQA Guidelines Section 15730 defines mitigation as:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environment.

Pursuant to State CEQA Guidelines Section 15126.4(a)(2), mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments or incorporated into a plan, policy, regulation or project design.

The Tierra Robles Wildland Fuel/Vegetation Management Plan is an appropriate instrument to ensure fuel management would be undertaken and is separate and distinct from the mitigation measures. The commenter is correct that subsequent verification of compliance would be the responsibility of the TRCSD or TRHOA. In addition, the proposed project would be required to implement the mitigation measures that further define compliance as conformance with Tierra Robles Wildland Fuel/Vegetation Management Plan, Shasta County Fire Safety Standards, and California Public Resources Code Section 4291, Defensible Space.

Therefore, contrary to the comment, the RDEIR text and mitigation which defines a plan, performance standards, and a monitoring and enforcement mechanism, is fully compliant with CEQA requirements. Please also see **Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowners' Association**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-8:**

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The commenter states the Tierra Robles Wildland Fuel/Vegetation Management Plan fails to meet CEQA requirements since much of the implementation relies on a district that does not exist, gives no timeline of when this will be done, and does not specify how maintenance will occur.

The commenter is referred to **Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowners' Association** and **Response 4-7** above, regarding the creation of the TRCSD or TRHOA and enforcement of mitigation and design requirements.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-9:**

The commenter restates issues regarding the lack of enforceability of the Tierra Robles Wildland Fuel/Vegetation Management Plan. The commenter is referred to **Responses 4-7 and 4-8** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-10:**

The commenter states that it is absurd to conclude that the proposed project would not impair and would be consistent with the Shasta County EOP and Emergency Function 4 regarding fire detection, control and suppression efforts within the jurisdiction.

The commenter is referred to **Responses 4-7 and 4-8** above regarding mitigation and information pertaining to the Tierra Robles Wildland Fuel/Vegetation Management Plan, Shasta County Fire Safety Standards, and California Public Resources Code Section 4291.

The commenter refers to the 184-page EOP and states that 90 percent of this plan could be thrown out if the analysis of Impact 5.19-1 were in fact valid. As specified on page 1-2 of the EOP, "The EOP is implemented whenever the County must respond to an emergency incident or planned event whose size or complexity is beyond that normally handled by routine operations."

The EOP consists of a total of 458 pages, comprised of the Basic Plan, Emergency Function Annexes (EF), and Incident Annexes (IA). As specified on page 1-4 of the EOP, "The purpose of the Basic Plan is to provide a framework for emergency operations and information regarding the County's emergency management structure." As specified on page 1-4 of the EOP, "The EFs focus on critical tasks, capabilities, and resources provided by emergency response agencies for the County throughout all phases of an emergency." As specified on page 1-5 of the EOP, "...IAs supplement the Basic Plan to identify critical tasks associated with specific natural, technological, and human-caused hazards identified in the County's most current Hazard Identification and Vulnerability Assessment. The IAs identify step-by-step actions for each hazard through the pre-incident, response, and recovery phases of an incident."

The EFs and IAs contain a total of 67 pages addressing the subjects of Fire and Rescue (EF 4, 13 pages), Major Fire (IA 3, 6 pages), Law Enforcement (EF 13, 10 pages), Transportation (EF 1, 10 pages), Communications (EF 2, 12 pages), and Care and Shelter (EF 6, 16 pages). Other subjects addressed in the EOP include search and rescue, hazardous materials, food and agriculture, volunteers and donation

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management, drought, earthquake, flood, severe weather, volcano, terrorism, transportation accident, and utility failure.

The EOP describes how Shasta County will organize and respond to emergencies and disasters in order to maximize the safety of the public and minimize property damage. It does not contain specific guidance or measures that a proposed development can be evaluated against for the purpose of determining the proposal's consistency with the plan. For example, on page EF 4-5 of the EOP it is specified that during the response phase of emergency management fire agencies: "Respond to calls for fire, rescue/extrication, emergency medical assistance, hazardous material response, and evacuation"; and "Assist in warning the public of evacuations, traffic routing, and/or traffic control, when possible". The commenter fails to specify how the project would impair or be inconsistent with any aspect of the EOP.

The commenter is referred to California Code Section 4583 (3)(A), which defines how logging slash must be disposed. This code requires surface fuels, including logging slash and debris, low brush, and deadwood that could promote the spread of wildfire, be chipped, burned, or otherwise removed from all areas of timber operations within 45 days from the date of commencement of timber operations. Although this is in reference to logging activities, it is consistent with page 5.19-13 of the RDEIR which states, "Slash would be disposed through chipping, piling and burning, and/or through sale of fuelwood."

Defensible Space regulations have been in place for many years and have been found to be categorically exempt under CEQA. For example, in 2006 the California Board of Forestry and Fire Protection made the following finding in the Public Hearing report for Modifications to Proposed Regulations Defensible Space, 2005:

"...that the typical actions required for fuel hazard reduction around homes, as summarized in the regulation and Guidelines, do not require environmental mitigation measures to avoid potential significant impacts. This finding is based on analysis described above demonstrating rule consistency with the CEQA Categorical Exemption requirements, inclusion within the proposed Guidelines of information and notification to the public of responsibilities for environmental protection requirements, input from public trust resource agencies indicating minimal concerns of potential significant adverse environmental effects, and specific vegetation clearing standards that are consistent with technical literature for balancing potential environmental impacts with public safety needs resulting from fuel hazard reduction goals.

The Board further finds that the proposed action is consistent with PRC 4291. The proposed action requires no greater extent or intensity of vegetation treatment than as required in PRC 4291.

In addition to the above finding of rule consistency with the CEQA Categorical Exemption requirements, the Board finds that the proposed action is consistent with PRC subsection 21080(b) (4), Specific actions necessary to prevent or mitigate an emergency. Section 21080 identifies types of projects requiring an EIR and activities excluded from requiring an EIR. Section 21080(b)(4) specifically identifies that actions necessary to prevent or mitigate an emergency are not subject to the requirements of Section 21080. The Board has found, based in part on information provided in the ISOR, that an emergency exists, and the activity proposed is necessary to prevent or mitigate forest fire emergencies."

Accordingly, more recent legislation pertaining to defensible space and the treatment of slash subsequent to removal also would be exempt from CEQA. The State CEQA Guidelines are substantially the same as in

2005, and thus, these activities, although disclosed and fully mitigated as part of this environmental review process, would remain exempt under future project activities.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-11:**

The commenter states that the RDEIR does not include California's EOP or FEMA's or all of the other national and regional plans that deal with wildfire.

The RDEIR focuses on California Law and Codes pertaining to wildfire and fire safety, as well as local County requirements and the Tierra Robles Wildland Fuel/Vegetation Management Plan (an appendix to the DEIR) to inform decision making. The RDEIR also shows that the project complies with the Shasta County Fire Safety Standards and California Public Resources Code Section 4291. These elements as well as the other information used in preparation of, and included in, the RDEIR are adequate to inform decision making.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-12:**

The commenter questions why, as specified in the County's EOP, the County has not defined its core capabilities in accordance with the National Preparedness Goal or undertaken a formal capabilities assessment to date. This issue is outside the scope of this project, occurs on a level which the applicant has no control and, therefore, is not appropriate for discussion in the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-13:**

The commenter specifies two key assumptions of the County's EOP regarding changes in population and environmental and technological emergencies and asks how it is demonstrated that the proposed project doesn't affect these items. This issue is outside the scope of this project, occurs on a level which the applicant has no control and, therefore, is not appropriate for discussion in the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-14:**

The commenter questions the "professional judgement" of the preparers of the Wildfire section of the RDEIR. No requirement has been established for wildfire sections of EIR's to be prepared by Emergency Managers. The Wildfire section of the RDEIR was prepared by experienced CEQA practitioners with the

assistance of County staff familiar with the applicable policies and regulations and legal counsel and was based upon the findings of a project-specific traffic evacuation plan prepared by a transportation engineer with specific academic credentials and professional expertise in this area of practice. In addition to professional judgment, other criteria were relied upon by the preparers of the Wildfire section. This fact is highlighted on page 5.19-12 of the RDEIR:

“The evaluation of impacts of the proposed Project is based on professional judgment, analysis of the County’s and state fire management policies, and the significance criteria established by Appendix G of the State CEQA Guidelines, which the County has determined to be appropriate criteria for this RDEIR.”

As is clear throughout the Wildfire section, the full analysis relies upon information, facts, and relevant policy. The existing environmental setting in terms of regulation, vegetive communities, topography, weather, and other conditions related to wildfire hazards inform the analysis. The RDEIR also discusses pertinent information from the California Code of Regulations, California Fire Code, and other legislative standards.

Thus, as demonstrated by the discussion in the Wildfire section, the evaluation of impacts is consistent with Public Resources Code Section 21082 as it, “...analyzes any benefits or negative impacts considered...based on substantial evidence in light of the whole record.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-15:**

This commenter identifies the five County Emergency Services areas (prevention, protection, mitigation, response, and recovery) and how the EOP defines them. The commenter states that to honestly assess the EOP and demonstrate a good faith effort, multiple mitigation measures should have been stated and they should address all five areas. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-16:**

The commenter requests an explanation regarding how the proposed development does not impede the five EOP principles identified in Comment 4-15. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-17:**

The commenter states there is a lack of evidence that the proposed development would have no effect on the evacuation operational timeline. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-18:**

The commenter suggests looking at past wildfires in the area, analyzing what problems occurred, and preparing a plan that addresses the situations unique to the community. The analysis of the proposed development's potential to impair an adopted emergency response plan or emergency evacuation plan does not warrant the creation of such a plan for the project area. The Shasta County Sheriff's Office of Emergency Services (OES) coordinates with federal, state and local agencies to prepare for, respond to, and recover from emergencies and natural disasters. The evacuation planning checklist provided on OES's webpage contains the following statement: "Emergency Response Personnel (Fire Department/Sheriff's Office) will decide the areas to be evacuated and notify the occupants. The area to be evacuated will depend upon where the fire is, wind and fire behavior. Fixed evacuation plans will not work due to the variability of fire spread." The checklist also includes the following statement: "The direction of your evacuation will be dictated by the location of the fire in relation to your home and the direction and speed it is spreading. The following concepts will help you determine the safest travel route. Single fixed routes will not work in a fire situation!" OES was consulted regarding the proposed development; their professional opinion is that it is important that all Shasta County residents and visitors be aware of the wildfire dangers that exist in the local area and be prepared to evacuate when ordered to do so. However, OES does not believe that it would be appropriate to prepare a development-specific or area-specific emergency response or evacuation plan for use by OES and other emergency response personnel. The EOP provides the foundation for use of National Incident Management System (NIMS), California Standardized Emergency Management System (SEMS), and Incident Management System (ICS) principles, which OES and its partner agencies have extensive experience utilizing to effectively manage a wide range of incidents both within and beyond Shasta County.

**Response 4-19:**

The commenter states that the evacuation study and analysis are flat out absurd, misleading, and will cost lives. The commenter states that no one has any reason to believe the County has operated in good faith since little has been done to plan for wildfires that occur multiple times every year. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-20:**

The commenter questions the purpose of including information regarding Butte County's traffic problems in the evacuation study and asks what happens to evacuees when multiple planned evacuation routes are closed. The explanation as to why Butte County was included is shown on page 38 of the evacuation study and within the table of contents. This is in reference to Appendix 2 of the evacuation study and is entitled, "What Can We Learn from Butte County?" This includes pertinent subsections including A2.1 Anecdotal Comparison – Paradise; A2.2 Summary from 2009 Butte County Grand Jury Report, which is further delineated to discussion of the wildfires in the foothills of Butte County and evacuation routes from Paradise. The commenter is referred to **Master Response #2: Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-21:**

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The comment notes that there are existing studies on wildfires and evacuations. The evacuation study was never intended to serve as an evacuation plan. The analysis was conducted to evaluate the impacts of the proposed development relative to evacuation times. The commenter is referred to **Master Response #2 Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 4-22 through 4-28:**

The commenter states that evacuation studies of wildfires in Shasta County have found that fire responders caused congestion on significant evacuation routes and that many evacuees made several trips on evacuation routes prior to finally evacuating.

The evacuation study evaluates the potential effects of residents evacuating from the area and the analysis considers the worst-case scenario if all residents evacuated at the same time. If some residents evacuate early, which would be anticipated, it will help reduce congestion.

The RDEIR addresses evacuation concerns based on known traffic volumes and what is anticipated to be added to roadways by the proposed project. Page 5.19 of the RDEIR states:

“...with the addition of Project traffic the roadway network, speeds and related clearance times would not substantially change. The Project would not result in a delay for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation. While the Project would add to the volume of traffic in the area, the scenario evaluated in Table 5.19-10 demonstrates that the Project plus existing development would not substantially delay the arrival of evacuating cars at refuge areas. As such, the Project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County’s EOP.”

Pages 5.19-32 and 5.19-33 of the RDEIR states:

“With regard to emergency evacuation, the Project specific evacuation study considered a broad evacuation area described above. The analysis included the equivalent of approximately 8,542 passenger cars would flow through the studied evacuation network as motorists head toward appropriate refuge areas. This cumulative traffic volume estimate is considered a conservative worst-case analysis because it assumes all existing and planned housing units are occupied at the time of evacuation. The analysis determined that the Project would not result in a substantial change in the evacuation times and evacuation speeds during an emergency evacuation (less than 15 minutes over a three- and one-half-hour period, and less than 0.3 mile per hour, respectively). Therefore, potential impacts on an emergency evacuation are not cumulatively considerable and less than significant.”

While the project would result in an increase in vehicles leaving the project area, should a wildfire occur in the area and evacuation be required the increased vehicle trips from the proposed 166-unit development is not considered a substantial increase.

As discussed in the evacuation study, 7,124 passenger cars are projected to be generated without traffic volume vehicle adjustments. With traffic volume vehicle adjustments, 8,452 passenger car “equivalents”



are projected to be generated. If the anticipated traffic volumes are increased as the comment suggests, the project would result in an equivalent increase in traffic volume. The percentage increase expected with the project regardless of volumes used would be approximately 2.3 percent, which is not considered a substantial increase.

The commenter is referred to **Master Response #2 Traffic Evacuation Study**. This comment is noted, but it does not affect the findings or outcome of the conclusion; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-29:**

The commenter states that 75 percent of those who evacuated due to the Carr Fire self-evacuated. The County agrees that this is a potential and would serve to decrease over time the concentration of emergency evacuations on roadways at any given time.

The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Responses 4-22 through 4-28** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-30:**

The commenter states that the evacuation study does not include other neighborhoods, Palo Cedro in its entirety, or Redding. The evacuation study is based on an evacuation envelope and is not intended to serve as an evacuation plan for the region.

The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Responses 4-22 through 4-28** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 4-31 and 4-32:**

The commenter states that the evacuation study is very misleading and poorly conducted and assumes that it does not use data as outlined in previous comments for lack of understanding about evacuations. The evacuation study was prepared by a transportation engineer with specific academic credentials and professional expertise in this area of practice and who has experience working with CAL FIRE on evacuation studies. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-33:**

The commenter states that the number of taxpayer dollars that have gone into processing the proposed project is unfathomable. This is not a comment relevant to environmental impacts under CEQA. Even so, the specified cost of \$3.2 million is not based upon factual data; this project has been processed on a part-time basis by one Planning Division employee at any given time, not by the entire staff of the Planning Division. Costs associated with the processing of the proposed project have been borne entirely by the

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project applicant and include overhead expenses in addition to salary. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-34:**

The commenter notes that neither the evacuation study nor the Wildfire section of the RDEIR discuss the purpose of the refuge areas. The refuge areas are described as follows on page 5.19-13 of the RDEIR:

“These refuge areas are large, well known sites such as schools, shopping centers, and churches. Subject to field decisions by the fire authorities, these locations would provide short-term refuge for evacuated residents of the proposed Project. These locations are open facilities that are accompanied by large unvegetated parking areas and they can reasonably be relied upon to be available in the event of an emergency evacuation.”

The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-35:**

The comment states the County should clarify that the Traffic Evacuation Study is not an official plan. The County concurs that the RDEIR and the evacuation study are not considered official emergency response plans. The commenter is referred to **Response 4-21** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-36:**

The comment states that the use of Census Data that applies both to Shasta County as a whole and the city of Redding is deceiving. The use of Census data for Shasta County as a whole and the City of Redding to estimate the vehicles per household is appropriate. Based on the proposed nature of the development this provided a valid estimate. Because the project will not specifically be rural in nature on as large lots as most of the surrounding areas, this provided a broader based estimate.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-37:**

The comment states the roadways in the surrounding area are narrow. It is assumed that this comment is in reference to page 10 of the evacuation study, which makes the following general comment about parking on area roadways:

“The through-roads and major arterials as well as local streets would largely be unaffected during the beginning phase of evacuation as street segments appear to have enough room to store vehicles.”

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-38:**

The comment is in regard to the effects of roadway width on evacuations. The commenter provides a picture from Google showing a truck on Boyle Road and provides reasons why the shoulder in this area is not usable. The commenter concludes by citing the *Gentry v. McMillin Communities* decision and states that they believe a fair argument can be made that such deficiencies break the trust of the residents the County is responsible for.

The County recognizes the referenced court decision. The County, however, contends that substantial information has been included in the RDEIR. The County uses full citation of supporting evidence and fully summarizes all the pertinent content of applicable materials. The County does not abbreviate or cut off discussion of relevant information. The County has made all attempts to fully disclose potential impacts within the RDEIR.

Following review of the referenced image from Google, it was determined that the utility pole in question is approximately 10 feet from the outside lane line. Due to the optics of the picture it appears to be closer than it actually is. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-39:**

The commenter states that the County has access to information regarding past evacuations in the area, but chose not to utilize it. The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-40:**

The commenter restates issues previously noted and states that the discussion of the eight refuge areas in the evacuation study is not adequate. The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-41:**

The commenter questions the evacuation study’s consideration of heavy vehicles in the analysis. The evacuation study evaluates residents evacuating the area. Inbound lanes are for first responders and would presumably be available for emergency vehicles attempting to reach areas under threat of wildfire. The commenter is referred to **Responses 4-22 through 4-28** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-42:**

The commenter states that the findings of a study regarding a wildfire in Cambria, California undermine the findings of the evacuation study related to the utilization of eight refuge areas. The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No specific comment regarding the adequacy of the RDEIR was made and no further response is required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-43:**

The commenter provides the timeline from the Camp Fire from when it started at 6:15 a.m. to when the shelters were empty at 3:00 p.m. the same day to illustrate the complexities of wildfire conditions as they exist today. No specific comment regarding the adequacy of the RDEIR was made and no further response is required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-44:**

This commenter states that the Camp Fire timeline is directly related to the Wildfire section of the RDEIR. No specific comment regarding the adequacy of the RDEIR was made and no further response is required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-45:**

The commenter states that it would not be possible for the Fire Department to simultaneously protect evacuees at eight separate refuge areas due to lack of sufficient personnel, trucks, and resources. The evacuation study is not an evacuation plan, but rather a traffic analysis of the project's impact upon evacuation travel times across relevant roadway segments. In order to conduct this traffic analysis, it was necessary to identify potential refuge areas in the surrounding area that evacuees may be directed to. Decisions regarding which refuge areas to direct evacuees to in the event of a wildfire event in the area would be made by law enforcement and fire protection personnel at that time based upon their assessment of all pertinent factors. No specific comment regarding the adequacy of the RDEIR was made and no further response is required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-46:**

The commenter states that there is no discussion of hardening buildings and proper vegetation management at refuge areas. The commenter is referred to **Response 4-45** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-47:**

The commenter states that most evacuation shelters are set a safe distance away from where the fire and main evacuation is taking place. The commenter is referred to **Response 4-45** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-48:**

The commenter refers to a volunteer firefighter who lost her life in a vehicle-related incident during the Jones Valley Fire and states that if things go wrong for those trained to deal with emergencies imagine the consequences for those who are not. The commenter discusses the wind and humidity conditions during the Jones Valley Fire that resulted in a rapid rate of spread, extreme spotting in excess of one-half mile ahead of the flame front, and multiple times the fire was burning with multiple heads. The commenter states that this information is more useful than the Wildfire section's description. No specific comment regarding the adequacy of the RDEIR was made and no further response is required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-49:**

The commenter states that the County has no significance standard to determine what an acceptable time for an evacuation is and that 15 minutes may very well put it above an acceptable evacuation time. Pursuant to State CEQA Guidelines Section 15064.7(b), each public agency is encouraged to develop and publish thresholds of significance; however, this is not a requirement of CEQA. The preparation of a traffic evacuation study was not required of the applicant since it is not a study that is commonly prepared by traffic engineering professionals; the applicant identified a consultant capable of preparing this type of study and submitted it to the County as supplemental information. County Public Works and Resource Management staff reviewed the study and deemed it to be valid and to contain useful information and, therefore, elected to include its findings in the Wildfire section of the RDEIR. The following findings of the study were taken into consideration with respect to the significance determination for Impact 5.19-1:

“Isolation of traffic from Tierra Robles indicate that the development would generate and add a little less than 5 percent of the passenger car equivalent traffic volume to the study area traffic during evacuations. Without Tierra Robles, the largest travel time savings for the last sets of vehicles to arrive at refuge areas would be no more than 15 minutes out of the maximum estimate of nearly 3.5 hours. Therefore, even with removal of Tierra Robles traffic, network speeds and related clearance times would not change significantly and thus would not produce enough relief for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation.”

“While the development would add to the volume of traffic in the area, the absence of the development would not produce sufficient relief for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation under existing levels of development in the wildland-urban intermix area. The added traffic volume from the Tierra Robles development is deemed insignificant to overall traffic volumes.”

The findings of the evacuation study were not the sole basis for the determination that Impact 5.19-1 would be less than significant; the analysis also addresses the Tierra Robles Wildland Fuel/Vegetation Management Plan, Shasta County Fire Safety Standards, and compliance with Fire Code Chapter 49.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-50:**

The commenter identifies the following flaws with the RDEIR: (1) There is still no evacuation plan nor is there anything stating there will be; (2) Evacuation requires all involved agencies and the public to know

and preferably practice such scenarios; and (3) You need a plan to disseminate information to the public and to warn them to evacuate. The commenter is referred to **Response 4-18** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-51:**

The commenter states there is no plan regarding how to help evacuate people who cannot evacuate themselves because of disabilities or lack of transportation. The commenter is referred to **Response 4-18** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-52:**

The commenter states that the conclusions of the Wildfire section of the RDEIR are not supported by any explanation or factual support. The commenter is referred to **Master Response #3 Wildfire Hazards** and **Responses 4-11, 4-14, and 4-18** above. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-53:**

The commenter states the Wildfire section of the RDEIR is heavily reliant on an unspecific plan that there is no reason to believe that it will be implemented. The commenter is referred to **Master Response #2 Traffic Evacuation Study, Master Response #3 Wildfire Hazards, and Responses 4-11, 4-14, and 4-18** above.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-54:**

The commenter cites the Lotus v. Transportation decision and states that concluding that an impact is less than significant without describing how avoidance and minimization measures of the project design prevent or minimize the impact is not legally adequate. The commenter is referred to **Responses 4-5 through 4-8, 4-10, and 4-11** above.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-55:**

The commenter states that the Community Planning Assistance for Wildfire done for the City of Redding discusses many inadequacies with the Redding Plans and that these same inadequacies can be found within the County's Plans. The commenter is referred to **Responses 4-10 through 4-18** above.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-56:**

The commenter refers to the Shasta County Communities Wildfire Protection Plan (CWPP) and states that it merely suggests high priority fuel reduction projects. The commenter also states that fuel reduction projects are not the only point of a CWPP and lists the benefits of developing a CWPP that targets the defined local Wildland-Urban Interface. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment.

**Response 4-57:**

The commenter describes the reasons why homes spaced further apart are at less risk of catching fire from neighboring homes. No specific examples of the lack of compliance with CEQA standards are provided in this comment; therefore, no further response is required and no changes to the RDEIR are required based on this comment.

**Response 4-58:**

The commenter states that the significance conclusion regarding Impact 5.19-2 is wrong and that at the very least it should be “less than significant with mitigation”. As stated on page 5.19-23 of the RDEIR, the conclusion is that Impact 5.19-2 would be “less than significant with mitigation incorporated”. The commenter also states that special design techniques that are mitigation cannot be used to avoid discussing mitigation as they are mitigation, which have been clothed as “special design techniques”. It is unclear what impact discussion the commenter is referring to as there is no page number or particular text referenced in this comment.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-59:**

The commenter states that the proposed project is not consistent with the part of the Shasta County General Plan that discourages development in high-risk wildfire areas and that it is unclear whether this is mandatory or not.

The commenter is referring to Objective FS-1 of the General Plan:

“Protect development from wildland and non-wildland fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and by discouraging and/or preventing development from locating in high risk fire hazard areas.”

Consistent with this objective, the proposed development incorporates effective site and building design measures commensurate with the project site’s level of potential wildfire risk. Neither the Planning Commission nor the Board of Supervisors has determined that this objective should be interpreted to mean that development is prohibited within high risk fire hazard areas; rather, they have consistently approved proposed developments within such areas provided appropriate site and building design measures have been incorporated. Had this been the appropriate interpretation of this objective, the subject property would not have been designated Rural Residential A (RA) under the General Plan as it presently is. The RA General Plan land use designation allows for a maximum density of one dwelling per

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two acres and is defined as follows: “Provides living environments receiving no, or only some urban services, usually within or near a Rural Community Center.”

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-60:**

The commenter asks why the RDEIR specifies that the proposed project complies with all applicable goals and policies of the Shasta County General Plan related to urban and wildland fires when no such determination has been made by the Board of Supervisors.

Regarding conclusions being made by staff, consultants, applicants, or members of the public, this is partly true. In Shasta County, applications for proposed developments are processed by staff and, when required, EIR's are prepared by qualified consultants contracted by the County and directed by staff. As part of the review process for proposed developments, staff evaluates the proposal's consistency with the County's General Plan and Zoning Plan. This evaluation is presented to the Planning Commission and to the Board of Supervisors (when required or when the Planning Commission's decision is appealed). However, for each individual development proposal either the Planning Commission or the Board of Supervisors must make their own independent determination regarding the proposal's consistency with the County's General Plan and Zoning Plan; in making this determination, the Commission and Board consider all of the information and input received from County staff, other public agencies, private groups, and individuals. .

Further, this is the case for all other responsible and trustee agencies that have some regulatory authority over the project approval process. This is also part of the reason this project has engaged in so much scoping and outreach. The County has coordinated with applicable state and federal agencies to ensure project consistency with applicable planning documents.

This process is consistent with the basic intent of CEQA which is to inform the public and decision makers as to the potential environmental consequences of a project prior to making their decision

**Response 4-61:**

The commenter states that sadly it is acknowledged that the Board of Supervisors did not interpret the consistency of the proposed project with all appropriate County/State/National emergency plans and that the EIR violates California Government Code 65000 et seq. (Planning and Zoning Law).

The County did not violate any provision(s) of California Government Code 65000 et seq. as stated by the commenter. It is unclear as to what particular provision(s) the commenter alleges has been violated, as a specific reference to a Division, Chapter, or Article was not provided.

The comment makes other unrelated comments that do not question the adequacy of the CEQA document. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-62:**



The commenter reiterates concerns regarding consistency determinations specified in the RDEIR. The commenter is referred to **Responses 4-59 through 4-61** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-63:**

The commenter states that the evidence supporting the initial studies and that the data or evidence upon which the person(s) who conducted the study relied must be disclosed.

The commenter is referred to **Responses 4-4 and 4-6** above regarding substantial evidence. The commenter is also referred to the Appendices of the DEIR and RDEIR, which contain Appendix 15.1 - Notice of Preparation, Appendix 15.2 – Tierra Robles Community Services District (guidelines), Appendix 15.3 – Air Quality and GHG Emissions Data, Appendix 15.4 – Biological Resources Documentation, Appendix 15.5 – Preliminary Geotechnical Report, Appendix 15.6 - Preliminary Hydrology Analysis, Appendix 15.7 - Noise Data, Appendix 15.8 - Fiscal Impact Analysis, Appendix 15.9 - Traffic Impact Study, and Appendix 15.10 – Water Demand Evaluation. In addition, the seven-page bibliography that lists all references and materials relied upon. This information constitutes substantial evidence to support the conclusions in the RDEIR.

The commenter does not state which evidence is allegedly missing. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-64:**

The commenter states that the conclusion reached regarding Impact 5.19-2 is based on the assumption that wildfires only spread because of vegetation and that it relies on a district to implement, monitor, and determine compliance when that district does not exist. The commenter is referred to **Responses 4-57 and 4-58 and Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowners' Association**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-65:**

The commenter states that there are no specifications provided regarding the Fuel Management Plan and the evacuation study. The commenter is referred to **Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowners' Association** and **Responses 4-7 and 4-8** above, regarding the creation of the TRCSD or TRHOA and enforcement of mitigation and design requirements. The commenter is also referred to **Response 4-21** regarding the evacuation study.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-66:**

The commenter asks when implementation of Mitigation Measure 5.8-1 occurs. The commenter is referred to **Master Response #3: Wildfire Hazards** and **Master Response #4: Tierra Robles Community Services District and Tierra Robles Homeowner's Association**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-67:**

The commenter states that the problem with this “plan” or ideas is also illustrated in the Community Planning Assistance for Wildfire report done for the City of Redding regarding the Carr Fire, specifically regarding access constraints. The commenter is referred to **Responses 4-10 through 4-18** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-68:**

The commenter states that there would be no requirement for all phases of the proposed development to be completed and that, therefore, neither will all mitigation measures be required to be implemented.

As shown in Chapter 9.0 Inventory of Mitigation Measures, none of the mitigation measures require the entire project to be developed before they are implemented. For example, Mitigation Measure 5.2-1 states, “Upon subsequent sale or lease of all or part of the affected property...” Mitigation Measure 5.3-1 states, “Prior to the issuance of a grading permit (that would apply to all development sites as they occur), Mitigation Measure 5.3-2 states, “Prior to the issuance of individual building permits, ”and Mitigation Measure 5.4-1k states, “The following measure applies to any vegetation removal activities undertaken by the project developer or the Tierra Robles Community Services District for...” Consistent with two landmark U.S. Supreme Court decisions (Nollan v. California Coastal Commission and Dolan v. City of Tigard) that established “nexus” and “rough proportionality” standards, the proposed mitigation measures have been formulated to mitigate the impacts of the proposed development as they are anticipated to occur. In the event not all phases of the proposed development are ultimately completed, the impacts associated with those portions of the development that are completed will be mitigated accordingly.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 4-69:**

The commenter states that “there is no basis for concluding that a plan that is not required to be done has no oversight or specific measurements that an unknown body with unknown governing rules brings more people to an area that would not have been there before.” The commenter also indicates concern with the mitigation being competed if the project is not completed. The County agrees that were the project not to be approved and implemented there would not be an increased population within the project area at risk from potential wildfire. However, this is not the standard by which CEQA requires a project to be evaluated. Regarding thresholds of significance, the commenter is referred to **Responses 4-4 and 4-49**. Regarding implementation of the mitigation, please see **Response 4-68** above.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 4-70 through 4-72:**

The commenter notes that the report referenced in Comment 4-67 found that most property losses due to the Carr Fire were the result of embers that ignited combustible materials in the structure ignition zone (SIZ). The commenter further notes that the report concluded that despite compliance with state construction requirements for development in the Very High Fire Hazard Severity Zone existing gaps related to landscaping and the storage of combustible items within the SIZ will leave properties vulnerable unless voluntary or mandatory compliance is addressed. The commenter outlines the findings of a recent Shasta County Grand Jury report regarding the County's ability to address wildfire risks.

The commenter is referred to **Responses 4-5 through 4-11** above. It is acknowledged that wildfire risks in many areas of Shasta County, as well as throughout the State of California and much of the western United States, are extremely severe. Although members of the State Legislature have proposed legislation that would impose substantial limitations on new development within the High and Very High Fire Hazard Severity Zones in response to recent severe wildfire activity throughout California, neither the referenced Shasta County Grand Jury report nor the Shasta County Board of Supervisors have suggested that a moratorium prohibiting new development within such areas of Shasta County be imposed. The wildfire impacts of the proposed development, including compliance with all applicable regulations and policies, are adequately addressed in the RDEIR.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-73:**

The commenter notes that the implementation of Mitigation Measure 5.8-1 alone would not completely eliminate the proposed development's wildfire impacts. The commenter is referred to **Responses 4-5 through 4-9** above, related to mitigation and minimization of risks from wildfire, and which discuss the elements that influence wildfires such as topography, wind, temperature, and humidity.

In addition to the quoted passage from the Wildfire section of the RDEIR, the County notes that the balance of the subject paragraph explains how, through mitigation and project design, this impact would be reduced to below a level of significance. The conclusion of the RDEIR regarding Impact 5.19-2 is not "no impact" but rather "mitigated to less than significant". CEQA does not require that an impact be completely eliminated in order to find the impact to be less than significant.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-74:**

The commenter states that since the RDEIR does not contain analysis or discussion regarding how the referenced Fire Codes, building codes, and other things may be helpful, the assumption that the implementation of such requirements would be sufficient to mitigate the project's wildfire impacts is faulty. The commenter is referred to **Responses 4-5 through 4-9** above, related to mitigation and minimization of risks from wildfire.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-75:**

The commenter states that during two recent wildfires in the project vicinity major roads identified in the evacuation study were closed, which provides more evidence that the evacuation study is faulty. The commenter appears to assume that the evacuation study is meant to serve as an evacuation plan, which it clearly is not and is not represented to be in the RDEIR. The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Response 4-21** above.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-76:**

This comment states that there no evidence is provided in the RDEIR to support the conclusion that Impact 5.19-3 would be less than significant. The commenter requests clarification regarding the description of proposed project infrastructure being located within previously disturbed areas.

The discussion on pages 5.19-29 and 5.19-30 also qualify the impacts and note measures that would be used, such as undergrounding of equipment and utility lines in accordance with California Public Utilities Commission Electric Tariff Rule 15 Section A.3.a, minimization of disturbance, installation of emergency access roads, vegetation and fuel management, and incorporation of defensible space, While this potential impact would not be completely eliminated, it would be reduced to below a level of significance.

The discussion of proposed project infrastructure being located within previously disturbed areas pertains to impacts associated with ongoing maintenance of propane and water infrastructure subsequent to the development of the proposed project as well as required improvements to existing off-site roadways and the construction of on-site roadways following the clearing and grading of areas of the project site approved for development.

No further response is required and no changes to the RDEIR are required for this point of clarification. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-77:**

The commenter states that regardless of whether or not an area was previously disturbed, construction and maintenance of infrastructure can cause fires. The commenter states the County “has no information on water usage before or because of the project” and “waits for studies to be conducted after approval.”

On page 5.19-30 of the RDEIR, it is concluded that impacts related to infrastructure that exacerbates fire risk would be less than significant based upon the implementation of Mitigation Measure 5.8-1, adherence to the applicable standard state and County policies related to minimizing fire hazards, water service provided by the Bella Vista Water District, the provision of adequate emergency access, and the undergrounding of new electrical lines serving the development.

Regarding the project’s projected water demand, the commenter is referred to **Master Response #1 Water Supply Analysis Master Responses**.

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No further response is required and no changes to the RDEIR are required for this point of clarification. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-78:**

The commenter questions if infrastructure serving the proposed development involve environmental impacts somewhere else along the distribution system not discussed or examined and if the project can result in lower water pressure that will make it more difficult to fight fires.

In accordance with the California Residential Code, all new single-family dwellings are required to be equipped with an automatic fire sprinkler system. Such systems must meet minimum water pressure requirements, which in the case of the proposed development would be verified by the Shasta County Fire Marshal through the building permit review and inspection processes. Prior to the development of any homes within the proposed development, the water infrastructure necessary to serve the development will be tested by the local fire authorities to ensure that adequate water pressure will be available to the project area and that the construction and operation of such infrastructure will not adversely impact the water pressure of Bella Vista Water District's existing water delivery infrastructure.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 4-79:**

The commenter states that there should be more explanation of what constitutes disturbed ground and, "evidence of how the report justifies its proof." The commenter states that hazards stemming from electrical infrastructure should also have been discussed. The commenter states that the entire Wildfire section of the RDEIR does not comply with CEQA and that the preparation of the EIR has wasted eight years and hundreds of thousands, if not millions, of taxpayer dollars. The commenter is referred to **Responses 4-76 and 4-77** above regarding disturbed land. The majority of the responses to the prior comments contained in the commenter's letter address the adequacy of the Wildfire section of the RDEIR; the commenter is referred to those prior responses. The commenter is referred to **Response 4-33** above regarding the cost of the preparation of the EIR.

The commenter is referred to page 5.19-28 of the RDEIR, which lists mitigation regarding the installation of infrastructure to the satisfaction of the Shasta County Fire Department and ongoing monitoring of fire prescription activities within Resource Management Areas 1 through 4 shall be the sole responsibility of the TRCSD or TRHOA.

The commenter is referred to pages 5.19-29 and 5.19-30 of the RDEIR, which provide a full discussion of Impact 5.19-3.

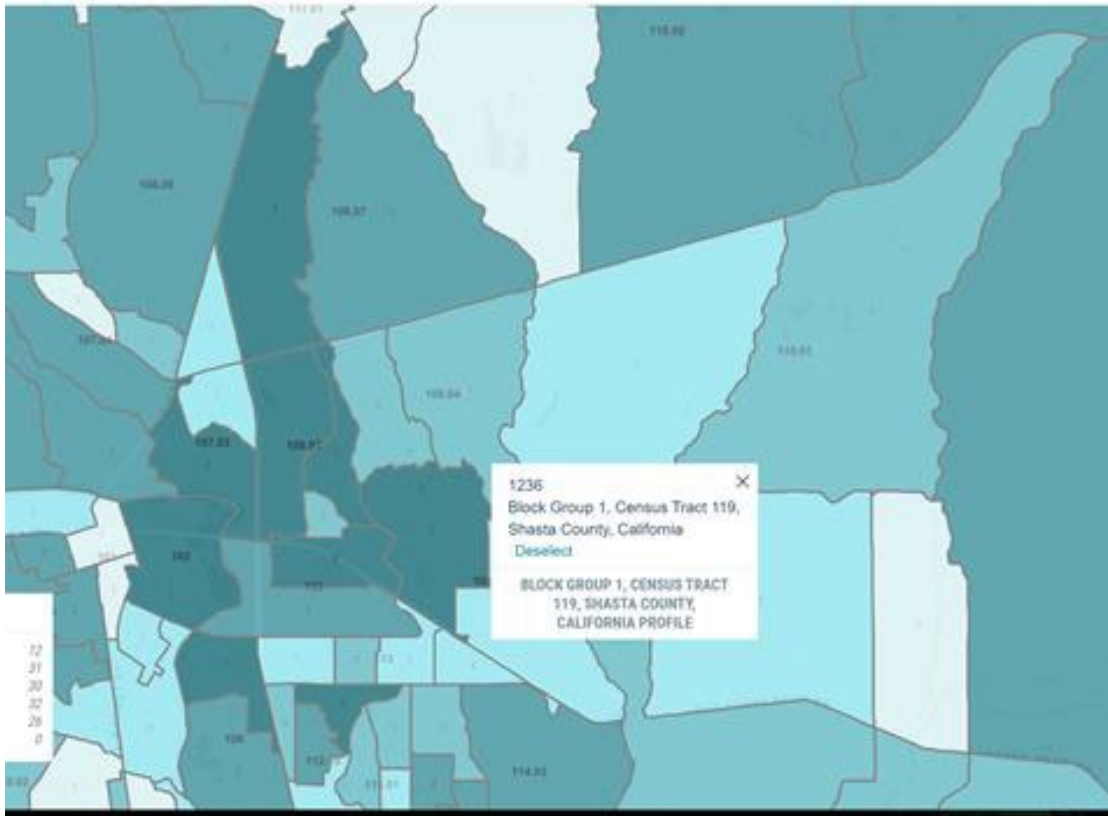
No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 4-80 through 4-82:**

The commenter summarizes and restates previous comments regarding the inadequacy of the Wildfire section of the RDEIR and the lack of a good faith effort by the County to adequately address the wildfire hazards facing the County before complicating them further by putting more people’s lives and properties at risk. The responses to the prior comments address the adequacy of the Wildfire section of the RDEIR and the wildfire risks that exist in many areas of Shasta County; the commenter is referred to those prior responses.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Exhibit 1: Map of Census Block Groups in Study Area**



**Exhibit 2: Maximum Vehicles in Evacuation Envelope based on 2019 Census Data**

Subarea	Housing Units	Vehicles	79 %Autos	21% HV <sup>1</sup>	Total PCE
Census Tract 118.01, Block Group 1	492	1298	1025	273	1571
Census Tract 118.01, Block Group 2	421	978	773	205	1183
Census Tract 119, Block Group 1	478	1078	852	226	1304
Census Tract 119, Block Group 2	463	1138	899	239	1377
Census Tract 119, Block Group 3	341	846	668	178	1024
<b>Combined Area</b>	<b>2195</b>	<b>5338</b>	<b>4217</b>	<b>1121</b>	<b>6459</b>
<i>Avg</i>		<i>2.4</i>			
Tierra Robles	166	404	319	85	488
<b>Total with Tierra Robles</b>	<b>2361</b>	<b>5742</b>	<b>4536</b>	<b>1206</b>	<b>6947</b>

Data Source: US Census (2019). American Community Survey

XXY – values in italics are based on assumption promoted by commenter (Tanner) applied for illustration purposes only

1 The HV factor is 2.0 for RVs and 3.0 for heavy trucks in rolling terrain.

**Exhibit 3: Tenure by Vehicles Available**

Vehicles Available	Census Tract 118.01, Block Group 1	Census Tract 118.01, Block Group 2	Census Tract 119, Block Group 1	Census Tract 119, Block Group 2	Census Tract 119, Block Group 3	All
<b>Total:</b>	<b>492</b>	<b>421</b>	<b>478</b>	<b>463</b>	<b>341</b>	<b>2195</b>
<b>Owner occupied:</b>	<b>443</b>	<b>351</b>	<b>395</b>	<b>397</b>	<b>300</b>	<b>1886</b>
No vehicle available	16	5	10	2	0	33
1 vehicle available	41	88	53	72	37	291
2 vehicles available	147	137	193	172	122	771
3 vehicles available	140	80	80	63	112	475
4 vehicles available	75	15	59	29	15	193
5 or more vehicles available	24	26	0	59	14	123
<b>Renter occupied:</b>	<b>49</b>	<b>70</b>	<b>83</b>	<b>66</b>	<b>41</b>	<b>309</b>
No vehicle available	0	0	12	0	0	12
1 vehicle available	14	10	0	28	5	57
2 vehicles available	10	33	56	29	16	144
3 vehicles available	18	5	9	0	18	50
4 vehicles available	0	15	6	9	2	32
5 or more vehicles available	7	7	0	0	0	14

Source: US Census (2019). American Community Survey

Letter 5: Brad and Barbee Seiser, February 2, 2021

Barbee and Brad Seiser  
10603 Northgate Drive  
Palo Cedro, CA 96073  
[brad.seiser@frontier.com](mailto:brad.seiser@frontier.com)

Mr. Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001  
Sent by Email: February 1, 2021: phellman@co.shasta.ca.us

February 2, 2021

Dear Mr. Hellman,

The following are our 13 pages of public comments submitted for the Tierra Robles RDEIR that are due in your offices by February 2, 2021. I would appreciate answers to all my questions on all the concerns that raised about this project for this RDEIR.

I have included the following attachments to this email which are supporting documents to our writings: Remy Moose Manley Letter dated 7/16/19, Tierra Robles EIR Third Amendment to Consultant Agreement - November 2019, Bella Vista Water District Public Comment Letter to County 7/16/19.

Warm regards,  
**Brad Seiser**

## 5.17 UTILITIES AND SERVICE SYSTEMS

5-1

IMPACT 5.17-4 *Would sufficient water supplies be available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*  
Significance: Potentially Significant Impact.

Issue: **Water Demand (Use)** Per the CA. Supreme Court Vineyard CEQA decision, the County and developer are required to identify a “likely” source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so existing customers are not negatively impacted by the Tierra Robles water demand.



- 5-1  
CONT'D
- 1) Specifically, how can an RDEIR proposed water transfer agreement between the Clear Creek Community Services District (CCCSD) and the Bella Vista Water District (BVWD) be considered "likely" when it lacks the specific evidence of an accurate water demand calculation?
- 5-2
- 2) Since the release of the 2017 DEIR, the 2019 FEIR and now the RDEIR the County and Developer continue to erroneously calculate the water demand for Tierra Robles rendering the factual basis for a "likely" source of supplemental water from any water purveyor moot.
- 5-3
- 3) The County and developer propose a water transfer agreement between the CCCSD and the BVWD for 100-acre feet per year (AFY) of indoor and outdoor water demand. (the RDEIR estimate for indoor and outdoor demand for the 166 homes and 15 additional dwelling units (ADU) is 81.9 AFY)
- 5-4
- 4) CA. Water code section 10608.20 is the governing law that determines the methodology to estimate demand for new projects. Specifically, the July 16, 2019 BVWD letter to the County notes:  
  
Response 7-m&n (page 14-122): Response incorrectly references the California Water Code. Below is the excerpt from the previous comment letter to the DEIR which has yet to be addressed:  
  
*The 55 gallons per capita per day used to estimate "Indoor Residential Demand" was incorrectly derived from the California Water Code Section 10608.20. The quantity of 55 gpcd is only viable if the water district does not have a defined water goal within their Urban Water Management Plan. If a district has a Urban Water Management Plan then they shall determine their urban water use target by using eighty percent of the urban retail water supplier's baseline per capita daily water use (California Water Code Section 10608.20.2.b.1) as defined in their 2015 Urban Water Management Plan Update (Section 10608.20.g).*
- 5-5
- 5) Per CA Water Code Section 10608.20, and evidenced in the July 16, 2019 BVWD letter to the County below, because the BVWD has a valid Urban Water Management Plan (UWMP) in place from 2015, BVWD has a defined water goal baseline of 758 gallons per capita per day (GPCD) of indoor and outdoor demand, rather than the county/developer suggested guidance of 55 GCPD to estimate indoor water demand.  
  
*Per the 2015 Bella Vista Water District Urban Water Management Plan, the baseline per capita daily water use is 947 gpcd. Target usage to be used for water planning purposes, as defined above, is 80% of baseline usage or 758 gpcd (2015 UWMP Section 5.5). Using this water demand and residential occupancy rate of 2.5 people per home for primary residences (as stated in the Draft EIR), the per unit water demand is 2.12 AFY for the 166 single family homes. As noted in the 2015 UWMP, this baseline usage includes both indoor and outdoor usage and should be used for per lot water demand planning.*

- 5-6 | **The BVWD calculation for water demand is 2.12 AFY per lot X 166 lots totaling 351.92 AFY, which does not even include the water demand for 15 ADU's. The RDEIR water demand is 100 AFY. The anticipated demand of 100 AFY is significantly underestimated which undermines all the discussion and conclusions in the RDEIR Water Section.**
- 5-7 | **Question: In single and multiple drought years, how will the county and developer make up for the shortfall of 251.92 AFY in the currently proposed water transfer agreement so it meets the standard of a "likely" source of supplemental water?**
- 5-8 | **Issue: Would sufficient water supplies be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?**  
  
The RDEIR presents evidence that sufficient water supplies are available in Normal years when no CVP water allocation cutbacks occur. The Developer is being required to supply supplemental water in single and multiple drought years when CVP water allocation cutbacks take place.  
  
The RDEIR TABLE 5.17-2 SUMMARY OF WATER SUPPLY SOURCES below presents misleading and erroneous water supply projections for the 5 BVWD groundwater wells, allegedly taken from the 2015 UWMP Update.  
  
However, these groundwater estimates were fabricated to reflect a non-existent "new" well that was never built in 2020 and is not being built. The totals show an additional 810 AFY more water than exists in the actual 2015 UWMP table.
- 5-9 | **Question: What are the accurate estimates for groundwater supplies that belong in TABLE 5.17-2? Why did the County not contact the BVWD to confirm the building of a new well in 2020 or beyond rather than assuming the new well?**

5-9  
CONT'D

**Water Supply**

TABLE 5.17-2, SUMMARY OF WATER SUPPLY SOURCES, shows the available water supplies for BVWD during normal water years.

**Table 5.17-2  
SUMMARY OF WATER SUPPLY SOURCES**

Water Supply Sources	Projected Supply (AFY)				
	2020	2025	2030	2035	2040
U.S. Bureau of Reclamation <sup>1</sup>	24,578	24,578	24,578	24,578	24,578
Groundwater <sup>2</sup>	5,010	5,010	5,820	5,820	6,630
Anderson-Cottonwood Irrigation District	1,536	1,536	1,536	1,536	1,536
<b>Total</b>	<b>31,124</b>	<b>31,124</b>	<b>31,934</b>	<b>31,934</b>	<b>32,744</b>

Source: BVWD. *Urban Water Management Plan Update 2015*, Table 6-5, page 67, December 2016.

Notes:  
<sup>1</sup> BVWD's contract with USBR provides up to 24,578 AFY of CVP water. Actual supplies are subject to restrictions for environmental flows, drought and the CVP M&I Shortage Policy.  
<sup>2</sup> Groundwater wells are currently only used to supplement surface water in short and long-term shortages. 4,200 AFY is estimated to be the maximum capacity of the existing wells. Additional groundwater wells are planned for construction every 10 years starting in 2020 increasing groundwater by 810 AFY per well.

**Normal and Dry-Year Supply Reliability**

Table 6-1 Groundwater – Volume Pumped (from the “real” 2015 UWMP) This shows the actual volume pumped from the 5 BVWD wells in drought years is way lower than the 5,010+ AFY they list above. Max pumped was 1,534 AFY in 2015 drought. This further shows the tenuousness of well water supplies in the same basin as the CCCSD.

5-10

river turbidity is high and District-wide water demand drops to approximately 3 to 4 MGD. The well capacity is greater than what has been historically needed during the winter when irrigation demands are minimal. However, due to the variable operation of the wells the volume projected to be pumped cannot be estimated (Table 6-1).

**Table 6-1: Groundwater – Volume Pumped**

Basin	Well Number	2011	2012	2013	2014	2015
Redding Area	1	5	24	47	420	231
	2	7	18	51	211	387
Groundwater Basin	3	12	20	55	314	342
	4	0	7	25	131	160
Enterprise Sub-basin	6	13	23	57	249	413
<b>Totals</b>		<b>37</b>	<b>93</b>	<b>234</b>	<b>1,325</b>	<b>1,534</b>

Units: AF  
 No safe yield has been established for the Redding Area Groundwater Basin, but groundwater modeling as part of the Coordinated AB 3030 Groundwater Management Plan indicates that the Redding Area Groundwater Basin is resilient to severe drought conditions and is able to recover with one year of normal rainfall. (Source: Shasta County Water Agency)

**6.2.6 Groundwater Recharge, Storage and Banking**

5-10  
CONT'D

**Questions:** a) If the BVWD wells are in the same groundwater basin as the CCCSD wells, what evidence does the County have that CCCSD production is stable since BVWD wells can “technically” produce, but don’t for a variety of reasons?

5-11

b) Given that CCCSD and BVWD are subject to the same CVP surface water allocation cutbacks along with potential State mandated groundwater cutbacks in single and multiple drought years what evidence and assurances do existing BVWD customers have that CCCSD will be able to honor their water transfer agreement to BVWD and its existing customers in single and multiple drought years?

5-12

**MITIGATION MEASURE 5.17-4b - Must be Amended To Reflect the Long Term Commitment to Provide Supplemental Water For The Entire Duration of the Project’s Buildout of 166 Homes**

MM 5.17-4b: Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project’s prior year water usage. Shortage conditions shall be defined to exist when BVWD has been notified by the USBR that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15th of each year. **The augmenting water supplies shall be made available to BVWD through the Agreement until such time as BVWD has completed three years of full CVP water allocation after commencement of operations at the project site. For any shortage condition that occurs after three years of full CVP allocation, the project applicant shall no longer be required to provide BVWD with augmenting water supplies, but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers.** The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.

**Level of Significance After Mitigation:** Impacts would be *less than significant* with mitigation incorporated.

5-13

**Issue:** RDEIR Mitigation Measure 5.17-4b offers the Developer a sweetheart deal on the length of time that Shasta Red LLC are committed to provide augmenting water supplies to the BVWD. This is an issue of supplemental water supply unreliability, making for an “unlikely” source of supplemental water which was raised in the July 16, 2019 BVWD Letter to the County (see attached).

As written existing BVWD customers are **unprotected** for supplemental water over the estimated long-term buildout of 10-15 years or more for all phases of development.

5-14 Three years of CVP could occur within three years of commencement of operations at the project site with little or no homes built for a variety of reasons. This is not a “likely” source of reliable supplemental water and presents a serious deficiency according to CEQA and Vineyard.

5-15 Mitigation Measure MM 5.17-4b must be amended to reflect the following changes in **bold underlined italics along with the copied text**: Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project’s prior year water usage. Shortage conditions shall be defined to exist when BVWD has been notified by the USBR that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15th of each year. ***The augmenting water supplies shall be made....:*** available to BVWD through an Agreement with BVWD and is consistent with the methodology of U.S. Bureau of Reclamation’s Central Valley Project Municipal and Industrial Shortage Policy, Guidelines and Procedures until such time as BVWD has received three successive water years of full (Unconstrained) CVP water allocations following buildout and completion of all phases of the development and newly created water demands. For any shortage condition that occurs after three years of full CVP allocations following buildout, the project applicant shall no longer be required to provide BVWD with augmenting water supplies.

The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.

5-16 **Issue:** The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.

**Questions:** a) What evidence is demonstrated in the RDEIR to show that any water supply provided to BVWD under the Agreement has satisfied all CEQA and NEPA requirements, as well as USBR approval?

5-17 b) What evidence is provided in the RDEIR that shows the developer has supplied the County with a current BVWD Will Serve Letter?

5-18 c) What evidence is provided in the RDEIR that shows the groundwater sustainability of the CCCSD groundwater wells under the state’s Groundwater Sustainability Act and EAGSA groundwater sustainability studies?

5-19 **Issue:** RDEIR Mitigation Measure 5.17-4b does not require documentation of a water transfer agreement until a time “concurrent with the establishment of the Tierra Robles [CSD] or [HOA].” The RDEIR ignores the issue of the efficacy of the TRCSD or TRHOA to administer and enforce any required water transfer agreement. Most CSD’s and HOA’s in California do not have any powers to enforce anything. There is no mention of enforcement powers and it seems this is a toothless entity. HOA’S typically lack enforcement capabilities and their financial viability can be severely impacted by homeowner owner defaults on HOA fees. **See attached, Pages 13-14 of Remy Moose Manley Letter of July 16, 2019 “The County Lacks Substantial Evidence to Support the Conclusion A Homeowners Association Can Effectively Mitigate Project”.**

5-20 **Questions: a) What are the answers to the legal issues raised in the above referenced Remy Moose Manley letter related to all the RDEIR mentions of the TRHOA and TRCSD regarding Wildfire and Water Issues?** The EIR tasks the TRHOA with enforcing several mitigation measures necessary to lessen the Project’s environmental impacts in the RDEIR. These responsibilities include enforcement of critical mitigation measures pertaining biological resource/oak woodland management activities (MM 5.4-1a, 5.4-1b), wildland fuel/vegetation management (MM 5.4-1c, 5.4-1f), and monitoring of fire prescription activities (MM 5.8-1). In addition, the TRCSD/TRHOA would be responsible for activities including road maintenance, storm drain maintenance, and operation of the wastewater collection and treatment facilities. (DEIR, p. 3-15.)

5-21 b) Given the County’s limited financial resources, it can ill afford to approve any project, TRCSD or TRHOA where the long-term financial viability of the project is in question. With the project slated for buildout in 10-15 years, how will be the Developer be able to ensure that the TRCSD or TRHOA will collect the necessary annual fees to cover all the costs associated with all the tasks required by those entities? What will happen to this project and the TRHOA or TRCSD if there is another economic downturn and the Developer lacks the financial staying power to ride it out?

5-22 c) What is the substantial evidence presented in RDEIR that demonstrates or proves that the TRHOA or TRCSD can effectively mitigate any required Water Transfer Agreement or the Tierra Robles Wildland Fuel/Vegetation Management Plan and monitoring of fire prescription activities and monitoring of fire prescription activities through the entire buildout of the project?

5-23 d) As a condition of approval, will the County become a participating entity in the CC&R’s of the project to ensure the HOA is meeting its fiduciary and legal responsibilities for a water transfer agreement and to manage its responsibilities under the Wildland Fuel/Vegetation Management Plan and monitoring of fire prescription activities as noted in the RDEIR Wildfire Section?

5-24 e) If a TRCSD is opted for, what is the substantial evidence that the County will ensure that LAFCO is integrated into the process to ensure that all the required enforcement and fiduciary actions needed for the maintenance of the water transfer agreement and all the other required responsibilities of the TRCSD so that Shasta County taxpayers are protected?

5-25 **Issue:** As of the 2/2/21 public comment deadline, there have been NO negotiations between the CCCSD and the BVWD for a water transfer agreement. The only evidence in place is a BVWD Board minutes and a letter from CCCSD to the BVWD Board advising of a potential, not “likely”, negotiation for a water transfer agreement between the two entities. Given the extensive and groundbreaking nature of this agreement, particularly with all the required regulatory oversight and approvals, the County must protect the interest of existing BVWD customers to ensure that a potential source of water becomes a “likely” source of water, with a signed water transfer agreement with CCCSD and BVWD and all regulatory approvals in place.

5-26 **Question:** What will be the County’s conditions of satisfaction/evidence be for a designation of a “likely” source of water under Vineyard? Will the County insist on a new, current Will Serve Letter prior to approval of the Planning Commission or Board of Supervisors? Will the County insist on a signed, approved Water Transfer agreement between BVWD, the CCCSD and USBR prior to approval by the Planning Commission or Board of Supervisors?

**Issue:** The conditions of Shasta County General Plan Policy W-c have not been met in the RDEIR Utilities and Services Section for Water Demand Use. As noted in all the issues above, a lack of certainty exists regarding the supplemental water supply which runs afoul of the County’s General Plan W-c Policy.

5-27 *Policy W-c. States: “All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. Project proponents shall submit sufficient data and reports, when requested, which demonstrate that potential adverse impacts on the existing water users will not be significant. The reports for land divisions shall be submitted to the County for review and acceptance prior to a completeness determination of a tentative map. This policy will not apply to developments in special districts which have committed and documented, in writing, the ability to provide the needed water supply.”*

The County and developer has provided deficient and erroneous RDEIR water demand data that makes any potential supplemental water supply agreement moot and dead in the water. This RDEIR severely underestimates water demand and makes any estimate of the amount of CCCSD CVP or groundwater availability to BVWD a shot in the dark and renders a finding of a “likely” source of water under Vineyard moot.

5-28 | With an RDEIR shortfall of at least 252 AFY it would be malpractice for the County to move forward to approve Tierra Robles. Therefore, absent the delivery of a supplemental water supply to BVWD during dry-year periods, the proposed project would utilize water that would otherwise be available to existing BVWD customers and further exacerbate dry-year water shortages. This cannot be allowed to happen.

5-29 | **Question:** What actions is the County going to do to bring the RDEIR into compliance with the Shasta County General Plan Policy W-c for an assurance of an adequate water supply in single and multiple drought years, so that existing BVWD customer are protected throughout the buildout of all phases of this subdivision?

5-30 | **Issue:** With the RDEIR's severely underestimated water demand numbers, it calls into question the design and sizing of the modular Onsite Community Waste Treatment Facility which would be under the oversight of either the TRHOA or TRCSD (**See attached, Pages 13-14 of Remy Moose Manley Letter of July 16, 2019 "The County Lacks Substantial Evidence to Support the Conclusion A Homeowners Association Can Effectively Mitigate Project"**).

There is substantial evidence that the existing sizing and design is no longer accurate given the 252 AFY shortfall in water demand predicted for Tierra Robles. What goes in must come out and it would appear that the system design and sizing must be reexamined.

5-31 | **Questions:** a) How many AXMax waste treatment modules will now be needed based on the design shortfall of 252 AFY in water demand for 166 homes plus 15 ADU's?

b) Based on the shortfall, how much additional capacity in square feet of roadway median will be needed to disperse an increase in treated effluent?

#### Air Quality

5-32 | **Issue:** RDEIR Table Page 5.3-6 UNMITIGATED CONSTRUCTION-RELATED EMISSIONS presents conflicting information from the previous Table in the DEIR (page 5.3-12). The RDEIR describes construction activities involving the paving of approximately 17.2 acres of roadways. The previous DEIR states the amount of paving would be 51.71 acres. While these facts may be true, it is questionable that the RDEIR emissions are reduced if the project remains at 166 homes plus 15 ADU's. It is unclear as to how this change was made and why.

**Questions:** a) Why are the unmitigated construction emissions lower in the RDEIR if the project description remains unchanged?

5-33 | b) How has the project description been changed in terms of the number of lots or the lot sizes?



5-34 c) What substantial evidence is presented that shows emissions will be reduced?

Wildfire and Tierra Robles Area Evacuation Traffic Study Sections

**Issue:** According to the November 22, 2019 Third Amendment between the County of Shasta and Kimley- Horn and Associates for the Purpose of Preparing Environmental Documents for the Tierra Robles includes Task 5 - Prepare Wildfire Section of the EIR. The text reads, “Kimley- Horn shall prepare a new Wildfire Section for the EIR based upon the thresholds provided in Appendix G of the State CEQA Guidelines. ***The discussion in this section will include the findings of an emergency evacuation analysis to be provided by the applicant***”.

5-35 **Question:** Given the fact that the County has never had a Wildfire Evacuation Analysis conducted for the study of a new planned development and given the history of wildfires and evacuations in the vicinity of the proposed development and the concerns of the public about the need for such a study, why did the County not choose to appoint an independent firm to conduct the necessary study, to ensure no conflict of interest with the Developer?

**Comment:** We would assert that the contracting of Mr. Nuworsoo to do the study directly by Shasta Red LLC constitutes such a conflict of interest. Such a conflict calls into question the independence and objectivity of the study and its conclusions whose findings and conclusions favor Shasta Red LLC. How will the County rectify this conflict of interest? Will it conduct a new independent Wildfire Evacuation Study?

5-36 **Issue:** The Nuworsoo evacuation traffic study is a theoretical model of possible evacuation scenarios and evacuation timeframes to 8 different potential refuge evacuation sites. While the author had access to actual data from previous Traffic studies completed for Tierra Robles in the 2017 DEIR and 2019 FEIR and any other traffic study by the County for other projects, NO real-world traffic volume/flow data was used for this study, except for State Road 44 and 299. No residential street data were used in this analysis. Such residential street data is readily available from StreetLight Data to the County and should have been considered. Streetlight data studies (which the County likely knows about) have highlighted wildfire evacuation risk issues in Shasta Lake City and Lake California in Tehama County.

**Questions:** a) Other than modeling data, what actual traffic volume/flow data was used to evidence the different evacuation scenarios and their impact on evacuation times to refuge sites?

5-37 b) If actual traffic volume/flow data were not used, how can the study conclude that “the addition of the Project traffic would not substantially increase the clearance times to evacuation centers? Where is the substantial evidence required under CEQA to make this claim?

- 5-38 c) How and on what basis did the County vet the Nuworsoo study's conclusion that Tierra Robles did not pose a significant impact on wildfire evacuation?
- 5-39 d) What RDEIR substantial evidence exists in the Nuworsoo study that demonstrates that Foothill High School can accommodate 4,338 vehicles in Model Scenario 3?
- 5-40 e) What RDEIR substantial evidence exists in the Nuworsoo study that demonstrates that the Old Oregon Trail at Old 44 Business Center can accommodate 2,439 vehicles in Model Scenario 3?
- 5-41 f) What RDEIR substantial evidence exists in the Nuworsoo study that demonstrates that Deschutes Road at Old 44 Shopping Center can accommodate 630 vehicles in Model Scenario 3?
- 5-42 g) What RDEIR substantial evidence exists in the Nuworsoo study that demonstrates That Columbia Elementary School can accommodate 3,074 vehicles in Model Scenario 5? ETC, ETC.

5-43 **IMPACT 5.19-1 The Project Would Substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan.**  
**Significance: Less Than Significant Impact.**

On Page 5.19-13 it states "To minimize operational impacts to emergency access, all on-site roadways would be designed in compliance with the Shasta County Fire Safety Standards as outlined in Chapters 8.10 and 16 of the Shasta County Code of ordinances prior to issuance of building permits. Primary access to and from the proposed Project would be from Boyle Road at the southern end of the Project site, with a north-south oriented internal arterial roadway (Tierra Robles Parkway) that connects with Old Alturas Road (via Chatham Ranch Drive) at the north end of the Project site. The proposed internal street network consists of approximately 15 roadway segments and would be designed and constructed to meet applicable County street standards. **A secondary access is proposed at the southerly terminus of Tierra Robles Lane at Northgate Drive. The proposed connection with Northgate Drive would be gated per County fire standards and used for reciprocal emergency access only. As a result, Project operations would have a less than significant impact related to emergency response or evacuation activities within the development.**"

The RDEIR calls for the northern terminus of Northgate Drive to intersect with the southerly terminus of Tierra Robles Lane to provide the project with a secondary emergency access road. Northgate Drive is a private road and only the 28 homeowners on this road have legally recorded easements which only grants them use of Northgate Drive. While creating an additional evacuation route for existing residents could be considered as a benefit, Shasta Red LLC does not have a legally recorded easement to use Northgate Drive.

5-43  
CONT'D

The parcel number containing the terminus of Tierra Robles Lane is APN-061-210-001.

County deed records for parcel APN #061-210-001 indicate there is no legally recorded easement for the subject property, by the current owner, Shasta Red LLC, nor the previous owners, Landmark Investment Group, RHS NorCal Investments LLC and UJB Investments LLC nor the previous owners, Chatham Family 1991 Trust and Harryette Chatham J-TR, nor the previous owners, Harryette and Gordon Chatman.

*The only legal description for APN-061-210-001 is: "North One-Half of Lots 1 and 2 of the Northwest One-Quarter, Section 30, Township 32 North, Range 3 West, M.D.B &M." There is no recorded easement for access to the adjacent parcel that includes Northgate Drive in that or any other parcel description.*

While there may be a history of Northgate Drive being used to move grazing cattle on and off the subject property and to allow access for bee farming, these were limited uses for agricultural purposes only and is not consistent with the purpose of a Planned Development. Again, no legally recorded easement exists.

**Question: What is the plan for the County or the Developer to acquire the permission of the existing 28 homeowners on Northgate Drive for easement rights to use Northgate as an emergency access route?**

**Issue:** In addition, Shasta Fire requires that any road used for an emergency access route, must meet EEER standards. If Northgate Drive is to be used for an Emergency Egress Access Road it must meet Shasta Fire regulation standards. Currently it is a shoulder-less, narrow, breaking apart crack sealed road.

5-44

The EEER standards include 1) a minimum driving surface of two 10-foot traffic lanes as to provide a two-way traffic flow to support emergency vehicles and civilian egress. 2) The shoulder is supposed to be one foot wide on each side of the roadway 3) provide that roadways are to be designed and maintained to support the imposed load of fire trucks weighing at least 75,000 pounds and provide an aggregate base. Paved Emergency Fire Escape Road Construction Standards call for an aggregate base that should be surfaced with a 0.17-foot depth X 20 feet of asphalt concrete.

Before the County can record an approved development site map, Northgate Drive or any other designated road would have to be brought up to EEER standards. The RDEIR does NOT provide evidence of a plan for Shasta Red LLC to gain a legal easement from the 28 current owners of Northgate, nor is there evidence of a plan to bring Northgate Drive up to Shasta Fire EEER standards. What are those plans?

5-45

**Question:** What is the plan for the Developer to bring Northgate Drive into compliance with Shasta Fire Emergency Egress Access standards?

**Issue:** The DEIR does not include any information on how a reciprocal EEER gate would work in terms of who, how and when this emergency road access would be in operation. Also, how would Northgate not become a regular thoroughfare for traffic existing to Boyle Road. The public has a right to know this information and full disclosure and transparency is deficient.

**Question:** What are all the facts about the operation, security, and safety of a Northgate EEER?

## Response to Comment: Letter 5 – Brad and Barbee Seiser

### Response 5-1:

The commenter states that the RDEIR incorrectly estimates the water demand for the proposed project. The County does not agree that the RDEIR lacks an accurate water demand estimate. The commenter is referred to **Master Response #1- General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations**, all of which discuss water supply and the Bella Vista Water District's (BVWD) Urban Water Management Plan (UWMP), and Table 5.17-2 in the RDEIR.

Evidence of the feasibility of the water transfer between Clear Creek Community Services District (CCCSD) and BVWD is discussed on pages 5.17-19 through 5.17-30 of the RDEIR. The applicant-initiated discussions with both agencies regarding the feasibility of CCCSD providing supplemental water to BVWD. Both agencies provided letters documenting the feasibility of such a transfer. Letters from each of the districts are provided in Appendices C-2 and C-3 of the RDEIR. The commenter also is referred to Responses 1-9 through 1-11, 2-3, 3-11 and 3-21, regarding the CCCSD transfer.

Potential impacts on water supply are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 5-2:

The commenter states that identifying a likely source for supplemental water is moot because the water demand calculations are incorrect. The County does not concur with this comment. The commenter is referred to **Master Response #1- General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations**, all of which discuss water supply and BVWD's UWMP, and Table 5.17-2 in the RDEIR. The commenter also is referred to **Response 5-1** above that reference's other responses with additional information.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 5-3:

The comment restates the proposed water transfer agreement between CCCSD and BVWD for 100 acre-feet per year (AFY). The County concurs with this comment. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 5-4:

The comment notes his previous comment on the 2019 Draft EIR (DEIR) regarding the California Water Code. The commenter is referred to **Master Response #1- Water Supply Analysis Master Responses - Consistency with California Water Code**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-5:**

The commenter states that the defined water goal baseline for the project should be 758 gallons per capita per day. The commenter is referred to **Master Response #1- Consistency with California Water Code, Project Projected Water Demand, and California Water Code Baseline Calculations**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-6:**

The commenter states that 100 AFY significantly underestimates the water demand for the proposed project. The County does not concur that the project's water demand is 2.12 AFY per lot or that the RDEIR significantly underestimates the project's water demand. As shown in Table 5.17-8 on page 5.17-16 of the RDEIR, the water demand for the project is 80 AFY. Please see discussion on pages 5.17-14 through 5.17-17 of the RDEIR and **Master Response #1 -Consistency with California Water Code, Project Projected Water Demand, and California Water Code Baseline Calculations** regarding how the water demand calculations were generated.

Potential water supply impacts are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-7:**

The commenter states that project will have a water demand deficit of 251.92 AFY and asks how the project will make up for the shortfall.

The County does not concur that the project will have a water demand deficit of 251.92 AFY or that the project will result in a shortfall. The project has a water demand of 80 AFY and has identified a supplemental water source of 100 AFY for dry or multiple dry years. The commenter is referred to **Responses 5-1 through 5-6**, which provide additional information and note other responses that speak to this comment, specifically those related to CCCSD.

Potential water supply impacts are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-8:**

The commenter asks if sufficient water supplies will be available to serve the project during normal, dry and multiple dry years. The groundwater supply projections in Table 5.17-2 on page 5.17-4 of the RDEIR are from Table 6-5 of the UWMP (page 67). None of the groundwater estimates in the RDEIR were fabricated. They are the same amounts from the UWMP. The total water supply estimates are the same in the RDEIR as in the UWMP.

The commenter is referred to **Response 3-4** regarding future groundwater supply estimates.

Potential water supply impacts are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-9:**

The commenter asks about accurate estimates for groundwater supplies and the status of existing groundwater wells. The RDEIR used the groundwater supply estimates from the UWMP. The analysis in the RDEIR does not cherry pick specific numbers to include or not include from the UWMP. To revise projections for groundwater supply would also necessitate the need to revise projections for demand. The UWMP is a planning tool used to predict available water supplies in the future. The BVWD has the ability to operate and construct groundwater wells at its discretion based on groundwater supply and demand projections.

The commenter is referred to **Response 5-1** above for additional information and for a list of other pertinent responses.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-10:**

The comment discusses differences between groundwater supplies that are available versus the amount of groundwater pumped. The commenter asks if pumping from CCCSD wells will impact BVWD wells. The commenter is confusing the amount of water actually pumped from groundwater wells compared to the groundwater yield or production capabilities of the wells. As noted on page 66 of the UWMP:

“[G]roundwater is utilized as a supplemental source of water rather than a long-term water supply. The wells can produce approximately 5 MGD (15.3 AF/day). It is estimated that at 75% utilization (allowing for well maintenance, equipment failures, reduced output if the wells are run for an extended amount of time, and low demands during the fall and winter months) the wells could produce an average of 3,400 AF of water annually. The District has conducted several studies regarding water supply sources. These include studies to construct additional wells for groundwater utilization, and aquifer storage and recovery (the injection of surface water into existing wells for later use). Future water supply projects are all in various stages of planning and project yields have generally not been determined yet.”

The applicant initiated discussions with both agencies regarding the feasibility of CCCSD providing supplemental water to BVWD. Both agencies provided letters documenting the feasibility of such a transfer. Letters from each of the districts are provided in Appendices C-2 and C-3 of the RDEIR.

No evidence of overdraft from groundwater well pumping has been identified during consultations with CCCSD and BVWD as a result of CCCSD providing supplemental water for the proposed project or otherwise.

Potential water supply impacts are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-11:**

The commenter asks if enough groundwater will be available if BVWD and CCCSD are subject to CVP surface water allocation cutbacks. Both agencies use groundwater as a supplemental source of water when CVP water allocations are reduced. Any agreement between the two districts would need to be

approved by the Board of Directors of the both districts. The agreement would have the same enforceability as any other agreement among water agencies.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-12:**

The commenter suggests revisions to Mitigation Measure 5.17-4b. Mitigation Measure 5.17-4b will be revised in the Final EIR per the recommendations of BVWD. The commenter is referred to **Response 1-11**.

No further response is required and no further changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-13:**

The commenter states that Mitigation Measure 15.17-4b provides unequitable responsibilities on the proposed project compared to existing customers. The comment also states that existing BVWD customers are unprotected for supplemental water over the estimated long-term buildout of 10-15 years. The revisions to Mitigation Measure 5.17-4b in the Final EIR clarify this issue. The commenter is referred to **Response 1-11**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-14:**

The comment states concerns that BVWD could receive three years of full CVP water allocation before buildout of the project site. The revisions to Mitigation Measure 5.17-4b in the Final EIR clarify this issue. The commenter is referred to **Response 1-11**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-15:**

The comment requests additional language be added to Mitigation Measure 5.17-4b to require supplemental water supplies be made available until BVWD receives three years of full CVP water allocation after completion of the project. The revisions to Mitigation Measure 5.17-4b in the Final EIR clarify this issue. The commenter is referred to **Response 1-11** regarding revisions to this mitigation measure and to **Response 3-17** regarding requirements for CEQA and NEPA compliance.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-16:**

The commenter requests the applicant demonstrate that the supplemental water supply provided to BVWD under the agreement with CCCSD satisfies all CEQA and NEPA compliance requirements. The commenter is referred to **Response 3-17** regarding requirements for CEQA and NEPA compliance.



No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-17:**

The commenter asks if the project applicant has a current Will Serve Letter from BVWD. The County understands the previous Will Serve letter has expired. The County also understands the applicant will request a new Will Serve letter once the supplemental water supply is secured.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-18:**

The commenter requests evidence of the groundwater sustainability of the CCCSD groundwater wells under the state's Groundwater Sustainability Act and Enterprise Anderson Groundwater Sustainability Agency (EAGSA) groundwater sustainability studies. EAGSA is tasked with sustainably managing local groundwater resources. It consists of the overlying members of the Redding Area Groundwater Basin and was formed by a Memorandum of Understanding between the cities of Redding and Anderson, County of Shasta, CCCSD, BVWD, and the Anderson Cottonwood Irrigation District (ACID). The EAGSA Board of Directors is comprised of elected officials representing each agency. The GSA formed with a memorandum of understanding on June 30, 2017 and plans to develop a GSP by January 31, 2022. In the interim, groundwater is managed in accordance with the Coordinated AB3030 Groundwater Management Plan, adopted by the County in May 2007. The AB 3030 plan can be found at: [http://www.co.shasta.ca.us/index/pw\\_index/engineering/water\\_agency/ab3030\\_plan.aspx](http://www.co.shasta.ca.us/index/pw_index/engineering/water_agency/ab3030_plan.aspx) Therefore, the RDEIR includes them as reference documents and relies upon analysis in the GSP. There are no known problems with the groundwater basin. The State has identified both Enterprise and Anderson subbasins as medium priority – meaning they are not in critical condition. The comment does not present any credible evidence of known problems with the existing groundwater basin.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-19:**

The commenter states that the RDEIR ignores the issue of the efficacy of the TRCSD or TRHOA to administer and enforce any required water transfer agreement. The commenter is referred to **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowner's Association.**

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-20:**

The commenter asks for a response to the legal issues raised in the Remy Moose Manley comment letter related to all the references in the RDEIR to the TRHOA and TRCSD regarding wildfire and water issues. The commenter is referred to **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowner's Association** and response to the Remy Moose Manley comment letter contained in the Final EIR.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-21:**

The commenter asks about the financial viability and responsibility of the TRCSD or TRHOA. The commenter is referred to **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowner's Association.**

**Response 5-22:**

The commenter asks what substantial evidence is presented in RDEIR that demonstrates or proves that the TRHOA or TRCSD can effectively mitigate any required Water Transfer Agreement or the Tierra Robles Wildland Fuel/Vegetation Management Plan. The commenter is referred to **Master Response #4-Tierra Robles Community Services District and Tierra Robles Homeowner's Association** regarding the enforcement capabilities of the TRCSD and TRHOA and **Response 4-1.**

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-23:**

The commenter asks if the County will become a participating entity in the CC&Rs of the project to ensure the TRHOA is meeting its fiduciary and legal responsibilities. Although the TRHOA would be responsible for overseeing and enforcing the CC&Rs, the County will review the CC&Rs to ensure that they are consistent with the project's CEQA Mitigation Monitoring and Reporting Program, Planned Development (PD) zone district requirements, and tract map conditions of approval prior to recordation. Please see **Master Response #4** regarding HOA enforcement capabilities and responsibilities.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-24:**

The commenter asks what is the substantial evidence that the County will ensure that LAFCO is integrated into the process of establishing the TRCSD to ensure all the required enforcement and fiduciary actions for the project. Shasta County LAFCO would be involved in the formation of the TRCSD because only a LAFCO can approve a CSD.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-25:**

The comment states there have not been any negotiations between CCCSD and BVWD for a water transfer agreement. The County does not agree with this comment and refers the commenter to **Response 5-1.** The proposed project is consistent with the land use designations of the County's General Plan and the growth projections of the UWMP. Please see **Response 1-11** regarding Mitigation Measure 5.17-4b which requires, "Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with

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BVWD to provide BVWD with adequate water supplies on an annual basis...” The development of the project cannot happen without an agreement with BVWD.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-26:**

The commenter asks what the County’s conditions of satisfaction/evidence will be for a designation of a “likely” source of water under the Vineyard decision. The commenter references the Vineyard decision which appears to be a reference to the Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova. The comment does not identify how the project conflicts with this decision. Please see **Response 5-1** regarding the feasibility of the water transfer. The applicant will be required to obtain a new Will Service Letter from BVWD. The County will not require an approved supplemental water transfer agreement prior to approval by the Board of Supervisors because no decision on whether to approve or deny the project has been made by the Board of Supervisors at this time.

Potential water supply impacts are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-27:**

The comment states that conditions of Shasta County General Plan Policy W-c have not been met. The County does not concur with this comment. The County has provided sufficient data and analysis in Section 5.17 of the RDEIR. The project will achieve reduced water demand through water efficient design and water efficient fixtures. The County will enforce the outdoor landscaping regulations which limits irrigated landscaping and prohibits the keeping of livestock. As such, the proposed project would use less water per day than typical rural residential properties in the surrounding area.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-28:**

The commenter states that with a shortfall of at least 252 AFY it would be malpractice for the County to approve the proposed project. The County does not concur with this comment. Please see **Responses 5-1** and **5-7** and **Master Response #1-Water Supply Analysis Master Responses**. Potential water supply impacts are considered less than significant with mitigation incorporated.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-29:**

The commenter asks what actions the County is going to take to bring the RDEIR into compliance with Shasta County General Plan Policy W-c. The County does not concur that the project is inconsistent with the General Plan. Please see **Response 5-27**. Please see **Master Response #1** regarding the water supply analysis and **Response 5-1** regarding the feasibility of the supplemental water supply in drought years when CVP water allotments are curtailed.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-30:**

The comment states that the proposed wastewater treatment facility may be undersized. The County does not concur that the wastewater treatment facility is undersized or that the project has a water demand shortfall of 252 AFY. Please see **Master Response #1** regarding the project water demand calculations. The comment states there is substantial evidence that the existing sizing and design of the proposed wastewater treatment facility are no longer accurate, but no details or technical analysis is provided to support this statement. The wastewater treatment facility is discussed in Section 5.17 of the DEIR.

Potential impacts on utilities and service systems are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-31:**

The comment asks how many AXMAx wastewater treatment modules will be needed based on the water demand shortfall of 252 AFY. The County does not concur that the project has a shortfall of 252 AFY. Please see **Master Response #1** regarding the project's water demand calculations. No changes to the project design have been proposed including the design of the wastewater treatment facility or increases in roadway medians. The wastewater treatment facility is discussed in Section 5.17 of the DEIR.

Potential impacts on utilities and service systems are considered less than significant with mitigation incorporated. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-32:**

The commenter asks why air quality emissions are lower in the RDEIR compared to the DEIR. The commenter is referred to **Response 2-9** regarding the updated air quality analysis. No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-33:**

The commenter asks how the project description has changed. No changes to the project description have been made, including the proposed number of lots or the proposed lot sizes.

**Response 5-34:**

The commenter asks what substantial evidence is presented that shows emissions will be reduced. The air quality analysis is provided in Section 5.17-3 of the RDEIR. The air quality analysis is based on computer modeling (CalEEMod) designed to calculate air quality emissions from development projects. In addition to the reason provided in **Response 2-9**, other factors resulting in reductions in air quality emissions include refinements to the CalEEMod model between the time the DEIR and the RDEIR were prepared. Additionally, the air quality analysis in RDEIR includes the use of Tier IV construction equipment which has higher efficiencies with regard to emission reductions than the Tier III construction equipment used in the DEIR analysis. Tier IV construction equipment is more widely available at this time and was included in the

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CalEEMod modeling analysis. As a result, construction emissions were reported to be lower in the RDEIR compared to the DEIR.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-35:**

The commenter asks why the County did not choose to appoint an independent firm to conduct the evacuation study to ensure no conflict of interest with the project applicant. The preparation of an evacuation study was not required by the County, but was voluntarily prepared by the applicant. The study was prepared by qualified transportation engineer with experience preparing similar studies. Please see **Master Response #2**. The study was reviewed by the Shasta County Department of Public Works and was found to be credible.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-36:**

The commenter states that the analysis in the evacuation study is a theoretical model and that no real-world traffic/flow volume was used in the analysis. The comment also asks what actual traffic volume/flow data was used to evidence the different evacuation scenarios and their impact on evacuation times to refuge sites.

The Traffic Evacuation Traffic Study is not a theoretical exercise and is based on existing roadways networks, existing potential refuge areas, the anticipated traffic flow that would originate from the existing residences and individual lots in the study area, and the vehicles trips it would generate. In addition, the Traffic Evacuation Study uses the potential refuge areas which are strategically located on the boundaries of the evacuation envelope to account for potential evacuations that could occur and require evacuation to specific locations and in specific directions away from an approaching wildfire within the study area.

The “through volume” or external traffic is applied to Highway 44 and Highway 299. Traffic on internal roadways originate from or are destined for the properties in the evacuation envelope. It would be inaccurate to count them on the roadways separately and then recount them as vehicles evacuating from individual homes in the area.

As discussed on Page 8 of the Traffic Evacuation Study, “

“The traffic volume anticipated to flow through the study network was estimated according to best practice assumptions in traffic flow analysis. Table 2-1 is a summary of the key assumptions. Projections indicate the equivalent of approximately 7,410 passenger cars would flow through the study network as motorists head toward appropriate refuge areas.”

The County understands that this did not use the traffic studies that were used to prepare Section 5.16 Traffic and Circulation as the methodologies to evaluate the effects of day to day traffic impacts versus evacuation for an emergency require different practices and use different models to address the disparate conditions of each.

In order to obtain what is being referred to as “actual traffic volume/flow data” in the comment, the County would have to conduct traffic counts on area roadways during an actual fire event which is infeasible. Further, the comment does not provide any evidence that the traffic volumes in the evacuation study are inaccurate.

The commenter indicates the website Streetlight Data provides data on emergency evacuations and notes that it has highlighted areas with wildfire evacuation risks in Shasta and Tehama County. The County acknowledges the comment and data; however, the commenter does not provide the methodologies by which these studies have been conducted. For additional discussions of the Streetlight Data website, the commenter is referred to **Response to Comments 15-2 and 15-4**, which provide additional information regarding its use and applicability to the project.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-37:**

The commenter asked how the study can conclude that the addition of the Project traffic would not substantially increase the clearance times to evacuation centers and what evidence is provided. Project traffic volumes were added to the volumes that existing properties would generate during an evacuation. The differences between model runs with and without the project is provided in the tables beginning on page 5.19-19 of the RDEIR. The comment does not provide any evidence that the project would substantially increase evacuation times. Please see **Master Response #2: Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-38:**

The commenter asks on what basis did the County vet the Nuworsoo study’s conclusion that the proposed project would not pose a significant impact on wildfire evacuation. The Shasta County Department of Public Works reviewed the study and found it to be credible based on the following:

- The proposed evacuation traffic was modeled to simulate potential trip generation, distribution and destinations under various scenarios;
- The traffic models accommodated variable flow and roadway storage;
- The models quantify delays on various segments in the road network and total time to complete evacuation of the study area; and
- The report contains empirical information regarding the recent Camp Fire evacuation.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-39:**

The commenter asks what substantial evidence exists in the evacuation study that demonstrates that Foothill High School can accommodate 4,338 vehicles in Model Scenario 3. The intent of the analysis is not to demonstrate that any number of vehicles could be accommodated at any of the temporary refuge areas. The accommodation value given shows the number of vehicles that are expected to travel toward the listed refuge area from the evacuation study area. The listed refuge areas are not meant to be permanent and are called out as temporary. Longer-term evacuation facilities would be established by

County officials depending on the type and location of the emergency. The refuge areas are also are not intended to provide evacuees with a long-term area in which to stay but are intended as pass through location as they travel through the area from the areas threatened by fire. Accordingly, it is assumed that people evacuating would use the refuge location for short periods of time until they are able to find longer term accommodations or return to the residences. Thus, the total number of accommodations reflects the number of vehicles that may be temporarily accommodated throughout the entire evacuation process.

If the temporary refuge locations do not have sufficient capacity for these needs, then the emergency response commanders would indicate the appropriate thing to do during a fire instead of attempting to store or shelter all of them at these locations. It is anticipated that most evacuees would be heading beyond the boundaries of the evacuation envelope unless fire fighters are able to retard the progress of the fire.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-40:**

The commenter asks what substantial evidence exists in the evacuation study that the Old Oregon Trail at Old 44 Business Center can accommodate 2,439 vehicles in Model Scenario 3. The commenter is referred to **Response 5-39** regarding the intended use of the temporary refuges.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-41:**

The commenter asks what substantial evidence exists in the evacuation study that Deschutes Road at Old 44 Shopping Center can accommodate 630 vehicles in Model Scenario 3. The commenter is referred to **Response 5-39**, regarding the intended use of the temporary refuges.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-42:**

The commenter asks what substantial evidence exists in the evacuation study that Columbia Elementary School can accommodate 3,074 vehicles in Model Scenario 5. The commenter is referred to **Response 5-39**, regarding the intended use of the temporary refuges.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-43:**

The commenter notes that no legally recorded easement exists on Northgate Drive to allow for a secondary access to the project site. The County concurs with this comment. Please see **Response 2-15**. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The evacuation study did not include Northgate Drive as a potential access from the project site. It should be noted that residents of the Northgate Drive will be able to use project roads to evacuate to the north. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-44:**

The commenter asks if there is a plan for the County or the project applicant to acquire permission from the 28 homeowners on Northgate Drive for easement rights to use Northgate Drive as an emergency access route. The commenter is referred to **Response 5-43**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 5-45:**

The commenter asks what the plan is for the developer to bring Northgate Drive into compliance with Shasta Fire Emergency Egress Access standards. The commenter is referred to **Response 5-43**.

No further response is required and no changes to the RDEIR are required. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.



Letter 6: Daniel Hoer

Dear Mr. Hellman,

My name is Daniel Hoer and I live on one of the roads that feeds onto Boyle Road, right near the proposed Project site. I represent a large number of homeowners and neighbors who live on my street. I have been asked to convey feedback from the community and pose important questions to the County and developer. Please see our feedback on the RDEIR and specific questions (**in bold**) for the County with regard to the RDEIR. Please request that the County respond to each question. Thank you so much for your assistance.

Sincerely,  
Daniel Hoer

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6-1

As the REDIER correctly notes, the entire Tierra Robles Project (the "Project") site is located within a State Responsibility Area and Very High Fire Hazard Severity Zone. Not only is the entire site located in a Very High Fire Hazard Severity Zone and State Responsibility Area, but the entire area surrounding the Project Site, including all the already-existing homes purchased by current residents who already live in the affected areas are all located in a in a Very High Fire Hazard Severity Zone and State Responsibility Area. Classification of a zone as moderate, high or very high fire hazard is based on a combination of how a fire will behave and the probability of flames and embers threatening buildings. Wildfire is a very real threat to residents who live in the vicinity of the Project and it must be remembered that we live in a County where people have literally burned to death from wildfires.

6-2

**Question 1:**

The REDIER's Wildfire Analysis is based on a Huge assumption re Shasta College: The conclusions that the would be a less than significant impact regarding wildfire are not supported. The "time-required-to-safely-evacuate" data calculated in the RDEIR's Wildfire Analysis are based on at least one totally unwarranted assumption which obfuscates the fact that actual evacuation times will be far more extensive than the County is disclosing because in ALL five hypothetical scenarios contemplated in the RDEIR, Shasta College was assumed to have been 100% empty at the time of the wildfire (either due to covid, or because the entire college was assumed to have simply "closed in advance of evacuation". This is a DANGEROUS ASSUMPTION that completely undermines the credibility of the whole study. . Shasta College's website at the time of this comment states that it serves 8,342 students (42% of students are full-time) and in 2010 had a total enrollment of more than 10,000 students. Assuming zero traffic will come from Shasta College - the most popular (and in fact ONLY) community college in Shasta County is absurd. Taken directly from <https://www.communitycollegereview.com/shasta-college-profile>: "Since 1950 Shasta College has served the residents of Northern California with outstanding programs of education and public service. The campus is located on 337 acres, and is referred to as the Stillwater campus because it is bordered by Stillwater Creek on the East Side. The District also owns an additional 350 acres in Bella Vista. The District encompasses the counties of Shasta, Tehama, and Trinity,

6-2  
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and small portions of Lassen, Modoc, and Humboldt counties as well. The college has a childcare center, residence halls, its own waste water treatment facility, a park, a horse arena, an Olympic-sized swimming pool, an Olympic-sized diving pool, and a fire station, which serves the surrounding area. The campus includes wooded groves...ponds, nature trails...a Christmas Tree farm, and a 150-acre farm.” THIS IS A MASSIVE PUBLIC SPACE WITH MASSIVE AMOUNTS OF PEOPLE. THE RDEIR ASSUMES IT IS ALL EMPTY. **Will the County PLEASE update the RDEIR with a revised study which accurately discloses how the projected evacuation times will be affected in the likely scenario that Shasta College is not empty and is being occupied at various capacities – which it almost is “more likely than not” to be at a non-COVID shelter-in-place the time of a future wildfire?** Even if the county totally disagrees then the scenario must be considered and disclosed/discussed as a ‘worst case’ likely scenario. The whole analysis is flawed if we rely on an assumption of 0% traffic from Shasta College.

6-3

**Question 2:**

The Public Safety Group, Fire Safety and Sheriff Protection subsection, of the Shasta County General Plan contains Policy FS-b under Objective FS- which reads: “Known fire hazard information should be reported as part of every General Plan amendment, zone change, use permit, variance, building site approval, and all other land development applications...” Yet the RDEIR did not contain any discussion of crucially relevant information in connection with the 1999 Jones fire that actually burned through the Project site and Boyle/Alturas area and put real residents and evacuation scenarios to the test. **Will the County please report and include in the RDEIR any and all fire hazard data it possess in connection with the Jones fire so that relevant information** (like vehicle evacuation delays, number of people, households, and vehicles evacuated, length of traffic jams on Boyle and Alturas Road, speed of winds, speed of fire flames travelled, and other complicating factors that interfered with the public’s ability to swiftly evacuate from the area – in connection with any new developments [any increase in number of homes/density/vehicles, etc.] **gathered in the wake of the Jones fire and in the decades since 1999 can be taken into account and factored into the RDEIR’s fire evacuation analysis?**

6-4

**Question 3:**

Under CEQA, fact-based comments of residents based on personal observations and experience constitute substantial evidence. (Protect Niles v. City of Fremont (2018) 25 Cal.App.5th 1129, 1151-1152.) I have personally observed many of my neighbors who were present during the Jones Fire describe in detail the disaster it was for the various single access streets to evacuate onto Boyle Road, with families hauling long trailers with expensive boats, tractors, horse trailers, livestock trailers, and other traffic-jam inducing factors **Does the County deny or agree that there already exists the potential for dangerous traffic delays on Boyle Road – even before the effects of the proposed Tierra Robles Project are taken into account?**

6-5 **Question 4:**

The RDEIR at 5.19-33 concludes: “Project would not result in a substantial change in the evacuation times and evacuation speeds during an emergency evacuation (less than 15 minutes over a three and one-half hour period, and less than 0.3 miles per hour, respectively). Therefore, potential impacts on an emergency evacuation are not cumulatively considerable and less than significant.” But this assertion relies on flawed logic. It is OBVIOUS that the longer and more dangerous the CURRENT evacuation delays, the less proportionately significant any additional delays will be. If the current time to evacuate were 100 hours, adding 15 additional minutes might as well be statistically un-noticeable. However, if the evacuation times for residents along Boyle/Alturas/etc. were already reasonably safe (for example just 1 hour to evacuate instead of 3.5 hours), then addition of 15 minutes would actually be a significant increase of 25% - rather than the mere 7% increase shown by the study when 15 minutes is added to the already unacceptable evacuation time of 3.5 hours). **Will the County please clarify the logic in its assertion that the Project’s potential impacts on an emergency evacuation would be less than significant?** It appears that the County’s argument is: Because of the fact that current evacuation times are already dangerously long, adding even MORE homes and vehicles will not make a wildfire evacuation scenario dangerous, because it is already dangerous even without the additional 166 TR homes...**is this a misunderstanding of the County’s position? If so, please explain.**

6-6 **Question 5:**

**Does the County agree with the logic that, even though current evacuation times are already dangerously long, it does not therefore mean that adding even MORE homes and vehicles will not further exacerbate the danger to evacuating residents?**

6-7 **Question 6:**

The RDEIR at 5.19-33 states: “Therefore, the proposed Project would not result in incremental effects to wildfire that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The proposed Project would not result in cumulatively considerable impacts to or from wildfires.” **How does this conclusion logically flow when the study already concedes that the TR Project evacuation traffic will add 15 minutes for vehicles to reach refuge areas? If 15 minutes is not an “incremental effect” then what is the County’s cutoff for considering incremental effects – how many minutes *does* constitute an incremental effect and what sources does the County rely on in arriving at this number? How does the County define “incremental effect” and what evidence can the County put forth to support the assertion that 15 minutes does not constitute an “incremental effect?” when the risk is of families dying in their vehicles due to traffic jams?**

6-8 **Question 7:**

**Does the County feel that evacuation times estimated to be up to *more than three hours* (RDEIR Table 5.19-10) are acceptable when viewed in light of the known facts regarding the speed with which wildfire can travel and when the RDEIR states that three out of the five**

6-8  
CONT'D

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evacuation scenarios (scenarios 2, 3, and 4 on pages 5.19-18 to 5.19-19) estimate that the FASTEST “last vehicle” speeds are not more than 4.0 miles per hour?

6-9

Question 8:  
Is the County aware that satellite data has shown that wildfires in Northern California have historically traveled at speeds of up to 40 miles per hour? (“Glass Fire Burned 1 Acre every 5 seconds in California. How Fast Can Wildfire Grow? Article available at: <https://www.sacbee.com/news/california/fires/article246092930.html#storylink=cpy>) Was fire speed taken into account in the RDEIR’s written conclusions regarding wildfire evacuation?

6-10

Questions #9-11  
Recent news articles have informed us of the following facts:  
“Wildfire experts in California are reporting that extreme dry conditions in the West are fueling some of the fastest-moving wildfires ever recorded, with some so powerful they spawn their own weather systems. For example, the very Glass Fire on September 27, 2020 burned for 23 days and devastated over 67,484 acres. Satellite images showed that the fire spread at the unprecedented rate of 1 acre every 5 seconds and, fueled by 70mph winds, traveled as fast as 40 miles per hour! (“Glass Fire Burned 1 Acre every 5 seconds in California. How Fast Can Wildfire Grow? Article available at: <https://www.sacbee.com/news/california/fires/article246092930.html#storylink=cpy>). Experts have warned that Wildfire risks will only increase as time goes on. Experts say hot, dry conditions produced by climate change also are helping turn wildfires into infernos. Jennifer Balch, a University of Colorado, Boulder, professor, says the air is sucking moisture from plant life at the highest rate in four decades, the Associated Press reported. (Id.) In some cases, the dry tinder produces more heat energy, which super-heats the air and combines with smoke to create towering pyro-cumulus clouds that can produce lightning, thunder and high winds. The extreme conditions also can create so-called “firenadoes” which have been recorded at several California wildfires this season, McClatchy News reported. “It’s really kind of a testament to the remarkable extremes that we’re seeing right now,” said Neil Lareau, a professor of atmospheric science at the University of Nevada, Reno, the Associated Press reported. “It really is kind of this vicious cycle that it gets into, and that’s when the fire really takes off and becomes these unstoppable infernos.”

6-11

It goes without saying, and hopefully the County would agree, that traffic jams during emergency wildfire evacuation scenarios described above pose serious dangers to those seeking to escape death by fire. In fact, the Tierra Robles Area Evacuation Traffic Study prepared for Shasta Red LLC authored by Cornelius Nuworsoo, Ph.D., AICP, and relied upon in the RDEIR’s Wildfire analysis, correctly notes on page 38 of the study that, during the Camp Fire, “The evacuation routes were extremely congested and led to cars being abandoned as people evacuated on foot. Some people were trapped inside their vehicles, which caused at least four deaths [CBS SF, 2018] while some walkers could not travel fast enough out of harm’s way. The Camp Fire led to a total loss of 84 lives and many injuries.” The RDEIR’s Wildfire

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- 6-11  
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- analysis in Section 5.19 reveals that, during numerous evacuation scenarios, residents will experience recurrent congestion and residual queuing delay, with the last vehicles to leave reaching abysmal overall speeds of less than 3 or 4 miles per hour, with and the longest travel times to designated places or refuge taking upward or two or three HOURS depending on the evacuation scenario (RDEIR Section 5.19, Table 5.19-9).
- 6-12
- Does the County agree that wildfire flames being fanned by gusts of winds of up to 40 mph – like the Jones fire, which flared up before dawn - would easily overtake vehicles stuck in a traffic jam at speeds of less than 4 miles per hour?
- 6-13
- Does the County agree that a true forest fire moving through the area could easily burn through and potentially kill individuals whose evacuation times too refuge area cannot occur in less than 2 or 3 hours?
- 6-14
- IF SO, how does the County stand behind it's conclusions that the proposed TR Project will have a "less than significant impact" with regard to impairing an adopted emergency response plan or emergency evacuation plan?

6-15

**Question 12:**  
The FHSZs serve several purposes including being used to designate areas where California's wildland urban interface building codes apply to new buildings; and for use by local governments – like Shasta County – to help them consider fire hazard severity in the safety elements of their general plans. By definition, designating an area as being in a Fire Hazard Severity Zone (FHSZ) predicts that an area will burn at some point over a 30-50 yr. period (See the CA.gov "California Fire Hazard Severity Zone Viewer Map Overview discussion at: <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414> ). The current Shasta County General Plan calls for County staff and development procedures to discourage growth ("AVOID or minimize") new residential development in Very High Fire Hazard Severity Zones. **Is this stated objective of avoiding or minimizing new residential development (like TR) at the forefront of the County's analysis regarding whether or not to approve the proposed Tierra Robles project?**

6-16

**Question 13:**  
It is well established that wildfires in northern California can spread tremendous distances. The RDEIR at 5.19-4 discloses that, out of the four principal vegetative fuel sources or "vegetative communities", the overwhelming majority of area within the Project site (474.3 acres to be exact) falls under the classification is classified as Fire Behavior Model 2, which is "Blue Oak Woodlands" containing "fuels that generate higher intensities" and have the ability to produce "firebrands." (RDEIR 5.19-4). Firebrands are how forest fires spread so aggressively! The Cal Fire Fact Sheet entitled "California's Fire Hazard Severity Zones" put out by the California Department of Forestry and Fire Protection Office of the State Fire Marshall clearly states "Burning embers, known as firebrands, spread fire ahead of the flame front and can ignite buildings up to a mile away from the main fire." (Cal Fire Fact Sheet – available at:

6-16  
CONT'D

[https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire\\_Hazard\\_Zone\\_Fact\\_Sheet.pdf](https://www.sccgov.org/sites/dpd/DocsForms/Documents/Fire_Hazard_Zone_Fact_Sheet.pdf)). Anyone paying attention during the deadly Carr Fire in Redding could see that the fire literally jumped across the Sacramento River and burned large areas East of the River. Clearly, the defensible space requirements placed upon each of the proposed 166 homes will not result in the elimination of the vast majority of fuels contained within these 474.3 acres of Blue Oak Woodlands. Further, it should be obvious that due to the combination of high winds, long dry summer, and the devastating effects of firebrands - even *perfect adherence* by all 166 homes to the defensible space requirements is likely not enough to stop a real wildfire from threatening the TR Project area vicinity and necessitating evacuation of all TR and neighboring residents. During the next wildfire in this area, the County and State firefighting resources will

6-17

simply be unable to be physically extinguish each firebrand ember that is hurled into the air by the fire's own deadly weather patterns. If the Sacramento River was not an effective barrier to prevent fire from spreading, there is little chance that the proposed fuel reduction measures would stop a true wildfire from spreading into and burning homes within the Project Site and at the very least, necessitating the swift emergency evacuation of everyone in the area. If glowing firebrands during a real forest fire scenario fall within the project site and land within the Blue Oak Woodlands fuel sources, this fuel can AND WILL ignite. If the risk of fire is inevitable and outside the County's ability to fully control, my emphasis is that the ONE thing this County has control over is the ability to deny dangerous re-zoning proposals to allow for dense residential developments in already-dangerous Very High Fire Hazard Severity Zones like the TR Project site – so that, at the very least, in the event of an actual fire the existing people who already live here can attempt to safely evacuate without the added competition and exacerbated traffic congestion that the addition of 166 new homes would add. My question is, **are the lives of the current residents, homeowners, tax payers and families already living in the Boyle/Alturas/Deschutes vicinity truly at the top of the County's list of highest priorities as it (the County) decides whether or not to approve the TR developers re-zoning request so he can build his 166-home subdivision right in our backyard? If NOT, will the County PLEASE state what IS the actual highest and most worthy priority / objective / guiding principle when it comes to the ultimate decision regarding whether or not the project should be approved?**

6-18

**Question 14:**

Does the County agree that the interests in preserving the lives and safety of current homeowners/tax payers/residents living in the vicinity of the Project Site should take priority over the financial interests of an out of state developer seeking to subdivide the Project site into 166 homes to sell for financial gain?

6-19

**Question 15:**

Does the County agree that no benefit that might come from approving the TR development could ever outweigh the detriment and harm that would occur if even ONE LIFE were lost due to evacuation delays in a wildfire scenario?

6-20 **Question 16:**  
The location of Boyle Road (the most traveled road surrounding Tierra Robles) is mislabeled in all the Figures in the “Tierra Robles Area Evacuation Traffic Study by Cornelius Nuworsoo (at Appendix D-1 of the RDEIR.) **What will be done to correct this? Will the County please correct this in future versions of the EIR?**

6-21 **Question 17:**  
The RDEIR relies on a study conducted by Shasta Red LLC - the “Tierra Robles Area Evacuation Traffic Study by Cornelius Nuworsoo (herein after referred to as “the Study”) – which can be found at Appendix D-1 of the RDEIR. This study contains estimated travel times for people in automobiles and other vehicles trying to escape wildfire while traveling to one of eight possible (hopefully not burning) ‘places of refuge.’ The study reveals that it could take up to 3.3 hours for SOME VEHICLES residents to reach a place of refuge (Study, p.27). The study itself admits that the travel estimates are actually the “minimum time needed to evacuate neighborhoods” (Study, p.1). In other words, actual evacuation times are likely to be worse – especially if one or more roadways is unusable or if people are discouraged from using one or more roadways due to smoke or the proximity of those roadways to flames. The study appropriately draws attention to the large number of “multiple single access roads” that will all experience queuing and evacuation delays/traffic lines in real evacuation scenarios. These roads allow residents “to come into an area by a specific route and depart by returning in the reverse direction only; there is no secondary access for entry or exit.” (Study p.1) The study fails to highlight the fact that the proposed Tierra Robles project will pour traffic onto Boyle Road from a single lane carrying traffic from 154 homes on a daily basis. In a fire scenario with fire approaching from the north—which is the most common scenario in the fire history of this area—Tierra Robles traffic will be forced Southward via its only useable exit on Boyle Road. Yet the study does not mention the congestion problem at the Boyle Road exit from Tierra Robles which was identified as problematic during the July 23, 2019 Planning Commission Hearing. If the 181 units of the proposed development each have two automobiles as suggested in the study, and if each automobile occupies 25 feet of liner space on a roadway as suggested in the study (Study, p.10), then automobiles exiting Tierra Robles by themselves create a string of traffic more than 1.7 miles long! When that string of traffic tries to merge onto an already congested Boyle Road from a single lane of traffic significant and dangerous backups are guaranteed to develop! **What mitigation measures does the County plan to take to remedy this problem at the Intersection of Tierra Robles Parkway and Boyle Road? Does the County consider 1.7 miles of additional traffic as *not* a significant impact? If so, why?**

6-22 **Question 18:**  
The study is deficient in other ways as well. The study works with the “assumption that each household would evacuate with an average of two automobiles” (p. 5) In reality emergency evacuations include large numbers of horse trailers, towed vehicles, motor homes, and box trailers. Families with more than two vehicles try to take as many with them as possible. Patrol members individually have observed their neighbors storing tractors and other expensive farm machinery and equipment on trailers so that these expensive assets can be safely evacuated in times of fire. Numerous homes in this area have horses, sheep, goats, cattle, llamas, and all

6-22  
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manner of other livestock. Strings of traffic from an evacuation average significantly more than the 50ft. per household suggested in the study. The study horrifyingly informs us that in case of an emergency evacuation “approximately 7410 passenger cars would flow through the study network as motorists head toward appropriate refuge areas” (p.8). At 25 ft. per vehicle, that is a string of traffic 35.6 miles long! According to the study, as thousands of automobiles seek safe passage to a place of refuge there will be “periods of queueing” in each of the studied scenarios. The study fails to note that during an evacuation areas of queueing are the places where people are most likely to lose their lives. **How can the County conclude that the Tierra Robles development will have a “less than significant impact” and would not “substantially impair an adopted emergency response plan or emergency evacuation plan?”**

6-23

**Question 19:**

The RDEIR at 5.19-13 states “A secondary access is proposed at the southerly terminus of Tierra Robles Lane at Northgate Drive. The proposed connection with Northgate Drive would be gated per County fire standards and used for reciprocal emergency access only. “ But Northgate Drive is a private road. My neighbors who live on Northgate Drive have informed me that they have not given permission to the Developer to access Northgate Drive. **Does the developer have legal access in the form of an easement to rely on this private residential road for use as a fire evacuation for over 116+ homes? The RDEIR refers to the road being used for emergency access only – does that mean the flow from the TR development onto Northgate Drive will be blocked by a locked gate? (Without a locked gate, the use of Northgate Drive will surely NOT be restricted to emergency evacuation uses only). If the plan is to lock the gate - who will have the keys? Where will this person or persons be coming from in the event of an emergency wildfire scenario to unlock the gate? How long will it take them to unlock the gate? Why does the RDEIR contain the mention of Northgate Drive when it was previously removed from prior versions?**

6-24

**Question 20:**

**What improvements or modifications to Boyle Road and Alturas road has the County already discussed or considered with respect to improving the already-dangerous and congested conditions that would take place in the event of an emergency wildfire evacuation?**

6-25

**Question 21:**

**What County-wide evacuation communication procedure exists to ensure residents in and around the Project area will even be timely notified of the need to evacuate? How does the County know that these communication systems will actually reach the intended recipients in time to facilitate a timely evacuation? What critiques have been made to the County in connection with these communication systems?**



## Responses to Comment Letter 6 - Daniel Hoer

### Response 6-1:

The commenter notes the SRA and fire hazard severity zone which is based on a variety of factors. The comment makes a general statement about the designation and conditions that influence fire behavior. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 6-2:

The commenter notes the wildfire evacuation analysis assumes that Shasta College would be 100% empty and states that the less than significant wildfire impact is not supported. The commenter continues that the evacuation time is incorrect and not based on factual information. The commenter then asks for the RDEIR to be updated to accurately show evacuation times and a scenario in which Shasta College is not empty and traffic from the college must be accounted for. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 6-3:

The commenter cites Shasta County General Plan Policy FS-b and states the RDEIR did not contain discussion of the Jones Fire. The commenter asks if the County will report and include in the RDEIR any and all fire hazard data it possesses in connection with the Jones Fire and account for that in the project analysis. The commenter is referred to **Master Response #3: Wildfire Hazards**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 6-4:

The commenter cites the Protect Niles v. City of Fremont decision and that personal observation and experience constitute substantial evidence. The commenter then accounts secondhand information he has heard from neighbors describing the Jones Fire. The commenter asks if the County recognizes the existing dangers with traffic delays on Boyle Road even before the effects of the proposed project are taken into account?

The commenter is referred to **Master Response #3: Wildfire Hazards**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 6-5:

The commenter cites the conclusion of no substantial change in evacuation time on page 5.19-33 of the RDEIR. The commenter cites the evacuation time increases and then asks if the County will clarify the logic in its assertion that the project's emergency evacuation impacts would be less than significant, and asks if the incremental increase to the already long evacuation times are a misunderstanding. The commenter is referred to **Master Response #2: Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 6-6:**

The commenter reiterates concerns about adding to the long evacuation times. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Response 6-5** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-7:**

The commenter cites page 5.19-33 of the RDEIR in relation to not resulting in incremental increases to evacuation times. The commenter then questions how this is accurate with the existing evacuation times, what the County's definition of incremental effects related to evacuation is, and how an additional 15 minutes is not a significant incremental increase. The commenter is referred to **Master Response #2: Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-8:**

The comment questions if the current three-hour evacuation times are acceptable in light of how fast a wildfire can travel. The commenter is referred to **Master Response #2: Traffic Evacuation Study**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 6-9:**

The commenter questions if the County knows wildfire can travel at 40 miles per hour. The commenter is referred to **Master Response #3: Wildfire Hazards**.

**Response 6-10:**

The commenter cites a newspaper article from the Sacramento Bee about the speed and spread of wildfire and discusses factors that can affect the rate at which a wildfire spreads. This presents information and does not question the adequacy of the RDEIR. No further response is required.

and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-11:**

The commenter paraphrases the wildfire analysis noting during the Camp Fire roads were congested and discusses Section 5.19 Wildfire noting vehicle speeds of 3-4 miles per hour. This comment presents information already discussed in the RDEIR and does not question the adequacy of the document or question the contents. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be provided to the Planning Commission and Board of Supervisors for their review.

**Response 6-12:**

The commenter questions if the County agrees that a 40 mile per hour wildfire would overtake a vehicle traveling 3-4 miles per hour. The commenter is referred to **Master Response #3: Wildfire Hazards**.

**Response 6-13:**

The commenter questions if the County recognizes that a wildfire could kill residents due to long evacuation times. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**.

**Response 6-14:**

The commenter questions how a finding of less than significant can be made. The commenter is referred to **Response 6-13** above.

**Response 6-15:**

The commenter discusses fire hazard severity zones, the wildland urban interface, and Shasta County policies to discourage growth in these areas and questions how the proposed project conforms to that. The commenter is referred to **Master Response #3: Wildfire Hazards**.

**Response 6-16:**

The commenter reiterates comments about the speed of the spread of wildfire and conditions both on the site and in general that hasten the speed with which it can travel and spread. The commenter questions how the defensible space proposed as part of the project is sufficient. The commenter is referred to **Responses 6-9 through 6-15** above.

**Response 6-17:**

The commenter notes that fire fighters won't be able to keep up with fighting rapidly spreading fires. The commenter notes that while wildfire cannot be controlled, the nature of development and impact on lives, residents, and property from new development such as the proposed project can be controlled. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**.

**Response 6-18:**

The commenter questions if the County agrees with preserving the lives and property of existing residents over potential residents. This comment presents information and does not question the adequacy of the RDEIR. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-19:**

The commenter questions the County and the benefit versus detriment of the proposed project. This presents information and does not question the adequacy of the RDEIR. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-20:**

The commenter notes Boyle Road is mislabeled and needs to be corrected in the evacuation study. The figures have been updated and included to the Final EIR.

**Response 6-21:**

The commenter notes the evacuation traffic study, cites some of its findings, and mentions the multiple single access roads. The commenter notes that a fire approaching from the north is the most likely scenario, but that the study doesn't address congestion problems on Boyle Road. The commenter then questions what mitigation is going to be implemented. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-22:**

The commenter notes other deficiencies including assuming two vehicles would be evacuated per household, large vehicles, livestock, RV's, etc. The commenter then concludes by questioning how the County can conclude that the proposed project will have a "less than significant impact" and would not "substantially impair an adopted emergency response plan or emergency evacuation plan". The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-23:**

The comment cites page 5.19-13 of the RDEIR which notes secondary access at Northgate Drive. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

**Response 6-24:**

The commenter questions what improvements or modifications to Boyle Road and Old Alturas Road have been discussed or considered by the County with respect to improving the already dangerous and congested conditions that would take place in the event of an emergency

evacuation. The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 6-25:**

The commenter questions what County-wide evacuation communication procedure exists to ensure residents in and around the project area will be timely notified of the need to evacuate and how the County knows that these communication systems will actually reach the intended recipients in time to facilitate a timely evacuation. The commenter is referred to **Master Response #2: Traffic Evacuation Study**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 7: Gerald and Susan Hayler, February 2, 2021

RECEIVED

FEB 02 2021

Feb 2, 2021

Paul Hellman,  
Shasta County Department of Resource Management

COUNTY OF SHASTA  
PERMIT COUNTER

This letter is in response to the RDEIR for Tierra Robles planned development. Our comments are in regard to water/waste water management and fire evacuation.

7-1 Since you are receiving comments from the law firm representing PATROL, the community action group, and those in the leadership of PATROL, who will highlight the specific points by law and regularity criteria, we will not reiterate those points, but will instead address the potential effects of the development on us and the existing property owners.

7-2 WATER  
BVWD had provided a Will Serve notice to Tierra Robles Project (TR), but after 10 years it has expired, and there is no current Will Serve notice. I have been involved with the Bella Vista Water District (BVWD) and their drought study planning. Without further enhancing of BVWD's access to new water supplies, we will again be subject of severe water rationing of residential water during periods of extended drought years. Since these studies were completed, some kind of agreement has been pursued to acquire water from Clear Creek Water District. The status of that is in need of further study to see if it will be a viable source of water to meet the needs of BVWD in future drought years. There is no agreement at this time.

Are the water needs as stated in the RDEIR accurate?

There are discrepancies between the developer and BVWD in regards to water usage/per capita/day. According to a letter from BVWD on July 16, 2019, to Shasta County Department of Resource Management, the developer has provided a vague and incorrect reference to gallons/day/capita. "The correct gallons/per/day/capita in August 2017 was 346 gallons/day/capita used to estimate projected water demands for this project."

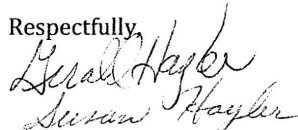
We question the ability of BVWD to continue to provide the current levels of residential water during drought and non-drought years to existing customers if the TR project is approved.

#### FIRE EMEMGENCY EVACUATION

7-3 The entire proposed TR subdivision is in a VERY HIGH FIRE HAZARD ZONE as are the surrounding residential properties.  
Are the existing roadways, Boyle Rd and Old Alturas Rd wide enough to accommodate fire trucks passing each other, along with hundreds of people evacuating in cars, trucks, RVs, horse trailers, etc.?

- 7-4 Considering the prevailing winds, the fire would most likely come from the north as did the 1999 Jones fire, which burned through the TR property, as well as the surrounding properties. This would negate the use of Seven Lakes/Old Alturas as a second exit from TR, further impacting traffic on Old Alturas Rd.
- The TR development would add at least 362 projected vehicles to already impacted roads as evidenced by the 1999 Jones fire. According to residents who evacuated the Jones fire, traffic was bumper to bumper.
- The RDEIR wildfire evacuation study says all residents in the area can relocate to 8 different refuge sights. As we saw in the Camp Fire, people died in their vehicles, or fled on foot to escape the fire. Can these refuge sights handle the thousands of vehicles expected to arrive at them and can people reach them in a timely fashion?
- 7-5 The EIR calls for a new Emergency Access road on private road Northgate Drive. However the developer does not have a legal easement from the existing 28 homeowners. Nor does the roadway meet the required road standards for an Emergency Access road. This road spills on to Boyle Road, which would already be impacted by traffic.
- 7-6 In conclusion, the RDEIR does not satisfy accurate water needs for the development, or protect the water distribution to existing BVWD customers. There is no plan for fire evacuation, either from the county or the developer of TR. This is a HIGH FIRE HAZARD SEVERITY ZONE. As was seen in the recent Carr Fire and Camp Fire, evacuation was a major issue. People died escaping the Camp Fire, in their cars, or fleeing on foot. We have friends who feared for their lives as they escaped the Carr Fire. One barely escaped from the house before it burned. Another from Keswick was relieved to take refuge in Raley's shopping center. She saw nothing but lines of slow moving cars, and thick clouds of smoke in her rear view mirror. She spent hours there before I-5 cleared enough to proceed.
- 7-7 Climate experts are in agreement that California and the west will continue to see major wildfires in the coming years. In our opinion, it would be completely irresponsible to approve the TR project in light of projected drought, which will affect water supply and threat of wildfire.

Respectfully,



Gerald and Susan Hayler  
21212 Oak Knoll Rd,  
Redding, CA 96003

## Responses to Comment Letter 7 - Gerald and Susan Hayler

### Responses to Comments

#### Response 7-1:

The comment makes a prefatory statement regarding comments but does not make a specific comment or pose questions pertaining to the adequacy of the RDEIR. No further analysis is required and no changes to the RDEIR have been made.

#### Response 7-2:

The commenter notes that the Will Serve letter has expired, that BVWD needs to acquire new water supplies, questions the water transfer with CCCSD, and asks if the water demands in the RDEIR are accurate. The commenter also notes discrepancies between the water use projected by BVWD.

The commenter is correct that an agreement with CCCSD is being pursued regarding the provision of augmented supply from the CCCSD. Based on discussion in Chapter 5.17 – Utilities and Service Systems in the RDEIR, page 5.17-19 discusses the transfer of up to 100 acre-feet per year (AFY) of water from CCCSD. Page 5.17-31 describes the process by which the transfer would occur and Mitigation Measure 5.17-4b would ensure an agreement is in place with BVWD. The execution of the agreement would be required prior to project construction.

For additional information the commenter is referred to **Responses 1-8** through **1-11**, and **Response 25-3** for additional information on the proposed water transfer with CCCSD and the feasibility of such transfer based on information from the United State Bureau of Reclamation.

Regarding the Will Serve letter, the commenter is referred to **Responses 1-12** and **3-11** through **3-13**, and regarding the current status of the agreement with CCCSD the commenter is referred to **Response 1-12**.

The water demand of the proposed project as reflected on pages 5.17- 13 through 5.17-18 of the RDEIR is accurate. This includes an analysis of the water supply during normal as well as dry and multiple dry years. The commenter is referred to **Master Response #1 -Water Supply Analysis Master Responses - General Discussion, Consistency with California Water Code** and **California Water Code Baseline Calculations** regarding this and the appropriate per capita daily water demands. These responses also have a discussion of the comparison of typical uses common in the surrounding rural residential area that have a higher demand compared to what is anticipated under the proposed project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

#### Response 7-3:

The commenter notes the entire project site is within a very high fire hazard severity zone and questions if the roads are wide enough to accommodate fire trucks, trailers, etc. The commenter is correct that the project site is within a very high fire hazard severity zone. The commenter is referred to **Master Response#3 – Wildfire Hazards** and **Response 4- 22. Response 4-22** is provided in part below:



“Regarding the roadways used to evacuate in case of wildfire, the RDEIR addresses evacuation concerns based on known traffic volumes and what is anticipated to be added to roadways by the proposed project.- Page 5.19 of the Chapter 5.19 – Wildfire states, “...with the addition of Project traffic the roadway network, speeds and related clearance times would not substantially change. The Project would not result in a delay for arrival at refuge areas with the longest clearance times to make noticeable differences on evacuation. While the Project would add to the volume of traffic in the area, the scenario evaluated in Table 5.19-10 demonstrates that the Project plus existing development would not substantially delay the arrival of evacuating cars at refuge areas. As such, the Project would not contribute to a delay during an emergency wildfire evacuation such that it would substantially impair the execution of the County’s EOP.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 7-4:**

The commenter asks if the prevailing winds were considered as a potential fire would come from the north and potential preclude Seven Lakes/Old Alturas as evacuation routes. The commenter notes the Jones Fire and references other California fires in relation to evacuation problems. The commenter discusses prevailing winds, the addition of units, and the eight evacuation refuge sites identified in the evacuation study.

The commenter is referred to page 5.19-24 of Chapter 5.19 of the RDEIR, which discusses wind, the Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan as well as starts the discussion of the Tierra Robles Wildland Fuel/Vegetation Management Plan. Implementation of measures contained in this plan, such as creation of defensible space and reduction of fuel loads, would help minimize the effects of wildfire.

Regarding the evacuation refuge sites, the commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Response 4-22**, which discusses evacuation and use of refuge areas. The commenter is also referred to **Response 4-31**, which discusses the potential use of these sites and their logical use as temporary refuge from a wildfire due to their open parking lots and general lack of vegetation and distance from high wildfire hazard severity zones.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 7-5:**

The commenter notes the formerly proposed emergency access from Northgate Drive. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

**Response 7-6:**

The commenter states that the RDEIR accurately reflects water demand and there is no plan for evacuation and references the Camp Fire and Carr Fire. The commenter is referred to **Master Response #1 – General Discussion, Consistency with California Water Code, and Projected Project Water Demand**, as well as **Master Response #2 - Traffic Evacuation Study**, and **Master Response #3 - Wildfire Hazards** regarding water resources and **Responses 1-9** through **1-11, 2-3, 3-11, and 3-21** regarding CCCSD and augmented water supply. The balance of the comment does not make a specific remark pertaining to the adequacy of the RDEIR. The comment makes general statements and observations and information regarding past fire events.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 7-7:**

The commenter notes that climate change will continue to result in worse wildfires in the coming years. The comment makes general statements and observations related to climate change and potential for wildfires and opines that approval of the proposed project would be a mistake. The commenter is referred to **Master Response -#3 Wildfire Hazards**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Letter 8: Leslie Golden**

Dear Mr. Hellman,

As a property owner on Northgate Drive in Palo Cedro for over 25 years I am concerned about many aspects of the proposed Tierra Robles Subdivision. The intent of this letter is to respond to the RDEIR and to address specific concerns about this document. Below is a list of my questions and concerns about this proposed project:

**ISSUE: Ignoring the General Plan**

8-1

**RULE:** The General Plan has an established objective (5.4.3) which commits the county to “discouraging and/or preventing development from locating in high risk fire hazard areas.” Section 65860 of the California Government Code requires that zoning be consistent with the General Plan.

**ANALYSIS:** The proposed location for Tierra Robles is located in a Very High Fire Hazard Severity Zone, and is surrounded by significant pieces of real estate that bear the same designation by Cal Fire.

**CONCLUSION:** The county is obligated by its General Plan to “discourage or prevent” development in the proposed location. No evidence is offered in the RDEIR as to why this project should be an exception to the principle established in the General Plan to which the County is committed. Hence, the RDEIR is insufficient by its omission of facts which may warrant such a dramatic departure from County policy.

**QUESTION: WHAT EVIDENCE OR FACTS DOES THE COUNTY POSSESS THAT WARRANTS SUCH A DRAMATIC DEPARTURE FROM THIS GENERAL PLAN REQUIREMENT AND COUNTY POLICY, PARTICULARLY IN A VERY HIGH FIRE HAZARD SEVERITY ZONE?**

8-2

**ISSUE: Page 5.19-13 Wildfire**

**ANALYSIS:** “A secondary access is proposed at the southerly terminus of Tierra Robles Lane at Northgate Drive. The proposed connection with Northgate Drive would be gated per County fire standards and used for reciprocal emergency access only. As a result, Project operations would have a less than significant impact related to emergency response or evacuation activities within the development.”

The RDEIR calls for a new Emergency Access road on the private road of Northgate Drive, however the developer does not have a legal easement from the existing 28 homeowners. In addition, the current roadway does not meet the required road standards for an Emergency Access Road.

8-2  
CONT'D

SUMMARY: Shasta Fire requires that any road used for an emergency access route, must meet EEER standards which require a 20-foot wide , asphalt top with road base and a foot-wide shoulder to accommodate a 75,000-pound fire truck and two-way traffic. Currently Northgate Drive does not meet this standard. Northgate is a shoulder-less narrow, breaking apart, chip-sealed road. Before the County can record an approved development site map, Northgate Drive or any other designated road would have to be brought up to EEER standards. The RDEIR does NOT provide evidence of a plan for Shasta Red LLC to gain a legal easement from the 28 current owners of Northgate, nor is there evidence of a plan to bring Northgate Drive up to Shasta Fire EEER standards.

**QUESTION: What will the developer do to obtain a legal easement to Northgate Drive and how will they be responsible for bringing the road up to CALFIRE standards?**

**ISSUE: Wildfire Evacuation Plan**

ANALYSIS: The EIR Wildfire Evacuation study says that TR residents and existing residents can evacuate to 8 different refuge sites. In a wildfire evacuation, study data advises it will take anywhere from 1.5 hours to 3.5 hours to reach these refuge sites in different directional scenarios.

8-3

The study estimates a traffic volume of 8,542 vehicles flowing through the study area. They estimate 25 feet per vehicle.  $8542 \times 25 \text{ feet} = 213,550 \text{ feet}$  or 40 miles of traffic! We believe this estimate does not reflect all the RVs, animal trailers and other vehicles that people will use. The study minimizes the impact of TR's vehicles, which are at least 362 vehicles (1.7 miles of vehicles).

SUMMARY: The study advises there will be queueing of all vehicles on all the roads that were studied. Escape speeds can be as slow as 3 mph in the queueing of vehicles! People die in their vehicles when stuck in queues. They die because they can't get out. Queueing results in death traps.

8-4

The study does not address or model TR traffic having to leave through one exit onto Boyle Road. I was here during the 1999 Jones Fire, Boyle Road was bumper to bumper. TR has 166 homes plus 15 ADU's for a total of 181 residences accounting for at least 362 vehicles.  $362 \text{ vehicles} \times 25 \text{ feet per vehicle} = 9,050 \text{ feet}$  or 1.7 miles of vehicles. If all those vehicles must exit south onto Boyle Road in already bumper-to-bumper traffic how will Boyle accommodate 1.7 miles of added vehicles?

8-5

The Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation requires compliance with its prescriptions to reduce risk and preventing loss from future hazard events by LIMITING NEW EXPOSURES IDENTIFIED IN HAZARD AREAS.

8-5  
 CONT'D ↑ THE COUNTY IS OBLIGATED UNDER THIS HAZARD PLAN TO THIS FOLLOW THIS PRESCRIPTION IN ORDER TO COMPLY WITH FEMA FUNDING REQUIREMENTS. NO COMPLIANCE, POSSIBLY NO FEMA FUNDING.

8-6 ↑ The RDEIR Wildfire Evacuation Study is based on theory. We don't live in a "theory" - this is a real-life scenario. The Carr and Camp fires are evidence of the wildfire evacuation reality. THIS STUDY DOES NOT EVEN INCLUDE ANY ANALYSIS OF THE 1999 JONES FIRE WHICH BURNED THROUGH THE PROPOSED TR DEVELOPMENT.

8-7 ↑ **QUESTION: Where are the statistics and analysis of the Jones fire and the evacuation that took place? Having experienced the fast moving Jones Fire and the evacuation madness on Boyle and Deschutes road how can these roads be expected to handle the additional cars during an evacuation?**

**ISSUE: DEFICIENCIES IN RDEIR SECTION. 5.17 UTILITIES AND SERVICE SYSTEMS – WATER**

8-8 ↑ RULE: Per the CA. Supreme Court Vineyard CEQA decision, the County and developer are required to identify a "likely" source of supplemental water to be transferred to the Bella Vista Water District (BVWD) in single and multiple drought years so existing customers are not negatively impacted by the Tierra Robles water demand.

8-8 ANALYSIS: The RDEIR is deficient in meeting the legal requirements of Vineyard as evidenced by:  
 1) The county and the developer are using erroneous RDEIR water demand estimates, rendering the factual basis for a "likely" source of supplemental water from any water purveyor moot.

8-9 ↑ 2) Specifically, how can a proposed water transfer agreement between the Clear Creek Community Services District (CCCSD) and the Bella Vista Water District (BVWD) be considered "likely" when it lacks the specificity of an accurate water demand calculation?

8-10 ↑ 3) The County and developer propose a water transfer agreement between CCCSD and the BVWD for 100-acre feet per year (AFY) of indoor and outdoor water demand. (the County's actual estimate for indoor and outdoor demand for the 166 homes and 15 additional dwelling units (ADU) is 81.9 AFY)

8-11 ↑ 4) CA. Water code section 10608.20 is the governing document that determines the methodology to estimate demand for new projects.

8-12 ↑ 5) Because the BVWD has a valid Urban Water Management Plan (UWMP) in place from 2015, BVWD has a defined water goal baseline of 758 gallons per capita per day (GPCD) of indoor and outdoor demand, rather than the county/developer suggested guidance of 55 GPCD to estimate indoor water demand.

8-13 ↓ 6) According to the BVWD July 16, 2019 letter to the Planning Commission:

8-13 ↑ 7) The BVWD calculation for water demand is 2.12 AFY per lot X 166 lots totaling 351.92  
CONT'D AFY, which does not even include the water demand for 15 ADU's.

8-14 | **QUESTION: HOW WILL THE COUNTY AND DEVELOPER ACCOUNT FOR THE SHORTFALL OF  
251.92 AFY IN THE CURRENTLY PROPOSED WATER TRANSFER AGREEMENT SO IT MEETS THE  
STANDARD OF A "LIKELY" SOURCE OF SUPPLEMENTAL WATER?  
And, if the CCCSD is subject to the same CVP Water Allocation cutbacks as the BVWD as well  
as any state-imposed groundwater restrictions, HOW WILL ANY WATER TRANSFER  
AGREEMENT PROTECT THE EXISTING BVWD CUSTOMERS DURING CUTBACKS FROM CVP AND  
THE STATE?**

Thank you in advance for your attention to my concerns and questions. I look forward to your response.

Respectfully yours,

Leslie Golden  
10793 Northgate Drive  
Palo Cedro, CA 96073

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## Responses to Comment Letter 8 - Leslie Golden

### Response 8-1:

The commenter notes General Plan policies discouraging or preventing development in high fire hazard areas and notes California Government Code section 65860. The commenter further notes the project site is in a Very High Fire Hazard Severity Zone (VHFHSZ) and does not provide proper circulation improvements. The commenter is correct that the proposed project is located within a VHFHSZ. The commenter is referred to **Master Response #3 – Wildfire Hazards**. The commenter is referred to **Responses 4-59** and **4-60** regarding consistency with the General Plan.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 8-2:

The commenter notes the RDEIR proposes a secondary emergency access from Northgate Drive, but it is a private road and further describes emergency access road requirements. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 8-3:

The commenter notes the 8 referenced evacuation sites and the projected time it would take to evacuate (3.5 hours). The commenter notes traffic volumes and queuing on area roadways. The commenter is referred to **Master Response 2 – Traffic Evacuation Study**, and **Responses to Comments 3-39, 3-40, through 3-42, and 3-47 through 3-49**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 8-4:

The commenter notes the evacuation study does not address project traffic having to access Boyle Road from one access point. The commenter is referred to **Master Response 2 – Traffic Evacuation Study** and **Response 8-3** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 8-5:

The commenter notes the Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan and FEMA funding. The commenter is referred to **Response 4-11**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-6:**

The commenter states the wildfire evacuation study is based on theory and not a real-life scenario and references the Camp Fire and Carr Fire. The commenter is referred to **Master Response 3 – Wildfire Hazards**, which discusses other fires and their applicability to the project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-7:**

The commenter reiterates comments related to past fires including the Jones Fire. The commenter is referred to **Master Response #3 – Wildfire Hazards** and **Response 8-6** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-8:**

The commenter notes the Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova decision and states that the RDEIR is not consistent with that decision. The commenter is referred to **Response 25-6** related to the Vineyard decision.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-9:**

The commenter notes the water transfer agreement with CCCSD. The commenter is referred to **Responses 1-9 through 1-11, 2-3, 3-11, and 3-21**, for additional information on the proposed water transfer with CCCSD.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-10:**

The commenter refers to the agreement with CCCSD and questions the demand calculations. The commenter is referred to **Response 8-9** above for referenced responses and information on the proposed water transfer with CCCSD.

**Response 8-11:**

The commenter cites California Water Code subsection 10608.20 and its use in determining water demand. The commenter is referred to **Master Response 1: Water Supply Analysis Master Response -**



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**California Water Code Baseline Calculations and Consistency with California Water Code**, which provides a thorough description of the water demand and values used.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-12:**

The commenter is correct that BVWD's water goad baseline is 758 gallons per capita per day. This value, however, is based on development in traditional rural residential areas such as those in the surrounding area. Many of these properties have large irrigated landscape areas, livestock, ponds, agricultural crops, and other water intensive uses. The proposed project is more similar to urban residential uses that have severely limited landscaping, no livestock or agricultural crops, and have a greatly reduced water demand due to use of modern plumbing, fixtures, and appliances. The commenter is referred to **Master Response 1: Water Supply Analysis Master Responses - General Discussion and California Water Code Baseline Calculations and Consistency with California Water Code**, which further defines why the water demand value used in the RDEIR is appropriate.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-13:**

The commenter reiterates concerns related to water consumption. The commenter is referred to **Master Response 1: Water Supply Analysis Master Responses - General Discussion and California Water Code Baseline Calculations and Consistency with California Water Code**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 8-14:**

The commenter reiterates concerns related to water consumption. The commenter is referred to **Master Response 1: Water Supply Analysis Master Responses - General Discussion and California Water Code Baseline Calculations and Consistency with California Water Code**. The commenter is referred to **Response 8-9** above, which references other responses that highlight the agreement regarding an augmented water supply from CCCSD.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 9: David Munro

Paul Hellman

Shasta County Department of Resource Management

Mr. Hellman.

This letter is in response to the REIR for the Tierra Robles planned development east of Redding in the Palo Cedro area. This development is being planned in what the State of California has deemed a VERY HIGH Fire Hazard Severity Zone.

- 9-1 While looking over the REIR, several important items worth discussing have come up. Wildland Fire Safety is my priority, as well as many residents whom live in the area. I am also concerned with the water issues that plaque this part of the county.
- Often during our north state wind events, the winds can gust up to 35-40 mph, with relative humidity's in the single digit. Once a fire starts, the fire can travel miles in a short time, often with burning embers flying up to ½ mile in front of the fire. This occurred during the Carr Fire and Camp Fire.
- With this, my first item is the life safety of the residents on Boyle and all of the side streets that dump onto Boyle Rd. Tables 5-19-9 through 5-19-21 show charts with evacuation times of up to 3.5 hours until reaching a safe zone. (same time to travel to San Francisco). These times are without the TR development. With the development, the charts show a very small impact. Specifically 5%. I challenge this data, and so should the county. Once adding 166 homes to the equation on a Saturday late afternoon, hot summer day and a fast moving fire in your rear view mirror, myself and the residents really don't want to find out "**speeds and related clearance times would not substantially change**". (Paragraph 2, 5-19-22). No one person can expect to add 200-300 vehicles to the equation and have them try and merge onto an already overwhelmed Boyle Road and still expect that escape times would not substantially change.
- Also of a glaring note, there has not been any mention in the EIR, DEIR or the REIR of the 1999 Jones Fire that burned through the proposed development. As a refresher, this fire burned **26,200 acres and 174 homes were destroyed.**
- 9-2 IMPACT 5.19-1 The Project **Would** Substantially Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan.
- 5-19-1 states **Significance: Less Than Significant Impact.**
- As for the intersection at Boyle Road and the main entrance to the Tierra Robles development, there is no mention in the Draft EIR or the REIR of Intersection 18. As if it doesn't exist. But it does exist. This entrance is directly across from my driveway on Boyle Rd. I question how a traffic study can be completed and accepted by Shasta County if the main entrance (Intersection 18) to the planned development is not included in the traffic study.
- 9-3 The second issue is the lack of available water to the current residents in the area of the planned development. BVWD has stated that no communication has been made to the Clear Creek Water District in terms of purchasing water during drought years. This is just an assumption from the developer that he has an endless supply of water and to quell any concerns from the residents or the county. In the REIR,

- 9-3  
CONT'D ↑ the author states that a BVWD well will be or has been constructed. This is unfounded as the water district currently has no plans on constructing one.
- 9-4 | It seems to appear that the county and the developer are using erroneous RDEIR water demand estimates, rendering the factual basis for a "likely" source of supplemental water from any water purveyor moot.
- 9-5 | Specifically, how can a proposed water transfer agreement between the Clear Creek Community Services District (CCCS) and the Bella Vista Water District (BVWD) be considered "likely" when it lacks the specificity of an accurate water demand calculation? The County and developer propose a water transfer agreement between CCCS and the BVWD for 100-acre feet per year (AFY) of indoor and outdoor water demand. (the County's actual estimate for indoor and outdoor demand for the 166 homes and 15 additional dwelling units (ADU) is 81.9 AF The BVWD calculation for water demand is 2.12 AFY per lot X 166 lots totaling 351.92 AFY, which does not even include the water demand for 15 ADU's.
- HOW WILL THE COUNTY AND DEVELOPER ACCOUNT FOR THE SHORTFALL OF 251.92 AFY IN THE CURRENTLY PROPOSED WATER TRANSFER AGREEMENT SO IT MEETS THE STANDARD OF A "LIKELY" SOURCE OF SUPPLEMENTAL WATER?
- 9-6 | PER THE BVWD MINUTES OF 6/22/20 A FEASIBILITY STUDY MUST BE COMPLETED PRIOR TO NEGOTIATIONS OF A WATER TRANSFER AGREEMENT. NO FEASIBILITY STUDY HAS BEEN COMPLETED AND NO NEGOTIATIONS HAVE BEEN COMPLETED. THE RDEIR DOES NOT DOCUMENT A FACTUAL BASIS FOR A LIKELY SOURCE OF WATER BECAUSE THERE IS NO 1) COMPLETED WATER TRANSFER AGREEMENT, AND 2) A NEW BVWD WILL SERVE LETTER
- 9-7 | THE RDEIR ERRONEOUS USES DATA FOR BELLA VISTA WELL PRODUCTION – ESTIMATES VS. ACTUAL PRODUCTION. 5010+ AFY VS. ACTUAL 1534 AFY
- 9-8 | THE RDEIR TABLE FOR GROUND WATER SUPPLY SOURCES ARE ALLEDELY QUOTED FROM THE 2015 UWMP UPDATE. HOWEVER, THESE FIGURES WERE MADE UP BY THE COUNTY TO REFLECT A NON-EXISTENT "NEW" WELL THAT WAS NEVER BUILT IN 2020 AND IS NOT BEING BUILT. THIS SHOWS 810 AFY MORE WATER THAN EXISTS IN REALITY.

I appreciate your time in reading this letter of concern. Will you please respond that you received this letter.

Sincerely,

David Munro

21287 Boyle Road

Redding Ca

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## Responses to Comment Letter 9 - David Munro

### Response 9-1:

The commenter makes initial generalized statements regarding wildland fire and water issues. The commenter notes that north wind events can exacerbate fire hazards such as happened in previous wildfire events. The commenter also notes the 3.5-hour evacuation time and that the project would cause evacuation problems to be worse on already overcrowded Boyle Road. The commenter is referred to **Master Response #1: Water Supply Analysis Master Responses, Master Response #2: Traffic Evacuation Study, and Master Response #3: Wildfire Hazards.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 9-2:

The commenter restates the significance determination regarding Impact 5.19-1. The commenter notes that there is no mention of Intersection 18 with Boyle Road and questions how it cannot be included in the traffic study. The commenter is referred to page 5.16-32 of Chapter 5.17, Traffic and Circulation, of the RDEIR. This page discusses operation of Tierra Robles Parkway and states the following:

“Primary access to and from the proposed project would be from Boyle Road at the southern end of the project site, with a north-south oriented internal arterial roadway (Tierra Robles Parkway) that connects with Old Alturas Road (via Chatham Ranch Drive) at the north end of the project site. Tierra Robles Parkway would be constructed to run northerly from Boyle Road beginning approximately 1.25 miles east of the intersection of Boyle Road and Old Alturas Road. Tierra Robles Parkway turns into Chatham Ranch Drive approximately mid-way through the subdivision. This new road would be located within an 84-foot wide right-of-way which would traverse the proposed project site, and ultimately tie into Seven Lakes Road, adjacent to its intersection with Old Alturas Road. Approximately ½ mile of Chatham Ranch Drive, from its intersection at Old Alturas Road south to the subdivision, would be constructed offsite within a previously dedicated roadway easement. The internal street network consists of approximately 15 roadway segments and would be designed and constructed to meet applicable County street standards.

A series of internally looped roads with right-of-way ranging between 50 feet to 60 feet in width would be connected to Tierra Robles Parkway which would provide access to the internal lots of the proposed project. The southerly terminus of Tierra Robles Lane is located at the northerly terminus of Northgate Drive. The proposed connection with Northgate Road would be gated per County fire standards and used for reciprocal emergency access only. Potential long-term impacts related to emergency access would *be less than significant.*”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 9-3:

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The commenter states there is a lack of available water for current residents within BVWD and the project would make it worse. The commenter also notes lack of communication between CCCSD and BVWD and discusses the well that was not yet constructed.

The commenter is referred to **Master Response 1 – Water Supply Analysis Master Responses, Responses 1-9 through 1-11, 2-3, 3-11, and 3-21**, related to the agreement with CCCSD, and information regarding the water wells in **Responses 3-4, 3-21, and 3-30**.

In addition, the commenter is referred to Table 5.17-2 – Summary of Water Supply Sources on page 5.17-4 of the RDEIR, which lists the water supply from U.S. Bureau of Reclamation (CVP) water, ground water, and the Anderson Cottonwood Irrigation District. The table also provides “Projected Supply (AFY)”, and the following footnote #2:

“Groundwater wells are currently only used to supplement surface water in short and long-term shortages. 4,200 AFY is estimated to be the maximum capacity of the existing wells. Additional groundwater wells are planned for construction every 10 years starting in 2020 increasing groundwater by 810 AFY per well.”

As shown in Table 5.17-3, BVWD is anticipated to have a surplus of between 7,847 AFY and 9,204 AFY through 2040 in normal years, and no groundwater from wells would not be required.

This would include wells that are existing or that were planned to be drilled but have not yet been drilled.

Thus, the RDEIR was correct in reflecting information in the most current version of the UWMP. The RDEIR correctly reflects that BVWD planned to drill wells every 10 years. Although a well was not drilled in 2020, this has no bearing on the findings of the RDEIR as the water that would be produced from that well and all other BVWD wells are not included in the calculations of surplus water.

Footnote #2 to Table 5.17-2 Summary of Water Supply Sources on page 5.17-4 of the RDEIR has been revised. A sentence was added to state, “BVWD did not drill a well in 2020 as planned.”

This revision does not change any conclusions, or the significance of any impacts, as disclosed in the RDEIR. As adequate water supplies exist in normal dry years, impacts in this regard would remain the same. Additionally, as the proposed project would continue to obtain up to 100 AFY of water from CCCSD in dry years, these impacts also are unchanged and remain less than significant with mitigation. No further response is required.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

#### **Response 9-4:**

The commenter notes that the RDEIR used erroneous water demand data. The commenter is referred to **Master Response #1: General Discussion, Consistency with California Water Code, and Project Projected Water Demand**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 9-5:**

The commenter questions how the proposed water transfer agreement can be considered likely when the water demand calculation is inaccurate. The commenter then mentions the 100 AFY transfer and anticipated water demand calculations and asks how the shortfall will be made up for. The commenter is referred to **Responses 1-9, 1-10, and 3-11**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 9-6:**

The commenter notes that a feasibility study needs to be completed and that the RDEIR does not document this factually. The commenter is referred to **Responses 1-9, 1-10, and 3-11**, regarding the potential for and the feasibility of a water transfer agreement.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 9-7:**

The commenter reiterates comments related to past fires including the Jones Fire. The commenter is referred to **Response 3 – Wildfire Hazards** and **Response 9-6** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 9-8:**

The commenter notes the Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova decision and states that the RDEIR is not consistent with that decision. The commenter is referred to **Response 25-6** related to the Vineyard decision.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 10: Sara and Glenn Hoxie, February 1, 2021

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02/01/21

ADMINISTRATION

Paul Hellman  
Director of Resource Management,  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street  
Suite 103,  
Redding CA 96001

Dear Mr. Hellman,

We have reviewed the Tierra Robles FEIR and offer comments and questions pertaining to the project.

Regarding Section 5.19

10-1

The Boyle Road region has been deemed an area of extreme fire danger. How will current residents and those of the proposed Tierra Robles development safely evacuate in the event of a wildfire? Many of us, our family included, live on blind roads with one exit. In our case we would travel one mile to the north to Boyle Road. The traffic delays would likely be life threatening under present circumstances. Most fires burn from north to south so we and our neighbors would likely drive toward the fire. Since Boyle road is not slated for widening or improvements, how do you propose to protect the citizens in the event of a catastrophic wildfire?

10-2

As is cited in the Wildfire Evacuation study in the FEIR, there could be 8,542 vehicles in need of safe egress page 5-19-13, and each will need an immediate route to safety. Page 5-19-17 paragraph 4 stated that evacuation times could range from 2 hours to 3 and ½ hours. Vehicles from Tierra Robles may extend this evacuation time. This is unacceptable. We know the result of this scenario. The Camp, and Zogg fires were events with multiple fatalities due to inadequate evacuation planning and too many vehicles. These outcomes are not based on theory or projection but are reoccurring real life, local events. Before this development is approved, we need a satisfactory plan, better road capacity, and additional egresses.

10-3

Regarding section 5.16

Please explain how Boyle Road will handle the excess traffic on any given day in regard to cyclists. The data used in the traffic survey date to 2013. It is outdated and therefor unreliable. Page 8 of the traffic impact study states that Boyle Road is not considered to have a "bicycle facility". It is true, there is no bike lane or shoulder. This report assumes that because of the distance to commercial centers Boyle Road would be lightly used by cyclists. However, this road is continuously used by cyclists, daily. The added traffic from Tierra Robles, both during build-out and after occupancy, makes Boyle Road even more dangerous to cyclists. The traffic study

10-3  
CONT'D

▲ suggests that the road should be improved sometime in the future but no plan is in place and no commitment has been made to accomplish this.

10-4

Regarding section 5.7.1

The issue of climate change is glaring here in Northern California, made apparent by the wild fires, and the extreme heat in the summer as well as the extended summer season. Shasta county has a development plan that includes placing developments close to town centers, public transportation, and in close proximity to retail, medical and other needs. This is an example of smart growth.

Tierra Robles does nothing to put residents near town centers, does not allow for public transportation or even safe cycling on the surrounding roads. I believe this development would run counter to the Shasta County General Plan. The 2.0 Framework for Planning, page 8 under Economic Development and Patterns of Urbanization reads as follows;

“Conversely, economic development which contributes to increased traffic and air quality impacts, is not located within planned community centers, or does not promote efficient use of land and public services may result in a development pattern which could lessen the quality of life.”

The lessening of quality of life is tied to climate change, air pollution, noise pollution and wild fire.

10-5

Tierra Robles is not smart growth. Tierra Robles is not located in a planned community center. Public transportation and cycling are inadequately addressed. The threat of wildfire and evacuation remains unresolved. Therefore, we continue to question the wisdom of a zoning change in the Boyle Road area. We remain opposed to the advancement of this project.

Sincerely,



Sara and Glenn Hoxie  
1024 Roadrunner Way  
Redding CA 96003



## Responses to Comment Letter 10 - Sara and Glenn Hoxie

### Response 10-1:

The commenter notes that Boyle Road is within an extreme fire danger area and questions how current residents will be able to evacuate. The commenter notes that the threat of wildfire will be threatening to life. Page 5.19-1 of Chapter 5.19, Wildfire states that the project site is located within the Very High Fire Hazard Severity Zone (VHFHSZ).

The commenter is referred to **Master Response #2: Traffic Evacuation Study**, **Master Response #3: Wildfire Hazards**, and **Response 4-22** related to evacuations due to wildfire.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 10-2:

The commenter cites the 8,542 vehicles and the range of time for evacuation for 2 to 3.5 hours as unacceptable. The commenter concludes by stating that a satisfactory plan, better road capacity, and additional points of egress are needed. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, **Master Response #3: Wildfire Hazards**, and **Response 4-22**, which discuss existing traffic volumes and the projected increase in traffic volumes of 2.3 percent resulting from the project. This increase is not considered substantial and would not conflict with the County Emergency Operations Plan.

The commenter is correct that the addition of residents from the proposed project would increase evacuation times. As stated on page 5.19-22 of Chapter 5.19, Wildfire, "As such, the evacuation traffic analysis concludes that while the proposed Project would add to the volume of traffic (approximately 5%) within the surrounding area, the addition of Project traffic would not substantially increase the clearance times to evacuation centers."

Further, the following is stated on pages 5.19-32 through 5.19-33:

"With regard to emergency evacuation, the Project specific evacuation study considered a broad evacuation area described above. The analysis included the equivalent of approximately 8,542 passenger cars would flow through the studied evacuation network as motorists head toward appropriate refuge areas. This cumulative traffic volume estimate is considered a conservative worst-case analysis because it assumes all existing and planned housing units are occupied at the time of evacuation. The analysis determined that the Project would not result in a substantial change in the evacuation times and evacuation speeds during an emergency evacuation (less than 15 minutes over a three- and one-half-hour period, and less than 0.3 mile per hour, respectively). Therefore, potential impacts on an emergency evacuation are not cumulatively considerable and less than significant."

In addition, the County would encourage residents to have a plan in place, be prepared for evacuation, and evacuate early and get themselves out of fire danger sooner. This advanced preparation and self-evacuation would serve two purposes and further decrease evacuation time. First, it would encourage residents to remove themselves from the path of wildfire prior to formal order (which may or may not be timely). Second, if more people evacuate sooner while the danger is reduced, it will similarly reduce the

evacuation time for those who wait longer to evacuate. The commenter is also referred to **Responses 4-29** and **4-30** regarding the approximately 75 percent of people that self-evacuated during the Carr Fire.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 10-3:**

The commenter questions how additional project traffic on Boyle Road will impact cyclists.

The County agrees there are no bike lanes on Boyle Road as stated in the RDEIR. Page 5.16-28 states, “The bicycle activities in the project area are anticipated to be light on the above-mentioned roadways due to the lack of commercial and employment centers in the immediate project vicinity and the distances to area schools...”

Regarding collisions with bicyclists, the commenter is referred to page 5.16-6 of Chapter 5.16, Traffic and Circulation which states, “*There were no collisions reported involving pedestrians or bicyclists. There were no fatalities reported, and there were 90 injuries over the five-year period.*”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 10-4:**

The commenter states that the proposed project would not result in residents being located close to town centers, does not allow for public transportation or even safe cycling. The proposed project does not conflict with the Shasta County General Plan as it is consistent with existing land use designations and zoning.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 10-5:**

This comment does not speak to a specific CEQA issue but comments on smart growth. This comment is referred to **Response 10-4** above. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 11: Robert Grosch – Letter A

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

- 11-1
- ISSUE: Ignoring the wildfire dangers of future development as noted in the General Plan.
- RULE: The General Plan has an established objective (5.4.3) which in pertinent part commits the county to “discouraging and/or preventing development from locating in high risk fire hazard areas.”
- Section 65860 of the California Government Code requires that zoning be consistent with the General Plan.
- Policy C-6j of the General Plan says new development shall provide circulation improvements for emergency access by police, fire, and medical vehicles; and shall provide for escape by residents/occupants in accordance with Fire Safety Standards.
- ANALYSIS: The proposed location for Tierra Robles is located in a Very High Fire Hazard Severity Zone, and is surrounded by significant pieces of real estate that bear the same designation by Cal Fire. This location is not in accord with the General Plan which commits the county to “discouraging and/or preventing development from locating in high risk fire hazard areas.”
- The proposed location for development is also a violation of the General Plan principal that requires zoning to be consistent with the General Plan
- There is no indication that the proposed location for Tierra Robles “shall provide circulation improvements for emergency access by police, fire, and medical vehicles and shall provide for escape by residents/occupants in accordance with Fire Safety Standards.
- 11-2
- CONCLUSION: The county is obligated by its General Plan to “discourage or prevent” development in the proposed location. No evidence is offered in the RDEIR as to why this project should be an exception to the principle established in the General Plan to which the County is committed. What evidence is there for this dramatic and serious departure from county policy? If no evidence finds its way into the FEIR, then the document is insufficient by its omission.
- The PREIR does not address Policy C-6j of the General Plan. Questions that need to be answered include: How does the proposed development “provide circulation improvements for emergency access...”? How does the proposed development “provide for escape by residents...”, both current residents of the area and future residents of the proposed development?

11-3

Another unanswered question is this: “Recognizing that Old Alturas and Deschutes Roads have above average collision rates for similar facilities in the State of California, how will the proposed development “provide circulation improvements” in the area to reduce the collision rate on Old Alturas and Deschutes Roads? Without circulation improvements the accident rate is sure to increase above it’s already higher-than-average rate.

## **Responses Letters 11 -19 – Robert Grosch**

A series of 9 comment letters (Letters 11-20) were sent from Robert Grosch. All letters are discussed in one series of responses as discussed below.

### **Letter 11**

#### **Response 11-1:**

The commenter notes that the project ignores the wildfire dangers as noted in the General Plan and the California Government Code. The commenter further notes the project site is in a Very High Fire Hazard Severity Zone and does not provide proper circulation improvements.

The commenter is referred to **Master Response #3 - Wildfire Hazards** for information related to analysis of wildfire, **Responses 4-58** and **4-60** regarding consistency with the General Plan and zoning, and **Master Response #2 - Traffic Evacuation Study** for information related to emergency evacuation.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

#### **Response 11-2:**

The commenter states that the County is obligated under its General Plan to discourage or prevent development in the project location and no evidence is presented as to why the project should be exempt. The commenter states that circulation improvements for emergency access should be provided.

The commenter is referred to **Responses 4-58** and **4-60** for a discussion of general plan consistency and **Master Response #2 - Traffic Evacuation Study** for additional information related to emergency evacuation.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

#### **Response 11-3:**

The commenter notes that Old Alturas Road and Deschutes Road have high collision rates and should be improved. The RDEIR discusses the collisions of the listed roadways on page 5.16-5 of Section 5.16, Traffic and Circulation. In part, it is stated:

“Based on the five-year SWITRS data, 41 collisions have occurred along Old Alturas Road, 7 collisions have occurred along Boyle Road, and 101 collisions have occurred along Deschutes Road.”

The subsequent pages show additional collision data by type (broadside, head on, hit objects, etc.). On page 5.16-7, the following discussion is provided:

“...There are three segments where the collision rate is higher than the statewide average rate. On Old Alturas Road between Deschutes Road and Seven Lakes Road, between Boyle Road

and Old Oregon Trail, and on Deschutes Road between Boyle Road and SR-44 the calculated collision rates exceed the statewide basic average rate for the roadway segments.”

In consideration of traffic safety, the RDEIR includes mitigation to reduce potential traffic safety impacts. Page 5.16-31 details Mitigation Measure 5.16-2 that requires in part:

“Install Caltrans standard W2 intersection warning signs with W16-8P advance street name plaques at Lassen View Drive, Beryl Drive, Sunny Oaks Drive, Wesley Drive, Robledo Road, Oak Meadow Road, Oak Tree Lane, and Coloma Drive.”

Regarding Old Alturas Road and Deschutes Road, the commenter is referred to page 5.16-46 which lists three additional mitigation measures (5.16-3, 5.16- 4, and 5.16-5) to reduce traffic safety impacts. These mitigation measures include the following requirements:

*“Old Alturas Road & Old Oregon Trail (Intersection #8).* Prior to recordation of a final map for each phase identified on the tentative subdivision map, the project applicant shall pay the proportionate share of the project’s pro-rated share of the cost of constructing a single/multi-lane roundabout (13 percent of \$2,562,000, or \$333,060, based on an engineer’s cost estimate of the improvements prepared by the Shasta County Public Works Department). The proportionate share is \$2,006 per residential lot. Payments for phases two through six shall be adjusted annually on May 1 based on the change in the Building Cost Index provided by the *Engineering News-Record* for the prior calendar year.”

*“Boyle Road & Deschutes Road (Intersection #13).* Prior to recordation of a final map or issuance of a building permit (whichever occurs first), the project applicant shall pay the pro-rated cost share in the amount of \$605 representing 11 percent of the cost of upgrading the existing two-way-stop-controlled intersection to all-way-stop-controlled intersection. The fee amount is based on an engineer’s cost estimate of the improvements prepared by the Shasta County Public Works Department.”

*“Deschutes Road & Cedro Lane (Intersection #15).* Prior to recordation of a final map or issuance of a building permit (whichever occurs first), the project applicant shall pay the pro-rated cost share in the amount of \$38,350 representing 5 percent of the cost of constructing a traffic signal. The fee amount is based on an engineer’s cost estimate of the improvements prepared by the Shasta County Public Works Department.”

The payment of applicable fair-share costs towards a programmed improvement would result in a cumulatively less than significant impact at each intersection.

Letter 12: Robert Grosch – Letter B

**Response to Tierra Robles Partial Recirculated Draft EIR, Dec.,  
2020**

12-1

ISSUE: Inadequate infrastructure for emergency evacuation

RULE: Governmental entities are required to include consideration of fire safety and evacuation in their planning for additional development (*Fire Hazard Planning*, Governor’s Office of Planning and Research, pp. 8-10, 13, 19-21).

The Shasta County emergency Operations Plan obligates our General Plan to include in the Safety section policies and programs to “protect the community from risks associated with ...fire hazards”. (pp. 1-8).

The *Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan of November 16, 2017* commits the County to several objectives regarding wildfire (WDF 1.A, 1.B, 1.C, 2.B, 3.C, 3.D, 4.D, 5.C)

ANALYSIS: The current design of the proposed development known as Tierra Robles violates one of the most commonly accepted best practices for such a development. Its street design limits the safety of Tierra Robles residents as well as those in the surrounding community.

Developers concerned about the dangers of wildland fire in the Wildland Urban Interface WUI design street layouts to accomplish two goals: (1) Provide a maximum amount of flexibility when emergency evacuations must take place, and (2) Utilize the paved surfaces of the street design to provide some of the necessary defensible space during a wildfire.

12-2

Streets located on the outside edge of a proposed subdivision can easily provide a 100 ft. band of defensible space around the entire proposed development. Tierra Robles forgoes this design advantage and locates its streets solely within the subdivision, surrounding the project with more flammable homes and ADLs, not pavement.

When a subdivision design places the streets on the outer boundary of the development it makes possible street connections with adjacent development to enhance escape possibilities for residents of the proposed development. Such a design also allows residents living on adjacent properties to utilize , in this case Tierra Robles, as a means of emergency evacuation. (American Planning Association, “Planning for Wildfires”, p. 49)

As designed, Tierra Robles does not make use of accepted design strategies to protect from fire and does not integrate its road system in a way that provides safety to proposed residents of Tierra Robles or to its neighbors.

Fire fighters are also hampered by the proposed design which limits their access to the leading edge of fire as it approaches the subdivision. Structure protection during a wildfire is also hampered by the proposed design making it difficult or impossible for fire equipment to surround the house for structure protection.

12-3 | In addition, the current proposed street layout causes concern because the typography with its many severe sloping areas poses an additional hazard and impediment to effective fire fighting. Were there streets between homes and severely sloping areas the proposed community would be much safer fire wise.

12-4 | As presently designed Tierra Robles segregates itself from the surrounding properties and makes it impossible to utilize surrounding properties either now or in the future for emergency evacuation. The current design dictates that future development on the surrounding properties will be unable to utilize Tierra Robles for emergency evacuation. In short, the current design consigns this portion of the County to increased danger by hampering the possibility of efficient evacuation in case of wildfire.

12-5 | The advantage of placing streets in the outer ring of a development to provide for greater fire safety is not new. Nor is it applicable only to Tierra Robles. This strategy has been published many times in the professional literature relative to development in the Urban Wildland Interface (UWI). (Moritz & Butsic, *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California*, UC ANR Publication 8680)

The need to inter-connect developments through their street systems is a basic principal of the National Fire Protection Association (NFPA): "Developers should provide easements to allow and facilitate future development that may occur." (NAPA 1141, A.5.2.1)

12-6 | CONCLUSION: In order to comply with best practices of community development in the UWI the proposed design of Tierra Robles must be altered to place homes on the safe side of its streets separated from the wildland side of the proposed development. What will the county do to bring this project into compliance with best practices, such as reducing the number of homes so that a defensible outer roadway can be built as a protection for the community?

The PREIR does not seek to answer why the proposed design deviates from establish community design principals in the Urban Wildland Interface. Therefore the PREIR is inadequate.



**Letter 12**

**Response 12-1:**

The commenter reiterates comments regarding fire safety and hazard mitigation listed above. The commenter is referred to **Response 11-1** above.

**Response 12-2:**

The commenter states that if the project was reorganized that 100-foot buffers of defensible space could be provided and there is an advantage to placing streets around the perimeter. The commenter concludes noting the project does take advantage of this design element and fire fighters may be hampered. The commenter is referred to **Master Response #3 - Wildfire Hazards** regarding project design that would reduce the potential effects from wildfire. The commenter is also referred to **Responses 11-1, 11-3, 7-1, 7-2, and 4-59** that discuss the project design.

The commenter is referred to **Responses 4-4** through **4-7** regarding continued maintenance and reporting requirements to the Shasta County Fire Department.

The commenter is referred to **Master Response #4 Tierra Robles Community Services District and Tierra Robles Homeowner's Association, Response 2-3, and Response 2-16**, which discuss the Tierra Robles Community Services District (TRCSD) and how it is an appropriate vehicle with appropriate funding and enforcement powers to ensure conformance to project design and mitigation strategies.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 12-3:**

The commenter notes that the topography is of concern and says that if the homes were between slopes it would be safer fire wise. The commenter is referred to **Responses 12-1** and **12-2** above, which reference other responses related to project elements, design, and mitigation that would reduce wildfire impacts. Regarding placement of the proposed roadways, the circulation elements have been designed to be responsive to the project site and to enable safe circulation avoid impacts to sensitive biological areas, and disturb ravines and steep slopes. Designing roadways between the proposed residential units as the commenter suggests would increase impacts to sensitive biological areas, increase roadway construction within ravines and steep slopes, and would not provide an efficient circulation pattern.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 12-4:**

The commenter notes that the project segregates itself from surrounding properties and makes it impossible to use surrounding properties for evacuation in case of wildfire. The County disagrees that the project is segregated from the surrounding communities. The proposed project would have similar access off Boyle Road as other developed areas within the area, including those on Porta Dego Way, Rocky Road, and Northgate Drive. Similar to most of the surrounding areas, the proposed

project would not be connected to adjacent properties by minor east and west roadways, thus the proposed project is consistent with other area developments in this regard.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 12-5:**

The commenter reiterates comments about placing streets on the outer ring of development and discusses the need to interconnect development through the street system. The commenter is referred to **Responses 12-2** and **12-3** above. The project includes interior roadways to enable access to all areas of the proposed project and to enhance firefighting capabilities should the need arise.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Responses 12-6:**

The commenter reiterates concerns and requests a design change of the project and siting of residential units to reduce the risks from wildfire. The commenter is referred to **Master Response #3 - Wildfire Hazards** and **Responses 12-1** through **12-5** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 13: Robert Grosch – Letter C

**Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020**

13-1 Issue: The Nuworsoo traffic study fails to offer or defend any reasonable thresholds regarding acceptable levels of egress capability in a wildfire situation.

Rule: General Plan: It is the objective of the county to engage in “discouraging and/or preventing development from locating in high risk fire hazard areas.” (5.4.3)

Hazard mitigation Plan: 1.A Facilitate the updating of general plans and zoning ordinances to *limit (or ensure safe) development* in wildfire hazard areas.

1.B Facilitate the adoption of building codes that *protect existing assets and restrict new development* in wildfire hazard areas.

1.C Facilitate consistent *enforcement of the general plans, zoning ordinances, and building codes.*

2B Increase public understanding, support and demand for *wildfire hazard mitigation for new developments.*

5.C *Strengthen existing development standards in high wildfire threat areas.*  
(Italics mine)

Analysis: The proposed development of Tierra Robles is wishing to be located in an area whose network of roadways was designed to serve the rural residential and agricultural properties that have existed in the area for several generations. These roadways were significantly clogged with traffic at the time of the Jones Valley Fire. The RDEIR provides no mitigation for increasing the egress ability as they seek to change the existing zoning that actually necessitates a different set of road designs than those that currently exist. What sort of mitigation will happen to overcome the effects of additional traffic in the area during a wildfire evacuation?

When a set of roadways is designed to serve a rural residential and agricultural area it needs to be redesigned if it is to serve a more dense population. What redesign is necessary to accomplish this? The study makes no recommendations in this crucial issue.

13-2 Applying reasonable standards for emergency egress in case of a wildfire is difficult because there are no hard and fast, tested, standards for egress capability and safety during a wildfire. However, the principles of evaluating emergency egress capability in buildings can be applied fruitfully to the emergency evacuation of a community.

In building code safety standards maximum occupancies are defined and enforced, and those occupancies determine the number, size, location, and capacity required of the exits from the building. Although no set standard exists in Shasta County it is reasonable to accept the fact that the “two exits required” rule for subdivisions cannot satisfactorily be applied to every neighborhood or community no matter the size of its population.

13-3 Looking a fire history in California we are alerted to the fact that we need to pay attention to the ratio of population to number of exits from every neighborhood, community, development, or city. The Nuworsoo study makes no use of fire history in this regard. What would the fire history tell us? This needs to be discovered and examined if the traffic study wishes to claim relevance to the current discussion.

13-3 At the time of the Oakland-Berkeley Fire in 1991 there were 337 homes in this neighborhood with four exits. The fire blocked two of the exits, leaving an average of 168 homes per available exit. Those who died in that fire were residents caught in or near their cars at the end of a traffic queue. When one of the Tierra Robles exits is blocked, the ratio of homes to exits will exceed that of the Oakland-Berkeley Fire. What is more, the Nuworsoo study indicates there will be a great many traffic queues.

13-4 When exiting a building on fire it is generally assumed safety has been reached when one leaves the plain of the outer wall of the building through a door or a window. In most cases fire does not chase after the escapee after they leave the building. However, in a wildfire scenario simply leaving a subdivision does not mean one has arrived at a safe place. Wildfire often chases faster than one can walk, run, or drive. Therefore, an examination of egress safety for Tierra Robles must not only examine egress from Tierra Robles itself, but also egress from the surrounding area which simultaneously is filled with people from existing homes who are also trying to outrun a wildfire.

Most experts agree, based on the history of fire moving through high fire hazard areas, that communities should be designed so that evacuation can be accomplished in 30 minutes if necessary. (Let’s remember that the Jones Valley Fire traveled 16 miles in about 12 hours.)

13-5 Thomas J. Cova has published a proposed standard for safe emergency egresses as illustrated in the following chart (Natural Hazards Review. August, 2005, pp. 99-108):

<u># of Households</u>	<u>Minimum # of exits</u>	<u>Maximum households/exit</u>
1-50	1	50
51-300	2	150
301-600	3	200
600+	4	

13-5 At first glance it appears Tierra Robles would appear Tierra Robles would meet this standard. However, safety has not been reached when Tierra Robles residents reach Boyle or Old Alturas Roads. For instance, on Boyle Road they are met with residents from 315 additional homes. Setting aside for the moment concerns about the bottle neck at Boyle Road, if the northern exit from Tierra Robles is blocked by fire we now have traffic from 495 homes using Boyle Road to escape to safety. Assuming two cars per household Boyle Road must accommodate 990 automobiles in their attempt to outrun the wildfire. In this scenario if evacuation must be

13-5  
CONT'D

↑ accomplished within one half hour (again, Cova's suggested standard), an automobile must leave Tierra Robles every five seconds (360 autos /30 minutes = 12 cars per minute).

If we charitably assume a somewhat more generous scenario could happen and both exits from Tierra Robles are available for egress we have the following set of numbers: Eighty-five percent will use the exit with which they are most familiar, accounting for 306 Tierra Robles automobiles. If we assume they will encounter only one half of the traffic from existing homes they will encounter 315 additional automobiles. These 621 autos will likely head for the closest intersection with Boyle Road at Old Alturas where they will again find themselves in a traffic queue needing to merge onto Old Alturas at a rate of nearly 21 cars/minute if they are to accomplish their escape in the suggested 30 minute time frame.

13-6

Clearly the Nuworsoo study has ignored the suggested egress statistics in the professional literature, and yet has not offered us meaningful statistics other than to say it will take us up to 3 ½ hours to reach a point of safety.

The study does not offer us any standard or threshold as to what is a reasonable and safe egress time in case of an emergency. He ignores the professional literature and does not justify his ignoring published research on the topic.

Why does he ignore the published research?

What does he suggest is a reasonable emergency egress time, and how is that justified?

The study suggests lengthy travel times to a place of refuge, yet does not account for the numbers of people who will be unable to survive his scenarios given the history of recent conflagrations in our area.

The traffic study is based on conjecture and stands in opposition to the published literature. Yet even at face value it presents us with a picture of a horrific scenario which ought to call us back to the policy of the county to prevent or discourage developments in high fire hazard severity zones.

**Letter 13:**

**Response 13-1:**

The commenter states the evacuation traffic study does not use a reasonable threshold and cites the Shasta County General Plan and zoning. The commenter further states the roadways were clogged during the Jones Fire and asks about mitigation. Regarding the thresholds for Wildfire, as discussed on page 5.19-11 of the RDEIR, “The County will use the Environmental Checklist Form in Appendix G of the State CEQA Guidelines, to determine if the proposed Project could potentially have a significant impact related to wildfire. Such an impact would occur if the proposed Project would violate the following criteria.” The RDEIR uses the evacuation study in light of the Appendix G thresholds to evaluate potential impacts in accordance with CEQA Guidelines.

Regarding consistency with General Plan and zoning, the commenter is referred to **Master Response #3 - Wildfire Hazards** and **Master Response #2 - Traffic Evacuation Study** for clarification on wildfire and emergency evacuation.

Regarding the internal circulation elements, the commenter is referred to **Responses 12-3** and **12-4** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 13-2:**

The comment does not raise a specific question pertaining to CEQA and makes generalized statements about building standards. No further analysis is required and no changes to the RDEIR have been made.

**Responses 13-3:**

The commenter discusses fire history in California and says the study does not discuss fire history. The commenter discusses the Oakland-Berkeley fire and compares that to the project and the potential to block traffic. The commenter is referred to **Master Response #3 - Wildfire Hazards** regarding past fires and how the project site differs from those locations and which also discusses evacuation and the use of refuge areas to minimize potential safety effects. The commenter is also referred to Appendix 2: What Can We Learn from Butte County contained in Appendix D-1 of the RDEIR, which discusses the Camp Fire in Butte County.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 13-4:**

The commenter makes general statements about fire safety and exiting buildings as it relates to wildfire. The commenter notes that the evaluation must not only address egress from the project but also from surrounding areas. The commenter notes a study that says evacuation should be accomplished in 30 minutes and cites the Jones Fire moving 16 miles in 12 hours. The commenter is

referred to **Master Response #2 – Traffic Evacuation Study and Master Response #3 - Wildfire Hazard** regarding fire safety and evacuation and egress safety.

Regarding secondary emergency access, the commenter is referred to page 3-18 of the Project Description which describes the project's secondary emergency access point, which would consist of an emergency access easement across Lots 81 and 98 and a 5.23-acre offsite extension of the proposed new access road to Old Alturas Road.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 13-5:**

The commenter references a published and proposed standard of safe emergency egress which the commenter notes would, based on using the formulas, result in vehicles queuing as they attempt to exit. The commenter is referred to **Master Response #2 - Traffic Evacuation Study** regarding evacuation and congestion on Boyle Road. The commenter is also referred to **Response 13-4** which discusses the secondary emergency access to Old Alturas Road. The commenter is referred to **Responses 11-1, 11-2, 12-4, and 13-1**, that provide information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 13- 6:**

The commenter reiterates that the study did not use egress statistics and states that the studies referenced were ignored and questions why and reiterates that no standard was used. The commenter is referred to **Master Response #2 – Traffic Evacuation Study, Master Response #3 – Wildfire Hazards, and Response 13-5** above, that provide information and references to other responses related to these matters.

Regarding the thresholds used in the RDEIR, the commenter is referred to **Response 13-1** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 14: Robert Grosch – Letter D

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

14-1

ISSUE: The revised draft EIR does not address the issue of continuation of maintenance on the development in order to safeguard from fire. Fuel reduction and mitigation is detailed, but at completion of the project there is no guarantee fuel reduction and vegetation management will continue.

RULE: The EIR is judged to be inadequate if “the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR” (Endangered Habitats League v. Rutter Development Company, Inc., Real Party in Interest 2005)

Similarly in *Communities for Better Environment v. Chevron Products Company et. al., Real Parties in Interest and Appellants*, 2010 the court ruled “placing the onus of mitigation on the future plan and leaving the public in the dark about what land management steps will be taken or what specific criteria or performance standard will be met...” is not satisfactory.

ANALYSIS: The EIR as it is now proposed does not assure the public that vegetation management and fuel reductions will continue after build out.

CONCLUSION: The PRDEIR does not meet the standard established in case law. The proposed EIR is inadequate and incomplete.



**Letter 14:**

**Response 14-1:**

The commenter states that the RDEIR does not address continued maintenance to safeguard from fire and that the RDEIR is inadequate as the mitigation is not complete and the management plan is not adequate. The commenter is referred to **Master Response #3 - Wildfire Hazards** regarding the fire mitigation and fuel management that would be overseen by the TRCSD or TRHOA. The TRCSD or TRHOA would be formed to ensure the project is managed to include conformance with all applicable fire safe standards. Regarding the maintenance of these areas, the commenter is referred to **Master Response #4 - Tierra Robles Community Services District and Tierra Robles Homeowner's Association**.

The commenter also is referred to **Master Response #4 Tierra Robles Community Services District and Tierra Robles Homeowner's Association, Response 2-3, and Response 2-16**, which discuss the TRCSD and how it is an appropriate vehicle with appropriate funding and enforcement powers to ensure conformance to project design and mitigation strategies related to fire hazards and fire suppression.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 14-2:**

The commenter questions the viability of maintaining vegetation management efforts with the formation of the TRCSD and questions if the most appropriate vehicle is to ensure that vegetation management and fuel reductions meet standards and regulations.

The commenter is referred to **Response 14-1** above and **Response 4-7** that discuss the Endangered Habitat League v. Rutter Development Company, Inc., and Communities for Better Environmental v. Chevron Products Company et. al decisions.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 15: Robert Grosch – Letter E

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

15-1	<p>ISSUE: Infrastructure for emergency evacuation is inadequate.</p> <p>RULE: Providing for safe egress from the proposed development is required by the following:</p> <p style="padding-left: 40px;"><i>Fire Hazard Planning</i>, Governor’s Office of Planning and Research, pp. 8-10, 13, 19-21.</p> <p style="padding-left: 40px;">The Shasta County emergency Operations Plan (pp. 1-8).</p> <p style="padding-left: 40px;">The <i>Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan of November 16, 2017</i> (WDF 1.A, 1.B, 1.C, 2.B, 3.C, 3.D, 4.D, 5.C)</p> <p style="padding-left: 40px;">Shasta County General Plan 5.4.1, 5.4.3, 5.4.4</p> <p style="padding-left: 40px;">California Government Code 65302 (g)</p> <p>ANALYSIS: It is easier to determine if a building has adequate capacity for emergency evacuation than it is to determine evacuation capacity for a residential development.</p> <p style="padding-left: 40px;">We have clear and specific rules for buildings that determine the number, size, and location of emergency exits based upon the size of the building, the distance between exits, the width of each exit, the number of people likely to populate the building, etc.</p> <p style="padding-left: 40px;">However, in determining the rules for a residential development the only firm rule is that it must have two exits of a given width and paved to a fixed standard. This norm is established without consideration of the size of the development, it’s likely population, the location of each exit, or the ease by which an exit can be reached and utilized by a resident. And consideration of traffic dynamics after an automobile leaves a development is not normally a part of the equation, although its impact on the surrounding community can be critical.</p> <p style="padding-left: 40px;">To determine if the proposed development of Tierra Robles has adequate capacity for emergency evacuation .we must look beyond building codes and arbitrary standards of “two exits” as a standard established without any factual or scientific basis.</p>
15-2	<p style="padding-left: 40px;">StreetLight Data of San Francisco is recognized as a national leader in traffic management studies. They are also leaders in assessing traffic patterns in small communities threatened by wildfire.</p> <p>StreetLight Data has studied thousands of communities in America with populations of less than 4000 persons and evaluated the ability of these communities to evacuate in case of wildfire. In September, 2020 StreetLight released a list of America’s 100 most dangerous communities when it comes to emergency evacuations. In their evaluation they used the basic matrix of measuring how many people must escape per available traffic lanes. Comparing the proposed development of Tierra Robles to other communities on the StreetLight Evacuation</p>

15-2  
CONT'D

Route list we find that Tierra Robles could possibly qualify closest to #7, Six Shooter Canyon, AZ. If one of the exits from Tierra Robles is blocked by fire, evacuation danger would surely place the proposed subdivision in the top one hundred list of most threatened communities in the entire country.

15-3

When StreetLight Data analyzed the evacuation danger in the communities it studied it recognized that in an emergency evacuation people do not distribute themselves equally among the possible escape routes, nor do they follow the directions of their local emergency services with consistency when it comes to choosing their escape route. After action studies demonstrate that people seek to escape on the route they normally use to leave their residential area when going to work, school, or shopping. Hence the important number is not simply the number of available exits, but the number of people who will choose to use each exit even if it is not the most efficient route in the emergency situation.

In looking at the proposed Tierra Robles subdivision we used the developer's estimate that 85% of the people will prefer to use the southern exit. This calculation would make Tierra Robles comparable with at least five communities on StreetLight's list of most endangered communities.

Here is the data:

<u>Community</u>	<u>Population</u>	<u>Exit load on preferred route</u>
#7 Six Shooter Canyon, AZ	539.....	528
#79 Powellton, WV	619	569
#98 Horseshoe Bend, TX	789	599
#99 Meadow View Addition, SD	538	495
<i>(Tierra Robles, Palo Cedro, CA</i>	<i>543</i>	<i>462)</i>

15-4

StreetLight's data regarding communities endangered because of a lack of evacuation capacity is available for free to any governmental agency. Shasta County's failure to utilize this data represents a serious failure.

15-5

CONCLUSION: Clearly, creating the proposed Tierra Robles would be to create one of the most dangerous communities in America, based on data from a well respected traffic engineering firm with no role in the debate over Tierra Robles.

Tierra Robles, if built, would add to an already inadequate system of roadways that were initially designed for significantly less traffic than they now carry and under fire hazard conditions that did not exist due to climate change that has taken place since this part of Shasta County was first settled and built up into a semi-rural neighborhood. The inadequacy of safe and dependable egress possibilities are further documented in the Tierra Robles Area Evacuation Traffic Study by Cornelius Nuworsoo, where it documents that residents fleeing a wildfire could experience travel times as great as 3.5 hours before reaching a place of refuge. Adding to the current inadequacy of emergency egress possibilities for the area would be irresponsible.

Questions that need to be answered are these:

- 15-6 | • Why is the previously published and freely available data of one of America's best known traffic engineering firms being ignored?
- 15-7 | • Since when is a 3 ½ emergency drive acceptable while trying to outrun a wildfire? Where is it documented that a 3 ½ drive is capable of outrunning a wildfire?
- 15-8 | • The Nuworsoo study seems to indicate that the places of refuge have been chosen because of the nature of the structures situated there. Is he intending to suggest that after a 3 ½ drive residents will then have to enter a building and "shelter in place" while the fire burns past them?
- 15-9 | • Are residents surrounding the proposed project content with the current level of egress?  
• Would residents of the area accept adding more traffic to compound problems of emergency egress?
- 15-10 | • Can the developers of the proposed subdivision point to an accepted standard of acceptable time for an emergency evacuation? What standard of escape time are they suggesting is adequate, and who established such a standard?
- 15-11 | • How does the 3 ½ hour drive from Paradise to Chico compare to the 3 ½ hour drive proposed in the Nuworsoo study when looking at the relative danger of each attempt to outrun wildfire?
- 15-12 | • The community of Palo Cedro participated in the formation of the General Plan knowing the level of fire danger in the community. Have they been consulted again with full transparency as to the added traffic proposed to be added to their 3 ½ run for safety?
- 15-13 | • If a knowledgeable traffic engineering firm known for their expertise with the dynamics of emergency egress in case of a wildfire, would they think the proposed development is a fire-safe project? Is there documentation to that effect?

**Letter 15:**

**Response 15-1:**

The commenter reiterates comments related to emergency access and site egress and the requirement for secondary access. The commenter is referred to **Master Response #2 - Traffic Evacuation Study, Responses 11-1, 11-2, 12-4, 13-1, and 13-4** through **13-6** above, that provide information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-2:**

The commenter discusses StreetLight Data and a study of communities that may be affected by wildfire. The commenter speculates that if one of the exits from Tierra Robles is blocked it would place the proposed project in the top one hundred list of most threatened.

The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire** that provide clarity on the impacts associated with emergency evacuations and discuss and refer to sections of the RDEIR that address the issues and potential impacts of the proposed project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-3:**

The commenter speculates that residents will not evacuate via the most efficient route in case there is an emergency. This comment does not raise a substantive issue in relation to the proposed project. The commenter is referred to **Response 15-1** above that provides information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-4:**

The commenter notes StreetLight data showing other locations with apparent evacuation limitations. It should be noted the StreetLight website at <https://www.streetlightdata.com/limited-evacuation-routes-map/> was reviewed, including the map the commenter appears to be referencing (“National Map of Communities with Limited Evacuation Routes”).

The commenter appears to insert text into the table showing comparable numbers. However, it is unclear how the numbers were derived by StreetLight and the commenter, how they were inserted by the commenter, or how the table was constructed.

It is unclear how to interpret the data the commenter has provided and not possible without a specific reference or citation to determine the validity. It should be noted that the proposed project

was evaluated for its potential to affect evacuations and the proposed project's effect on the implementation of evacuations and evacuation planning was found to be less than significant. The commenter is referred to **Response 15-1** above that provides information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-5:**

The commenter reiterates and states that the proposed project would create a dangerous community. The commenter states disagreement that the proposed project would add a marginal number of vehicle trips, even in times of evacuation compared to existing conditions, the evacuation times, the 3.5-hour measure, and other reasons impacts would not be significant.

The commenter is referred to **Response 15-1** above that provides information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-6:**

The commenter questions why data from StreetLight was not used. The commenter is referred to **Response 15-4** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-7:**

The commenter questions why the 3.5-hour evacuation timeframe is acceptable and how that speed can outrun a wildfire. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazard** regarding the 3.5-hour evacuation timeframe.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-8:**

The commenter questions the study conducted for the project and questions their location and the 3.5-hour figure. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazard** that discuss refuges and 3.5-hour evacuation timeframe.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-9:**

The commenter questions the feeling of surrounding residents. This comment does not raise a specific question regarding CEQA, question the adequacy of the document, or request clarification.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-10:**

The commenter reiterates and questions if the site would have an acceptable evacuation time and the standard of escape. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, and **Responses 11-1, 11-2, 12-4, 13-1, and 13-4** through **13-6** above, that provide information and references to other responses related to this matter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15-11:**

This comment does not raise a substantive issue in relation to the proposed project. No further analysis is required and no changes to the RDEIR have been made.

**Response 15-12:**

The commenter states that the Palo Cedro Community participated in the General Plan process and asks if they have been consulted regarding the traffic that would be added by the project. The commenter is referred to **Response 4-1** regarding preparation of the EIR for this project and the level of public participation that was invited. The County has received input from members of the Palo Cedro community and has responded to their questions and comments in accordance with CEQA requirements.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 15- 13:**

The commenter questions if a traffic engineering firm would think the project is fire safe and whether there is documentation of that. The commenter is referred to **Responses 15 -2** through **15-6** above about the previously referenced use of StreetLight data and the unverified information provided by commenter. No further analysis is required and no changes to the RDEIR have been made.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 16: Robert Grosch – Letter F

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

- 16-1
- ISSUE: Lack of Fire Safety Planning. Planning for fire safety and evacuation for the proposed project was never a priority or even a reality in the planning stage. Only after serious fire safety and evacuation issues were raised by the community and the inclusion of these issues was made a requirement in the EIR did they get any attention at all.
- RULE: In California governmental entities are required to include consideration of fire safety and evacuation in their planning for additional development (*Fire Hazard Planning, governor's Office of Planning and Research, pp. 8-10, 19-21*).
- In addition, the Shasta County Emergency Operations Plan notes that the county's General Plan includes a Safety section that establishes policies and programs to "protect the community from risks associated with...fire hazards". (pp 1-8)
- ANALYSIS: Because Fire safety and emergency evacuation issues were not considered in the planning stage, the proposed development incorporated many dangerous and deadly features in its design.
- 16-2
- CONCLUSION: The design of Tierra Robles was not made with fire and evacuation safety in mind. Therefore it should not be allowed to go forward unless every aspect of the design is examined and evaluated and as needed amended to make it as fire safe as current community design technology will allow. Areas that require a reevaluation include absolutely every aspect of the development as was intended in the documents mentioned above. Has the design of Terra Robles been shown to fire safety experts with request for suggested improvements?
- 16-3
- Because a complete redesign of the proposed development is an expensive proposition and places the approval of the project at risk, a reexamination of the project should be done by experts with a reputation for designing fire safe communities. In order to assure all interested parties that this reevaluation is objective in its conclusions the experts so hired should be hired by the county, with costs recovered from the developer. Why was this not done earlier in the process?
- 16-4
- What is the justification for not including the County Fire Dept. and Cal Fire in the design of the project until the lot lines were literally already draw and application for permits made?
- What improvements would our County Fire and Cal Fire wish to be included in the final design of the proposed project?



## **Letter 16**

### **Response 16-1:**

The commenter states that planning for evacuation or fire safety was not a priority, that governmental entities in California are required to consider this, and the General Plan includes associated policies. The commenter concludes because of this the project includes dangerous designs.

The proposed project does include considerations for fire safety. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**. The commenter is referred to **Responses 4-59** and **4-60** regarding consistency with the General Plan and zoning.

The proposed project includes numerous elements in the Tierra Robles planning documents for creation of defensible space, minimizing vegetation, and conformance with standards. It should also be noted that at the time the DEIR was published no Wildfire section was included. The DEIR did appropriately discuss and disclose the potential for fire and wildfire in other pertinent sections of that document in accordance with the State CEQA Guidelines in effect at that time. Section 5.19 Wildfire was included in the RDEIR as this requirement was added to Appendix G of the State CEQA Guidelines after the publication of the DEIR.

Regarding the balance of the comment, the commenter is referred to **Responses 13-1** through **13-3** above which discuss this previously raised issue.

### **Response 16-2:**

The commenter states that the proposed project is not designed with fire safety in mind and should not be approved. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, **Master Response #3: Wildfire Hazards**, and **Responses 12-2** and **12-3** regarding evacuations and project design.

The County notes the proposed project includes many design elements and use of defensible space. The proposed project has been reviewed by the Shasta County Fire Department and others with expertise on this topic.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### **Response 16-3:**

The commenter states that the proposed project should be re-evaluated by experts in fire safe communities and should be done with costs recovered from the developer. The commenter is referred to **Response 16-2** above regarding the project elements that have been incorporated to the project and **Responses 4-59** and **4-60** regarding consistency with the General Plan and zoning as well as **Response 4-1** regarding preparation of the EIR for this project and the level of public participation that was invited.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 16-4:**




The commenter questions why the Shasta County Fire Department and CAL FIRE were not consulted in the process. The commenter is referred to **Response 16-3** above and specifically **Response 4-1** regarding preparation of the EIR for this project and the level of public participation that was invited, that included the Shasta County Fire Department and CAL FIRE.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 17: Robert Grosch – Letter G

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

- 17-1 ISSUE: The proposed Tierra Robles development seeks a rezoning amendment from current zoning to a planned development. Such a proposed change does not meet the requirements of the General Plan.
- RULE: The General Plan states as its purpose that it expresses the wishes and aspirations of the residents of the county. Here is the specific language from the Public Policy Statement of the General Plan: "The General Plan is a statement of public policy reflecting the aspirations and values of Shasta County residents ...the General Plan charges the residents of a community with the responsibility to directly decide the particular nature and quality of their immediate living environment. The General Plan is a mechanism by which a community may articulate its values, determine their relative importance, and assess their comparative long-term implications... Once adopted, the Plan becomes the basis for day-to-day decisions by elected and appointed officials. By this means, the values reflected in the General Plan shape and form the community and the quality of life sought by its residents.
- ANALYSIS: Setting aside the General Plan is a violation of the trust the community has put into the open process by which the General Plan was formed. If the General Plan is to fulfill its purpose of expressing the aspirations of the citizens it must be adhered to absent any evidence that the community has changed its hopes and aspirations for our county. That has not happened, as evidenced by the large outpouring of objections submitted previously by many citizens who feel this project will be detrimental to their community.. No contrary evidence has been offered I the revised draft EIR.
- There is not a felt need in the citizens of the County for Tierra Robles style of housing. In the 2020 Housing Element (1-8) it is reported that 87% of the respondents in the unincorporated County felt that the different housing types in Shasta County currently meet their needs.
- 17-2 CONCLUSION: Inasmuch as our county's General Plan must reflect the aspirations of the community, no further consideration should be given to this project until it can be demonstrated that the community residents wish to amend the General Plan in order to allow it to go forward. What evidence is there that the community has changed it's "aspirations and values" and therefore wishes the General Plan to be set aside to allow the proposed development?
- 17-3 Before this project is approved the following questions must be answered:

- 17-3  
CONT'D  • Have the citizens of the county changed their wishes and aspirations for their community as expressed in the General Plan? Where is the evidence for this?
- 
- 17-4  • Is the proposed development important to the welfare of the county in light of the fact that 87% of the citizens feel their needs are being met with the existing styles of available housing?
- 
- 17-5  • Is the location for the proposed community the only available location for a subdivision of this type? What other locations are available in the county that could house such a development without violations of the General Plan, the Zoning Plan, and the Hazard Mitigation Plan?

**Letter 17**

**Response 17-1:**

The commenter states that the requested rezone does not meet the requirements of the General Plan and cites the Public Policy Statement. The commenter then paraphrases the intent of the General Plan noting that it is to be used to shape the community. Based on this, the commenter states that setting aside the General Plan violates the trust of the community and that the EIR does not show consistency with the General Plan. The commenter concludes there is no desire of the community to have a development such as the proposed project.

The General Plan land use designation for the entire project site is Rural Residential A (RA), which allows a maximum density of one dwelling unit per two acres. While the proposed parcels range in size from 1.19 acres to 6.81 acres, the smallest lots (less than 2 acres) would be sited internal to the subdivision and the project layout has been designed to consider the natural physical characteristics and constraints of the property by avoiding sensitive habitat areas, minimizing cut and fill by following the natural contours of the land, and by preserving significant clusters of Oak trees. In addition, the overall density of the development (1 dwelling unit per 4.4 gross acres with a total of 166 units) is 22 units less than what would be allowed under the current General Plan land use designation.

In Section 5.10 – Land Use and Planning of the DEIR, it was disclosed that the overall density of the proposed project is not substantially inconsistent with densities within the surrounding area. While the proposed project does not conform to the grid like pattern of residential lots within the surrounding area, this was done in part to preserve habitat and be responsive to existing landforms. The proposed design is intended to maintain a semi-rural appearance given the siting of proposed building envelopes, the extent of open space preservation (approximately 74.2%), and the overall density of the development (1 dwelling unit per 4.4 gross acres). Figure 5.10-1 in the RDEIR illustrated the proposed project relative to the existing surrounding areas. This figure and the discussion in the RDEIR support the conclusion that the overall scale and intensity of the proposed project is substantially consistent with other densities in the surrounding area.

Comments regarding development under the existing zoning and General Plan land use designation are specific to the merits of the proposed project and do not directly raise an environmental issue that warrants further consideration under CEQA. The commenter is referred to **Responses 4-59** and **4-60** regarding consistency with the General Plan and zoning. These comments are referred to decisionmakers for further consideration as part of the deliberative process, and no further response is necessary. No further response is required and no changes to the RDEIR are required based on this comment.

**Response 17-2:**

The commenter states that the General Plan must reflect the aspirations of the community and no further consideration should be given to the project. As discussed in **Response 7-1** above, the project was designed to be responsive to environmental constraints including biological, geologic, vegetative, aesthetic, etc. As reflected in the public input received on this project, development sensitive to these issues, among others, are aspirations of the community. The proposed project is substantially consistent with the General Plan land use designation of the property. Thus, although

the proposed project would not reflect the exact same land use patterns of the existing surrounding developments, the project is responsive to the aforementioned considerations.

Comments regarding development under the existing zoning and General Plan land use designation are specific to the merits of the proposed project and do not directly raise an environmental issue that warrants further consideration under CEQA. The commenter is referred to **Responses 4-59** and **4-60** regarding consistency with the General Plan and zoning. These comments are referred to decisionmakers for further consideration as part of the deliberative process, and no further response is necessary.

**Response 17-3:**

The commenter questions if the citizens' aspirations have changed and what is the evidence. The commenter is referred to **Responses 17-1** and **17-2** above.

Comments regarding development under the existing zoning and General Plan land use designation are specific to the merits of the proposed project and do not directly raise an environmental issue that warrants further consideration under CEQA. These comments are referred to decisionmakers for further consideration as part of the deliberative process, and no further response is necessary.

**Response 17 -4:**

The commenter questions if the project is necessary even though 87 percent of residents think the existing styles of available housing meet their needs. As discussed above, the proposed project has been designed to be sensitive to existing site conditions. In addition, the County contains numerous areas with a variety of residential housing types. The proposed project, therefore, is consistent with the variety of existing housing types within the County. The commenter is referred to **Responses 17-1** and **17-2** above for additional discussion related to this issue.

Comments regarding development under the existing zoning and General Plan land use designation are specific to the merits of the proposed project and do not directly raise an environmental issue that warrants further consideration under CEQA. These comments are referred to decisionmakers for further consideration as part of the deliberative process, and no further response is necessary.

**Response 17-5:**

The commenter questions if this is the only available location for this type of subdivision and wonders if other locations are available without violations of the General Plan, Zoning Plan, and Hazard Mitigation Plan.

As discussed in Section 7.0 Alternatives, Page 7-4, in accordance with State CEQA Guidelines section 15126.6 an alternative site was evaluated but was removed from previous consideration because it was determined to be infeasible.

The proposed project does not violate the General Plan or the Zoning Plan. Regarding the Hazard Mitigation Plan, the commenter is referred to **Responses 1-1, 4-59, and 4-60** regarding consistency with the General Plan and zoning.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 18: Robert Grosch – Letter H

## Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

18-1

ISSUE: This planned development violates the county's Hazard Mitigation Plan

RULE: If Shasta County is to be eligible for mitigation and post disaster funding from FEMA they must have and abide by a hazard mitigation plan approved by the Board of Supervisors and by FEMA.

ANALYSIS: The current Hazard Mitigation Plan approved by the Shasta County Board of Supervisors on Nov. 9, 2017 and approved by FEMA states in pertinent part objectives that are directly related to the proposed development of Tierra Robles. (pp. 25-26)

1.A Facilitate the updating of general plans and zoning ordinances *to limit (or ensure safe) development* in wildfire hazard areas.

1.B Facilitate the adoption of building codes that *protect existing assets and restrict new development* in wildfire hazard areas.

1.C Facilitate consistent *enforcement of the general plans, zoning ordinances, and building codes.*

2B Increase public understanding, support and demand for *wildfire hazard mitigation for new developments.*

5.C *Strengthen existing development standards in high wildfire threat areas.*  
(Italics mine)

The proposed development of Tierra Robles as currently designed violates every one of the above objectives.

18-2

CONCLUSION: The Tierra Robles proposal flies in the face of the county's Hazard Mitigation Plan, and is an intentional violation of its objectives. This could threaten critical FEMA funding for the county.

The current Recirculated Draft EIR is altogether insufficient inasmuch as it does not address the issue of ignoring the objectives in the Hazard Mitigation Plan to which the county is committed.

The RDEIR does not provide a rational or justification for violating county policy established in the hazard mitigation plan. Therefore it does not address important issues that should otherwise forbid the development from going forward. A complete EIR needs to address every one of the Hazard Mitigation Plan objectives it is seeking to ignore and demonstrate why these violations of county policy are necessary.

What justification is there to ignore the objectives of the Hazard Mitigation Plan, and what is the projected financial loss in FEMA grants if they declare the county ineligible for mitigation or recovery grants because of our ignoring the approved Hazard Mitigation Plan?

**Letter 18**

**Response 18-1:**

The commenter reiterates comments and concerns previously stated including violations of the Hazard Mitigation Plan and cites objectives from a Board of Supervisors meeting from November 9, 2017. The proposed project does not violate the General Plan, Zoning Plan, or Hazard Mitigation Plan. The commenter is referred to **Responses 1-1** and **17-1** through **17-5** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 18- 2:**

The commenter reiterates concerns previously stated including violations of the Hazard Mitigation Plan and states that the RDEIR should provide justification. The commenter is Referred to **Responses 1-1** and **18-1** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.



Letter 19: Robert Grosch – Letter I

### Response to Tierra Robles Partial Recirculated Draft EIR, Dec., 2020

19-1

ISSUE: The Western Spade Foot Toad is a species of special interest and close to being listed as endangered. This toad is known to inhabit this part of Shasta County and is reported as present on property near to the proposed development by a neighboring resident. Although endangering this species of special concern was brought up at the July, 2019 public hearing, the issue goes unaddressed in the partial revised EIR.

RULE: Issues brought up at the July, 2019 must be addressed in the partial revised EIR.

ANALYSIS: The Western Spadefoot Toad is found only in select areas of California and in Baja California, Mexico. This unique species lives its life almost entirely underground, emerging almost exclusively to breed and reproduce, which it will do only under a narrow range of conditions as to moisture and temperature. The species is capable of remaining underground for years if conditions require it to do so.

There is no evidence in any of the biological studies conducted that this species of special concern has been sought for in the area of the proposed development under conditions that would actually provide a chance of the toad being seen.

Although this concern was raised previously, the current partial revised EIR does not even address the concern.

CONCLUSION: The revised EIR is incomplete inasmuch as it does not speak to issues previously raised and ignores the plight of a toad species in danger of extinction. Until a thorough survey of the subject property is completed by the appropriate consultants under conditions appropriate to the life cycle of this species, the EIR must be considered incomplete and deficient.

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**Letter 19**

**Response 19-1:**

The commenter notes the Western Spadefoot Toad and notes the issue is not addressed in the RDEIR. The commenter is correct that this issue was previously raised and was responded to in responses to comments on the DEIR.

Section 5.4, Biological Resources, of the DEIR provided discussion on special-status species, including existing conditions, survey results and survey methods, and analysis of project impacts. Section 5.4 of the DEIR is based on the biological resources studies provided in Appendix 15.4, Biological Resources Documentation, as well as resource management reports provided in Appendix 15.2, Tierra Robles Community Services District. The main authors included, but were not limited to, certified wildlife biologist(s), forest research ecologist(s), registered professional forester(s), and wetland delineation specialist(s).

Field surveys were conducted in conformance with existing protocols for species of interest, including the Western Spadefoot Toad, to identify any plant communities, listed plant species, listed wildlife species, and wildlife habitat present on the proposed biological resource study area. Data sources examined for the literature review and known species occurrence, as related to special-status wildlife species, included the California Natural Diversity Database (CNDDDB), California Department of Fish and Wildlife (CDFW) Special-Status Animals list and BIOS database, United States Fish and Wildlife Service (USFWS) records, and the National Marine Fisheries Service (NMFS).

As discussed on page 5.4-18 of the DEIR, the USFWS official species list identified eight federally listed animal species as potentially being affected by work in the project area. Review of the CNDDDB records found that no special-status animal species or animal species proposed for listing have been reported within the project study area. Seventeen (17) special-status animal species and 10 non-status species are known to occur within 10 miles of the project area. The seventeen (17) special-status animal species known to occur within 10 miles of the project site includes the Western Spadefoot Toad.

Table 5.4-4, Potentially Impacted Special-Status Species In The Project Area, in the DEIR discusses the Western Spadefoot Toad status, general habitat, and the potential to occur in the project area; refer to page 5.4-23 of the DEIR. Further, as discussed in DEIR Section 5.4, Biological Resources, and Appendix 15.4, Biological Resources Documentation, the initial wildlife surveys were conducted in 2005, with subsequent surveys in 2012, 2016, and 2017. During the 2016 surveys, Wildland Resource Managers conducted six site visits in 2016 in an attempt to locate Western Spadefoot Toads. Vernal swales and other streams were walked in the morning and late evening hours as the toads were looked and listened for. These visits were done during a very wet spring with abundant surface water on the site. No toads were detected. The onsite aquatic habitats remained ponded for a length of time considered normal for similar shallow habitats in the Redding area. The results of these surveys provide a reliable basis for concluding that Western Spadefoot Toads are not utilizing the onsite aquatic features as breeding habitat. The County, as Lead Agency, determined that the surveys completed by Wildland Resource Managers and ENPLAN are sufficient to describe the biological resources on-site and meet CEQA and other regulatory requirements.

These comments are referred to decisionmakers for further consideration as part of the deliberative process, and no further response is necessary.

**Letter 20: Shasta Living Streets, February 1, 2021**



*Better bikeways, trails, walkable cities and vibrant public places*

February 1, 2021

Shasta County Board of Supervisors: J. Chimenti, L. Moty, M. Rickert, P. Jones, L. Baugh

**Re: Please vote to uphold the goals of the people of Shasta County for healthy, safe and prosperous communities and to uphold the Shasta County General Plan:**

NO – to zoning changes. NO Thank you – to Tierra Robles development proposal.

Upon careful review of the Tierra Robles proposal, the Shasta County General Plan, and with ten years' experience involved with regional development projects and plans, regional agencies, and ongoing conversations and public engagement with people who live, work, and play in Shasta County – I submit this request by Shasta Living Streets to deny this proposal, and to deny zoning changes.

The central question of this proposal and before the Supervisors is:

20-1

**Is this project so good for our community,  
so without flaws or burdens for the county,  
that it is worth changing development patterns and previously defined zoning,  
and setting a precedent for the future that will have consequences we are not yet examining?  
>>> NO. No it's not that good.**

Consequences include additional unhealthy, unsafe, fiscally burdensome, out of compliance developments in the rural, agricultural, and open space areas throughout the county impacting people and businesses in Anderson, Cottonwood, Shasta Lake City, Burney, Fall River.

**MEETING OUR GOALS - SHASTA COUNTY GENERAL PLAN**

20-2

In the decades before us, the people, businesses, elected leaders, and public staff of this region look forward to encouraging developers and development projects that help us build a community that is resilient, healthy, and prosperous. Yes, we look forward to development.

However, this proposal called Tierra Robles does not move our community in a positive direction, and moves the entire county in a direction that is unhealthy, unsafe, fiscally burdensome, out of compliance.

Today the people and agencies of Shasta County are struggling to meet a number of challenges. We need to make good decisions now. This Tierra Robles proposal would create excessive risk, future cost, and burden to all of us, beyond anything it offers to provide.

**This proposal goes against the Shasta County General Plan in multiple ways**

20-3

**Complete Streets Policy, Out of Compliance (2008).** *If the Shasta County General Plan had a Complete Streets Policy as required by law, this project would not meet even the basic requirements for people living in homes in this area. Not addressed. See additional details below.*

**This proposal goes against the Shasta County General Plan in multiple ways (contd.)**

- 20-4 **Air Quality.** “The County shall consider potential air quality impacts when planning the land uses and transportation systems needed to accommodate expected growth.” “The County shall work towards creating a land use pattern that encourages people to walk, bicycle, or use public transit for a significant number of their daily trips.” Not addressed. See additional details below.
- Fire Safety Element – Fire Prevention.** The General Plan calls for county staff and development processes to discourage growth in wildfire prone areas. This high to very-high risk area, with longer expected response times -- is specifically defined as not-for-denser-development.
- Parcel Suitability.** Despite the backflips to try to make-it-so (water deals, sewage plans) this land clearly cannot support the number of families proposed, financially feasible for long-term operation.

**TRAFFIC & CIRCULATION: TRANSPORTATION, AIR-QUALITY, HEALTH, LIVABILITY**

In the Traffic & Circulation analysis for the Tierra Robles proposal there are many words and many pages, incorrect assertions, and General Plan guidelines ignored or incorrectly explained away.

**Challenges we face with no transportation choice: Consequences of ignoring community need and the goals of our General Plan**

- 20-5 In our region today, people have no choice but to drive for every trip. The high cost and lack of transportation choice destabilizes families, leads to poor health, and drives talented young people and retired couples to seek another place to live, work, and play. Leaving our families stressed, our businesses without the employees they need, and our children at risk.
- Today Shasta County has unacceptably high rates of debilitating health outcomes directly related to inactivity, along with some of the highest levels in the U.S. of death and life-altering injuries from car collisions with people walking and biking.

**Current Conditions**

**Historic documents, storytelling, and photos tell us people have been biking between Redding Palo Cedro/Bella Vista since the 1890s.** Local residents will tell you stories of riding the route as teenagers. It's a beautiful place and a nice ride. 30-45 minutes between Redding & Palo Cedro by bike.

**Boyle/Old Alturas is THE bicycle corridor to-from Redding & Palo Cedro/Bella Vista/Millville.**

Another incorrect assessment made – this is one of the most travelled bikeways in Shasta County today, with much higher volumes expected in the future – as it is the *only viable route* between Redding, Palo Cedro and beyond. HWY 44 or 299 being the only other option, unacceptable to most people for biking.

**Boyle/Old Alturas/Deschutes Roads are today unsafe for people walking and biking, and there is already strong interest and concern for safety.** Neighbors in the area are often seen walking in the ditch near the road, as there is no other safe location. People riding bikes now, or wanting to ride and walk, report many safety issues with no bikeway or safe walking next to speeding and distracted driving.

**Future expectations (without this project) show growing need and increased walking and biking** in the area for low-cost, clean transportation and local interest in active living. Ebikes now make these routes easy and enjoyable for people of all ages and abilities to and from school, shopping, workplaces. Many people in Shasta County are purchasing and riding ebikes, and are seen on this route today.

Proposal Impacts: 1,700 trips per day. Burdensome. Not Mitigated. Consequences.

20-7 **Which is it – Close to Town or Too Far from Town?** Reading closely, arguments are made: 'close to town – not causing increased VMT' and 'too far from town – no ability to mitigate increased VMT.' Either way, the Tierra Robles proposal does not address General Plan Air Quality or Transportation goals.

20-8 **Most people can ride a bike 3 miles in 20 minutes, using an ebike makes 6-10 miles easy.** A 2-mile bike ride is an easy ride to work or school, incorrectly stated in the Traffic & Circulation analysis. A SRTA long-range planning study recently showed most trips in our county are 5 miles.

20-9 **Air Quality will be negatively affected, with no effort to meet General Plan goals.** Each family will have to drive for every trip. No walking/biking to school or friend's homes, shopping, the park, or work.

20-10 **This proposal does not meet the General Plan Complete Streets goals.** When we get one.

20-11 **Incorrect assessment of need and interest for biking and walking trips:** The Traffic & Circulation Document cites an outdated 2010 plan and says no one needs to walk or bike in this neighborhood – therefore dismissing current needs and Complete Streets and Air Quality goals. In 2018, the county-wide GoShasta Biking & Walking Plan made clear the strong interest of people in the county for neighborhoods that give safe, inviting spaces for walking and biking.

20-12 **An additional 1,700 trips per day by this proposal will dramatically increase traffic and unsafe conditions for people.** 1,700 additional trips per day on a roadway already inadequate for the needs of people in the area to walk and bike – will create burdens for local families, county plans and budgets, and our ability as a community to reach our goals for a healthy and prosperous future for all.

**We urge you to vote NO to zoning changes and vote NO Thank you to the Tierra Robles proposal.**

13 Please don't send a message to encourage more development proposals of this type to alter zoning and ignore General Plan goals. We look forward to supporting other developers and future plans for projects that provide people with quality living places, with coordinated housing and transportation options, that meet our stated General Plan goals. Please don't send the message that "with lots of time and paper – any proposal will be approved."

**We need good decisions today to meet needs of the future. We urge you to support a healthy, safe, and prosperous future for the people of Shasta County as we build and grow, with the right development in the right place.**

Thank you very kindly,



Anne Wallach Thomas  
Executive Director, Shasta Living Streets

1313 California Street, Redding, CA 96001  
530.355.2230 athomas@shastalivingstreets.org  
shastalivingstreets.org



## **Responses Comment Letter 20 - Shasta Living Streets**

### **Responses 20-1:**

This comment does not speak to a specific CEQA issue but makes general statements in opposition to the project. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### **Response 20-2:**

This comment does not speak to a specific CEQA issue but makes general statements in opposition to the project in terms of overall county health, safety, fiscal burden, compliance, and being overly burdensome.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### **Response 20-3:**

This comment does not speak to a specific CEQA issue but makes a general comment related to the complete streets policy and Shasta County General Plan. Chapter 5.16, pages 5.16-18 through 5.16-21, discuss the regulatory setting in terms of transportation and traffic. These pages provide a general overview of state regulations for the California Department of Transportation and local regulations and policies contained in the Shasta County General Plan, Shasta County Regional Transportation Plan, and City of Redding General Plan. The plans are further discussed on pages 5.16-22 through 5.16-29 in Impact discussion 5.16-1. Impacts were found to be less than significant with mitigation.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### **Response 20-4:**

The County addressed potential air quality impacts during preparation of the Shasta County General Plan. Potential project-related impacts are addressed in Chapter 5.3 Air Quality of the RDEIR. The proposed project has also been designed to encourage pedestrian and bicycling. Roadway design is favorable to residents using both means of travel. It is not feasible to include a transit option for the project as there is no existing transit service on Boyle Road.

The commenter is correct that the proposed project is within an area designated as a very high wildfire hazard severity zone. The proposed project is consistent with the densities called for in the Shasta County General Plan. The proposed project, however, is not considered dense development. As discussed on page 5.10-11 of the DEIR, the proposed project is consistent with the existing Rural Residential A (RA) General Plan land use designation for the site, and no changes to the existing land use designation is required to allow future development. On page 5.10-12 of the DEIR, it is further clarified that the overall density of the development is one dwelling unit per 4.4 gross acres.

The final point in this comment regarding parcel suitability does not speak to a specific CEQA issue but makes a general comment regarding the site's ability to support the project in terms of water and wastewater.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 20-5:**

The comment does not speak to a specific CEQA issue but makes a general comment regarding the traffic analysis and does not cite a specific inconsistency or ask for clarification. No further response is required and no changes to the RDEIR are required based on this comment.

**Response 20-6:**

The comment does not speak to a specific CEQA issue but makes a general comment regarding the history of biking in the area but does not cite a specific inconsistency or ask for clarification.

The commenter also notes that Boyle/Old Alturas is "THE" bicycle corridor from Redding to Palo Cedro/Bella Vista/Millville. The County assumes this is a comment in regard to the RDEIR noting that biking is anticipated to be low due to the lack of bike lanes. The commenter notes that safety is of concern.

The commenter is referred to **Response 10-3** regarding this and the lack of any reported cyclist vehicle collisions.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 20-7:**

The commenter questions the vehicle miles traveled (VMT) analysis and states that it does not address General Plan air quality or transportation goals. Section 5.16 Traffic and Circulation of the RDEIR notes that the project would increase VMT. Regarding mitigation, some mitigation is feasible and included, some is included as part of project design, and some mitigation is infeasible and not included. Ultimately, the impact is found to be significant and unavoidable for which the adoption of a statement of overriding considerations would be required in order to approve the project. The commenter is referred to **Response 24-3** for additional explanation of the VMT analysis.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 20-8:**

The comment is in reference to biking in the area, presumably to page 5.16-28 of Section 5.16 Transportation and Circulation, which states, "The bicycle activities in the project area are anticipated to be light on the above-mentioned roadways due to the lack of commercial and employment centers in the immediate project vicinity and the distances to area schools are more than 2 miles."

Due to the rural nature of the area, lack of cycling infrastructure, and as stated lack of proximity to nearby schools and business centers, the activity of cyclists would not likely be substantial. The County recognizes that while some biking may occur, it is not as prevalent as in more densely populated areas with bike lanes. The commenter also is referred to **Response 20-6** above regarding the number of collisions.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 20-9:**

The comment is in regard to air quality being negatively affected with no effort to meet General Plan goals. The commenter is referred to Section 5.3 Air Quality for a discussion of impacts to air quality. The air quality discussion disclosed that for impacts 5-3-1 through 5.3-4 would be less than significant or less than significant with mitigation incorporated.

The cumulative air quality discussion disclosed that even with mitigation, impacts would be significant and unavoidable. The adoption of a statement of overriding considerations would be required in order to approve the project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 20-10:**

The comment is in regard to the lack of Complete Streets goals in the Shasta County General Plan. The commenter is referred to **Response 20-3** above.

**Response 20-11:**

The commenter may be misinterpreting language in the RDEIR. The proposed project specifically includes pedestrian and bicycle facilities and the project is designed so that residents would be able to use planned bicycle paths to Boyle Road. The commenter references the GoShasta Biking and Walking Plan. As discussed above, the project is responsive to this plan as it provides interior biking and pedestrian lanes. Improvements to Boyle Road and associated bicycle or pedestrian paths are outside of the scope of this project, and thus are not discussed.

**Response 20-12:**

The commenter notes the project would increase daily vehicle trips by approximately 1,700 per day leading to unsafe conditions. The proposed project is projected to generate approximately 1,774 average daily vehicle trips. The commenter is referred to **Responses 20-7** and **20-9** above regarding impacts to traffic and safety.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.



**Letter 21: Gunther and Jean Sturm, January 20, 2021**

January 20, 2021

Gunther & Jean Sturm  
10295 Jackson Hole Rd.  
Palo Cedro, CA. 96073

Shasta County Dept. of Resource Management  
1855 Placer St.  
Redding, CA. 96001

Dear Mr. Hellman,

21-1

The purpose of this letter is to respond to certain parts of the Tierra Robles RDEIR. I certainly hope my comments and those of others will help you to see how valid our concerns are regarding the RDEIR for Tierra Robles and support us by providing an accurate EIR that will provide good stewardship of our land and provide a safe environment for the people who live here.

I have lived in Shasta County for almost 50 years and love the land and the people who live here. Like many people in this area, we have tried to be good caretakers of our beautiful surroundings. Unfortunately, we now believe that our way of life and safety in Palo Cedro and beyond are being threatened by developments like Tierra Robles that include poor planning and development and further complicate the health and safety of people in our community.

We have been Bella Vista Water District customers since 1972. For the first 30 years we were satisfied with the water pressure and allocation of water we received. This has changed. We now deal with fluctuations in water pressure throughout the year, which impacts everything from irrigation to showers. Furthermore, we have had to take measures to accommodate draught conditions by reducing water usage during these long and frequent periods of draught by letting our lawn and many plants die.

21-2

In the RDEIR it is stated that the total number of acre-feet per year to meet the water demands for Tierra Robles would be 80 acre-feet per year. It also states

21-2  
CONT'D

that if BVWD cannot fulfill that requirement due to draught, an additional 100 acre-feet will be purchased from another water district. The Bella Vista Water District clearly states in their 2015 Water Management Plan, Tierra Robles requires 352 acre-feet per year at buildout. As one can see, there is a 172 acre-feet per year discrepancy between what BVWD states Tierra Robles will need to meet the water demands at buildout and what the RDEIR reports TR requires to meet the needs of their proposed subdivision at buildout. This certainly does not create a feeling of good will and security that the planning department has made such a grave miscalculation, and that they have our best interest at heart.

21-3

I understand that Shasta Red is in the process of negotiating with the Clear Creek Community Service District to obtain 100 acre-ft. per year of water when draught conditions impact the ability for BVWD to provide enough water to service Tierra Robles. What I find disconcerting is that there is still uncertainty whether there is a reliable supplemental water source. BVWD and CCCSD are still in the discussion phase, and there are all these other entities, such as the USBR, that have to approve this transfer of water. Delivery of the 100 acre-feet of water is not a guarantee. Add this to the huge miscalculation in the RDEIR about the number of acre-feet of water required to meet the needs of the residents in Tierra Robles at buildout and the uncertainty of an auxiliary water source, and one can easily see there is a big problem with the RDEIR and the planning of this project.

21-4

In the RDEIR there is no mitigation for traffic transfer from Tierra Robles to Boyle Rd. or the reverse of transfer from Boyle Rd. into Tierra Robles. Boyle Road's two narrow lanes leave no room for error. It is estimated that there will be approximately 300 plus cars owned by residents in Tierra Robles. Your report states that this will equal 1774 vehicles pulling in and out of TR on a daily basis. A left-hand turn lane from Boyle Rd. into Tierra Robles would facilitate a much safer transition into the subdivision. Furthermore, a merging lane from TR onto Boyle would allow for traffic to safely merge, especially if there were a line of cars trying to leave TR and transition onto Boyle. Don't you think these mitigations would help with emergency evacuation in the case of a fire?

21-5

In the RDEIR there is a lengthy explanation regarding emergency evacuation. The estimated traffic volume in this evacuation model would be 8,542 vehicles passing through the study area heading to one of the 8 safety locations. They estimate 25 feet per vehicle, 8542 multiplied by 25 feet equals 213,550 feet or 40 miles of

- 21-5  
CONT'D
- ↑ traffic! We believe this estimate does not reflect all the RVs, animal trailers and other vehicles that people will use. In your calculation this will take 1.5 to 3.5 hours. It is noted that the study minimizes the impact of TR's vehicles, which are at least 362 vehicles that equal another 1.7 miles of vehicles, and it would add just 15 minutes to the entire amount of time to arrive at a safety point. How can 1.7 miles of vehicles merging in to the 40 miles of vehicles add only 15 minutes to the evacuation process especially when people are in a que and moving very slowly? I have to add, this study does not model or address having to leave by just one exit from Tierra Robles onto Boyle Rd. In the 1999 Jones Fire, Boyle Rd was bumper to bumper. Did the author of this study visit this study area? Boyle Rd. is mis-located and labeled incorrectly on all the Figures shown in this study? The study author quoted street data from state roads, not residential roads. Primarily data came from SR 299 and SR 44 rather than surface streets.
- 21-6
- The study states there will be long lines of all vehicles on all the roads that were studied. Escape speeds can be as slow as 3 mph in the queueing of vehicles. As evidenced in fires all over California such as the Paradise Fire, people die in their vehicles trying to escape. Queuing creates death traps! At least 7 of 70 deaths in the Camp Fire were from people who died in their vehicles or fleeing their stopped vehicles. Our area is a recipe for disaster.
- 21-7
- The EIR calls for a new Emergency Access road on the private road of North Drive, however the developer does not have a legal easement from the existing 28 homeowners. In addition, the current roadway does not meet the required road standards for an Emergency Access Road. What will the developer do to obtain a legal easement to Northgate Drive and how will they be responsible for bringing the road up to CALFIRE standards?
- 21-8
- The County is obligated to follow the Governor's Fire Hazard Planning Requirements and the County's General Plan that community developments must be built with safety from wildfire and/or by not promoting added development in a very High Fire hazard severity zone. Jurisdictional Hazard Mitigation requires compliance with its prescriptions to reduce risk and preventing loss from future hazard events by limiting new exposures identified in hazard areas. The County is obligated under this hazard plan to follow this prescription in order to comply with FEMA funding requirements. If there is no compliance, there could possibly be no FEMA funding.

21-9 | I have other questions, as well. Does CALFIRE and Shasta County Fire have the staff and equipment to protect all the suggested refuge sites? What evidence does the study present that these 8 refuge sites can even accommodate all the thousands of vehicles that are expected to evacuate?

21-10 | The study conclusion blows off the impact of any added TR traffic onto already overcrowded, dangerously congested evacuation routes because TR allegedly represents less than 5% of the total traffic flowing to escape. The county must follow its general, hazard mitigation plan commitments to not add development to an already overwhelmed wildfire, evacuation route system. To ignore faulty planning and development spells disaster for all residents living in this area. Please consider the safety for all the residents who live in rural areas in Shasta Co.

Thank you for your time,

Gunther and Jean Sturm

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## Response to Comment Letter 21 – Gunther & Jean Sturm

### Response 21-1:

The comment provides a narrative regarding the commenter's experience and expectations regarding the Bella Vista Water District (BVWD) and water use.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 21-2:

The commenter notes the discrepancy between the BVWD estimates of water demand for the proposed project. The commenter is referred to **Master Response #1: Water Supply Analysis Master Response** headings **General Discussion, Consistency with California Water Code, Project Projected Water Demand, and California Water Code Baseline Calculations**, which explains why the water demand of the typical rural residential uses within the vicinity and within the County as a whole is not applicable, and should not be used to estimate the water demand of the proposed project. The proposed project would more closely resemble a more traditional single-family residential development and, therefore, would consume less water.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 21-3:

The commenter is correct that the proposed water transfer agreement with the Clear Creek Community Services District (CCCSD) has not been completed. However, CCCSD has indicated they have the capacity to transfer 100 AF of water per year to BVWD should the need arise. The commenter is referred to **Responses 1-9 through 1-11, 2-3, 3-11, and 3-21**, for additional information related to the proposed water transfer agreement and its viability.

The supplemental source of water is not speculative. The use of transfer agreements to obtain supplemental water sources is a common method used by water agencies as authorized by the United State Bureau of Reclamation (USBR) and is not speculative. As stated on the USBR website:

“This site is made available to provide information related to transfers of Central Valley Project water and implementation of the water transfers provisions of Section 3405(a) of the Central Valley Project Improvement Act (CVPIA) (Title 34 of Public Law 102-575).

One of the purposes of the CVPIA is to improve the operational flexibility of the CVP and to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation.

In order to assist California urban areas, agricultural water users, and others in meeting their future water needs, the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal

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agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-4:**

The commenter is correct that there is no mitigation for vehicle traffic at the intersection of roadway access to the proposed project from Boyle Road and the commenter is correct that the proposed project would generate approximately 1,774 average daily vehicle trips, with 135 trips generated during the AM peak hour period and 175 trips generated during the PM peak hour period. As discussed under Impact 5.16-1, beginning on page 5.16-22 of the RDEIR, one intersection, Airport Road & SR-44 WB Ramps, would operate at an unacceptable level of service (LOS); all other intersections would operate at an acceptable LOS under Existing Plus Project conditions. All roadway segments would operate at acceptable LOS under Existing Plus Project conditions. Therefore, mitigation related to traffic increases under Existing Plus Project conditions would only be required at one intersection. No further mitigation measures are warranted at this time. No changes to the RDEIR are required.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-5:**

The commenter notes the lengthy explanation regarding emergency evacuation in the RDEIR. The commenter recites vehicle counts and estimates a 40-mile length of cars. The commenter discusses the number of vehicles with trailers, RV's, etc., and cites the 1.5 to 3.5-hour evacuation time. The commenter notes the Jones Fire, that Boyle Road is mislabeled, and that SR 299 and SR 44 are state roads not city roads.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-6:**

The commenter notes the long lines of evacuation, vehicle speeds, other fires that have occurred and notes the queuing will be a death trap. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Responses 3-39 through 3-42 and 3-47 through 3-49**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-7:**

The commenter states that the developer does not have an easement for a new emergency access road connection to Northgate Drive as described in the RDEIR. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-8:**

The commenter notes the County is obligated to follow the Governor's Fire Hazard Planning Requirements and the Shasta County General Plan. The commenter discusses various elements that need to be included and concludes that FEMA funding may not be available. The commenter is referred to **Master Response #3 -Wildfire Hazards** and **Responses 4-11** and **4-59**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-9:**

The commenter questions if CAL FIRE or the Shasta County Fire Department have staff for the refuge sites and if the refuge sites can accommodate evacuees. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, **Master Response 3: Wildfire Hazards**, and **Responses 3-39** through **3-42** and **3-47** through **3-49**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 21-10:**

The commenter provides a brief summary of previously noted comments. The commenter is referred to **Responses 21-1** through **21-9** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Letter 22: Georgia LaMantia, January 31, 2021**

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**To:** Paul Hellman  
**Subject:** RE: Tierra Robles EIR concerns

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**From:** [glamantia@frontiernet.net](mailto:glamantia@frontiernet.net) <[glamantia@frontiernet.net](mailto:glamantia@frontiernet.net)>  
**Sent:** Monday, February 1, 2021 9:30 PM  
**To:** Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>  
**Subject:** Tierra Robles EIR concerns

January 31, 2021

Georgia LaMantia  
9886 Meadowlark Way  
Palo Cedro, Ca. 96073  
547-3349

Mr. Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, Ca. 96001

**Re: Tierra Robles housing development Environmental Impact Report**

Dear Mr. Hellman,

22-1 ↓ Given the very slow emergency evacuation speed identified in the Environmental Impact Report for the proposed Tierra Robles housing development, how can Shasta County Department of Resource Management  
1



22-2 ↑ approve this development plan? Failure to understand additional population density problems for an already problematic evacuation scenario makes no sense.

22-3 [ The EIR report calls for an emergency access road in Tierra Robles Development but there is no legal easement from the existing 28 homeowners. There are only two exits for all those Tierra Robles residences which does not account for their horse and livestock trailers and travel trailers. This is close to 1.7 miles of vehicles.

22-4 [ Recent serious local wildfires have shown that quick evacuation is vital to resident safety. Was no data from the Zogg fire, the Camp fire, the Carr fire, or the Jones fire considered in your report? The Impact Report indicates abysmally slow evacuation speeds and extremely lengthy transit times to exit safely. The Jones Fire went through the area upon which Tierra Oaks would be built. Why isn't this pertinent data from these local fires considered in the EIR report?

22-5 [ I have had personal family and friends' experience with 4 devastating fires, the Camp Fire in Paradise, California, the Carr Fire and Zogg Fire in the Redding area and the Jones Fire that went through our property in Palo Cedro.

22-6 [ During the Camp Fire a family member left his home in Paradise at 8:30 A.M. and did not reach Highway 99 until 2:30 in the afternoon. The heavy evacuation traffic and emergency equipment going up and down the exit road created a serious evacuation disaster. There was only one way out and one way in. People died sitting in their cars trying to evacuate. During the Carr Fire close friends in the Redding area had no electricity and could not get their car out of the garage. The fire came so quickly they were literally running down the street fleeing the fire at their heels. Fortunately, their neighbors scooped them up in their car as the wind swept flames followed close behind them. Other friends narrowly escaped the Zogg fire because there was little warning of what was coming. On a moment's notice they were forced to drive through a tunnel of flames to escape the fire. On their way down Zogg Mine Road a flaming branch landed in the back of their pickup truck and they had to stop in a cloud of smoke to take it out. Visibility was poor and they were lucky they did not get hit by other evacuating residents in their vehicles. When the Jones Fire swept through our backyard in Palo Cedro, we watched the flames burn over the top of three firefighters in their hazard suits because they could not dodge the flames fast enough due to such high winds. When my husband evacuated he had to thread his way through the fire trucks and fire fighting equipment to get out.

22-7 [ Your assessment of the "safe" evacuation in your Environmental Impact Report appears to be highly problematic. You are putting people's lives in danger.

22-8 [ Were evacuation scenarios such and those listed above along with the speed in which the 4 local fires moved considered in your Tierra Robles Environmental Impact Report evacuation plan? What will the developers do to obtain legal easement for the road they propose and bring it up to CALFIRE standards?

Georgia LaMantia

## Responses to Comment Letter 22 - Georgia La Mantia

### Responses 22-1 and 22-2:

The commenter questions the slow emergency evacuation in relation to the wildfire danger and asks how the project can be approved in light of the population densities. The commenter also notes conflicts with the Shasta County General Plan and zoning ordinance. The commenter is referred to **Master Response #1: Water Supply Analysis Master Responses, Master Response #2: Traffic Evacuation Study, Master Response #3: Wildfire Hazards, and Responses 4-59 and 4-60.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 22-3:

The commenter notes the emergency access connection to Northgate Drive. The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 22-4:

The commenter notes the wildfire danger and questions why data from previous wildfires was not included. The commenter notes the slow evacuation speed and dangers presented by wildfires. The commenter is referred to **Master Response #2: Traffic Evacuation Study and Master Response #3: Wildfire Hazards.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 22-5:

The commenter states that they have personal family and friends that have experienced wildfire. The County recognizes these relationships and the commenter is referred to **Master Response #2: Traffic Evacuation Study and Master Response #3: Wildfire Hazards.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 22-6:

The commenter notes a story about a family member's evacuation from the Camp Fire and friends affected by the Carr Fire. The commenter is referred to **Master Response #2: Traffic Evacuation Study and Master Response #3: Wildfire Hazards, which discuss previous wildfires.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 22-7:**

The commenter states the assessment of the “safe” evacuation in the RDEIR appears to be highly problematic and that the project would put people's lives in danger. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**, which discuss previous wildfires.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 22-8:**

The commenter questions if evacuation scenarios, past wildfires in the project area, and if the CAL FIRE standards for Northgate Drive were considered by the RDEIR. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**, which discuss previous wildfires, and to **Response 2-15** related to Northgate Drive.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

Letter 23: Pat Jones, December 28, 2020

DEPT OF RESOURCE MGMT  
RECEIVED

DEC 31 2020

December 28, 2020

Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001

ADMINISTRATIVE

**RE: RDEIR FOR THE PORPOSED TIERRA ROBLES PLANNED  
DEVELOPMENT PROJECT**

Dear Mr. Hellman,

I'm writing to provide comment on the Tierra Robles Planned Development Project. I live on Boyle Road between Deschutes Road and the proposed development. This area will be severely impacted by an additional 166 residential parcels.

23-1

I have lived on Boyle Road for over 45 years. I've witnessed many changes to the area, especially after the high school was built. Residents are traveling to/from the elementary AND high school. As it is currently, I can't even get out of my driveway during morning and afternoon school traffic commutes. From Deschutes Road, vehicles are backed up Boyle Road quite a ways during heavy traffic times. In the afternoons, it's a constant parade of cars turning from Deschutes onto Boyle Road. If these additional homes are added, the traffic flow will be horrendous on such a small country road.

Boyle Road has several dangerous curves. Many people drive too fast on this narrow road. Additionally, the portion of Deschutes Road where it intersects with Boyle Road is very concerning. Traffic regularly exceeds the speed limit because Deschutes Road has a long stretch without any stop signs or lights. Adding more drivers to this area will be more accidents waiting to happen.

23-2

Another issue with adding 166 more homes is water availability. We've already had our water accessibility reduced and if additional housing is permitted, it will likely impact the water available to current homeowners. This is very troubling, especially during times of drought.

23-3

This is a rural area with a small country road access. I urge you to please consider these important concerns that will most certainly negatively impact current residents.

Thank you for your consideration.



Pat Jones  
21980 Boyle Road  
Palo Cedro, CA 96073

## Responses to Comment Letter 23 - Pat Jones

### Response 23-1:

The commenter notes that they live on Boyle Road and provides information about the roadway conditions including curves and traffic. The commenter states people drive too fast and adding more people will result in more accidents.

This comment does not speak to a specific CEQA issue or impact but provides a personal narrative regarding their observations on existing conditions. Regarding the existing transportation system and potential impacts from the proposed project, the commenter is referred to Section 5.16 Transportation and Circulation of the RDEIR for a discussion of these conditions. The commenter is also referred to **Response 21-4** regarding impacts and mitigation for traffic.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 23-2:

The commenter cites the proposed 166 homes and water availability. The commenter says it will likely impact water availability for current homeowners. The commenter is referred to **Master Response #1: Water Supply Analysis Master Response**, headings **General Discussion, Consistency with California Water Code, Project Projected Water Demand, California Water Code Baseline Calculations**, regarding water demand and calculations.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 23-3:

The commenter notes that this is a rural area and urges the County to consider the negative impacts on current residents. This comment does not speak to a specific CEQA issue or impact but provides a personal narrative regarding their observations on existing conditions and potential effects that have been previously disclosed within the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Letter 24: Vickie Wolf, February 2, 2021**

Vickie Wolf  
21141 Oak Knoll Road  
Redding, CA 96003

February 2, 2021

**RECEIVED**

**FEB 02 2021**

**COUNTY OF SHASTA  
PERMIT COUNTER**

**Via Hand Delivery to Address**  
**Below Following Current Shasta**  
**County COVID Instructions**

Shasta County Planning Commission,  
Mr. Paul Hellman, Director, Dept. of Resource Mgmt.  
& Ms. Lisa Lozier, Planner  
1855 Placer Street, Suite 103  
Redding, CA 96001

**Re: Tierra Robles Planned Development Project, Recirculated Draft  
Environmental Impact Report- Comment Period Ending February 2, 2021**

Dear Commissioners, Mr. Hellman & Ms. Lozier:

Thank you for the opportunity to comment on Tierra Robles Planned Development Project (Project), Recirculated Draft Environmental Impact Report (RDEIR).

- 24-1 | **Revised Section 5.3 Air Quality:**  
The RDEIR fails to include the construction and daily operations of the Waste Water Collection, Treatment and Dispersal Facilities.
- 24-2 | **Revised Section 5.7 Greenhouse Gases and Climate Change:**  
The RDEIR fails to include the construction and daily operations of the Waste Water Collection, Treatment and Dispersal Facilities
- 24-3 | **Revised Section 5.16 Traffic and Circulation:**  
Shasta County has failed to adopt a County-specific Vehicle Miles Traveled (VMT). Although CEQA allows for alternative evaluation measures to report VMT the RDEIR documents in the Traffic and Circulation Section, page 5.16.32, second paragraph the alternative evaluation measures favor the Applicant and the mitigation measures would NOT “substantially lessen” the Project’s VMT.  
This is inconsistent and fails to meet Shasta County’s General Plan to accurately analyze the fiscal impact of the Project.

- Revised Section 5.17 Utilities and Service Systems:  
Regarding the Tierra Robles Community Services District (TRCSD) –**
- 24-4 On page 5-17-30, Utilities and Service System’s of the RDEIR Mitigation Measure 5.17-4b is in conflict with the DEIR dated October 2017 Mitigation Measure 5.17-4b.  
There are numerous times in the DEIR documents that state that TRCSD will have the sole responsibility for Mitigation Measures, be responsible for the Project’s financial and funding responsibilities and have future management responsibilities of Project’s Design Guidelines, Oak Woodland Management Plan, Open Space Management, Resource Management Area, Road and Storm Drain Maintenance and Waste Water Collection, Treatment and Dispersal Facilities.
- 24-5 Mysteriously, now the RDEIR allows the Tierra Robles Home Owner’s Association (TRHOA) to function the same as TRCSD?  
Home owner’s association are made up of home owners. The DEIR states an agreement with Bella Vista Water District must be in place to secure future water allotments before the Project can be approved. How can TRHOA secure this agreement before the Project is approved?
- 24-6 The Applicant committed to forming a TRCSD in 2015. There are letters from Shasta LAFCO and Attorney Craig M. Sandberg advising the Applicant forming a TRCSD is the appropriate way to proceed.  
If the RDEIR allows for a TRHOA to be the oversight entity, the Project’s failures and financial responsibilities will be the responsibility of Shasta County which would be in conflict with the Shasta County General Plan.  
The RDEIR fails to demonstrate how TRHOA can meet all of the responsibilities the DEIR and RDEIR has identified.
- 24-7 **Waste Water Collection, Treatment and Dispersal Facilities-**  
During the entire EIR review several comments have been submitted regarding design, construction, permitting, maintenance and operations. The review process has not allowed transparency or responded adequately to comments. The EIR, DEIR, FEIR and RDEIR have only established the Applicants design, construction and maintenance. The RDEIR has failed to asses design, construction, permitting, maintenance and operations.
- 24-8 **Revised Section 5.18 Energy Consumption:**  
The DREIR fails to include the construction and daily operations of the Waste Water Collection, Treatment and Dispersal Facilities



- New Section 5.19 Wildfire:**  
**Page 5-19-13, Paragraph 3**
- 24-9 RDEIR fails to provide an approved secondary emergency access per Shasta County Fire Safety Standards as outlined in Chapters 8.10 and 16 of the Shasta County Code of Ordinances, Shasta County & City of Anderson Multi-Jurisdictional Hazardous Mitigation Plan and Shasta County General Plan.
- 24-10 North Gate Road was identified in the DEIR as a secondary emergency access. Numerous comments were received by Shasta County in opposition to this proposal. In the July 2019 FEIR North Gate Road indentified as a secondary emergency access was removed. Mysteriously, North Gate Road appears as a proposed secondary emergency access in the RDEIR in Section Wildfire, page 5-19-13.
- The EIR has been misleading regarding North Gate Road being proposed as secondary emergency access throughout the whole EIR process.
- North Gate Road is a private road. The Applicant does not have legal easement for use. There have been no attempts to communicate with the residents of North Gate Road by the Applicant, any Department of Shasta County including Department of Resource Management or Shasta County Fire Department at any point during the EIR process for use.
- During the whole EIR process the Department of Resource Management has failed to respond to the comments submitted regarding the proposed North Gate Road being used as a secondary emergency access.
- Evacuation Study by Cornelius Nuworsoo, PhD.,ACIP**
- 24-11 As the RDEIR recognizes the County does not have any specific thresholds regarding minimum evacuation times.
- In reality Emergency Evacuations Plans are designed, planned and executed based on first on life safety and preservation as a result of relevant building and government codes, adequate egress, pre planning, public education and early, clear communications. Not only time.
- 24-12 The most egregious error is allowing Mr. Nuworoos's Evacuation Study (ES) into the RDEIR identifying Temporary Refuge Area number eight, Columbia School. When the school is not in secession the parking lot gates are locked and the over flow parking lot is cordon off. When the school is in session the parking lots are full.
- 24-13 The RDEIR first must recognize Mr. Nuworsoo's document is only a study of distance traveled by a certain number of vehicles of a certain length at certain speeds.
- 24-14 The RDEIR has failed to provide that this study has been reviewed by Department of Resource Management, Shasta County Planning Commission, Shasta County Sherriff's Office, Shasta County Fire Department, Cal Fire and any other regulating agency that has jurisdiction before inclusion as a relevant document to the RDEIR.

24-15 The ES fails in the following ways: does not include past historical fire history of the area such as the 1999 Jones and 2004 Bear Fires, ingress of emergency vehicles, historical facts of the 2018 Carr Fire evacuations, only includes residences in the Tierra Robles Project area and a one mile radius around the Project, does not account for evacuation of live stock trailers and recreation vehicles, coordination with the Sherriff's Emergency Evacuation Policy, travel time adjustments for environmental conditions such as smoke, night time, vehicle break downs, collisions or abandon vehicles in the road way, doesn't recognize the public messaging from Cal Fire's Ready Set, Go Evacuation Plan or Ready For Wildfire.org.

The photographs on the ES page 30 are irrelevant as the areas are not in the study area.

Comments to DREIR **1.0 Introduction Section-**

24-16 **1.4 Public Review-**  
The General Plan is missing the Footnote 1 document titled Memorandum from Sherriff's Office dated April 21, 2004 cited in Fs-f, 5.4.4 Policy of Section 5.4 Fire Safety and Sherriff Protection. This Memo is not included in RDEIR and unable to review context of Memo in regards to 5.4 and RDEIR.

24-17 **1.5 Limitations on Comments-**  
With regards to the Department of Resource Management's request to limit comments to RDEIR only. The EIR, DEIR, FEIR and RDEIR's have failed to assess the Project's Waste Water Collection, Treatment and Dispersal Facilities, the permitting requirements and operations.

24-18 **1.6 Use of this Document-**  
The Department of Resource Management's choosing not to release all of the comments during the various review periods creates a lack of transparency for the process, does not support the County's Mission Statement of building public trust, strictly limits participation during the review period and fails California Environmental Quality Act (CEQA).

24-19 **1.7.2 Project Description-**  
The RDEIR fails to communicate how TRHOA can function fiscally and has enforcement authority instead of TRCSD per the RDEIR.

Table 1-1, Project Acreage and Lotting Summary fails to include the Waste Water Collection, Treatment and Dispersal Facilities.

The RDEIR fails to include a fiscal impact analysis of the Project per Shasta County General Plan 7.1.023 CO-o.

Respectfully Submitted,



Vickie Wolf

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## Responses to Comment Letter 24 – Vicky Wolf

### Response 24-1:

The commenter notes that the RDEIR does not include the construction and daily operations of the wastewater collection, treatment and dispersal facilities in regard to air quality. The air emissions from both construction and operation of the wastewater facilities is included in the analysis contained in the RDEIR. As discussed in Chapter 3.0 Project Description, the wastewater treatment facility will receive flows from the individual septic tanks and pressure pumps on each lot. The wastewater treatment facility will be designed and constructed to satisfy the demand of the proposed 166 lots. The facility would be implemented as the project is developed. Hence, the facility will be designed in a modular concept that can be added to as future phases and units are developed and to facilitate increased loading.

The approximately 0.25-acre wastewater treatment facility would include a 12-foot by 15-foot controls/storage building And backbone infrastructure, including internal roadways and the secondary treatment area, would account for an additional 7.1 percent of graded area onsite. The wastewater treatment facility is identified on Figure 3-10a. The capacity of the wastewater treatment facility will be limited to the proposed 166 lots. Final dispersal of the system discharge to the soil would occur via shallow subsurface drip lines. The drip zones would be located in wide street medians and the effluent would provide nominal irrigation to appropriate native plants.

The construction and operation of the wastewater treatment facility involves earthmoving and grading. Construction and operational emissions calculations are based on the inputs to CalEEMod 2016.3.2 that were used for the proposed project. The air quality modeling includes the development and operation of the wastewater treatment facility as part of the other assumptions used to estimate emissions of the overall project. These emissions are rolled into the overall development proposal and are, therefore, calculated as a part of the project. Thus, the air quality analysis does account for the construction and operational emissions from the wastewater treatment facility.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

### Response 24-2:

The commenter notes that the RDEIR does not include the construction and daily operations of the wastewater facilities in regard to greenhouse gas emissions. The commenter is referred to **Response 24-1** above. CalEEMod 2016.3.2 emissions were used to calculate greenhouse gas emissions and thus emissions are accounted for.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

### Response 24-3:

The County agrees with the commenter that County-specific vehicle miles travelled (VMT) thresholds have not been adopted. The County also agrees that CEQA allows for an alternative evaluation. This is described

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in State CEQA Guidelines Section 15064.3 – Determining the Significance of Transportation Impacts Section 15064.3(b)(4) – Methodology states:

“A lead agency has discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles travelled, including whether to express the change in absolute terms, per capita, per household, or in any other measure. A lead agency may use model to estimate a project’s vehicle miles travelled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles travelled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequate in Section 15151 shall apply to the analysis described in this section.”

On pages 5.16-32 through 5.16-38, the RDEIR discusses the purpose of the VMT analysis, cites the State CEQA Guidelines, the history of the revisions, the process and methodology by which the project was evaluated, and why this was appropriate per the requirements of CEQA.

The project discusses the projected VMT that would be generated compared to the County as a whole, discusses this in terms of Office of Planning and Research (OPR) guidance, and discusses mitigation measures as recommended by OPR and the requirements of and feasibility related to adoption of mitigation. The RDEIR discusses 20 potential mitigation measures. The potential mitigation measures include existing measures already incorporated into the project design and measures that could be implemented but have no established metrics defining previous successes.

It should be noted that the proposed project does include project design features and measures to reduce VMT, but that there are not enough feasible mitigation measures to reduce impacts to less than significant and that the project’s average per capita VMT would not be reduced 15 percent below the regional average per capita VMT. Therefore, the RDEIR appropriately finds that the project’s VMT impacts would be significant and unavoidable.

Lastly, analysis of VMT as required pursuant to CEQA does not require or recommend an evaluation of fiscal impacts. State CEQA Guidelines Section 15143 states:

“The EIR shall focus on significant effects on the environment. The significant effects should be discussed with emphasis in the proportion of their severity and probability of occurrence.” State CEQA Guideline 15126.2 Consideration and Discussion of Significant Environmental Impacts states in part, “The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant effects of the proposed project on the environment.”

Regarding economic impacts, State CEQA Guidelines Section 15131 Economic and Social Effects notes that, “Economic or social effect of a project shall not be treated as significant effects on the environment.” Subsection 15131(b) states that economic and social effects of a project may be used to determine the significance of physical changes in terms of the physical changes resulting in substantial negative effects on the community such as physical division. This would not be the case with the proposed project. As found in Chapter 5.10 Land Use of the DEIR, the proposed project would not physically divide and established community. Thus, for this reason and because it is not required by CEQA, fiscal impacts are not discussed.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-4:**

Although the mitigation measures contained in the DEIR may differ from those in the RDEIR, they are not in conflict. The language of the text and mitigation in all of the chapters within the RDEIR have been modified in some way to provide clarification and supersede those of the DEIR.

Regarding responsibility for implementation of mitigation, each mitigation measure states the responsible party for carrying out the mitigation and party responsible for ensuring it was carried out and for monitoring if required.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-5:**

The commenter states the RDEIR allows the Tierra Robles Homeowners Association (TRHOA) to function the same as Tierra Robles Community Service District (TRCSD). The RDEIR does not state that the TRHOA functions the same as the TRCSD.

Page 1-5 in Chapter 1 Introduction of the RDEIR states:

“The community services district or homeowners association would provide urban or suburban services within the unincorporated project area. The Tierra Robles Community Services District (TRCSD) or Tierra Robles Homeowners Association (TRHOA) would oversee implementation of the Tierra Robles Design Guidelines; Tierra Robles Oak Woodland Management Plan...”

As shown above, the word “or” indicates that either the TRHOA or the TRCSD would provide oversight or ensure compliance with the listed site management plans or guidelines, as appropriate.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-6:**

The commenter notes concerns about the TRCSD not being the vehicle to ensure oversight of the proposed project and has concerns the RDEIR would allow this. The commenter is referred to **Response 24-5** above regarding the responsibilities of the TRHOA and TRCSD. The TRHOA will not be the oversight entity or responsible for all elements of project management, only those for which are appropriate. It should be noted the RDEIR does not make a determination on the oversight but merely analyses the impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-7:**

The commenter provides a general comment regarding past submission of comments related to design, construction, permitting, maintenance, and operation of the wastewater facilities. The commenter, however, does not present specific examples of where comments were not responded to adequately or transparency was not provided.

Regarding the design, construction, permitting, maintenance, and operation of the wastewater facilities, the commenter is referred to Chapter 3-Project Description. Page 3-32 discusses that the TRCSD or TRHOA would provide for operation and maintenance of the wastewater treatment facility; page 3-15 discusses the functioning and responsibilities of for maintaining the wastewater facilities; page 3-22 discusses the functioning of the entire wastewater system including individual septic tanks, the community collection system, the community wastewater system; and page 3-27 discusses the community wastewater dispersal system. In addition, Figure 3-9 shows the individual septic system designs, Figures 3-10a and 3-10b show diagrams of the wastewater treatment system, and Figure 3-11 shows the drip dispersal schematic.

Regarding construction of the wastewater treatment plant, it is planned to be phased in with development and is modular so it can be expanded as needed to accommodate future development phases. The commenter also is referred to **Response 24-1**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-8:**

The commenter notes that the RDEIR does not include the construction and daily operations of the wastewater facilities in regard to air energy consumption. The commenter is referred to **Response 24-1**. The energy demand of the project is based on CalEEMod 2016.3.2 discussed in that response, which did account for the wastewater treatment facility. Further, page 5.18-9 of the RDEIR discusses the wastewater treatment facility under the Building Energy Demand heading noting that it is a part of the project and disclosing that it would require additional energy consumption some of which would be reduced, however, by using the grey water diverter system.

The impact discussion concludes that the proposed project would adhere to all federal, State, and local requirements for energy efficiency, including the Title 24 standards, and it would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Impacts were found to be less than significant, and that conclusion remains valid.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-9:**

The commenter states that the RDEIR fails to provide approved secondary emergency access per Shasta County Fire Safety standards. Page 3-18 of the Project Description describes the secondary emergency project access point. This would consist of an emergency access easement across Lot No. 81 and Lot No. 98 and a 5.23-acre offsite extension of the proposed new access road to Old Alturas Road.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-10:** The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-11:**

This comment does not speak to a specific CEQA issue but notes that the RDEIR recognizes the lack of County thresholds for emergency evacuation.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-12:**

The commenter states that the most egregious errors with the evacuation study are in relation to the Columbia School refuge site and potential difficulty accessing and parking depending on school hours. The commenter is referred to **Response 4-31**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-13:**

The County recognizes that, in part, the evacuation study uses distance and time to evaluate evacuations which are appropriate metrics. The study also evaluates roadway conditions, anticipated traffic volumes, and potential evacuation areas.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-14:**

The commenter notes that the RDEIR failed to provide that the studies have been reviewed by various Shasta County departments. The commenter is referred to **Response 4-1**, which discusses the public review of the RDEIR. All of the named agencies in the comment had the opportunity to review and comment on both the document and the evacuation study.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-15:**

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The commenter states that the evacuation study does not include discussion of the Jones Fire, the Bear Fire, and the Carr Fire and does not account for evacuation and evacuation policy. The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Master Response #3 Wildfire Hazards** related to evacuation times, fire history, and estimation of trip times.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-16:**

The commenter notes that a memorandum noted in a footnote of Policy FS-f of Chapter 5.4 Safety and Sheriff Protection is not available and not in the RDEIR. Policy FS-f states:

“The Sheriff’s Office and Shasta County Fire Department should annually review the County’s standard development conditions as they relate to the provision of police and fire services created as a result of new land use projects and recommend to the Planning Commission appropriate changes including the need to implement equitable property tax assessments to help defray the costs of providing new and/or expanded services.”

While this policy is outside the scope of analysis in the DEIR and RDEIR as it involved the Sheriff’s Office and Shasta County Fire Department review of County policies, both departments have been provided and will be provided further access to and review of all applicable design and development standards included to the project.

The commenter also is referred to **Response 24-14** above related to public review of the documents. No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-17:**

The commenter states that the environmental documents prepared for the project’s wastewater facilities do not meet the permitting requirements. The commenter is referred to **Responses 24-1** and **24-7** above which contain a description of the project’s wastewater facilities. The commenter is referred to Chapter 3 – Project Description pages 3-22 through 3-27, which describe the project’s wastewater facilities and include applicable diagrams and maps.

In addition, the commenter is referred to pages 5.17-7 and 5.17-15 through 5.17-21, of Chapter 5.17 – Utilities and Service Systems, of the DEIR, which discuss and provide a thorough discussion of the project’s wastewater facilities, design, implementation, construction, operation, and disposal methodology, including compliance with all permitting requirements, Shasta County Environmental Health Division regulations, permits, and inspections.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-18:**



All comments on both the DEIR and the RDEIR have been responded to as required by CEQA. All comments received on the DEIR were published in the Final EIR. Similarly, all comments received on the RDEIR will be published in an updated Final EIR.

This was done and will be done in accordance with State CEQA Guidelines Section 15132 - Contents of Final Environmental Impact Report which states,

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 24-19:**

The commenter states the RDEIR fails to communicate how the TRHOA can function fiscally, that Table 1-1 fails to include the project’s wastewater facilities, and that the RDEIR fails to include a fiscal impact analysis of the project pursuant to General Plan Policy CO-o. The commenter is referred to **Response 24-5** above regarding the TRHOA and TRCSD.

The wastewater treatment facility is identified in Figure 3-9 Wastewater Treatment System as being on Lot 73. Page 3-16 of the Project Description, as shown below (bolded and underlined) shows the areas including Lot 73 (4.36 acres) that would be used for the wastewater treatment facility.

Table 3-4  
 PROJECT ACREAGE AND LOTTING SUMMARY

Land Use	Acreage	Description
Rural Residential	1.00-1.99 acres 2.00-2.99 acres 3.00-3.99 acres 4.00-4.99 acres 5.00-4.99 acres 6.00+ acres	45 residential lots 65 residential lots 25 residential lots 16 residential lots 10 residential lots 5 residential lots
<b>Total</b>	<b><u>471.92 acres</u></b>	<b><u>166 residential lots</u></b>
Roadway Right-of-Way (Internal)	46.48 acres	15 Roadway Segments
Roadway Right-of-Way (Offsite)	5.23 acres	North Connection to Old Alturas Road
Secondary Disposal Area	<b><u>4.36 acres</u></b>	<b><u>Lot No. 73</u></b>
Bridges	N/A	2 Crossings of Clough Creek
Six Open Space Parcels	154.90 acres 7.08 acres	1 open space lot – east 1 open space lot – north west

	14.58 acres 2.62 acres 3.05 acres 8.45 acres	1 open space lot – south 1 open space lot – north center 1 open space lot – north center 1 open space lot – along Clough Creek
<b>Total</b>	<b>192.68 acres</b>	
<b>TOTAL PROPOSED PROJECT</b>	<b>720.67 acres</b>	
Source: S2 ~ J2 Engineering, December 2016.		

General Plan Policy CO-o requires the preparation of a fiscal impact analysis of major residential development projects as part of the project’s environmental assessment whenever there are unanswered questions regarding cumulative and long-term impacts on Shasta County services and/or the potential for project-induced financial shortfalls to adversely impact the environment. Project impacts to the County’s roadway network are fully evaluated in Section 5.16 Traffic and Circulation of the RDEIR. The project’s fiscal impacts to other County facilities will be offset through the payment of the applicable Shasta County development impact fees as homes within the development are constructed. The project will not be included in any County Service Area; water service will be provided by the Bella Vista Water District and wastewater service will be provided by either the TRCSD or TRHOA. Since there are no unanswered questions regarding cumulative and long-term impacts on Shasta County services, the preparation of a fiscal impact analysis is not required.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Letter 25: Janet Wall**

TO:  
Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer St.  
Redding CA 96001

Re: RDEIR Tierra Robles  
February 2, 2021

FROM:  
Janet Wall  
23412 Millville Way  
Millville CA 96062

Sent by email

- 25-1 I. THE REDEIR IS DEFICIENT IN THAT NO WRITTEN COMMITMENT TO SUPPLY WATER TO THE PROJECT HAS BEEN VERIFIED.  
Bella Vista Water District has not agreed to provide water to Tierra Robles in writing. In view of this, review of the water issues and of approval of the project itself is untimely and premature.
- 25-2 II. THE REDEIR IS DEFICIENT IN THAT DATA CONCERNING WELL WATER IS INACCURATE.  
Bella Vista Water District is proposed to be the primary source of water for the project. The district is allocated water from the Sacramento River. It has been stated by the developer that in drought years well water is also available from Bella Vista Water District . The RDEIR overstates this potential well contribution to a significant degree. The actual pumping volume is far lower than the projected estimates in Bella Vista Water District's Urban Water Management Plan. Another error in the RDEIR is the inclusion of a proposed well in total capacity estimates. This well was never constructed.
- 25-3 III. THE REDEIR IS DEFICIENT IN THAT ANY SUPPLEMENTAL SOURCE OF WATER IS HIGHLY SPECULATIVE.  
A. There is no water transfer agreement between Clear Creek Community Services District and Bella Vista Water District. Clear Creek Community Services District has been proposed as a source of supplemental water. Bella Vista Water District's policy is to perform a feasibility study prior to the start of any negotiation concerning a water transfer agreement. No feasibility study has been completed. No water transfer agreement has been finalized.
- 25-4 B. Since regulatory and permitting requirements have not been met, approval of any agreement for supplemental water is uncertain. The developer must demonstrate that any water transfer agreement satisfies all CEQA and NEPA compliance requirements and is approved by other permitting and regulatory authorities. The RDEIR is deficient is that no compliance has been shown.
- 25-5 C. The RDEIR is deficient in that the proposed supplemental source of water is inadequate. It

25-5  
CONT'D ↑ has been proposed that Clear Creek Community Services District provide 100 acre feet of water per year. The amount estimated to be needed for the development according to the standards of the Bella Vista Water District Urban Water Management Plan is 351.92 acre feet per year. This is a significant shortfall . It is evident that the allocation from Clear Creek Community Services District would be inadequate.

25-6 ↓ D. The time limit imposed on the commitment to provide supplemental water effectively subverts the requirements of the Vineyard California Supreme Court decision. To meet the requirements of the Vineyard California Supreme Court decision, a developer must provide evidence that additional water will be available in drought years so that current residents will not be prejudiced by the demand on supply created by the development. The developer of Tierra Robles is proposing to end the water transfer agreement after three full years of Central Valley Project allocations. This will not guarantee that water will be available at a future date in the time of drought. Therefore the RDEIR is deficient.

Thank you.  
Janet Wall

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## Response to Comment Letter 25 – Janet Wall

### Response 25-1:

The commenter is correct that the Bella Vista Water District (BVWD) has not provided a Will Serve letter for the proposed project. The commenter is referred to **Responses 1-11** and **1-12** regarding revisions to Mitigation Measure 5.17-4b per the request of BVWD. Implementation of this measure would be required prior to project development and it would ensure the augmented water supply and the process to obtain a new Will Serve letter from BVWD.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 25-2:

The commenter states that the water supply from the water wells as stated in the RDEIR are not accurate and overstate these supplies. The commenter is referred to **Responses 1-9 through 1-11, 2-3, 3-11, and 3-21**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 25-3:

The commenter is correct that the transfer agreement between BVWD and the Clear Creek Community Services District (CCCSD) has not been completed. CCCSD has indicated they have the capacity to transfer 100 acre-feet of water per year (AFY) to BVWD should the need arise. The commenter is referred to **Responses 1-8** through **1-12**, for additional information.

The supplemental source of water is not speculative. The use of transfer agreements to obtain supplemental water sources is a common method used by water agencies as authorized by the United State Bureau of Reclamation (USBR) and is not speculative. As stated on the USBR website:

“This site is made available to provide information related to transfers of Central Valley Project water and implementation of the water transfers provisions of Section 3405(a) of the Central Valley Project Improvement Act (CVPIA) (Title 34 of Public Law 102-575).

One of the purposes of the CVPIA is to improve the operational flexibility of the CVP and to increase water-related benefits provided by the CVP to the State of California through expanded use of voluntary water transfers and improved water conservation.

In order to assist California urban areas, agricultural water users, and others in meeting their future water needs, the CVPIA authorizes all individuals or districts who receive CVP water under water service or repayment contracts, water rights settlement contracts or exchange contracts to transfer, subject to certain terms and conditions, all or a portion of the water subject to such contract to any other California water users or water agency, State or Federal agency, Indian Tribe, or private non-profit organization for project purposes or any purpose recognized as beneficial under applicable State law.”

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25-4:**

The commenter states the RDEIR is deficient because any supplemental source of water is highly speculative. The commenter reiterates there is no existing transfer agreement and a feasibility study is needed. The commenter is referred to **Responses 25-1** through **25-3** above. Regarding CEQA and NEPA compliance, Mitigation Measure 5.17-4b specifically states that CEQA and NEPA compliance are required elements of any transfer agreement, which is specifically discussed in **Response 1-11**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25-5:**

The commenter reiterates about the supplemental source of water is inadequate and cites the BVWD water estimates. The water proposed to be transferred by CCCSD is 100 AFY and would only be required in dry years or those in which BVWD is unable to fulfill its obligations. Regarding the projected water use of the proposed project, the applicant is referred to **Master Response #1 - Water Supply Analysis Master Responses**. The response demonstrates that as designed and proposed the project more closely resembles a traditional single-family development although lot sizes are large. The proposed project does not propose uses similar to those found in a true rural residential development as alluded to in numerous comments. Thus, the proposed project would use much less water than cited in the comment.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 25-6:**

The commenter references the Vineyard decision which appears to be a reference to the Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova decision. The decision noted that “The EIR assumed that purchase would go through and therefore found the project’s demand for water would have no significant impact. (Id. at p. 372.) The appellate court held the EIR inadequate for not disclosing possible alternative water sources and their impacts. In light of the uncertainty regarding American Canyon’s future supplies, the EIR “cannot simply label the possibility that they will not materialize as ‘speculative,’ and decline to address it.”

The RDEIR does not assume water will be purchased. The commenter is referred to **Response 25-5** above. Mitigation is included to the project requiring the applicant to show a source prior to project implementation. No assumptions regarding that source materializing are made.

Regarding the “three year” language, this is in reference to the BVWD increasing capacity adequate to serve the fully built-out project. In order for this to occur, the CVP water allocation is required to be sufficient to for three years post project completion. The commenter is referred to **Response 1-11** for additional information.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Board of Supervisors and Planning Commission for their review.

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Letter 26: Raymond and Carol Ramos, February 1, 2021

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**To:** Paul Hellman  
**Subject:** RE: Recirculated Environmental Impact Report for the Tierra Robles development

**From:** C R <[ramos.carolr@gmail.com](mailto:ramos.carolr@gmail.com)>  
**Sent:** Monday, February 1, 2021 4:53 PM  
**To:** Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>  
**Subject:** Recirculated Environmental Impact Report for the Tierra Robles development

February 1, 2021

Ramos

Raymond & Carol

10801 Northgate Drive  
Palo Cedro, CA 96073  
530-549-5492

Mr. Paul Hellman  
Shasta County Department of Resource Management  
1855 Placer Street  
Redding, CA 96001

Dear Mr. Hellman:

26-1

We are the property owners of 10801 Northgate Drive in Palo Cedro and would like to express our opposition to the building of the Tierra Robles housing development and especially to the use of Northgate Drive as a secondary access for said development.

Our major concern is for the safety of the 28 homes on Northgate Drive during a fire event as well as the cost to upgrade and maintain our road.



It is our understanding that currently there is no legally recorded easement from Northgate to the new development and historic access for agricultural purposes is not consistent with the purpose of a housing development.

26-1  
CONT'D

In addition our road in no way meets the requirements of Shasta Fire EEER standards as an Emergency Access Road. It is shoulder-less, narrow, breaking apart in most areas and not completely sealed. Who would pay for the necessary upgrades as well as maintenance? This should not be the current owner's responsibility as the road is acceptable for it's current usage. And, what guarantee would be made to keep and maintain the road up to EEER standards over the numerous years it is estimated to complete the Tierra Robles building phases.

It is stated that every planned development must have a minimum of 2 exits. TR has that! One onto Boyle and one on to Old Alturas. Why do they need Northgate?

26-2

The major concern we have is the traffic implications for our community when the next fire happens. We know very well how difficult it is to evacuate from the area. Getting on to Boyle Road from any of the arterial roads is already extremely difficult at certain times of the day, even without a fire event!

The study estimates a traffic volume of 8,542 vehicles flowing through the study area. They estimate 25 feet per vehicle.  $8542 \times 25 \text{ feet} = 213,550 \text{ feet}$  or 40 miles of traffic! Did they take into account that many of the residents in the study area will be transporting animals in trailers, that many of us have RVs we would be evacuating

26-2  
CONT'D

in or multiple vehicles per household?! The roads within the study area can barely handle the current traffic let alone the added vehicles from this new development. People WILL die in their vehicles stuck in this type of traffic as they have in other fires in our area! We may die just trying to evacuate from our own home - which is situated at the north end of Northgate - if you allow this development to access or road. Or really anywhere in Palo Cedro! Did the author of this study even spend any time on the roads in this area? It appears that the information

26-3

regarding Boyle Road is incorrect. It is mislocated and labeled incorrectly on all the Figures shown in the study. Primarily data came from the SR 299 and SR 44 highways rather than the surface streets. Another question to address is the lack of current water pressure from Bella Vista Water District. What happens when there is a fire and multiple demands for that water?

26-4

It is our sincere request that everyone involved in making the decision regarding the building of homes in Tierra Robles take another long and open-eyed look at the problems this development will cause our community, our fire protection district, water district and sheriffs office.

Sincerely,  
Raymond & Carol Ramos

## **Response to Comment Letter 26 - Raymond and Carol Ramos**

### **Response 26-1:**

The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

### **Response 26-2:**

The commenter says that their major concern is traffic when the next fire happens. The commenter questions the variety of vehicles that would need Boyle Road to evacuate. The commenter is referred to **Master Response #2: Traffic Evacuation Study** and **Master Response #3: Wildfire Hazards**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

### **Response 26-3:**

The commenter reiterates concerns about Northgate Drive access and notes that the terminology for Boyle Road (SR 299 and SR 44) is incorrect in the technical study. The commenter also questions the lack of water pressure from the Bella Vista Water District and how that would affect fire suppression.

The commenter is referred to **Response 26-1** above regarding Northgate Drive.

The naming of Boyle Road in the technical study has been revised in the Final EIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

### **Response 26-4:**

The commenter requests that the problems of the project be looked at again and re-evaluated. This commenter makes a general request about the CEQA process.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

Letter 27: Richard and Mary Martin, January 26, 2021

*Mary and Richard Martin*

21750 Robledo Road, Palo Cedro, CA 96073

DEPT OF RESOURCE MGMT  
RECEIVED

FEB 01 2021

ADMINISTRATION

January 26, 2021

Shasta County Planning Commission  
1855 Placer Street, Suite 103  
Redding, California 96001

Dear Commissioners Chapin, MacLean, Kerns and Wallner,

27-1

We are writing to you to express our serious concerns about the Tierra Oaks Proposed Development in Palo Cedro. This proposal is ill-conceived, with significant flaws, and does not serve our community or our county well. As you well know, Palo Cedro is a small, rural community comprised of homes on large acreage without the infrastructure or support of a development town or community. A development of this size, will dramatically change the culture of the community and stretch our limited resources (school, fire protection, commercial facilities, roads, water, recreational sites, etc.).

27-2

*Quercus douglasii*, known as blue oak, is a species of oak endemic to California, common in the Coast range and the foothills of the Sierra Nevada. Its range is less than 740 miles and only found surrounding the Central Valley. Northern California, the area we call home and you are considering for intensive development, is vital to the ecosystem health of our state and planet. People come here to recreate, to appreciate nature, to be inspired and in awe of our precious resources. Our economy is driven by this tourism. Yet, you are considering allowing a negative impact to 638.3 acres of this precious habitat. You are proposing removal of all viable trees within the project area, the few remaining trees will not be able to sustain viability and habitat.

Blue Oaks are long lived (174 - 450 years), the Shasta County Department of Resource Management encourages protection of oaks, for average retention of 30%. Shasta County Plan encourages landowners to replace trees removed by development. The Plan requires development to avoid impacts. The EIR utterly fails to meet this Shasta County requirement.

27-3

Today, we are better educated about the negative effects of human's actions on our climate and environment. Yet, this proposal fails to adequately consider those impacts. Cutting trees reverses effects of carbon sequestration and releases all their stored carbon dioxide. Keeping or planting trees is the best way to remove harmful greenhouse gases. One acre of trees absorbs 2.5 tons of carbon dioxide annually. Removing 638.3 acres of blue oaks would remove 1596 tons of carbon dioxide sequestration annually, put that CO2 back into the atmosphere and further annually eliminate 165,958 pounds of beneficial oxygen. EPA calculates 11,000 pounds carbon dioxide made by average car, an acre of woodland would mitigate 2.7 cars, this project would eliminate mitigation for 1724 cars. The EIR analyzes the impact of new residents and development on greenhouse gases, but fails to analyze, and does not adequately include, the calculations for this element of the project.

27-4

Traditional asphalt absorbs 90% of sun's radiation. In an area of extreme heat and sunshine, the EIR fails to consider eco-friendly materials for road, sidewalks and other surfaces. Further, cool or reflective roofing is not considered in the project.

- 27-5 The EIR states the project "may use a combination of photovoltaic cells, solar water heating". Yet the State of California in 2019 (Title 24, Part 6, Building Energy Efficiency Standards) requires the installation of photovoltaic sized to "net out" annual kilowatt hour energy usage. Further the new law incentivizes energy storage and provides a number of energy efficiency practices, including heat pump water heaters and building thermal envelope construction (high performance attics, walls and windows). The EIR fails to address these requirements.
- 27-6 Use of natural passive solar heating and cooling elements such as natural shading and optimizing sunlight, as well as designing and locating structures on lots to meet these standards are not addressed in EIR.
- 27-7 In a proposal replete with negative environmental impacts which have not, in any manner, been mitigated, the most egregious relates to water. As we know all too well, a warming planet will cause water shortages, increasing wildfire risk and irreparable damage to our fragile environment. The EIR fails to meet the minimum CEQA requirements and glosses over the profound impact adding 166/181 new homes to a water distribution system already strained in dry years. The law, and California courts, have held that the County and the developer must identify the source of water needed to support and sustain the project. This proposal utterly fails to do so.
- 27-8 The analysis of the water "demand" is flawed, not adequately assessing the true need increasing a community's population by, essentially, half again will have on the existing and "potential" resources and infrastructure. California Water Code Section 10608.20 outlines the methodology to be used in analyzing proposed projects. This EIR has failed to properly adhere to this legal requirement.
- 27-9 The EIR attempts to "paper over" this flaw and base approval on some far off wish of an agreement between the Clear Creek Community Services District and Bella Vista Water District. Why would any of you, in good conscience, even consider such a project without that agreement being solidified, viable and in place? Further, and even more egregious, is the ludicrous idea that CVP will provide water for three years and, voila, no worries for the future. If ever there was a case of magical thinking without any basis in fact or reality, this is it.
- 27-10 Legal experts have long questioned the viability and relationship between CVP and Bella Vista, contending it is not as solidified as Bella Vista would wish, or we would all hope. To add additional strain on the system, with depleting water supplies and resources is not a viable option and this plan cannot be approved without a valid, enforceable long-term agreement in place BEFORE even considering county approval.
- 27-11 There is no analysis of the impacts this proposal will have on your employers, the taxpayers of Shasta County and residents of Palo Cedro. Absolutely, no consideration is given to current Bella Vista Water customers and the impacts water shortages will have on us. Will we all be required to ration water more often than has historically been true? What provisions have you made for that certainty? What about the impacts of water shortages on current agricultural needs?
- 27-12 When it comes to wildfire protection and evacuation, the RDEIR would be almost a joke if it were not likely to kill Tierra Robles residents, as well as residents of nearby neighborhoods attempting to evacuate during a fast-moving wildfire incident. The section on wildfire and evacuation is long and wordy, but is entirely conceptual rather than reality based. Clearly, it is written by a sub-contractor with standard verbiage for EIRs. Butte County and the State of California learned

27-12  
CONT'D

▲ many lessons from the Camp Fire. One of those lessons was, if there is inadequate egress during a fast moving fire, people die. Shasta County needs to adhere to those lessons, of which you cannot claim ignorance or unawareness. To not learn those lessons, Shasta County and each one of its responsible individuals (such as members of the Planning Commission), is not fulfilling its/your responsibility toward the health and welfare of the potential future residents of Tierra Robles or neighbors/current residents. You are personally assuming liability as you have been made aware of a potentially deadly situation and have not adhered to the contemporary wildfire safety standards.

27-13

┌ An owner of property has a right to develop that property in accordance with existing laws, statutes and codes. We are not proposing that you deny the developer the right to build homes, however, that should be done consistent with the requirements the residents of this community have adhered. Lot size should be between 5 and 10 acres, provisions for adequate water, fire protection, etc. should be consistent with the current zoning, state-of-the art knowledge and the County Plan. Failure to do any less is shirking your responsibilities and oath of office.

We do look forward to each of you adequate and appropriately representing the best interests of Palo Cedro, Shasta County and our residents.

Sincerely yours,

  
Mary G. Martin

  
Richard H. Martin

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## Responses to Comment Letter 27 - Richard and Mary Martin

### Response 27-1:

The commenter makes an introductory general comment regarding their concerns about the project. The commenter states that the project is ill conceived and flawed, discusses the characteristics of the community and how the project will change the culture of the area.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 27-2:

The commenter states that the proposed project would impact 638.3 acres of blue oak habitat. The commenter further states that an unspecified Shasta County Plan encourages landowners to replace trees removed by development, that this Plan requires development to avoid impacts, and that the EIR utterly fails to meet this Shasta County requirement.

As described on page 5.4-40 of the DEIR, of the 638.3 acres of oak woodland habitat within the project area a total of 146.2 acres would be directly impacted by the project's building envelopes and roads and an additional 75.1 acres within the designated Resource Management Areas would be indirectly impacted due to edge effects. Mitigation Measures 5.4-1a and 5.4-1b require oak woodlands within designated open spaces within the project area to be maintained in perpetuity as well as 137.8 acres of off-site blue oak woodland habitat preservation in Shasta County. Mitigation Measure 5.4-1b further requires the oak woodlands within designated on-site open spaces to be managed in accordance with a management plan accepted by Shasta County prior to the establishment of the required conservation easements and deed restrictions. Shasta County General Plan Policy FW-h states the following: "The County shall encourage efforts to develop tree protection standards which focus on the County's differing land use types, namely; lowland urban, upland urban, rural residential and resource lands. Urban tree protection standards shall focus on landscaping that promotes energy conservation and design aesthetics, as opposed to preserving native vegetation."

Despite this General Plan policy encouraging efforts to develop tree protection standards, Shasta County does not have any adopted plan, policy or ordinance requiring the avoidance of impacts to blue oaks or oak woodland habitat as indicated by the commenter.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 27-3:

The commenter discusses carbon sequestration and notes the rates and volume of greenhouse gases trees can remove. The commenter states that the project would harm the site's ability to do this as 638.3 acres of blue oaks would be removed and the RDEIR does not account for this impact. The commenter is referred to **Response 27-2** above.

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Regarding carbon sequestration, the commenter is referred to page 5.17-7 of Section 5.7 Greenhouse Gas and Climate Change of the RDEIR, that includes Table 5.7-2 - Annual Project Greenhouse Gas Emissions that discusses sequestration loss as an indirect emission totaling 811.41 MTCO<sub>2</sub>e 2030, echoed on page 5.17-18, which states:

*“Vegetation Land Use Change (Loss of Sequestration). Sequestration refers to the process of vegetation storing CO<sub>2</sub> (resulting in a carbon sink and reducing CO<sub>2</sub> emissions). As the project would develop natural land with vegetation that is currently sequestering CO<sub>2</sub>, loss of the existing vegetation would result in approximately 16,228.20 MTCO<sub>2</sub>e that would not be sequestered, which is approximately 811.41 MTCO<sub>2</sub>e/yr over a 20-year growing period.”*

Page 5.17-23 of the RDEIR makes the finding that, even after implementation of all feasible mitigation measures, the project’s GHG emissions represent a significant and unavoidable cumulatively considerable impact for which no feasible mitigation is available to substantially lessen or avoid a significant impact.

The information presented is provided in accordance with the State CEQA Guidelines and the adoption of a statement of overriding considerations would be required in order to approve the project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-4:**

The commenter states that the RDEIR does not consider eco-friendly alternatives to asphalt, roads, and other surfaces.

Alternatives to the proposed project were discussed in Section 7.0 Alternatives of the DEIR. This section of the DEIR presented a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project but, would avoid or substantially lessen any of the significant effects of the project and evaluated the comparative merits of the alternatives (State CEQA Guidelines Section 15126.6). The chapter identified potential alternatives to the proposed project and evaluated them, as required by key provisions of the State CEQA Guidelines on alternatives (Subsections 15126.6 (a) through (f)).

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-5:**

The commenter discusses the project and notes an uncited page that states the project may use a combination of photovoltaic cells and solar water heating but that these are Title 24 standards.

The commenter is referred to Section 5.18 Energy Consumption, specifically pages 5.18-9 and 5.18-10 that discuss the energy efficiency measures required of the project and project conformance with Title 24 standards. As noted on these pages:

*“...implementation of the project’s design features (i.e., high efficiency lighting and air conditioning units, passive solar design, grey water diverter systems, etc.) would further reduce energy consumption. The project would be required to adhere to all federal, State,*



and local requirements for energy efficiency, including the Title 24 standards, as well as the project's design features. The proposed project would not result in the inefficient, wasteful, or unnecessary consumption of building energy. *A less than significant* impact would occur in this regard."

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-6:**

The commenter states that the use of natural passive solar heating and cooling elements such as shading are not discussed/addressed in the RDEIR. The commenter is referred to **Response 27-7** which discusses project compliance with Title 24 standards and specifically mentions passive solar heating.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-7:**

The commenter says that the greatest oversight of the RDEIR is in relation to water and the RDEIR fails to meet minimum CEQA requirements, specifically related to dry years, and that the developer must identify water sources. The commenter is referred to **Master Response #1: Water Supply Analysis Master Response, General Discussion, Consistency with California Water Code, Project Projected Water Demand, and California Water Code Baseline Calculations.**

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-8:**

The commenter states that the water demand analysis is flawed and is not in compliance with California Water Code Section 10608.20. The commenter is referred to **Response 27-7** above.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27 9:**

The commenter continues in relation to the water supply and questions the CVP supply. The commenter is referred to **Response 27-7** above.

**Response 27-10:**

The commenter states that legal experts have questioned the viability of CVP water supply to the Bella Vista Water District (BVWD) and additional strain on the system is not viable. The commenter states that a long-term agreement must be in place. The commenter is referred to **Response 27-7** above. The commenter is also referred to **Responses 1-9 through 1-11, 2-3, 3-11, and 3-21**, regarding the Clear Creek

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Community Services District (CCCS) water transfer, and **Response 1-11** regarding revised mitigation per the request of BVWD.

**Response 27-11:**

The commenter states that there is no discussion of impacts to employers and taxpayers and no consideration is given to existing BVWD customers and that water rationing will occur. The commenter also questions what water shortages will mean for agriculture.

The commenter is correct in that there is no fiscal analysis as part of the RDEIR. State CEQA Guidelines, Section 15162.2 – Consideration and Discussion of Potentially Significant Effect, states:

“An EIR shall identify and focus on the significant effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.”

In regard to fiscal impacts, they are generally taken into consideration during the project approval process and are addressed in Findings and a Statement of Overriding Considerations should a project be approved with significant and unavoidable impacts.

The commenter is also referred to **Response 27-10** above regarding water availability.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-12:**

The commenter questions wildfire protection and evacuation. The commenter makes conclusory comments about the wildfire discussion and also references past wildfires and states that the project is creating a deadly situation.

The commenter is referred to **Master Response #2 Traffic Evacuation Study** and **Master Response #3 Wildfire**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Response 27-13:**

The commenter notes that a developer has the right to develop property in accordance with existing laws, statutes, and codes and states that properties on the site should be between 5 and 10 acres, provide adequate water, fire protection, and be consistent with current zoning and general plan requirements.

This comment is a summarization of previous comments. No changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and the Board of Supervisors for their review.

**Letter 28: Sandra Kotch, February 2, 2021**

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**To:** Paul Hellman  
**Subject:** RE: response Tierra Robles RDEIR wildfire evacuations

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**From:** Sandra Kotch <[kotchphoto@outlook.com](mailto:kotchphoto@outlook.com)>  
**Sent:** Tuesday, February 2, 2021 10:59 AM  
**To:** Paul Hellman <[phellman@co.shasta.ca.us](mailto:phellman@co.shasta.ca.us)>  
**Subject:** response Tierra Robles RDEIR wildfire evacuations

Paul Hellman, Director  
Shasta County Dept. of Resource Management  
1855 Placer St. Redding, Ca. 96001  
02/02/2021

Dear Mr. Hellman,

28-1 [ Having fled the Jones Fire in 1999 which burned through acreage at my Boyle Road home I am writing to express my safety concerns regarding how the approval of adding 166 new structures will affect local residents during another mass evacuation. The Tierra Robles (T R) property is located in a Very High Fire Hazard Severity Zone and the Jones Fire blazed through the T R land destroying 140 homes in the area.

28-2 [ The Traffic Evacuation Study in the RDEIR is not realistic. The author assumes that people will utilize 8 various refuge areas (5.19.13.) My experience living in Palo Cedro for 30 years, 15 of which spent volunteering with an organization responsible for the management of evacuation centers and shelters during wildfires indicates that this is a flawed concept.

28-3 [ Normally during a wildfire evacuation the authorized emergency agency notifies the public of where the evacuation center is set up a safe distance away out of the area completely. The evacuation center is set up to accommodate the arrivals of those who chose to go there. Many people evacuate to the evacuation center to reunite with loved ones who may be scattered around the area. My experience is that people evacuate to anywhere to flee a wildfire, it is not an orderly process in many cases.

28-4 [ Some of the refuge areas would likely be located within the mandatory evacuation zone and would not be used as embers from wildfires can travel far beyond the area impacted (Government Code 51175.)

Fire personnel would not be available to protect 8 different refuge areas.

The Study did not take into account additional evacuation time may be needed in the event of downed trees or power poles in the roadways, nor smoke blocking driver's views.

28-5 [ I question what is going to happen when hundreds of T R residents attempting to exit from 15 interior cul-de-sac streets onto only 2 roads out of the closed development onto already clogged escape routes (Boyle and Old Alturas Roads.) The RDEIR indicates that Northgate would be utilized as a secondary access. This is not accurate. Has the developer obtained a legal easement to Northgate Road?

28-6 | The Traffic Evacuation Study estimated that 8542 passenger cars would flow through the study area (5.19.14.) The author did not account for vehicles towing trailers and motorhomes. When evacuating the Jones Fire I was delayed from exiting my driveway onto Boyle Road due to lines of vehicles passing by, many were pulling horse trailers and RV trailers. There were fewer residents evacuating in 1999 than would be today.

28-7 | Why didn't the Traffic Evacuation Study include any analysis of the Jones Fire?

28-8 | The Study does indicate that the T R project will add an additional 362 vehicles to already crowded evacuation roads. It also said there would be queueing of vehicles on the roads studied with speeds as low as 3mph. This situation could be a death trap. In recent wildfires (Campfire in Paradise) people died in their cars attempting to evacuate on clogged roads. In addition, the Study provides several scenarios indicating how many minutes it takes to only travel a few miles and I believe 100 minutes was one of the shortest times. With a wind driven wildfire bearing down 100 minutes is an eternity. Building an urban style 166 home development in a Very High Fire Hazard Severity Zone surrounded by only two narrow winding evacuation routes is another disaster waiting to happen.

28-9 | In California, 75% of buildings destroyed by wildfire are in Wildland Urban Interface areas according to current research by A. Kramer, Wildfire Scientist, at the University of Wisconsin (Record Searchlight April 29, 2019.)

The Shasta County Communities Wildfire Protection Plan states that areas have experienced significant fires in the past and with current urbanization can expect future fires to be more damaging (5.19.10.)

28-10 | Why would Shasta County allow an urban type multi unit housing development to be built in a Very High Fire Hazard Zone with limited exits? The Shasta County General Plan indicates the minimum parcel size in the area to be Rural Residential, one dwelling per 2 acres. T R has 45 parcels within the project that are less than 2 acres in size. Less density with less development means fewer people in high risk fire areas. Before the Shasta County Planning Commission considers approving this development in a Very High Fire Hazard Zone they must fully consider the safety risks and the affects this decision will have on local residents in the area. Approving a development of this magnitude and density in an urban wildland interface is not consistent with the General Plan and it is not safe for those who will have to evacuate in an emergency.

28-11 | The RDEIR indicated the T R Wildland Fuel Management Plan would be managed and enforced by the T R Community Services District or the T R Home Owners Association (5.19.24.) Will Shasta County add Shasta County to the T R Agreement to insure that the enforcement of the plan's fuel management requirements is actually completed in the future?

28-12 | My question is what happens when preventative measures fail when many people have to endure a mass evacuation and it does not go anything like it was projected or mitigated? This T R project should not be approved for this rural fire prone area. I strongly disagree with the statements in the RDEIR that the impacts from this project would be less than significant.

Thank you,  
Sandra Kotch  
20858 Boyle Road Redding 96003

## Responses to Comment Letter 28 - Sandra Kotch

### Response 28-1:

The commenter questions wildfire protection, notes the project site is in a Very High Fire Hazard Severity Zone, and questions evacuation and how the 166 new homes will affect local residents. The commenter then references the Jones Fire and the resulting loss of 140 homes. The commenter is referred to **Master Response #3: Wildfire Hazards**, which discusses these issues.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 28-2:

The commenter states that the evacuation study is not realistic and states that the eight refuge areas addressed in the evacuation study is a flawed concept. The commenter is referred to **Master Response #2: Traffic Evacuation Study** that provides additional details regarding this discussion.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 28-3:

The commenter further discusses evacuations. This comment is not related to the adequacy of the EIR and does not pose a question. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 28-4:

The commenter states that some of the refuge areas addressed in the evacuation study would likely be in the mandatory evacuation zones and fire personnel cannot staff them. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 28-5:

The commenter questions what will happen when project area residents attempt to evacuate and references Northgate Drive as secondary access. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding evacuation impacts.

The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-6:**

The commenter notes the evacuation study estimated 8,542 cars would pass through the study area but did not account for larger vehicles and RV's, trailers, etc. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding the evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-7:**

The commenter questions why the evacuation study did not include the Jones Fire. The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding the other fires.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-8:**

The commenter notes the evacuation study concluded the project would add 362 additional vehicles to the evacuation. The commenter then cites the difficulties evacuating affected residents during the Camp Fire. The commenter continues that the project would result in too much increased time to evacuate (100 minutes) and would add too many cars to narrow and winding roads.

The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding the evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-9:**

The commenter states that 75 percent of buildings destroyed are in the wildland urban interface and quotes the Shasta County Communities Wildfire Protection Plan that future fires (with past and present urbanization) can be expected to be more significant.

The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding the evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-10:**

The commenter questions why Shasta County would allow this project and reiterates the fire hazard severity zone. The commenter notes the required density of rural residential zoning (and notes that 45 of the proposed parcels are less than 2 acres in size). The commenter states this and other safety hazards should be considered by the Planning Commission.

The commenter is referred to **Master Response #2: Traffic Evacuation Study**, which provides additional details regarding the evacuation impacts.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-11:**

The commenter notes that the Wildland Fuel/Vegetation Management Plan would be managed by the Tierra Robles Community Services District and questions what will guarantee its implementation. The commenter is referred to **Master Response #4 Tierra Robles Community Services District and Tierra Robles Homeowners Association**, for additional information on the function and management of the proposed project.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Response 28-12:**

The commenter questions what will happen when the wildfire preventative measures fail. The commenter notes that the project should not be approved and impacts would not be less than significant. The commenter is referred to **Master Response #3: Wildfire Hazards**, which discusses these issues. The comment makes conclusory statements that do not directly question the adequacy of the RDEIR.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

**Letter 29: Nancy Main, February 2, 2021**

**From:** nancy@shasta.com <nancy@shasta.com>  
**Sent:** Tuesday, February 2, 2021 1:40 PM  
**To:** Paul Hellman <phellman@co.shasta.ca.us>  
**Subject:** RDEIR Rezoning Tierra Robles subdivision (TR)

Dear Mr. Hellman and Others This May Concern,

As a resident of the area that will be effected by the Tierra Robles (TR) subdivision I have two major areas of concern.

29-1 First would be the impact on evacuation rates in case of a fire in this Very High Fire Hazard area. The RDEIR claims that there would be a "Less than Significant Impact" concerning any emergency evacuation plan. There have been a number of fires that have forced residents of the area to have to evacuate. The Jones fire in 1999 actually burned through the TR property and surrounding neighborhoods negatively effecting those in need of evacuation. Virtually standstill traffic on Boyle, Old Alturas and Deschutes roads. Two summer's ago a fire all the way on Bear Mountain Road, approximately 10 miles away from TR, resulting in Boyle, Deschutes, HWY 299 and parts of I5 backed up due to so many people needing to get to safety but having limited road access to do so. By allowing the rezoning of this property, the planned TR subdivision will have a significantly negative impact by adding 166 + (any Additional Dwelling Units) homes resulting in an estimate of an additional 362 vehicles trying to exit an area that already has proven to be inadequate in case of a fire.

29-2 Secondly, and this is related to my first concern, is the RDEIR reintroducing Northgate Drive as an emergency access route. As a resident of Northgate I am aware that I have not been contacted by the developer, Shasta Red LLC to ask for permission to make this private road an additional emergency access. The road presently does not meet county, Shasta Fire, EEER requirements of 20' wide, 2 way traffic standards. Will Shasta Red LLC be required to obtain permissions from all the Northgate residents? Who would be responsible for bringing the road up to the appropriate standards? By adding Northgate as access there would then be three access's but should a fire come from the south preventing evacuation from the Boyle and Northgate roads there would only be the access at the Seven Lakes Road intersection.

These concerns have not been appropriately addressed in the RDEIR.

Thank you for your attention in these matters.

Sincerely,

Nancy Main



## Responses to Comment Letter 29 - Nancy Main

### Response 29-1:

The commenter notes that the project is in a Very High Fire Hazard Severity Zone and emergency evacuation impacts would be less than significant. The commenter notes the Jones Fire and that by allowing the proposed rezone the project will have a significant negative impact by adding 166 homes.

The commenter is referred to **Master Response #3: Wildfire Hazards**, which provides additional details regarding this issue.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

### Response 29-2:

The commenter notes the use of Northgate Drive as an emergency access route.

The EIR has been revised to remove the reference to Northgate Drive as a secondary access. The commenter is referred to **Response 2-15**.

No further response is required and no changes to the RDEIR are required based on this comment. The comments have been or will be forwarded to the Planning Commission and Board of Supervisors for their review.

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**Letter 30: David Codromac, January 15, 2021**

**From:** [David Codromac](#)  
**To:** [Paul Hellman](#)  
**Subject:** 166 parcels RDEIR  
**Date:** Friday, January 15, 2021 2:28:34 PM

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30-1 | I have no large concerns regarding this project and would like it to be successful

David Codromac  
11707 Homestead Lane  
Redding, Ca. 96003  
530 941 8292

Note: New owner of parcel 61-45-11 as of 9-20.

## **Attachment 1**

**Letter from S2 – J2 Engineering, Inc., September 24, 2021**

*S<sub>2</sub> ~ J<sub>2</sub>*

ENGINEERING, INC.

CA Lic. #35182

18600 Janach Ct  
Cottonwood, CA 96022

E-Mail: [sdnelson@shasta.com](mailto:sdnelson@shasta.com)

Phone: 530-347-5168

September 24, 2021

Paul Hellman, Director  
Department of Resource Management  
Shasta County  
1855 Placer Street, Suite 103  
Redding, CA 96001

**RE: Tierra Robles Tract #1996 Water Supply**

Dear Mr. Hellman:

My firm has been retained by Shasta Red, LLC (Applicant) for assistance on the Tierra Robles Planned Development (Project). I am a licensed, Professional Engineer, with more than 35 years of experience. The purpose of this letter is to further assure the County and public that the Project's water demands will not have a significant effect on the environment, and that the recirculated environmental impact report (EIR) has fully disclosed and analyzed the Project's water demands and how those demands will be met.

**Project Water Demand and Environmental Review**

The Project's EIR includes a robust analysis of the Project's potential environmental effects regarding water supply. Specifically, the EIR discloses and analyzes the Project's anticipated water demand and whether sufficient water supplies would be available to serve the Project during normal, dry, and multiple dry years.

As to the water demand, the Project includes numerous features that will cause it to be extremely water efficient. Based on the use of advanced water efficiency features and restrictions on outdoor landscaping, the *combined* indoor and outdoor water use for a new Project home is estimated to be approximately 0.45 acre feet per year (AFY).<sup>1</sup> By way of comparison, the average existing urban and rural residential users in the same water district are estimated to use between 60% and 193% more water.<sup>2</sup> The Project is exactly the type of smart, efficient growth that is needed to ensure water is used efficiently and sparingly.

<sup>1</sup> See Recirculated Draft Environmental Impact Report at 5.17-15. Note, the 15 residences with an accessory dwelling unit are estimated to use 0.48 AFY.

<sup>2</sup> See Bella Vista Water District - Urban Water Management Plan Update 2020 at pp. 29 and 34, estimating that the 4,025 residential users use approximately 2,882 AFY (0.72 AFY per user) and the 1,721 rural users use approximately 2,273 AFY (1.32 AFY per user).

As stated in the EIR, the water supply for the Project would be from Bella Vista Water District (BVWD). The Project would require an initial 2 acre feet per year (AFY) of water for construction and then an initial 41 AF of operational water between year 2020 and year 2025.<sup>3</sup> The Project is estimated to have a total annual water demand of approximately 80 AFY within 10 years following project initiation.<sup>4</sup>

The EIR demonstrates that during normal years, BVWD has a water surplus in excess of 7,874 to 9,204 AFY through the year 2040.<sup>5</sup> Further, the Project is considered to be included in BVWD's Urban Water Management Plan (2015) demand projections and surplus water is available to serve the Project's 80 AFY water demand under normal-year conditions.<sup>6</sup>

During dry and multiple dry-year conditions, in part because the Project would not yet be included in BVWD's existing water delivery baseline, the Project would utilize water that would otherwise be available to existing BVWD customers and further exacerbate water shortages.<sup>7</sup> As such, the EIR includes mitigation requiring an alternative water supply be provided during dry-year conditions until such time as the Project's demands have existed for three 100-percent water allocation years and are included in BVWD's baseline water demand.<sup>8</sup>

Specifically, the mitigation measure provides the following:

MM 5.17-4b. Concurrent with the establishment of the Tierra Robles Community Services District or Tierra Robles Homeowners Association, the project applicant shall provide to the Shasta County Department of Resource Management documentation demonstrating that the applicant has secured an Agreement with BVWD to provide BVWD with adequate water supplies on an annual basis during identified shortage conditions in a quantity that represents a minimum of 90 percent of the project's prior year water usage. Shortage conditions shall be defined to exist when BVWD has been notified by the USBR that it will receive less than a 100 percent (full) allocation of its CVP water supplies for the coming delivery season, as that determination has been announced by USBR as of April 15<sup>th</sup> of each year. The augmenting water supplies shall be made available to BVWD through the Agreement until such time as BVWD has completed three years of full CVP water allocation after commencement of operations at the project site. For any shortage condition that occurs after three years of full CVP allocation, the project applicant shall no longer be required to provide BVWD with augmenting water supplies, but the project applicant shall then be fully subjected to the shortage provisions administered by BVWD to all its customers. The project applicant shall demonstrate that any water supply provided to BVWD under the Agreement satisfies all CEQA and NEPA compliance requirements, as well as any other

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<sup>3</sup> See Recirculated Draft Environmental Impact Report at 5.17-16.

<sup>4</sup> Ibid.

<sup>5</sup> See Recirculated Draft Environmental Impact Report at 5.17-17.

<sup>6</sup> Id. at 5.17-17 to 5.17-18.

<sup>7</sup> See Recirculated Draft Environmental Impact Report at 5.17-18.

<sup>8</sup> Ibid.

permitting or regulatory approvals, as may be associated with a water supply identified in the Agreement.<sup>9</sup>

In addition to this mitigation, the EIR also analyzes one potential water supply that could satisfy the mitigation measure.<sup>10</sup> The EIR evaluates Clear Creek Community Services District's (CCCSD) ability to supply 100 AF of supplemental water and the potential environmental effects that could potentially result. As documented in the EIR, CCCSD could supply 100 AF of water through a groundwater substitution transfer without significant environmental effects.<sup>11</sup> This conclusion is based on past pumping activities by CCCSD and the stable groundwater levels in the Anderson Sub-basin.<sup>12</sup>

### **Additional Clarification**

As referenced above, the EIR analyzes one potential supply of supplemental water, but that is not the only option. The proposed mitigation provides both assurances and flexibility. The assurance is that the mitigation must be satisfied before development may occur (i.e., development is curtailed if sufficient water is not available). The flexibility is that, beyond the potential supplemental water supply option analyzed in the EIR, other supplies may be utilized to satisfy the mitigation.

For example, as noted in the EIR, two other water providers could potentially provide supplemental water.<sup>13</sup> As explained in the EIR, the McConnell Foundation has a contract to receive 5,100 AFY of Central Valley Project (CVP) water each year, without any shortage provision curtailment.<sup>14</sup> Additionally, BVWD has a long-term transfer agreement with the Anderson-Cottonwood Irrigation District for 1,536 AFY of CVP water.<sup>15</sup>

Further, to the extent supplemental water supplies would need to come from groundwater, draft sections of the Enterprise Groundwater Sustainability Plan and the Anderson Groundwater Sustainability Plan (the applicable groundwater basins) both demonstrate that groundwater levels are and have been stable for many years, even when groundwater pumping has increased in the past during dry years.<sup>16</sup> Thus, a nominal, temporary increase in pumping to satisfy the Project's potential supplemental water needs in a multiple dry-year scenario would *not* have a significant effect on the environment. This conclusion is also supported by analysis in the EIR.<sup>17</sup>

It is also important to consider that the Project and its anticipated water demand are specifically referenced and included in BVWD's Urban Water Management Plan,

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<sup>9</sup> See Recirculated Draft Environmental Impact Report at 5.17-30.

<sup>10</sup> See Recirculated Draft Environmental Impact Report at 5.17-19 to 5.17-30.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> See Recirculated Draft Environmental Impact Report at 5.17-2.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> See pages 3-12 and Figures 3-14 and 3-15 of Section 3 the draft Enterprise Groundwater Sustainability Plan and Anderson Groundwater Sustainability Plan, attached as Exhibit A and Exhibit B. Also available at <https://www.cityofredding.org/departments/public-works/eagsa>.

<sup>17</sup> See Recirculated Draft Environmental Impact Report at 5.17-23 to 5.17-26.

both in 2015 and in the 2020 Update (attached as Exhibit C).<sup>18</sup> In other words, BVWD already anticipated serving the Project and is planning accordingly.

This consideration is particularly important to understand in the context of BVWD's 2020 Drought Contingency Plan.<sup>19</sup> As noted in Section 5 of that plan, BVWD is planning numerous actions to ensure that its water supply is more efficient (e.g., leak detection), increased (e.g., new groundwater wells), and more available (e.g., water storage projects). As one example, the plan analyzes potential new groundwater wells and determines that, with one additional groundwater well, BVWD could reasonably provide an additional 965 to 1,040 AFY of well water supplies beyond what BVWD's current wells provide.<sup>20</sup> BVWD is planning to construct new groundwater wells "every 10 years starting in 2020," which could increase groundwater by 810 AFY per well.<sup>21</sup> These figures are well in excess of the Project's total anticipated water demand of 80 AFY.

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Consistent with the conclusions in the EIR, there are sufficient water supplies to provide for the Project in normal, dry, and multiple dry years, and the Project will *not* have a significant effect on water supplies. To be sure, proposed mitigation mandates an agreement be entered into with BVWD to ensure there is sufficient water, and the EIR analyzes one potential supplemental water supply that could satisfy the proposed mitigation. But, as discussed previously, there are other supplemental water options that could also satisfy the Project's proposed mitigation. The mitigation provides BVWD with the opportunity to shape the agreement in a way that integrates with BVWD's broader efforts, consistent with BVWD's Urban Water Management Plan (which includes the Project) and the multiple projects described in BVWD's 2020 Drought Contingency Plan to ensure there is sufficient water to meet all anticipated water demands.

Sincerely,



Steve Nelson

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<sup>18</sup> See Exhibit C, Bella Vista Water District – Urban Water Management Plan Update 2020, at Section 3.1.3.2. As the County is aware, the water demands listed in the UWMP are much greater than will actually be needed because BVWD based the assumed water usage on similar rural residential users, despite the fact that the Project's users will be even more efficient than BVWD's residential users in non-rural areas.

<sup>19</sup> BVWD's 2020 Drought Contingency Plan is attached as Exhibit D.

<sup>20</sup> See Exhibit D at pp. 5-16 to 5-18.

<sup>21</sup> See Recirculated Environmental Impact Report at p. 5.17-4. As already noted, the groundwater basin levels are stable and capable of sustaining development of new wells.

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## **Attachment 2**

### **Letter from Tully & Young, September 28, 2021**





## MEMORANDUM

To: Paul Hellman, Director  
Department of Resource Management  
Shasta County

Cc: William Abbott, Abbott& Kindermann, Inc.  
Alex Jewell, Kimley-Horn and Associates, Inc.

Date: September 28, 2021

From: Greg Young, PE

Subject: Review of Tierra Robles Tract #1996 letter from applicant's engineer

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I have reviewed the letter sent to you from the applicant's engineer, Mr. Steve Nelson, dated September 24, 2021. The facts represented in his letter are consistent with the technical memorandum regarding water supply reliability and availability, as well as the representations in the REIR and responses to comments, that were prepared by Tully & Young, Inc.

I have also briefly reviewed the letter's referenced Bella Vista Water District's 2020 Urban Water Management Plan and Drought Plan and agree with Mr. Nelson's representations of these documents. Both of these documents were recently adopted by the water supplier that will serve the proposed Tierra Robles project.

Overall, I agree with the analysis and conclusions in Mr. Nelson's letter and would recommend the County include the letter in the FEIR.