

From: jenny pfeiffer <jenny@pfeifferfoto.com>
Sent: Friday, July 3, 2020 7:51:17 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge Yosemite

Dear Quincy Yaley (and board of subervisors)

My family has owned a cabin on sawmill mountain for the last 50 years and I am NOT for the Terra Vi Lodge and think this a terrible development that would be bad for the area. I would like to respond to the EIR, I do not agree with a lot of the findings and I think there is a lot of magical thinking involved. Even with this, they did find some significate effects that you can not ignore. Please read my coments below:

WATER SUPPLY

Despite well tests done in a wet year that show plenty of water that is supposedly more than sufficient to meet daily water needs of each project, the reality is that groundwater is always a gamble. If wells were tested at the end of multiple years of drought, the well test results would be highly different. What happens when the water drops by 50% which could happen this year, 2020 was a very dry year. It would be interesting to see how the wells perform this oct. Is there a plan if they run out of water? What will they do if they run all the wells dry in the surrounding area? With climate change a reality, this sonario is not out of the question. There is no surface water nearby so this is a big reason this project is so irresponsible.

PUB1-01

The report says “The Tuolumne County Water Quality Plan identifies residential and commercial on - site sewage disposal systems, leaking underground storage tanks, and unobstructed grazing practices as key sources of existing contamination. Chronic sources of soil erosion and enhanced sediment delivery to local waterways are also identified as a concern.”

The report says “The downstream receiving water for the project site is the Tuolumne River” what happens if the waste water contaminates the Tuolumne River. This river brings many tourists, if it was contaminated then the tourists will not come and the business that rely on them would be hurt.

PUB1-02

the report says “Implementation of the proposed project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.”

Need to test at least 2 years in a row, 2019 was very wet so that was not a realistic year to test the well capacity.

PUB1-03

Another water issue is to fight a fire, if they are low on water because of a dry winter (very possible, we just had one this year, 2020) and barely getting enough to run the lodge, what happens if a fire starts and they do not have enough water to fight the fire? This development is not alone, there are other cabin nearby and would put them at risk.

PUB1-04

The report says “Cumulative projects that install on - site water wells could potentially decrease groundwater supplies or interfere substantially with groundwater recharge” Our well at our cabin was

PUB1-05

one of the well tested. “When the off- site residential well 26G(B) was pumping, there was also a response in the Terra Vi on-site source wells” which means they are connected. If they run their well dry there is a good chance ours will run dry as well. Not to mention that since they tested our water it has tasted terrible, they do not know why and they have not fixed it. If it does not improve soon something must be done.

PUB1-05
cont.

Fire

The report says “The project would result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” That mean the county is on the hook for providing more services.

PUB1-06

The report says “This represents an increase in demand on services provided by the GCSD, TCFD, and CAL FIRE, which would increase the deficiencies in service due to the distance from a fire station and existing response times. Calls from the Groveland station to the project site, which is out of the GCSD district, would take an estimated 22 minutes, and could create the potential for delayed response times for emergencies within the GCSD boundary while station personnel are responding to the project site.” I couldn’ t have said it better.

PUB1-07

The report says “Despite the fire resistant and suppression physical features, non-physical features, and training program, the proposed project would still exacerbate existing fire protection service response time deficiencies in the region due to an increase in visitors and employees on the project site. While the proposed project would provide service improvements to the project site, GCSD and TCFD would still require alteration or expansion of staffing, equipment, and facilities, to maintain acceptable response times. Therefore, the proposed project would have a *significant* impact regarding fire protection services.” Can the county afford this?

PUB1-08

The report says “An assessment by the TCFD concluded that the proposed project, in combination with cumulative projects in the area, would create the need to expand existing fire services and hire additional staff to adequately meet the additional service demand. Therefore, the proposed project, in combination with cumulative projects, could result in *significant* cumulative impacts regarding fire protection services.” Can the county afford this?

PUB1-09

The report says “The project would be located in a State Responsibility and could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to, pollutant concentrations from, a wildfire or the uncontrolled spread of a wildfire.” Yes I agree and this should not be ok with the county.

PUB1-10

The report says “The project’ s proposed features (listed in Table 4.17-2) would reduce potential wildfire hazards. However, the planting placement, density, and species on the project’ s landscaping plans are not consistent with these proposed wildfire hazard reduction features. Therefore, the impact would be *significant*.” Need I say more?

PUB1-11

The report says “Accordingly, the proposed project would not contribute to a cumulative increase in wildland fire hazards in the immediate vicinity of the project site or throughout the region and the

PUB1-12

potential for cumulative impacts associated with wildfire hazards would be *less than significant.*” -I disagree!

PUB1-12
cont.

County Services

The project says “The project would result in the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” I ask again, can the county afford this?

PUB1-013

The report says “The proposed project would create a significant impact if it would substantially impair an emergency response plan or emergency evacuation plan.” This is a big problem, if this project along with under canvas and nearby cabins need to evacuate all at the same time then this would not be possible. One main road and one little fire access road is not enough. There could be loss of life.

PUB1-14

The report says “As there are no other helipads in the immediate vicinity of the project, this feature would be beneficial as it would provide improved emergency helicopter access in comparison to existing conditions.” Under Canvas now says they will have a heli pad. Isn’ t one enough? They are very loud. And I am not convinced they will only be used for emergency. These developers have lied to us before so I do not trust them and nor should you.

PUB1-15

Other:

- Impact GHG-1.1: Construction of the proposed project would result in a net increase in GHG [Greenhouse Gas] emissions.
- ▪ Impact GHG-1.2: Operation of the proposed project would result in a net increase in GHG emissions.
- ▪ Impact NOI-3.1: Noise levels associated with use of the proposed emergency helipad could result in substantial temporary increases in ambient daytime and/or nighttime noise levels at nearby existing sensitive uses.

PUB1-16

-these 3 items are all important items that cannot be overlooked that will negatively impact the community.

Thank you for taking the time to read my comments,

Jenny Pfeiffer

COMMENT LETTER # PUB2

From: Joann Pfeiffer <joannmbianchi@gmail.com>
Sent: Tuesday, July 07, 2020 4:02 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Concerned

Dear mr Yaley,
I am a concerned land owner on sawmill mountain
Please help us stop this over built project. The traffic problems it will create are huge. Also the water shortage is a big concern for us. I can't imagine that the sewage for this many people won't also be impacted all of us. I sure do not understand how this could be ok with you or anyone who has a love for one of the most beautiful place in California. Please help us Save this area
Thank you
Joann Pfeiffer
Sent from my iPhone

PUB2-01

COMMENT LETTER # PUB3

From: Joann Pfeiffer <joannmbianchi@gmail.com>
Sent: Tuesday, July 7, 2020 4:09 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Help

Dear ms. Rizzi,

Please help us redirect this project. It's so big and will creat a huge traffic problem We are worried about our water supply We also worry about that much sewage going into our ground that will harm our water supply We have lots of wild life in this area that will also be disrupted This project is too big and has not tried to even fit into the environment instead it looks more like an office building Please help Thank you J. Pfeiffer Sent from my iPhone

PUB3-01

COMMENT LETTER # PUB4

From: Kathy Seaton <kcseaton5@gmail.com>
Sent: Tuesday, July 07, 2020 3:01 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Opposition to Terra Vi & Under Canvas projects

Dear Quincy,

As a former Groveled area resident I am keenly aware of how this project could impact our former community.

Without a public sewer system, how can the waste be kept from polluting the Tuolumne River and other wells in the area?

I understand that the water quantity tests were done during a wet year. We all know what can happen to the water supplies/wells during a drought and we are due for another in the short run. (We had to drill a new well, to replace our dried-up one, shortly before we sold our ranch there in 2016.)

And that doesn't even begin to address the fire risk. Because of the extreme fire danger in the Sierra summers, I thought we were trying to keep development OUT of the trees. This just puts EVERYONE in greater danger. We don't want to see another Paradise!

Speaking of paradise, this one will be ruined with all the extra traffic and noise. It's the peace and quiet and folks live in the mountains to enjoy. These developments will create havoc for people who struggle to survive in the area.

Please stop these projects!!!

Kathy Seaton

17967 Old Wards Ferry Rd.
Sonora, CA 95370

209-813-3904

PUB4-01

PUB4-02

PUB4-03

PUB4-04

COMMENT LETTER # PUB5

From: Cindy Charles <cindy@ccharles.net>

Sent: Friday, July 10, 2020 11:36 AM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>

Subject: Request for Additional Time for public comment on Under Canvas DEIR & Terra Vi DEIR

Dear Quincy & John,

As a resident of Tuolumne County who is currently reviewing the DEIRs for Under Canvas and Terra Vi, I am writing to request a 30 day extension in the deadline for public comments for both projects.

The two DEIR documents are unusually large for Draft Environmental Impact Reports and contain a lot of important technical information to be analyzed. In addition, the adjacent projects are interconnected via their potential cumulative impacts which makes submitting comments given the thousands of pages within the DEIRS even more arduous. The usual 45 day period for thoroughly and thoughtfully writing comments on these two very large projects next to each other is simply inadequate.

I am sure the County is seeking comprehensive and well-thought comments in order to guide these developments, especially since the developers have invested a great deal of effort and resources in producing such extra-large documents for public review. It would extremely beneficial to all if the public were granted an additional 30 days to provide feedback .

Also, as John knows, I have not had functioning telephone service or internet service at my home in Groveland for some months suddenly in 2020, and therefore have had an added burden of getting in my car to travel away from my home to work on reading the DEIRs, accessing additional information on the internet and communicating with others about these DEIRs. This situation has contributed to my struggle with composing my comments by the 45 day deadline.

Thank you in advance for a timely response to this request.

Best,
Cindy Charles

19745 Cherokee Trail Road, Groveland, CA

Board Member, Tuolumne River Trust
Board Member, California Sportfishing Protection Alliance

PUB5-01

COMMENT LETTER # PUB6

From: Dan Courtney <dancourtney.dc@gmail.com>
Sent: Friday, July 10, 2020 4:19 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Cc: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Subject: Re: FW: water quality testing Sawmill Mtn Road

I don't know if my previous message went through. So yesterday after picking up the thumb drive (thank you) I drove to my buddy's house a few hundred miles away in Paradise CA. This morning I cleared a desk and a few hours to work on this, including pulling the hydrogeology info to send to my hydrogeologist, Ken Schmidt, and then opened the thumb drive.

I found nothing but an Initial Study for "Oxbow".

If they are coming by for a thumbdrive they might get Terra Vi and YUC.

At this point I do not see any way myself and the other neighbors can adequately review and comment on all these thousands of pages of materials,

I would like to request a 15 day extension on the YUC comment period and a 30 day extension on Terra Vi.

With COVID 19 already disrupting life and business there is just no way we can provide intelligent feedback and each of these projects will have substantial impacts on our properties, so these relatively short extensions will give us a fair chance to review and comment.

Please consider this request and let me know if it's acceptable or if you need a more formal request.

PUB6-01

Thank you and have a great weekend,
Dan

COMMENT LETTER # PUB7

From: matthew chapman <matthewchapman8@gmail.com>

Sent: Saturday, July 11, 2020 8:17 PM

To: John Gray <JGray@co.tuolumne.ca.us>

Cc: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject:

In concert with the concerns of John Buckley, I matthew Chapman would also request 30 day extensions regarding DEIR responses and comments. The nature of the projects involved and the simultaneous release of both DEIR that are very complex and lengthy in scope coupled with covid 19 restricting conditions affecting personal contacts with various involved parties to which correspondence has become constrained to phone tag limitations , with contact unreliable and strained. It is in the interests of full and fair process tbis reauest is seconde. Matthew Chapman.

PUB7-01

COMMENT LETTER # PUB8

From: tim@yosemiteflyfishing.net <tim@yosemiteflyfishing.net>

Sent: Saturday, July 11, 2020 8:20 AM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Request for extension of comment period for UC and TV proposed developments

To Quincy Yaley

Subject:

Comment period for UC and TV proposed developments.

I am requesting that the County Planning Dept. extend the comment period deadline for the DEIR for the proposed Under Canvas development by 30 days.

I am requesting an extension of the comment period for the DEIR for the proposed Terra VI development by 120 days.

It is an unreasonable expectation that any interested party would be able to truly read and then be able to comment on a document of 1,263 pages in the current allotted brief period.

The TV document is even more extensive with 1,866 pages and so will require even more time for interested parties to be able to read and fact check and then comment on the document.

That both of these documents were released with such a brief comment period and during the current crisis, even if they were a reasonable length, is more than enough justification for a more lengthy comment period.

The County also needs to take adequate time to analyze these massive documents and I don't see how the CO Planning Dept. could possibly do their legally required due diligence without more time.

Given the length, complexity, and scope of the documents denying an extension of the comment periods could be perceived as a coordinated effort to overwhelm the commenters and the County planners by the developers.

So in order to avoid any appearance of any such coordinated effort, even if unintentional, I am making a request for the lengthen comment periods for the period requested above..

Thank You and I look forward to your reply.

Tim Hutchins

PO# 161
Groveland CA
95321

PUB8-01

COMMENT LETTER # PUB9

From: nancy constantino <nancy.constantino@yahoo.com>

Sent: Sunday, July 12, 2020 9:14 AM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Cc: John Gray <JGray@co.tuolumne.ca.us>

Subject: DEIR Comment Period Extension Request

I have received the documents and have been reviewing the DEIR's for both Yosemite Under Canvas and Terra Vi. While I have been working diligently to review all of the information, it is apparent that there is not enough time to thoroughly evaluate and thoughtfully comment on both projects simultaneously.

I formally request a 30 day extension for each of the comment period deadlines.

PUB9-01

COMMENT LETTER # PUB10

From: Sam Flanery <samflanery@sbcglobal.net>

Sent: Monday, July 13, 2020 1:32 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>

Subject: Re: Hardin Flat Project

On Saturday, December 22, 2018, 7:48:49 AM PST, Sam Flanery <samflanery@sbcglobal.net> wrote:

Quincy & John,

We would like to voice our concerns over the Hardin Flat Project. We own the property at 11230 Sawmill Mountain Road in Groveland. We have owned and been paying taxes on this property for over 30 years.

We remember when the said property was rezoned, and at the time we were told it would be for a small RV park not a large resort. The two projects could not be more different; the proposed project has a hotel, restaurant, helicopter pad and grocery store. This in not what we were told would be happening to this land and this proposed project is unacceptable.

We have many concerns about this project and would like to outline just a few for you:

1. Sewage / Leach field: The proposed hotel is on a high side of a hill so the leach field will be bleeding into us. Rush Creek has had issues with this. What will stop this from happening here?
2. EIR: This should be required. The MND is old and not valid a lot has changed since this report was issued.
3. Road Entrance / Traffic: Easement Access
4. Security and Our Privacy: We are very concerned about people wondering back onto our property.
5. Fire: Increase chances with more people.
6. Water Supply: You will drain our water supply as it is non-sustainable.

As we mentioned we have owned this property for over 30 years. Besides us our children, grandchildren and many friends enjoy coming to our cabin, we enjoy being outdoors and spending quality family time together. It was rough for us to recover after the Rim Fire, we lost the majority of our trees from the fire and an out building. This project will destroy the peace and serenity we have at our cabin.

Sam and Helen Flanery

PUB10-01

COMMENT LETTER # PUB11

From: Layne Hackett <layne.hackett@gmail.com>
Sent: Monday, July 13, 2020 4:27 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi project

Dear Mr. Yaley:

I am writing to express my concerns regarding the impact of the Terra Vi project on our already fragile environment:

Yosemite, and its surrounds, continue to be stressed by the influx of people visiting the park each year. Pollution is already a problem, and foot traffic between the two proposed lodging facilities create a significant safety issue.

Lodging for four hundred plus visitors means that much less water for residents and businesses. Water is a finite commodity. We have no way, as of yet, to access more than Mother Nature provides us. And people from outside an area often disregard efforts too conserve. (Lack of understanding or lack of caring)

Then, of course, is the matter of waste! If you've ever changed a diaper, I'm sure you can imagine the magnitude of that concern when the septic system fails! There is potential for significant leakage into ground water and even into the Tuolumne.

This magnificent area of our state and country is entrusted you and your group. I hope you seriously consider the long-term impact of any decision you make.

Thank you,
Layne Hackett

PUB11-01

PUB11-02

PUB11-03

COMMENT LETTER # PUB12

From: Sam Flanery <samflanery@sbcglobal.net>

Sent: Tuesday, July 14, 2020 4:20 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>

Subject: RE: Under Canvas & Terra Vi Projects

We own the property at 11230 Saw Mill Mountain Road, Groveland CA, we have owned this property for over 30 years.

We would like to voice our concerns over The Under Canvas and The Terra Vi Projects. First off, we would like you to extend the deadline for letters regarding these projects for another 30 days. There is an enormous amount of information to sift through.

Just in case the deadline is not extended we are going to go ahead and voice some of our concerns.

1. Water Supply: The water supply test that was half heartedly conducted was done so in a short period of time during a fluke rainier than normal season. These tests are normally conducted over years during different seasons to get an accurate reflection. It is known, throughout California, that our state has been in a drought for years. All the properties in this area are on a well system, and during dry seasons the Terra Vi project could pull enough water from the ground to dry up the water supply to numerous properties in the area.

2. Sewage / Leach Field: Both of these projects are going to rely on an engineered septic system which will have an astonishing amount of waste to treat. the Terra Vi project is on the high side of the hill so the leach field will bleed into us. The resort up the road, Rush Creek, has had numerous issues with this. This waste could easily end up contamination our well, again our only water source.

3. Road Entrance: Exiting out of Saw Mill Mountain Road onto 120 can already be difficult sometimes without the hundreds of cars and pedestrians these projects will add. This will be an added traffic hazard, and in the case of a vehicle accident it will pull emergency resources from surrounding areas.

4. Fire: It was rough for us to recover after the Rim Fire. We lost about 80% of our trees and an outbuilding. We are just now starting to see some growth again of bushes and trees or as a fire would view it fuel. At the Under Canvas project they are proposing wood stoves, campfires and BBQ's. The Rim Fire was caused by one campfire and Under Canvas will have over one hundred ignition sources. Not to mention the additional careless people who are not use to being in the woods and would not realize how dangerous throwing a cigarette in the grass in this area could be. Since, the Rim Fire the wind just whips through there like never before and would move a fire quickly. Besides the loss of trees and buildings you will be putting numerous lives in danger. Lives of the residents of Saw Mill Mountain, the guest of both properties and the fire fighters and other emergence personal, this is just reckless and unnecessary on your part.

5. Security / Our Privacy: The Terra Via Property will be within a mile of our property. We are concerned with people wandering onto our property and either damaging it our stealing things. Private property signs do not keep people out. We are also concerned about noise pollution as they will be having wedding and parties with an amplified sound system.

The Under Canvas and the Terra Vi projects could both be moved closer to Groveland and if they were not across the street from each other this would alleviate a lot of the concerns. There maybe better opportunities for septic, they would be closer to town for emergency services and farther away from homes so they could not drain others water supplies. Hopefully, a new location would also have a safer road entrance and exit.

The EIR was conducted too quickly to give an accurate assessment of all of the issues stated above.

Sam & Helen Flanery

PUB12-01

PUB12-02

PUB12-03

PUB12-04

PUB12-05

PUB12-06

PUB12-07

PUB12-08

COMMENT LETTER # PUB13

From: Matt Moore <mattmoore1906@gmail.com>

Sent: Tuesday, July 14, 2020 4:24 PM

To: John Gray <JGray@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Under Canvas and Hanjsi EIRs

Dear Mr. Gray and Ms. Yaley,

I am writing to ask that you extend the periods of public review for both the Yosemite Under Canvas and the Hanjsi projects by at least 30 days. For the applicants to be given so much time to prepare their reports and for the public to have so little time to review their massive reports is not appropriate. Furthermore, the public has been calling for the cumulative effects of these projects to be considered together. So to have the periods for review overlap is not realistic. Finally, to have to review these lengthy reports during the current pandemic—when so many people are managing so many other, frankly, more important, challenges—is unconscionable.

Surely, the county's intention is to allow the public to fully review and comment.

I ask respectfully for your serious consideration of this request.

Best regards

Matthew R. Moore

Owner, 30835 Hardin Flat Road, Groveland

PUB13-01

COMMENT LETTER # PUB14

From: Geoff Dowd <geoff.dowd@gmail.com>
Sent: Wednesday, July 15, 2020 1:27 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Please cancel the Terra Vi project

Dear Quincy,

I wrote you months ago, and I'm sad to see that this project is still moving forward.

I have several concerns about this project's impact on all that makes the region special. Namely, the wilderness alive and well as... healthy wilderness. Not scorched Earth.

My greatest fear is not the increased traffic, water availability, nor the lack of housing regionally for staff... but simply WILDFIRE RISK. All of the above leads to greater risk of a wildfire. The region has seen several in the past and needs no more.

Personally, having just travelled through Mammoth Lakes, Lake Tahoe, and regions in between, it is clear to me that there is increased interest in the great outdoors, the Sierra Nevada and anything to escape what is increasingly difficult times in suburban and city regions, exacerbated by the global pandemic.

Simply put: the regions – especially this one where Terra Vi is planned to be built – is becoming overly congested without the proper infrastructure to provide safe enjoyment of the land. No doubt, this will lead to avoidable DEATH AND DESTRUCTION. You know this to be true.

If the developers truly cared about the wellbeing of its future customers, hotel guests, and the long-time residents of the region – *and* the Great Outdoors, they would not push forward with such a dangerous development. **It is pure greed.**

Thank you for including my comments in the record.

Do the right thing, shut this down.

- Geoff Dowd
Design Executive

PUB14-01

COMMENT LETTER # PUB15

From: Ellie Owen <eowen3648@gmail.com>
Sent: Wednesday, July 15, 2020 8:10 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Letter to the Planning Department Concerning Terra

Letter to the Planning Department Concerning Terra Vi.

1. Fire- how can this project be approved after the findings of the Tuolumne County Grand Jury Report on fire safety? Most of Tuolumne County's fire engines and equipment are very old and will soon be obsolete. The county does not have the funds to buy new equipment. The Grand Jury identified a lack of evacuation preparedness in our county. A massive evacuation would be a disaster with the amount of traffic that already exists on Hwy 120, the gateway corridor to Yosemite National Park. To think of adding another 400 vehicles from Terra Vi and 247 from Under Canvas not counting employee vehicles could easily become an inferno waiting to happen with the next wildfire. With the addition of that many more people, the likelihood of fires goes up exponentially. Because Terra Vi and Under Canvas are right across the road from each other and owned by the same developers, why is a traffic study not required? Why shouldn't it be combined as one study?

PUB15-01

2. Water- to calculate water availability in a non drought year seems foolish. With our history of drought, shouldn't that be an important part of the calculation? How many wells are on the property? How deep are the wells? How many gallons per minute does each one yield? How will they effect the wells of property owners adjoining the project? When PG&E shuts off power because of fire danger, how will the water be accessed? Gravity does not produce water pressure needed for fire protection.

PUB15-02

3. Insurance- so many of the residents of Tuolumne County have had their fire insurance policies canceled. Does Terra Vi have fire insurance? Have you seen their policy?

PUB15-03

When the county is in the red and laying off staff, how will it justify sending an inspector to the Terra Vi site which is hours away for months on end?

PUB15-04

Lastly, the hwy 120 corridor is the gateway to the Park and should be protected so as not to end up like the southern entrance.

PUB15-05

Ellie Owen
12098 Wards Ferry Rd.
Groveland, Ca. 95321

From: jenny pfeiffer <jenny@pfeifferfoto.com>
Sent: Wednesday, July 15, 2020 2:14 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: FW: Terra Vi Lodge Yosemite

Hi Quincy,

I just wanted to make sure you got my first comment (below, sent on July 3rd) and here are some more comments from me as well:

First I want to address the aesthetics of Verra Vi, the design is terrible and does not fit with the surroundings at all!!!! It looks like an office building not a wilderness lodge. Rush Creek’s design is soooooo much better than this design. It’s embarrassing that it might get approved. If this gets built and then goes under will they just leave it to be an eye sore? I hope you all are considering what happens if they go out of business or run out of money before they are done building, with the current pandemic and the coming economic recession/depression this is very likely.

PUB16-01

1. The DEIR’s Analysis of and Mitigation for Wildfire Risk, and Emergency Evacuation and Response Impacts Is Inadequate.

The DEIR understates the Project’s potential wildfire risks and fails to provide any analysis in support of its conclusion that these risks are less than significant. The proposed Project lies within a Very High Fire Hazard Severity Zone, and the Project site itself has burned multiple times, most recently in the 2013 Rim Fire. The DEIR’s wildfire risk analysis is inadequate for the following reasons:

PUB16-02

- The DEIR largely relies on the implementation of Project features (such as separation between buildings, fire-resistant building materials, a vegetation management plan, employee training and a helipad) to suggest that the Project’s wildfire-related impacts would not be significant level. The DEIR provides no evidence that these features would be sufficient to protect people and structures from the threat of a wildland fire.

- The DEIR fails to analyze wildfire risks resulting from inadequate fire protection services. For calls to the Project site, the closest fire station in Groveland would have at best a 22-minute response time with no traffic, three times the 7-minute standard for response times. The DEIR admits that firefighters would be unable to reach the Project site within established response times, but never considers how the inability of emergency responders to access the site in a timely manner would affect wildfire risk.

PUB16-03

- The DEIR does not analyze the Project’s impacts on emergency access. It simply notes the existence of driveways providing access to Sawmill Mountain Road and to SR-120, but does not consider the capacity of SR 120 and traffic conditions on this roadway during an emergency event such as a wildfire.

PUB16-04

- The DEIR fails to evaluate any evacuation scenarios. It assumes evacuation via SR-120 will be feasible, but does not consider whether SR-120 could accommodate the Project’s traffic together with the traffic from other evacuees during a wildfire event, or whether SR-120 might be blocked during a wildfire.

PUB16-05

- The DEIR fails to analyze the cumulative impacts of the Project on emergency access and emergency response, when combined with the impacts of the proposed Yosemite Under Canvas development, the Thousand Trails/Yosemite Lakes RV Expansion, the Berkeley

PUB16-06

Tuolumne Camp Restoration project, and the Mountain Sage Conditional Use Permit project. Together these projects would likely create traffic congestion on SR-120 during a wildfire evacuation.

PUB16-06
cont.

- The Project would conflict with goals and policies in the Tuolumne County General Plan, as it would increase exposure to wildfire risk, impede emergency access, and strain fire protection services. The DEIR does not identify these inconsistencies as significant impacts of the Project.

PUB16-07

2. The DEIR's Analysis of and Mitigation for the Project's Water Quality Impacts is Inadequate.

- The DEIR provides no analysis in support of its conclusion that the Project's wastewater treatment system and leach field would not harm water quality. Instead, it wrongly claims that any water quality impacts from the wastewater treatment system would be less than significant simply because the Project's wastewater treatment would comply with applicable regulations.

PUB16-08

- The DEIR provides no evidence that proposed water testing and treatment measures would be effective in mitigating contamination found in the Project's drinking water supply. Water wells at the site were found to contain arsenic, iron, turbidity, and color levels that exceed drinking water maximum contaminant standards. The DEIR calls for further water testing and asserts that if contaminant levels remain high, the Project would install a water treatment unit, which it claims would reduce impacts to a less than significant level. However, it lacks details about the proposed follow-up testing and treatment measures, and omits performance standards for these measures.

PUB16-09

- The DEIR lacks analysis in support of its conclusion that a proposed drainage plan for runoff management and detention or retention facilities would sufficiently mitigate stormwater impacts. The DEIR finds that the Project would increase impervious surfaces and stormwater volumes which could require the expansion of existing stormwater facilities or the construction of new facilities, a significant impact. The DEIR fails to provide adequate mitigation measures for these impacts.

PUB16-10

- The DEIR fails to analyze cumulative impacts on water quality. It concludes that the Project, in combination with the Yosemite Under Canvas project, Thousand Trails/ Yosemite Lakes RV Expansion, Berkeley Tuolumne Camp Restoration project, and Mountain Sage Conditional Use Permit project, would result in less-than-significant cumulative impacts on hydrology, water quality, and groundwater. However, it contains no analysis in support of this conclusion, instead relying on Project features and regulatory compliance to claim impacts would not be significant.

PUB16-11

3. The DEIR's Analysis of and Mitigation for the Project's Noise Impacts is Inadequate.

- Multiple residences located close to the Project site would be impacted by Project noise, but the DEIR largely addresses impacts to only one residence. The DEIR fails to specify the number of homes in the area, their specific location or their distance from the Project.

PUB16-12

- The Project will generate noise from sources including vehicle traffic, truck circulation, a loading dock, and an outdoor generator. The DEIR fails to provide adequate mitigation for these impacts. The DEIR also concludes that construction-related noise would be less

PUB16-13

than significant suggesting that these impacts would be “short-term.” A construction project that lasts two years cannot be considered short-term.

PUB16-13
cont.

- The DEIR fails to adequately analyze and mitigate impacts relating to helicopter noise. The DEIR admits that helicopter takeoff and landing from the Project helipad would produce substantial increases in daytime and nighttime noise. The DEIR does not adequately analyze how helicopter-related noise would impact residents in the area or identify adequate mitigation for these impacts.

PUB16-14

4. The DEIR’s Transportation Analysis Fails To Adequately Analyze Or Mitigate Impacts Relating to Roadway Hazards.

- The Project would require construction of a new eastbound receiving lane on SR-120 to handle increased traffic from the Project, but this lane would be too short for traffic to merge safely. The DEIR fails to identify this deficiency as a significant roadway hazard.

PUB16-15

- The Project would cause a sight distance “deficiency” at the intersection of SR-120/Sawmill Mountain Road that would need to be mitigated by regrading and tree cutting. The DEIR does not provide any evidence to suggest that Caltrans would approve this roadway project.

PUB16-16

- The DEIR fails to analyze roadway safety hazards that would occur during Project construction. It does not evaluate the potential for accidents caused by slow-moving construction trucks and equipment entering and exiting SR-120 during the 2-year construction period.

PUB16-17

- The DEIR fails to adequately analyze safety risks to bicyclists. It wrongly concludes that bicycle safety impacts are insignificant because cyclists would supposedly only travel a short segment of SR-120 between Sawmill Mountain Road and Hardin Flat Road. It ignores other bicycle traffic along SR-120, including traffic between the Project and other more distant points such as Yosemite National Park, and the Project’s safety impacts on these cyclists.

PUB16-18

- The DEIR ignores cumulative roadway safety impacts. It does not analyze how traffic from the Project, together with traffic from the Yosemite Under Canvas development, the Thousand Trails/Yosemite Lakes RV Expansion, the Berkeley Tuolumne Camp Restoration project, and the Mountain Sage Conditional Use Permit project, would cumulatively affect the roadway safety.

PUB16-19

- **The DEIR does not mention pedestrians walking across the hwy to go to the store from Under Canvas. How is that safe? You know this will happen and there will be accidents.**

PUB16-20

Thank you,

Jenny Elia Pfeiffer

From: jenny pfeiffer <jenny@pfeifferfoto.com>

Date: Friday, July 3, 2020 at 7:51 PM

To: <qyaley@co.tuolumne.ca.us>

Subject: Terra Vi Lodge Yosemite

Dear Quincy Yaley (and board of subervisors)

My family has owned a cabin on sawmill mountain for the last 50 years and I am NOT for the Terra Vi Lodge and think this a terrible development that would be bad for the area. I would like to respond to the EIR, I do not agree with a lot of the findings and I think there is a lot of magical thinking involved. Even with this, they did find some significate effects that you can not ignore. Please read my coments below:

WATER SUPPLY

Despite well tests done in a wet year that show plenty of water that is supposedly more than sufficient to meet daily water needs of each project, the reality is that groundwater is always a gamble. If wells were tested at the end of multiple years of drought, the well test results would be highly different. What happens when the water drops by 50% which could happen this year, 2020 was a very dry year. It would be interesting to see how the wells perform this oct. Is there a plan if they run out of water? What will they do if they run all the wells dry in the surrounding area? With climate change a reality, this sonario is not out of the question. There is no surface water nearby so this is a big reason this project is so irresponsible.

The report says "The Tuolumne County Water Quality Plan identifies residential and commercial on-site sewage disposal systems, leaking underground storage tanks, and unobstructed grazing practices as key sources of existing contamination. Chronic sources of soil erosion and enhanced sediment delivery to local waterways are also identified as a concern.⁹"

The report says "The downstream receiving water for the project site is the Tuolumne River" what happens if the waste water contaminates the Tuolumne River. This river brings many tourists, if it was contaminated then the tourists will not come and the business that rely on them would be hurt.

the report says "Implementation of the proposed project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality."

Need to test at least 2 years in a row, 2019 was very wet so that was not a realistic year to test the well capacity.

Another water issue is to fight a fire, if they are low on water because of a dry winter (very possible, we just had one this year, 2020) and barely getting enough to run the lodge, what happens if a fire starts and they do not have enough water to fight the fire? This development is not alone, there are other cabin nearby and would put them at risk.

The report says "Cumulative projects that install on-site water wells could potentially decrease groundwater supplies or interfere substantially with groundwater recharge" Our well at our cabin was one of the well tested. "When the off- site residential well 26G(B) was pumping, there was also a response in the Terra Vi on-site source wells" which means they are connected. If they run their well dry

PUB16-21

there is a good chance ours will run dry as well. Not to mention that since they tested our water it has tasted terrible, they do not know why and they have not fixed it. If it does not improve soon something must be done.

Fire

The report says “The project would result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” That mean the county is on the hook for providing more services.

The report says “This represents an increase in demand on services provided by the GCSD, TCFD, and CAL FIRE, which would increase the deficiencies in service due to the distance from a fire station and existing response times. Calls from the Groveland station to the project site, which is out of the GCSD district, would take an estimated 22 minutes, and could create the potential for delayed response times for emergencies within the GCSD boundary while station personnel are responding to the project site.” I couldn’t have said it better.

The report says “Despite the fire resistant and suppression physical features, non-physical features, and training program, the proposed project would still exacerbate existing fire protection service response time deficiencies in the region due to an increase in visitors and employees on the project site. While the proposed project would provide service improvements to the project site, GCSD and TCFD would still require alteration or expansion of staffing, equipment, and facilities, to maintain acceptable response times. Therefore, the proposed project would have a *significant* impact regarding fire protection services.” Can the county afford this?

The report says “An assessment by the TCFD concluded that the proposed project, in combination with cumulative projects in the area, would create the need to expand existing fire services and hire additional staff to adequately meet the additional service demand. Therefore, the proposed project, in combination with cumulative projects, could result in *significant* cumulative impacts regarding fire protection services.” Can the county afford this?

The report says “The project would be located in a State Responsibility and could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to, pollutant concentrations from, a wildfire or the uncontrolled spread of a wildfire.” Yes I agree and this should not be ok with the county.

The report says “The project’s proposed features (listed in Table 4.17-2) would reduce potential wildfire hazards. However, the planting placement, density, and species on the project’s landscaping plans are not consistent with these proposed wildfire hazard reduction features. Therefore, the impact would be *significant*.” Need I say more?

The report says “Accordingly, the proposed project would not contribute to a cumulative increase in wildland fire hazards in the immediate vicinity of the project site or throughout the region and the potential for cumulative impacts associated with wildfire hazards would be *less than significant*.” -I disagree!

PUB16-21
cont.

County Services

The project says “The project would result in the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” I ask again, can the county afford this?

The report says “The proposed project would create a significant impact if it would substantially impair an emergency response plan or emergency evacuation plan.” This is a big problem, if this project along with under canvas and nearby cabins need to evacuate all at the same time then this would not be possible. One main road and one little fire access road is not enough. There could be loss of life.

The report says “As there are no other helipads in the immediate vicinity of the project, this feature would be beneficial as it would provide improved emergency helicopter access in comparison to existing conditions.” Under Canvas now says they will have a heli pad. Isn't one enough? They are very loud. And I am not convinced they will only be used for emergency. These developers have lied to us before so I do not trust them and nor should you.

Other:

- Impact GHG-1.1: Construction of the proposed project would result in a net increase in GHG [Greenhouse Gas] emissions.
- ▪ Impact GHG-1.2: Operation of the proposed project would result in a net increase in GHG emissions.
- ▪ Impact NOI-3.1: Noise levels associated with use of the proposed emergency helipad could result in substantial temporary increases in ambient daytime and/or nighttime noise levels at nearby existing sensitive uses.

-these 3 items are all important items that cannot be overlooked that will negatively impact the community.

Thank you for taking the time to read my comments,

Jenny Pfeiffer

Jenny Elia Pfeiffer

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

PUB16-21
cont.

COMMENT LETTER # PUB17

From: jenny pfeiffer <jenny@pfeifferfoto.com>

Sent: Wednesday, July 15, 2020 12:51 PM

To: John Gray <JGray@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: terra vi and under canvas

Hello John and Quincy,

I am formally requesting the deadline for comments be extended for terra vi and for under canvas. The time given is not nearly enough time to be able to respond properly. We need another 30 days.

PUB17-01

Thank you,
Jenny

Jenny Elia Pfeiffer

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

From: jillsathrill@yahoo.com <jillsathrill@yahoo.com>
Sent: Thursday, July 16, 2020 9:42 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Please DO NOT APPROVE the Terra Vi Lodge Yosemite

Dear Quincy Yaley (and board of supervisors),

Please consider the cons of this project. I do not support approving more development in Yosemite and putting those who enjoy the beauty and live there at risk. Thank you so much for your consideration,
Jill Oringer
408-806-4955

1. The DEIR’s Analysis of and Mitigation for Wildfire Risk, and Emergency Evacuation and Response Impacts Is Inadequate.

The DEIR understates the Project’s potential wildfire risks and fails to provide any analysis in support of its conclusion that these risks are less than significant. The proposed Project lies within a Very High Fire Hazard Severity Zone, and the Project site itself has burned multiple times, most recently in the 2013 Rim Fire. The DEIR’s wildfire risk analysis is inadequate for the following reasons:

- The DEIR largely relies on the implementation of Project features (such as separation between buildings, fire-resistant building materials, a vegetation management plan, employee training and a helipad) to suggest that the Project’s wildfire-related impacts would not be significant level. The DEIR provides no evidence that these features would be sufficient to protect people and structures from the threat of a wildland fire.
- The DEIR fails to analyze wildfire risks resulting from inadequate fire protection services. For calls to the Project site, the closest fire station in Groveland would have at best a 22-minute response time with no traffic, three times the 7-minute standard for response times. The DEIR admits that firefighters would be unable to reach the Project site within established response times, but never considers how the inability of emergency responders to access the site in a timely manner would affect wildfire risk.
- The DEIR does not analyze the Project’s impacts on emergency access. It simply notes the existence of driveways providing access to Sawmill Mountain Road and to SR-120, but does not consider the capacity of SR 120 and traffic conditions on this roadway during an emergency event such as a wildfire.
- The DEIR fails to evaluate any evacuation scenarios. It assumes evacuation via SR-120 will be feasible, but does not consider whether SR-120 could accommodate the Project’s traffic together with the traffic from

PUB18-01

PUB18-02

PUB18-03

PUB18-04

other evacuees during a wildfire event, or whether SR-120 might be blocked during a wildfire.

PUB18-04
cont.

- The DEIR fails to analyze the cumulative impacts of the Project on emergency access and emergency response, when combined with the impacts of the proposed Yosemite Under Canvas development, the Thousand Trails/Yosemite Lakes RV Expansion, the Berkeley Tuolumne Camp Restoration project, and the Mountain Sage Conditional Use Permit project. Together these projects would likely create traffic congestion on SR-120 during a wildfire evacuation.

PUB18-05

- The Project would conflict with goals and policies in the Tuolumne County General Plan, as it would increase exposure to wildfire risk, impede emergency access, and strain fire protection services. The DEIR does not identify these inconsistencies as significant impacts of the Project.

PUB18-06

2. The DEIR's Analysis of and Mitigation for the Project's Water Quality Impacts is Inadequate.

- The DEIR provides no analysis in support of its conclusion that the Project's wastewater treatment system and leach field would not harm water quality. Instead, it wrongly claims that any water quality impacts from the wastewater treatment system would be less than significant simply because the Project's wastewater treatment would comply with applicable regulations.

PUB18-07

- The DEIR provides no evidence that proposed water testing and treatment measures would be effective in mitigating contamination found in the Project's drinking water supply. Water wells at the site were found to contain arsenic, iron, turbidity, and color levels that exceed drinking water maximum contaminant standards. The DEIR calls for further water testing and asserts that if contaminant levels remain high, the Project would install a water treatment unit, which it claims would reduce impacts to a less than significant level. However, it lacks details about the proposed follow-up testing and treatment measures, and omits performance standards for these measures.

PUB18-08

- The DEIR lacks analysis in support of its conclusion that a proposed drainage plan for runoff management and detention or retention facilities would sufficiently mitigate stormwater impacts. The DEIR finds that the Project would increase impervious surfaces and stormwater volumes which could require the expansion of existing stormwater facilities or the construction of new facilities, a significant impact. The DEIR fails to provide adequate mitigation measures for these impacts.

PUB18-09

- The DEIR fails to analyze cumulative impacts on water quality. It concludes that the Project, in combination with the Yosemite Under Canvas project, Thousand Trails/ Yosemite Lakes RV Expansion, Berkeley Tuolumne Camp Restoration project, and Mountain Sage Conditional Use Permit project, would result in less-than-significant cumulative impacts on hydrology, water quality, and groundwater. However, it contains no analysis in support of this conclusion, instead relying on Project features and regulatory compliance to claim impacts would not be significant.

PUB18-10

3. The DEIR’s Analysis of and Mitigation for the Project’s Noise Impacts is Inadequate.

- Multiple residences located close to the Project site would be impacted by Project noise, but the DEIR largely addresses impacts to only one residence. The DEIR fails to specify the number of homes in the area, their specific location or their distance from the Project.

PUB18-11

- The Project will generate noise from sources including vehicle traffic, truck circulation, a loading dock, and an outdoor generator. The DEIR fails to provide adequate mitigation for these impacts. The DEIR also concludes that construction-related noise would be less than significant suggesting that these impacts would be “short-term.” A construction project that lasts two years cannot be considered short-term.

PUB18-12

- The DEIR fails to adequately analyze and mitigate impacts relating to helicopter noise. The DEIR admits that helicopter takeoff and landing from the Project helipad would produce substantial increases in daytime and nighttime noise. The DEIR does not adequately analyze how helicopter-related noise would impact residents in the area or identify adequate mitigation for these impacts.

PUB18-13

4. The DEIR’s Transportation Analysis Fails To Adequately Analyze Or Mitigate Impacts Relating to Roadway Hazards.

- The Project would require construction of a new eastbound receiving lane on SR-120 to handle increased traffic from the Project, but this lane would be too short for traffic to merge safely. The DEIR fails to identify this deficiency as a significant roadway hazard.

PUB18-14

- The Project would cause a sight distance “deficiency” at the intersection of SR-120/Sawmill Mountain Road that would need to be mitigated by regrading and tree cutting. The DEIR does not provide any evidence to suggest that Caltrans would approve this roadway project.

PUB18-15

- The DEIR fails to analyze roadway safety hazards that would occur during Project construction. It does not evaluate the potential for accidents caused by slow-moving construction trucks and equipment entering and exiting SR-120 during the 2-year construction period.

PUB18-16

- The DEIR fails to adequately analyze safety risks to bicyclists. It wrongly concludes that bicycle safety impacts are insignificant because cyclists would supposedly only travel a short segment of SR-120 between Sawmill Mountain Road and Hardin Flat Road. It ignores other bicycle traffic along SR-120, including traffic between the Project and other more distant points such as Yosemite National Park, and the Project's safety impacts on these cyclists.

PUB18-17

- The DEIR ignores cumulative roadway safety impacts. It does not analyze how traffic from the Project, together with traffic from the Yosemite Under Canvas development, the Thousand Trails/Yosemite Lakes RV Expansion, the Berkeley Tuolumne Camp Restoration project, and the Mountain Sage Conditional Use Permit project, would cumulatively affect the roadway safety.

PUB18-18

From: Michael B. Allen <michael@mballenlaw.com>
Sent: Friday, July 17, 2020 7:44 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Fwd: Terra Vil EIR Comment's

Sent from my iPad
Michael B. Allen, Esq.
Allen, Baker & Stephan, PC
66 Bovet Road, Suite 250
San Mateo, CA 94402
650 347 5000

Begin forwarded message:

From: <michael@mballenlaw.com>
Date: July 17, 2020 at 7:43:31 AM PDT
To: <qyaleu@co.tuolumne.ca.us>
Subject: Terra Vil EIR Comment's

T whom it may concern,

I am a long time Groveland resident residing at 20351 Pine Mountain Drive. This project should not go forward until the developer addresses the significant drain on Groveland Community Services that will be caused by the operation of this facility . Specifically ambulance and fire. This developer must either have its own ambulance and fire suppression services or if it intends to rely on Groveland Services it should pay for the expansion of fire and ambulance services in Groveland necessary to protect and secure the residents of Groveland including Pine Mountain Lake.

PUB19-01

Sent from my iPad
Michael B. Allen, Esq.
Allen, Baker & Stephan, PC
66 Bovet Road, Suite 250
San Mateo, CA 94402
650 347 5000

COMMENT LETTER # PUB20

From: Suzanne Ctibor <yosemitesu@gmail.com>
Sent: Friday, July 17, 2020 1:03 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: I oppose the Terra Vi Lodge

Dear Ms. Yaley,

I am writing you to show my concern for the impact this project will have, not only to the aesthetic of the surrounding National Forest, or the impact on what little wildlife still resides here after the Rim Fire, but also the major impact this will have on Highway 120. If you have never driven either Old Priest, or New Priest grade, you have no idea how dangerous that part of the road is.

If you have driven either Grades, then imagine driving them with two or 3 times the traffic! Highway 120 is not built for the amount of traffic we have now, let alone this whole new complex. The entire route of 120 from Moccasin to the Entrance of Yosemite, is an unsafe road, especially if you are not used to driving in the mountains. There have been many horrific accidents on this road, and there will be many more, as a lot of unsure city drivers are dangerous drivers on this road.

Also, I'd like to point out that this new complex is very far from any emergency help, or, an ambulance, fire suppression, or sheriff in case of an emergency.

There is only one way in, and one way out. What will happen if there is a need for evacuation? 120 is only a two lane highway, how will hundreds and hundreds of people, from not only Terra Vi, but Evergreen, and the new Rush Creek Lodge get safely out of there, if there is an emergency? It will be like the people of Paradise, who tried to leave, but were instead burned alive in their cars stuck in traffic on a two lane road with only one escape route.

Please consider these facts, and, don't put corporate greed in the ahead of common sense. There are many small businesses in Groveland, and surrounding areas that need the revenue that comes from dining, renting rooms, gas and groceries, that depend on the tourists that have no huge 300 unit motels to go to instead of staying in or around Groveland, Big Oak Flat, and Buck Meadows. This complex is just not a good fit!

I am very passionate about this, and, the EIP that says there will be no impact. That's just ridiculous, how can it not have an impact on otherwise virgin soil, a sewer system with leech fields that will drain towards the Middle Fork of the Tuolumne River, not to mention the extra pollution all those extra vehicles will be spewing.

Please, please, think about my above reasons, and just say no to more traffic, more city drivers on this dangerous road, and the impact of emergency fire and law enforcement being so far away, or an evacuation that will be unfathomable to even try to help all the extra people, and cars get out if need be.

And, not to mention the impact on our Forest and Wildlife, and our way of life in a small little tourist town that needs the revenue of the tourist in the summer, so that we can eat, pay our bills, and be able to stay and enjoy this town and our simple way of life. I, and many other locals that have lived here all our lives, don't want to be put into any more danger on this road, and surely don't want to be forced out of our homes because all our small businesses are gone. I for one, prefer working for a 'mom and pop' business as opposed to working for a huge corporation from some other country.

PUB20-01

PUB20-02

PUB20-03

PUB20-04

PUB20-05

PUB20-06

Thank you for any consideration of this matter.

Sincerely,

Suzanne Ctibor, Gary Ctibor, family, along with many friends and neighbors.

POBX555
Groveland CA. 95321
(209) 768-6432

COMMENT LETTER # PUB21

From: Sam Flanery <samflanery@sbcglobal.net>

Sent: Saturday, July 18, 2020 2:23:33 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>

Subject: RE: Terra Vi and Yosemite Under Canvas

I wrote an email last week addressing these projects but it dawned on me that you may prefer to receive a PDF. My original letter was not included in the DEIR report I surely hope this was an oversight and not done on purpose.

Sam Flanery

PUB21-01

We own the property at 11230 Saw Mill Mountain Road, Groveland CA, we have owned this property for over 30 years.

We would like to voice our concerns over The Under Canvas and The Terra Vi projects. First off, we would like you to extend the deadline for letters regarding these projects for another 30 days. There is an enormous amount of information to sift through.

Just in case the deadline is not extended we are going to go ahead and voice some of our concerns.

1. **Water Supply:** The water supply test that was half heartedly conducted was done so in a short period of time during a fluke rainier than normal season. These tests are normally conducted over years during different seasons to get an accurate reflection. It is known, throughout California, that our state has been in a drought for years. All the properties in this area are on well systems, and during dry seasons the Terra Vi project could pull enough water from the ground to dry up the water supply to numerous properties in the area.
2. **Sewage / Leach Field:** Both of these projects are going to rely on an engineered septic system which will have an astonishing amount of waste to treat. The Terra Vi project is on the high side of the hill so the leach field will bleed into us. The resort up the road Rush Creek has had numerous issues with this. This waste could easily end up contaminating our well, again our only water supply.
3. **Road Entrance:** Exiting out of Saw Mill Mountain Road onto 120 can already be difficult sometimes without the hundreds of cars and pedestrians these projects will add. This will be an added traffic hazard, and in the case of a vehicle accident it will pull emergency resources from surrounding areas.
4. **Fire:** It was rough for us to recover after the Rim Fire. We lost about 80% of our trees and an outbuilding. We are just now starting to see some growth again of bushes and trees or as a fire would view it fuel. At The Under Canvas project they are proposing wood stoves, campfire pits and BBQ's. The Rim Fire was caused by one campfire and Under Canvas will have over one hundred ignition sources. Not to mention the additional careless people who are not use to being in the woods and would not realize how dangerous throwing a cigarette in the grass in this area could be. Since, the Rim Fire the wind just whips through there like never before and would move a fire quickly. Besides the loss of trees and buildings you will be putting numerous lives in danger. Lives of the residents of Saw Mill Mountain, the guests of both properties and the fire fighters and other emergency personal, this is just reckless and unnecessary on your part.
5. **Security / Our Privacy:** The Terra Via Property will be within a mile of our property. We are concerned with people wandering on to our property and either damaging it or stealing things. Private property signs do not keep people out. We are also concerned

PUB21-02

about noise pollution as they will be having wedding and parties with an amplified sound system.

The Under Canvas and The Terra Vi projects could both be moved closer to Groveland and if they were not across street from each other this would alleviate a lot of the concerns. There maybe better opportunities for septic, they would be closer to town for emergency services, and farther away from homes so they could not drain others water supplies. Hopefully a new location would also have a safer road entrance and exit.

The EIR was conducted too quickly to give an accurate assessment of all of the issues stated above.

**PUB21-02
cont.**

COMMENT LETTER # PUB22

From: Denise Kraft <denisekraft@comcast.net>

Sent: Saturday, July 18, 2020 1:43:01 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; nrizzo@co.tuolumne.ca.us <nrizzo@co.tuolumne.ca.us>

Subject: RE: The Terra Vi and Yosemite Under Canvas Projects

I am against the Terra Vi and Yosemite Under Canvas Projects. Please see the attached PDF with my concerns.

Denise Flanery Kraft

PUB22-01

I am opposed to both the Yosemite Under Canvas and The Terra Vi projects. I feel both are being pushed through without any concern for the wildlife, environment or long time home owners in the area.

PUB22-01

My parents have owned property off of Saw Mill Mountain Road for 32 years. I wrote a letter against the project and the beginning of this and it did not make it into your final report, I hope that was just an oversight on your part and that you are taking these letters seriously.

PUB22-02

Here are a few of the reasons I am against the project but not all because I don't feel like I was given enough time to digest the DEIR in depth before the due date for comments.

PUB22-03

Fire Risk: The area is just now beginning to see some growth from the Rim Fire 7 years ago. My family lost an outbuilding and the majority of trees on their property. You are proposing bringing more people to the area, who in all likely hood are not outdoors people or fire safe and allowing them to have BBQ's and firepits. The Rim Fire was caused by one fire not properly put out and started miles away and look how much damage it caused. It was a blessing no lives were lost fighting the fire or trying to escape it. Yet you are going to build two properties across the street from each other with one way back into town during an emergency it will be almost impossible for people to escape safely.

PUB22-04

Traffic Concerns: Despite the traffic conditions during an emergency even getting into and out off Saw Mill Mountain Road normally can be difficult. Not only will you be adding more cars to the mix most likely you will have pedestrians trying to walk across the highway from one project to the other. There is a blind corner there and someone will get killed.

PUB22-05

Water Supply: Our only source of water is our well. We did notice a drop in our water while you were doing your testing. It did recover after the testing stopped but once The Terra Vi project is up and running it will be drawing water on a more continuous basis and will most likely dry up our water source. Who will be responsible for us to get water then.

PUB22-06

Septic: Rush Creek up the road as had many issues with their waste. It is my concern that our water supply will get contaminated and / or the Tuolumne River could get contaminated. Getting the river contaminated would have long reaching and negative effects on the wildlife in the area.

PUB22-07

Wildlife: Deer, owls, wolves, bears, and quails are just a few of the wildlife species I've seen in the area. As these animals natural habitat is taken away from them where are they going to relocate to.

PUB22-08

Pollution: The more people who come to the area the more pollution they cause, noise pollution, waste, and environmentally by car emissions. The Terra Vi project is going to have a helicopter pad and amplified sound system That not only affects the residents in the area, but also the wildlife who call this area their home.

PUB22-09

I hope you will reconsider building both of these projects at this location. There have been other proposed sites closer to town, which would be easier for emergency services, not across the street from each other and not located so closely to people's houses.

PUB22-10

Sincerely,
Denise Flaney Kraft

COMMENT LETTER # PUB23

From: Linda King <flyinsquirrel48@yahoo.com>

Sent: Saturday, July 18, 2020 1:57:25 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Two resorts 120 corridor

Greetings,

My name is Linda King. I am a property owner and tax payer in Tuolumne County.

Please don't let our area be burdened with two big resorts. We have a single ambulance in Groveland, a single food market.

We have one traffic signal. We are already overburdened with traffic and tour busses using our toilets and water fountains at Mary Lavaroni park.

We tax payers should not always be having higher taxes and more traffic. Law enforcement is already problematic. There have never been enough deputies here, altho they do their best, and try and live here when possible.

My hope is that neither project will be approved. If one HAS to come, please only one.

Sincerely,

Linda King

PUB23-01

COMMENT LETTER # PUB24

From: Christina Kraft <christinakraft00@gmail.com>

Sent: Saturday, July 18, 2020 2:20:50 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>

Subject: Concerns for building

I am opposed to the Terra Vi Lodge Yosemite and Under Canvas projects. Please see attached PDF.

PUB24-01

Thank you,

Christina Kraft

July 18, 2020

To whom it may concern,

My name is Christina Kraft and our family has owned a house on Sawmill Mountain Road for 32 years. I am opposed to the building of the Lodge and Glamping tents for many reasons.

WATER SUPPLY - Despite well tests done in a wet year that show plenty of water that is supposedly more than sufficient to meet daily water needs of each project, the reality is that groundwater is always a gamble. If wells were tested at the end of multiple years of drought, the well test results would be highly different. Emphasizing the lack of a public water supply of surface water from a reservoir, lake, or river. We don't want our wells to run dry.

SEPTIC - Similarly, because there is no public sewer system, each of the two projects must rely on an engineered septic system to treat the truly staggering amounts of wastewater that will be produced. Painstaking sifting through the EIR for each project and debating or questioning assertions made about the assurance that septic treatment will be adequate is a second very important issue. The potential for our well supplies and the Tuolumne River to be contaminated is another concern.

FIRE RISK - Having the Under Canvas project (with 99 wood stoves and campfire pits and barbecues)- puts over a hundred ignition sources into the forest landscape at a site that already burned hot once in the recent Rim Fire and has fuels ready to burn again. Emphasizing that the two projects not only pose risk of ignitions but perhaps even worse will put hundreds of visitors in the path of a potential summer wind-blown wildfire is a key argument that pushes against the need for public safety. Building these two projects at an alternative location near Groveland would greatly diminish all three of the issues identified so far.

After losing our garage with all of my grandfather's carpentry tools in it and coming inches to losing our beloved house, we cannot have any more fire risk. For these reasons it will not be a good idea to build these so close to our homes.

Thank you,

Christina Kraft

**PUB24-01
cont.**

PUB24-02

PUB24-03

PUB24-04

PUB24-05

COMMENT LETTER # PUB25

I am against the Terra Vi and Yosemite Under Canvas projects. My family has had a cabin in the area for over 30 years. I feel the EIR was rushed and not complete. I have numerous concerns, here are just a few of the things I do not think the EIR answered fully: Traffic conditions, Impact on Wildlife, Water Supply, Septic, Fire Risk, and noise. This project is being pushed through without consider for any of these things. The county is only thinking of the tax revenue they will gain from the project and not thinking of the safety or well being of the people of who will be affected by this project.

PUB25-01

Sincerely,
Dennis Kraft

From: Beth <whmscl@sbcglobal.net>
Sent: Saturday, July 18, 2020 6:26:17 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi development issues

Dear Ms. Yaley,

Below are my comments as a resident of Tuolumne County re: the environmental impacts from the proposed Terra Vi resort.

As a full-time resident of Groveland, I am very concerned about the development of the Terra Vi. The draft environmental impact report does not adequately address how to mitigate the major impacts that this enormous project will have on residents living nearby.

PUB26-01

I am most concerned about fire protection, law enforcement and ambulance coverage, as well as traffic.

Fire and Ambulance

This resort is proposed for an extreme high-fire zone. Yet local firefighting resources are limited. What happens when our local fire services are unavailable to residents in Groveland because they've been called out to a medical or fire emergency at Terra Vi? How long will we have to wait while our houses burn?

PUB26-02

Second, if there is a catastrophic wildfire, how is everyone supposed to evacuate? The hundreds of people at Terra Vi would be rushing to evacuate along with residents Groveland, Pine Mountain Lake, Big Oak Flat and all along the Highway 120 corridor. The limited evacuation routes are all on rural, two-lane roads. We saw with Paradise, CA in 2018 what happens when thousands of people are all racing for their lives from a wildfire. Without addressing this extreme fire risk, the county and the EIR is being irresponsible.

PUB26-03

And if someone in Groveland suffers a medical emergency, especially heart attack or stroke, how will they get adequate care if the EMTs are at Terra Vi? To survive a stroke, every second counts. To avoid death or lifelong serious disability, treatment must begin within ONE HOUR of a stroke. How can that happen if there is no local EMT available because they are 30 minutes away at Terra Vi? The answer: they won't. People's lives and quality of life will be put at serious risk.

PUB26-04

The only way to mitigate these issues is to build a new fire/EMT station near Terra Vi, Under Canvas, Rush Creek, Evergreen Lodge and Berkeley Camp, to service the needs of those resorts. And those resorts should pay for the cost of building, staffing and maintaining equipment at this new station.

PUB26-05

Law Enforcement

CHP and Sheriff Department coverage in Groveland, Big Oak Flat and Pine Mountain Lake is already thin. There are only a few regular patrols, and virtually no traffic enforcement within the Pine Mountain Lake development right now. Law enforcement responds mostly to emergencies, and the response time can be lengthy if a CHP or sheriff's officer is not already in the vicinity. Terra Vi will bring in hundreds of additional people to the area. It is unreasonable to expect that existing law enforcement can add this huge resort to its enforcement area without neglecting the Groveland/Big Oak Flat area more than they already do.

PUB26-06

The only adequate mitigation measure is to build and staff a new sheriff's substation along the Highway 120 corridor, with the resorts along that corridor responsible for funding the construction and staffing of the new substation.

PUB26-07

Traffic

During the summer we already see never-ending streams of cars, busses and motorhomes along the Highway 120 corridor, all headed to Yosemite. The impacts to Highway 120/Main Street in Groveland are

PUB26-08

already significant. This development would encourage even more people to take this route to not just Yosemite but to the resort as an end destination. When I go home from the post office, I often have to wait a full 5 minutes or more before cross traffic coming from Yosemite clears so that I can turn left onto Ferretti Road towards my home in Pine Mountain Lake. Meanwhile, traffic backs up all the way through town so that local residents cannot reach the pharmacy, post office and local businesses without hassle. This project should require some form of traffic mitigation because of the impacts it will have on the town of Groveland and its residents.

In short: this project should not be built without the county taking steps to mitigate these issues by requiring the resort to fund enhanced fire, ambulance and law enforcement services at the very minimum.

Sincerely,

Beth Martin
20139 Pine Mountain Drive
Groveland, CA 95321

**PUB26-08
cont.**

PUB26-09

From: Kathy Brown <kathy.brown.1899@gmail.com>
Sent: Sunday, July 19, 2020 12:00:12 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Planned Developments on Rt. 120, Sawmill area

July 19, 2020

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

Attn: Quincy Yaley and Natalie Rizzi
Tuolumne County Planning Commissioners, Board of Supervisors

We would like to make our concerns about the planned developments of *Terra VI* and *Under Canvas* in the Sawmill area off Rt.120 between Groveland and Yosemite National Park known to the Tuolumne County Planning Commission.

We realize there are positive aspects to the planned development such as an increased tax base, jobs for locals, and fulfilling a need for more facilities for visitors to Yosemite so we are not anti-development but, that said, we also recognize some very major problems that need to be thought through and planned for before this development is approved and undertaken.

Totally aside from these two major proposed developments, one of our major concerns is that the 120 corridor into Yosemite not become a series of one-after-another hotels and businesses that will eventually make the area look like that just north of Gatlinburg outside the Great Smoky Mountains National Park. We would like to be assured that there are already well-defined limitations to future development allowed on the corridor in place by the county.

For the immediate plan we have several major concerns that we feel need to be addressed and planned for before an approval is given for the development.

EMERGENCY SERVICES

Of major concern is the unavailability of emergency services in that immediate Sawmill area. Groveland has the closest available ambulance and fire service. The distance of these developments away from Groveland makes speed in response time impossible and takes away immediate response for Groveland area residents should the services be called to the proposed developments. The services are already being shared with Rush Creek/Evergreen developments, thus already having the potential of decreasing response time to our residents. We feel conditions should be attached to any approval requiring the developments to create and maintain emergency services for the area that would ideally also include the Rush Creek and Evergreen as well.

RELIABLE WATER

Residents with wells on the 120 Corridor have had trouble with their wells going dry in low precipitation years and have had to dig their wells deeper and deeper to obtain water. Have adequate water studies been done in drought times to assure that water will be available to such large developments without depleting the area water table? If not should another study be done now in a dryer year, if not ideally in drought year, to check for assured water availability. There are also sewage run-off concerns in exceptionally heavy rainy seasons.

ROADS AND TRAFFIC

At this time the roads along the 120 Corridor are narrow and winding with many areas of limited visibility. We would definitely not like to see the roads become major multi-lane highways and loose the county atmosphere but major widening would be necessary in places to allow for safe entrance and exit for these new developments. This is especially true due to the large RVs that will used the proposed Under Canvas development, as well as YARTS buses and delivery trucks to each development. Are there plans for this to be done and who is paying for that? Traffic through Groveland already is bumper to bumper in summer. Won't these developments increase and slow that traffic even more? Has this been discussed completely? How will this be handled?

HOUSING FOR WORKERS

Groveland is already providing additional housing for workers for Rush Creek/Evergreen Resorts because their planned housing on site is inadequate. While we realize that the developments may provide work for some Grovelanders, we also realize that today's Groveland residents are mostly retirees so there would have to be an influx of new workers from outside the area. Looking at the plans for these new developments, it does not look like there is enough housing on site for an influx of workers. Should there be a condition added that developments be required to provide **more** housing than currently planned for their work force?

OTHER SERVICES FOR VISITORS AND EMPLOYEES OF THE DEVELOPMENT

PUB27-01

PUB27-02

PUB27-03

PUB27-04

PUB27-05

PUB27-06

Also of concern to us is the current inadequacy of MarVal Market to handle residents and visitors needs. This is an impact on the local community. At this point, for about 8 months of the year, residents of the Groveland area avoid going to the market on weekends because it is woefully over-crowded, especially a problem in this COVID era, and there is usually no parking available. The added traffic through the corridor would necessitate a bigger market. Are there any plans to mitigate this problem? We see that Terra VI has what appears to be a small market which I assume will be a combined convenient/gift store. Should a condition of the developments be the creation of a larger market on site to serve that area?

We are sure there are other points of consideration that we have missed. We request that you not rush approval of these developments so they can be adequately thought through. If you decide that these projects should be approved, we hope that you will attach some conditions to the developments that will assure safety in the area and will mitigate some of the impact on our local community which it is your duty to protect.

Sincerely,
Kathleen M. Brown

Donald P. Brown

21350 Beaver Court
Groveland, CA 95321

**PUB27-06
cont.**

PUB27-07

From: tim@yosemiteflyfishing.net
Sent: Sunday, July 19, 2020 10:26 AM
To: tim@yosemiteflyfishing.net
Subject: terra vi comments

Comments on the Proposed Terra Vi Development.

First I want to state my objections to way this report was released. For a massive document of this size, the largest in Tuolumne Co history, a 45 day period for comments is entirely inadequate.

Requesting an extension of the 45 day period to give interested parties additional time to analyze the project is and was a reasonable request give the scope of this bloated document. The release of the document almost simultaneously with the Yosemite Under Canvas document, which held the pervious but short lived record for largest document of this type in County history, puts a unreasonable burden on any interested parties ability to analyze, reply or comment. A Planning Department employee, Quincy Yale, when responding to the numerous requests for more time, simply stated that the 45 day period complied with the state minimum and that there would be no extended comment period. The request were for more time, no one was asking if the project comment period was in compliance with the state minimum standards. Commenters were asking for MORE time then the state minimum standard to read and analyze this massive document. I would certainly hope that this simultaneous release of both DEIRs isn't and wasn't a concerted effort by either county planners and/or the two proposed projects to overwhelm the ability of interested parties to respond. If that was or wasn't the case the Planning Departments denial seems to preclude any chance for interested parties to even fully read or process much less provide detailed comments to the thousands of pages of documents. The denial of the requested extension combined with the near simultaneous release of both documents has undermined and delegitimizes this entire process for both projects. I would also hope that the standard for review of this project is consistently higher that of the MINIMUM State standard that the Planning department found adequate for the comment period.

The TV DEIR is a much less amateurish self serving document then the YUC DEIR but does conclude, unlike the YNC summery concludes, that there will be at least some unavoidable adverse environmental effects if the development is approved. The TV document is much more professionally produced with the inclusion of pages of glossy computer generated images and thousands of words extolling how environmentally aware the project and developers are. But it does not address the same basic core issues that make YUC canvas and TV, both, inappropriate development for their proposed locations for the same reasons.

PUB28-01

PUB28-02

Safety

There is no way to adequately reduce the risk of fire danger and the fact is that much of Tuolumne Co. is at extreme risk from wildfire every year. Tuolumne counties fire services are underfunded, have aging equipment and are inadequate for the areas they already serve.

These are the conclusions of the counties own recently released grand jury report. Just because a landholder was able to have a zoning change approved 20 plus years ago for commercial recreational land use in no way and should not obligate or influence the county to promote or even consider unsafe development. Common sense would indicate that fire risk alone, with the recent tragic history of fire deaths in California, would more than enough reason to deny permits for any large developments in areas of extreme fire risk.

So how can the county acknowledge extreme fire risk and identify the current state of their underfunded and inadequate fire protection in their own Grand Jury report, while simultaneously considering approval of massive growth in an area with no local fire protection services? TOT tax collection should not be the driver for the county to approve this type of lodging development in extreme fire risk areas that will only further strain Co. fire services. It is a short sighted risky and dangerous way to collect revenue and does not put Co. residents or visitor safety first.

Any approval for any new development of this scope should have the obligation to permanently fund fire protection service for its development at no new cost to county residents. This should minimally include funding to build, equip, and staff fire stations within reasonable response times. The current Cal Trans storage facility on Sawmill Mtn. road would make an ideal site for a new Co. fire station, funded by developer fees, and if that property is unavailable then the TV property west of Sawmill Mtn road would also serve well. The already permitted expansion of the RV park and the rebuild of Berkley Camp, and the possible approval of YNC and TV will greatly increase the need for emergency services in the area. All four projects need to be required to pool funding for their own local Co. fire protection services and not increase emergency response times by piggybacking on distant Groveland fire services and the already very thin south Co. emergency services.

That all of this already permitted and potential new development will be dependent on the clearly inadequate Hardin Flat road and Sawmill Mtn. roads for egress and emergency evacuations is not safe or acceptable. As the Camp fire tragically provides evidence of wildfire can trap and burn to death people trying to evacuate from fast moving wildfire on inadequate roads. The Co. needs to look at all of these developments in worst case fire scenarios, the providers of insurance for these developments certainly do and will. Rush Creek to their credit honestly admits that fire insurance costs threaten the viability of their business. As anyone who has tired to get fire insurance for any structure in Tuolumne Co. knows it is either unavailable or prohibitively expensive. What are the Co. plans if any or all of these developments are unable to to purchase adequate fire insurance now or in the future?

Large developments forced to close because of the very real possibility they are uninsurable will certainly reduce the danger to human life. But mothballed buildings from failed developments

will be an eyesore and a attractive hazard, certainly wont improve the scenery on the 120 corridor, and could become an environmental liable.

The TV document does not address the potential for a oversupply of lodging, especially high end, on the 120 corridor or the expense and/or total unavailability of insurance which could threaten the viability of not only TV but all the developments in 120 corridor. These two factors could result in multiple abandoned developments that provide no property tax revenue or TOT revenue. Any permit issued for any new commercial development in State designated extreme risk fire areas in the Co. should be required to prove that the property is insurable.

**PUB28-03
cont.**

Water

For a document of its volume and scope the DEIR is surprisingly brief about the availability and reliability of water onsite. The finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development.

All of the other large local hotels/lodging developments, also in fractured granite sub-strata, all, have struggled to have sufficient water for demand. TV did not share their well test information with YUC but the well tests on the adjoining property do show a connection between at least one of the TV and YUC wells.

Below are unsupported statements from the DEIR. The first statement while technically true is very carefully worded. The YUC well tests did have a well draw down occur during the TV testing. There was only one day of simultaneous testing which does not seem sufficient to make any type of conclusions, especially any so broad as the statements below. The TV wells were not being tested when this conclusion was reached, their levels remained static but were not operating during the YUC test. Although TVs wells may have not been impacted by the YUC tests at least one of the YUC wells was, even with only one day of simultaneous testing. So the first conclusion is not based in fact. The wells reliability can not be tested during prolonged drought and was not and can not be tested in real time with prolonged demands from both TV and YUC.

PUB28-04

- The water levels in the on-site Terra Vi wells showed no impact during the pump testing of the Yosemite Under Canvas wells to the south. Therefore, simultaneous pumping from wells on the Terra Vi property or the Yosemite Under Canvas property would not impact the other property
- Yosemite Under Canvas property would not impact the other property.
- The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Nature Bridge the outdoor education NGO in YNP spent tens of millions of dollars to build a new Campus site at the Junction of Hwy. 41 and Henness Ridge road in YNP.

The well that was connected to the property, which had been in place since 2007, produced volumes in the same mid 20s GPM as the TV well tests produced.

The well is at approximately the same elevation and is located in similar fractured granite substrata. This wells volume fell to 4GPM after the Campus was operating and the chemistry of the water made even that yield unusable.

Nature Bridge is fortunate that their property abuts the Yosemite West development and is negotiating with its very small adjacent water district to obtain sufficient water to operate the Campus.

But the Campus is currently mothballed and non-operational.

TV does not and will not have that or any other option when its wells fail. This seems like at the very least a red flag for project investors as the investment of tens of millions of development dollars will be wasted if any part of the well report predictions are faulty. A much more comprehensive and prolonged well test would seem to to be in the developers own interest. Both at TV and YUC simultaneous prolonged tests with shared data and tests of the adjacent private wells would seem like a common sense perquisite to any building permits being issued Although there is a possibility that Haniji has no intention of operating the property. It may just be sold after construction, so Haniji may have no interest in anything but the absolute minimum testing required and let any buyer of the property deal with the consequences of well failures.

The requirement below for this project to be approved has clearly not been met. Future supply that meets demand is not assured and there are no other options for water except the onsite wells.

- Consider whether the water system proposed to serve a new development has a reliable source of water, sized to serve their existing and future customer's' foreseeable demands. Projects shall only be approved where the water supply system has reliable sources of water capable of meeting present and future demands.

Although the DEIR findings were Less Than Significant a major development the size of TV will certainly experience Very Significant affects if its wells fail.

The DEIR repeatedly states that wells in fractured granite are not considered as reliable because well yields can vary greatly. Both the extent of sub-surface fractures, the source of the water, and long term recharge rates are not measurable.

The DEIR than goes on to state that there is sufficient water on site for the development even in multiple very dry years. There is no data to support that conclusion as there is no way to test multiple dry years to reach that conclusion.

There are far more pages in the document about all of the water saving features that will be built into the project then there are of actual well testing data. Water saving and recycling features seem like a obvious benefit to the development, and they are. But well water is actually a very inexpensive source especially when compared to water delivered by water districts. Gray water recycling and storage as the developer plans to install, is a very large investment as it requires parallel plumbing systems. This significantly increases both building

**PUB28-04
cont.**

and operational costs which, because of the inexpensive well sourced water, if actually abundant, could easily and more economically not be included. The only reason to pay these increased costs for this project would seem that the developers themselves lack confidence as to the reliability of their water source.

**PUB28-04
cont.**

Traffic

Total cumulative traffic impact, numbers and affects from all of the proposed and already permitted developments need much more mitigation then what is in the TY DEIR. The current configuration of both the Hwy.120 Sawmill Flat and Hwy.120 Hardin Flat intersections are inadequate for current levels of traffic much less any new development vehicle traffic. The DEIR does conclude that there are traffic safety issues that need to be addressed.

PUB28-05

Traffic is obviously the result of cumulative numbers of vehicles but the total numbers of vehicles from all proposed new and already permitted developments needs to be addressed in the DEIR. Yosemite Lakes RV park and its expansion, the Berkley Camp rebuild, YUC and TV will all be accessing hwy.120 from the current intersections sites.

The Hwy. 120 approach from the west to the Sawmill Flat intersection is a blind hill on a curve and with the potential large increase in traffic from the multiple proposed developments needs a safety solution. The section of Hwy. 120 heading east from TV is currently one of the only sections of Hwy. 120 in which it is safe to pass. Any new intersection that intrudes on this lone straight section of road will need to have passing lanes constructed elsewhere to mitigate the loss of this passing area. Any approval of either TV or YUC needs to plan for a reconfiguration of the entire section of Hwy 120 from 1/2 a mile in either direction of the proposed sites. This should include turn and merging lanes going both directions, a new passing lane, and will require a rerouting of Hwy 120 to reduce the hazard for the blind hill approach and the additional turning and merging lanes. None of these necessary safety changes that the increased traffic necessitates should be made at any cost to the state or county taxpayers. Not only will the TV projects guests be using the access to the development but the plan for a large market on the site will cause even more cross highway traffic. The YUC project across the Hwy. will only have limited food service. Therefore vehicles and pedestrians from YUC will be making multiple trips in out and across the Hwy. for meals, some of them to the TV market and food service areas.

PUB28-06

The TV project, just like YUC, proposes to piggyback on yet another existing local service by building a YARTS bus stop. This is pure green washing. The subsidized YARTS system in Tuolumne Co. has a total round trip capacity of only 120 passengers per day. In order to serve the number of potential riders at both TV and YUC YARTS will need to add an additional 11 buses per day for a total of 14 buses. The TV DEIR parking plan has an additional 30 spaces for day transit parking. If those vehicles in those parking spots are going to also utilize the YARTS

PUB28-07

system there will need to be 15 buses per day. This increased number of buses would be a great service to the area and would actually dramatically reduce the increased vehicle traffic that the TV development will produce. TV and YUC should both be given the option of paying to provide these buses or running their own equivalent systems either jointly or separately. But just constructing a inexpensive bus shelter and calling the transit option solution solved is an absolutely minimal effort and is strictly tailored to the DEIR as a solution for the major traffic increase that TV will cause. The DEIR does agree that there will be an impact on existing transit but still plans to piggyback on the existing service.

**PUB28-07
cont.**

TV also plans to reduce water use by trucking all laundry off site. Also to save water the plan is to use compostable dishes but that solid waste will still need to be trucked off site. TV will need regular garbage service with additional truck trips required on Hwy. 120. The solid waste trucks will use Merell Rd. on the west side of Groveland to access the Co. transfer station. Merell Rd. is currently in very bad condition with crumbling pavement and the road bed collapsing into the drainage ditches on both sides. This is directly related to the truck traffic already going to the transfer station. It also has three very tight corners that the transfer trucks can not navigate safely as they require most of the road to make the hairpin turns. Although this not an issue directly related to this project it is just yet another instance of TV piggybacking onto existing Tuolumne Co. infrastructure without sharing any of the associated costs. There will also need to be food/restaurant supply truck deliveries, hotel supplies, maintenance supplies, merchandise and beverage delivers as well as the “grab and go” groceries to the market, there will also need to be propane deliveries. This is clearly not a minimal amount of truck traffic. This amount of diesel powered vehicles will more than offset any benefits from any electrical vehicle recharging station. It will also slow Yosemite bound traffic with the numerous uphill grades on hwy. 120.

PUB28-08

And then there is the worst case traffic scenario.

A fire ignites from a sparking stove at YUC on the edge of the property. The stove is a non EPA compliant stove that was approved by a special waiver issued by the Tuolumne Co. Planning Dept. in 2020 for use in transient lodging i.e. for use in wood and cloth structures. The stove that starts the fire was put in place despite near unanimous opposition from Co. residents in public meetings and DEIR comments.

It is 2 AM in late August on a night with 30 mph SW winds and all lodging and “glamping” is at near capacity. Within an hour the fast moving fire has spread to 250 acres. There is the one lone local Groveland fire engine on site with 4 personnel that arrived after 30 minutes. Cal Fire is deployed out of county. Within an hour the fire has already crossed Hwy. 120 closing it as an evacuation route to the east and has doubled to 500 acres. The fire is burning around the perimeter of TV. Minimally trained employees are attempting to use fire hoses to try to contain the fire while guests attempt to evacuate, but the water pressure to the hoses drops from inadequate supply.

PUB28-09

Fire is again threatening Berkley Camp for the second time in ten years. YUC has already partially burned, the propane tanks have exploded spreading the flames, and panicked guests are fleeing on foot unable to save their vehicles. With in the next hour the fire is at the western edge of Yosemite lakes RV park and is now burning both sides of Hardin flat road, all within

three hours. The 400 RV occupants from Yosemite Lakes RV park, the 250 plus guests, now without vehicles, and the employees from YUC are trying to evacuate thru the fire on foot. 200 guest vehicles, 400 people plus employees, are at TV, and another 75 vehicles plus employees from Berkeley Camp are all attempting to evacuate. But they have no information on a clear path to safety as there is total confusion and chaos. The unfortunate Sawmill mtn. and Hardin Flat Road residents who feared this very event are also trying to evacuate. This is all occurring on the two grossly inadequate roads. One, Hardin Flat Rd. is very narrow and already blocked by fire on both side. The two sheriffs deputies that arrived after 50 minutes and who are attempting to manage the evacuation are unaware of the extent of the fires rapid spread. With Hwy. 120 blocked now to the west and the east and Hardin Flat road engulfed in flames the 400 RVs are attempting exit on Yosemite Lakes Rd. but have to turn around when faced with flames. With complete chaos and no escape route they attempt to go back toward Yosemite Lakes RV park and are overtaken by the fire.

This is nearly a duplicate scenario of what happened in Paradise during the Camp fire. The quick spread of wind driven flames and the disorganized evacuation resulted in 83 people burning to death, many in their cars. Tuolumne Co. Planning Dept. and the Board of Supervisors need to take a very sober look at the potential for a tragic disaster of the Camp fire scale and scope in Tuolumne Co. Maybe a site visit to Paradise would be helpful to acknowledge that choices in approving inappropriate development in high fire risk locations can and will have tragic consequences. The deaths in the Camp Fire were largely the result of cumulative very poor planning, zoning and land use decisions by the Township of Paradise. The potential for loss of life from a fast moving fire in the Hardin Flat Sawmill Mtn. area if fully developed as planned, could exceed that of the Camp fire.

Given the density of people and vehicles, if all development moves forward this is not an inconceivable outcome. That fast track approval of these developments and just proceeding with construction full speed while ignoring the counties own grand jury report of the fire threat to lives and property is negligent and irresponsible. The DEIR goes thru many pages of fire safety measures and plans. But none of those pages change the fact that, and as the very recent Rim fire that burned the property shows, it is just extremely vulnerable to fire. The county grand jury report states, it is not if, but when it will burn, yet again. Moving forward with project approval despite clear knowledge and warning that there are not adequate safety personnel or equipment in place in an area of extreme fire risk will expose Tuolumne Co. to the same liability for negligence that PG&E is confronted with. It would be very prudent for the Co. to revisit the stove waiver that it issued for non EPA compliant stoves in transient lodging in 2020. That decision could be very difficult to defend in court. If approved, these leapfrogging hazardous developments are a clear and present danger to visitors and county residents. Hope is really not a very good plan for avoiding the potential disastrous tragedy that these developments will risk every single summer. There is a reason these projects are will be difficult if not impossible to insure.

**PUB28-09
cont.**

Waste Water

The waste water treatment plan in the DEIR, common with the above issues, does not address the potential for failure of the system. System failure could result in violations of the clean water act and contaminate the Middle Fork of the Tuolumne as well as lead to an emergency closure of the development. The document is once again very thin on content when describing the waste water system. It does specify the engineering fairly adequately but completely overlooks the terrain features below the leech field.

I have walked the area to the north west of the property along the FS road on the north west side of Sawmill Mtn. road. There is a multi acre seasonal wetland at the head of the unnamed drainage that flows NW into the Middle Fork of the Tuolumne. The DEIR does acknowledge the existence of the spring in the storm water plan, see below, that is the source of water for the seasonal wetland but does not integrate the spring or the wetland into its waste water plan. Seasonal wetlands downhill from a very large leech field are not a combination that will provide for safe or functional operation of the TV waste water system. Already saturated soils will not percolate the large volume of wastewater that 400 guests and food preparation facilities will produce daily. This should be obvious to anyone who has actually walked the property. The perennial channel drainage described below contains indicator plant species, sedges and mature willow trees, both of which are indicators of saturated soils. The DEIR does contain a plan B leech field, which shows that the designers of the waste water plan have a fairly low degree of confidence in the functional operation of the leech field in its existing location. But the plan B field also is located uphill from these same areas of saturated soils. Unless there is another location on the TV property that will not drain into the drainage containing the seasonal wet and spring, or toward the wells of the Sawmill Rd. residents homes, then a leech field is not going to work on this property.

Other large lodging facilities have also experienced leech field failures. Cedar Lodge located in the Merced Canyon within 100 yards of the Merced river, with saturated soils, had long term failure of its leech field that resulted in raw sewage flowing thru the parking lot. After repeated failed attempts to find a way to operate the leech field adequately and numerous fines the hotel was required by Mariposa Co. to build a full tertiary sewage treatment plant. Rather than have TV go thru the same process of trying to operate a leech field for a very large hotel uphill from a seasonal wetland the Co. should not approve the development without a full tertiary sewage treatment plant in place. The current leech field is not in a site where it will be able to function as needed.

The USGS Ascension Mountain quad map (photo-inspected 1992) shows a spring located outside the project boundaries, 300± feet to the north (the same off-site aquatic feature shown in the NWI map). On the quad map, the spring flows into an unnamed perennial channel that flows northwest into the Middle Tuolumne River and,

based on topography, EC-01 also would be expected to flow into the same off-site perennial channel 300± feet north of the project boundaries and subsequently to the Middle Fork Tuolumne River.

PUB28-10
cont.

Tuolumne Co. needs to be far more circumspect in even considering large scale developments in remote locations. The somewhat desperate attempt to increase TOT revenues should not overshadow the common sense evaluation of any developments that are inappropriate in their location and scope. The endless expansion of tourism and visitation to Yosemite is not a good model for a business plan as Yosemite NP has clearly already reached its limits of use. Ever expanding numbers of park visitors is not a sustainable model for the Co. to either promote development or to expand Co. revenues. Foraging ahead with developments that are opposed by the overwhelming majority of area residents should not ever be a policy. Almost universally opposition to new commercial development in remote locations alone should be more than enough to kill the project. A twenty plus year old zoning change should never have priority over issues of safety or quality of life concerns of area residents. Just how many objections by residents and how much opposition does it take for the Planning Dept. to not push forward with this and other unwanted and unneeded development? I have always believed that the majority of government corruption in California is at the Co. government land use, regulation and zoning levels. The unjustified denial of a request for more time for comments and the near simultaneous release of the thousands of pages of the YUC and TV DEIRS certainly has not done nothing to change my belief.

PUB28-11

But I would like to be proven wrong.

Thank You
Tim Hutchins

COMMENT LETTER # PUB29

July 19, 2020

To whom it may concern,

My name is Charles Kraft and I am a licensed plumber. My family has a house on Sawmill Mountain road for the past 32 years. I am against the Terra Vi and Yosemite under Canvas projects. In reviewing the EIR I noticed it does not address the Corona Virus in regards to sewage. Recent reports have shown Yosemite Sewage tested positive for the Virus. The virus is known to live up to 3 weeks in sewage. This is a great concern that needs to be addressed. This can sicken and kill many people if this does not get brought up.

PUB29-01

Thank you,
Charles Kraft

COMMENT LETTER # PUB30

From: Samantha Wiedemann <swiede781@gmail.com>

Sent: Sunday, July 19, 2020 2:23:31 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; nrizzi@co.tuollumne.ca.us <nrizzi@co.tuollumne.ca.us>

Subject: Terra Vi and Under Canvas Project

Please acknowledge receiving this email since my last letter opposing this project was not included in the DIER which I hope was just an oversight and not done on purpose...

PUB30-01

Samantha Wiedemann

To Whom it May Concern,

My Grandparents have owned the property at 11230 Saw Mill Mountain Rd, Groveland CA for over 30 years.

I would like to express my concerns over The Terra Vi and The Under Canvas projects and also state that I am extremely disappointed in the decision to not allow an additional 30 days to fully review the EIR's during these challenging times for many Americans. This has led me to believe that the County and Builder do not care about the findings of the EIR, and the concerns over the project, they only care about the money involved and the benefits to themselves.

**PUB30-01
cont.**

- Fire Risk. As I'm sure you are aware this area was devastated by the RIM fire in 2013 and it has barely started to recover. My Grandparents cabin lost an outbuilding and over half of the trees on their property, all due to one fire that was started miles away by a reckless hunter. The Under Canvas project is projected to have 99 wood stoves with campfire pits and barbecues which will be well over 100 ignition sources in a site that has already devastated by a fire 7 years ago. Homeowners in this area were extremely lucky to be able to get out in time before the RIM fire got to our properties and there were no lives lost. However with all these additional sources of ignition and hundreds of people around if a fire was to start at the Terra VI or Under Canvas site most likely lives would be lost. As an employee of a fire department I understand the need for quick response times in order to control forrest fires before they get out of hand. Will there be a fire station at Terra Vi or Under Canvas projects that will include a Water Tender, Truck and Engine 24/7 to prevent these fires?

PUB30-02

- Traffic. The proposed second access point for The Under Canvas project directly across from Saw Mill Mountain Rd would cause extreme congestion in that corridor which includes Saw Mill Mountain Rd, CalTrans Shed, Terra Vi, and Hardin Flat. In the case of an emergency, such as a fire that was started at Terra Vi, all these access points and roads will put everyone trying to evacuate at risk. A traffic study should be conducted in this area.

PUB30-03

- Trespassing/ Security. The Terra Vi project is within a mile of our family property. There are no hiking trails around the site so guests will most likely venture out around the hotel and onto private property. No trespassing signs do not work to deter people from exploring. A huge concern is people wandering onto our property, realizing that no one is currently there and breaking in, stealing or damaging items.

PUB30-04

-Additional Noise. This site has stated that they will be having weddings/parties, however I am concerned about the noise pollution with the amplified sound systems.

PUB30-05

- Sewage, Water Supply and Leach Field: All properties in the area of Saw Mill Mountain Rd are on a well system. The water supply test that was conducted was done in a short period of time during a wet season which is unusual for this area. This test needs to be done over years in order for it to reflect correct finds. During dry seasons

PUB30-06

(which is most of the time) the Terra Vi project could pull enough water from the ground to dry up our wells which is the only source of water. This area lacks the use of a public water supply such as a reservoir or river. There is also the concern that our well supplies could be contaminated.

**PUB30-06
cont.**

- Safety: Having the Terra Vi and The Under Canvas project so far from Groveland will cause a strain on public services such as Fire, Ambulances, and Police Officers. With so many more people in the woods there are bound to be accidents, fires, or even incidents where law enforcement is needed. This pulls resources away from the city of Groveland (where residents pay for these services) and delays the response time for everyone.

PUB30-07

The county needs to consider a different location for these proposed projects. Such as the site known as "The Scar". This will elevate all of the concerns that are listed above. Additionally while I was reviewing the DIER I also noticed that none of my families original letters of concerns were added, and I heard that a lot of the neighbors letters were not added as well. I hope that this was just an over site and not the counties way of silencing the majority of people that are against this project. Because our letters of concern were not added originally, please respond to this email stating it was received.

PUB30-08

Thank you,

Samantha Wiedemann
426 Vista Ct
Livermore, CA 94550
Cell: 925-784-4036
Email: samanthakraft129@yahoo.com

COMMENT LETTER # PUB31

From: Zachary Wiedemann <zwiede@yahoo.com>

Sent: Sunday, July 19, 2020 6:53 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>

Subject: Terra Vi & The Under Canvas Projects

Please see the attached letter of opposition regarding the Terra Vi & Under Canvas Projects, as well as my concerns regarding the EIR that was conducted. Please respond letting me know that this email was received. The original letter I wrote in December of 2018 was not added to the original EIR. I hope that this letter of opposition is added.

PUB31-01

Zachary Wiedemann

COMMENT LETTER # PUB32

From: Dan Courtney <dancourtney.dc@gmail.com>
Sent: Monday, July 20, 2020 1:31 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Cc: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Subject: Re: FW: water quality testing Sawmill Mtn Road

Hello Quincy and Taryn, has there been any change in the decision to grant an extension on the comment deadline for either Yosemite Under Canvas or Terra Vi?
If not, what time of day is the cut-off for comments? I didn't notice a time so I'm assuming the comment period expires at Midnight?

PUB32-01

Sincerely,
Dan Courtney

From: Dan Courtney <dancourtney.dc@gmail.com>

Sent: Monday, July 20, 2020 3:15 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; kathleenhaff2020@gmail.com; BOS Members <bosm@co.tuolumne.ca.us>

Subject:

Tuolumne County decision makers, I am a neighboring property owner adjacent to the Manly property. I, and many of my neighbors and interested parties, have been struggling to digest the DEIR prepared for Yosemite Under Canvas, which I understand is the largest DEIR ever in the history of Tuolumne County. That is, until the Terra Vi DEIR was distributed at roughly the same time.

In addition to the obvious but valid delays caused by COVID the information posted on the County website is missing critical reports and was apparently changed at some point after being posted, creating confusion and additional delays as we had to essentially start over to insure we were using the latest data.

Below is an email I just sent to Natalie Rizzi.

Please consider this request. I believe it is reasonable and will provide your constituents with a more reasonable opportunity to review and comment without significantly impacting the timeframe of the project.

This is an important review and it's in all of our best interests to get it right.

Please review:

Natalie, I just spoke with my hydrogeologist, Ken Schmidt, and he informed me that the DEIR posted for Yosemite Under Canvas did not include the pump test logs & pump test results which are typically provided.

Apparently his firm, Kentthe Schmidt and Associates, requested this information last week but was sent drilling logs from Geoscience who was contracted by Hansji for the Terra Vi project., rather than Water Resources Inc who performed the pump tests for Yosemite Under Canvas.

Mr. Schmidt told me both Appendix D and Appendix F are still missing for the Yosemite Under Canvas DEIR.

Without this standard information he is not able to perform a complete analysis.

As you are aware, the requirement to prove there is sufficient water to sustain this development while not depleting the water supply for the surrounding area, including the proposed Terra Vi hotel / resort is one of the most critical factors and decision points for the proposed development.

Therefore I would like to request an extension of time on the deadline to provide comments on the Yosemite DEIR for five business days from the date this critical information is provided to the hydrogeologist and all other interested parties, both private and government.

Please let me know if this is acceptable.

Sincerely,

Dan Courtney

11250 Sawmill Mountain Road (along the Manly northwest property line)

Groveland, CA 95321

PUB33-01

COMMENT LETTER # PUB34

From: Brewer Dennis <brewerdennis129@gmail.com>

Sent: Monday, July 20, 2020 5:42 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; kathleenhaff2020@gmail.com; BOS Members <bosm@co.tuolumne.ca.us>

Subject: Terra Vi and Under Canvas project

Hello

Please see my attached letter of opposition for the Terra Vi and Under Canvas Project which contains my issues with the EIR that was conducted. Quincy, please respond that you received this email, because I have heard that you have been ignoring these letters, and not including them in the EIR.

Brewer Dennis.

PUB34-01

I would like to express my concerns over The Terra Vi and The Under Canvas projects. While reviewing the DEIR I noticed that my previous letter stating my concerns on this project was not added in with the others, I hope that this was just an over site. Listed below are my concerns regarding the EIR.

**PUB34-01
cont.**

Fire Safety: In the Tuolumne County Fire Safety Report titled "Are We Ready?" Published on June 30, 2020 the opening line states " it is not a question of will we have a catastrophic fire in Tuolumne County, but of when." Later on it states that "...tourism have shaped the likelihood of a devastating fire that threatens lives, livelihood and our natural resources upon which the community depends." And the last quote from the report " Tuolumne faces unprecedented danger to life and property from wildfire."

The Terra Vi project is projected to have a grand total of between 554-610 people on site, and Under Canvas 426-500 people. A massive forest fire could be started by just one of these people flicking a cigarette into the forest. Also the Under Canvas is also projected to have 99 wood stoves along with campfire pits and barbecues which will be well over 100 ignition sources. As I'm sure you are aware the Rim fire was started by 1 reckless campfire miles away, and it still devastated the area that you want to build these projects on. I also did not see in the EIR if one of these sites would have a 24/7 Fire Department that is equipped with a Fire Tender, Type 3 Engine, as well as a Type 6 Engine. I do not believe that Tuolumne County can afford to put three Engines in this area and build a new Fire Station since according to the Matrix Report which was published in the County Safety Report apparatuses older than 15 years should be in reserve status yet Tuolumne County Fire Department has 5 Engines which are 35 plus years old and 20 engines that are 25 plus years old. Even if these apparatuses were in service 24/7 at one of the sites, I still would not take away the danger that these 100+ ignition sources could cause. If you follow what the Fire Safety Report states building these projects is reckless, and could/will cause lives lost when a wildfire comes in this area again.

PUB34-02

Traffic Concerns: It is currently hard to pull out onto HWY120 from Saw Mill Mountain due to a blind curve in the road West of the intersection. With the additional cars and people it will make it that much harder, and will certainly cause a motor vehicle accidents. If the proposed projects are across the street from each other there is also the likely hood of pedestrians walking across HWY120 and getting hit and killed by a vehicle. When a wildfire is caused by one of these two properties it will make it nearly impossible for everyone to get out safely due to the increased traffic as well as only 1 lane in both directions.

PUB34-03

Sewage and COVID-19: As stated in a news article that came out this week COVID-19 was located in the sewage of Yosemite Park. When Rush Creek was built they put in the best sewage system as required however since opening they have been dealing with grey and brown sewage. Because there is no public sewer system each of the projects will need to rely on an engineered septic system to treat the waste that will be produced. This waste could contaminate our wells just like it is at Rush Creek. With the new concerns of COVID-19 this drain off could be deadly to anyone using the wells.

PUB34-04

Water: Continuing on the issue of our wells being contaminated, there is the potential for the Terra Vi project to dry up our wells because there is no public water supply in the area such as a reservoir or lake. The well test that was done hastily was done during an unusually wet year. From my understanding these are normally conducted during multiple seasons for at least a year or two. Since we do no have an accurate Well Test that was done it is very likely that our wells will dry up due to this project.

PUB34-05

Wildlife: Wildlife is prevalent in this area, including Deers, Bears, Coyotes, Foxes Owls and Quails. If their natural habitat is taken away from them where are they going to go?

PUB34-06

Thank you,
Brewer Dennis

COMMENT LETTER # PUB35

From: Sam Flanery <samflanery@sbcglobal.net>
Sent: Monday, July 20, 2020 12:55 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Re: Terra Vi and Yosemite Under Canvas

Good Afternoon,
Thank you for letting me know you received my email.

I would like to add to my concerns the Coronavirus possibly getting into our sewage system as Yosemite National Park has now tested positive for the virus in their sewage system. The DEIR did not address the Coronavirus.

PUB35-01

Sincerely,
Sam & Helen Flanery

On Monday, July 20, 2020, 7:22:35 AM PDT, Natalie Rizzi <nrizzi@co.tuolumne.ca.us> wrote:

Good morning,

Thank you for your response on the Under Canvas DEIR. I have saved the response to the project file so they may be considered. Do not hesitate to contact me with any additional questions or concerns.

Thank you,

Natalie Rizzi

Land Use Coordinator

Community Development Department

Tuolumne County

Office: (209) 533-5936

Fax: (209) 533-5616

Email: nrizzi@co.tuolumne.ca.us

From: Sam Flanery <samflanery@sbcglobal.net>
Sent: Saturday, July 18, 2020 2:24 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: RE: Terra Vi and Yosemite Under Canvas

I wrote an email last week addressing these projects but it dawned on me that you may prefer to receive a PDF. My original letter was not included in the DEIR report I surely hope this was an oversight and not done on purpose.

Sam Flanery

PUB35-02

From: Sam Flanery <samflanery@sbcglobal.net>
Sent: Monday, July 20, 2020 1:06 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: RE: Terra Vi & Yosemite Under Canvas Projects

I recently sent you an email stating my concerns over both of these projects. I have a new one which I would like to add. I am gravely concerned about the Coronavirus getting into the sewage system. This has just happened at Yosemite National Park. As you know the Coronavirus is a deadly disease which we are learning more about each day. All we do know for sure is that it spreads easily and can kill people. Having this virus in the sewage system might not only kill people, it could kill animals and leave our water supply unuseable.

Sincerely,
Sam Flanery

PUB36-01

From: Denise Kraft <denisekraft@comcast.net>
Sent: Monday, July 20, 2020 11:36 AM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: RE: RE: The Terra Vi and Yosemite Under Canvas Projects

Hi Natalie,
Thanks for letting me know your received my email. I do have a new concern that was not raised in my email and I would like to bring to your attention.

The DEIR did not address the Coronavirus. The coronavirus has now been found in Yosemite National Park's Sewage. What precautions will be take to make sure this does not happen at Under Canvas.

Sincerely,

Denise Flanery Kraft

On 07/20/2020 7:20 AM Natalie Rizzi <nrizzi@co.tuolumne.ca.us> wrote:

PUB37-01

Good morning,

Thank you for your response on the Under Canvas DEIR. I have saved the response to the project file so they may be considered. Do not hesitate to contact me with any additional questions or concerns.

Thank you,

Natalie Rizzi

Land Use Coordinator

Community Development Department

Tuolumne County

Office: (209) 533-5936

Fax: (209) 533-5616

Email: nrizzi@co.tuolumne.ca.us

From: Denise Kraft <denisekraft@comcast.net>
Sent: Saturday, July 18, 2020 1:59 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Fwd: RE: The Terra Vi and Yosemite Under Canvas Projects

----- Original Message -----

From: Denise Kraft <denisekraft@comcast.net>
To: "gyaley@co.tuolumne.ca.us" <gyaley@co.tuolumne.ca.us>, "nrizzo@co.tuolumne.ca.us" <nrizzo@co.tuolumne.ca.us>
Date: 07/18/2020 1:43 PM
Subject: RE: The Terra Vi and Yosemite Under Canvas Projects

I am against the Terra Vi and Yosemite Under Canvas Projects. Please see the attached PDF with my concerns.

Denise Flanery Kraft

|
| **PUB37-02**
|

From: Denise Kraft <denisekraft@comcast.net>
Sent: Monday, July 20, 2020 12:07 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: RE: Terra Vi project & Yosemite Under Canvas

I send an earlier email stating my objections to the Terra Vi and Yosemite Under Canvas projects.

Since, then I new concern has come to my attention. The DEIR did not address the Coronavirus. The coronavirus has now been found in Yosemite National Park's Sewage. What precautions will be take to make sure this does not happen at Terra Vi and Yosemite Under Canvas.

Sincerely, Denise Flanery Kraft

PUB37-03

COMMENT LETTER # PUB38

From: Keith Martin <keithwmartin@sbcglobal.net>

Sent: Monday, July 20, 2020 2:05 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Terra Vi and Yosemite Under Canvas DEIR

Attached is a pdf of my letter of concern about the DEIR's for Terra Vi and Yosemite Under Canvas.

Please let me know if you need any additional information.

Keith Martin

PUB38-01

From: Keith Martin
20139 Pine Mountain Drive
Groveland, CA 95321

To: Ms. Natalie Rizzi and Ms. Quincy Yaley
Tuolumne County Planning Dept
2 South Green Street
Sonora, CA 95370

Reference: Terra Vi and Yosemite Under Canvas proposed projects

I have seen comments concerning water use and waste water, fire safety and availability of fire, ambulance and law enforcement made by others. I agree that the DEIR for both projects inadequately addresses these concerns and as currently proposed these projects could negatively affect my own access to fire, ambulance and law enforcement services.

PUB38-02

I am particularly concerned about the proposed Yosemite Under Canvas project. This project proposes to construct 99 vacation rentals, many with plumbing and wood stoves. However, they propose to construct these vacation rentals as canvas tents. It appears that under the guise of being a campground, these tent vacation rentals would not be subject to the more rigorous building code requirements that apply to structures. The developers anticipate upwards of 250 occupants each day.

The fire, sanitation and exiting requirements of our building codes are based on years of experience with catastrophe and are designed to protect building occupants. The flimsy tent structures proposed by Yosemite Under Canvas lack any significant protection against fire. The only fire protection mentioned is that the canvas must meet State Fire Marshall standards for fire resistance. In addition, each tent is to have a wood burning stove manufactured by a company in Utah that supplies hunters and campers but which does not reference any nationally recognized standards to which their stoves must comply.

My house in Groveland has a wood stove manufactured by a nationally recognized company and listed by the county as meeting county standards. When installing this stove, the base, adjacent walls, flu and chimney all had to meet building code standards primarily with regards to fire protection. In addition, my house was constructed to resist code specified lateral forces from wind and seismic as well as vertical loads from snow and human usage. The DEIR did not reference any nationally recognized standards for the installation of wood stoves in tents used as a commercial vacation rental facility, if one even exists. The DEIR did not reference any required permits or inspections of the construction of the vacation rental tents to verify compliance with nationally recognized standards which might not exist.

PUB38-03

As a citizen of Tuolumne County, a resident of Tuolumne County and Taxpayer in Tuolumne County I am concerned about the county becoming liable for irresponsibly approving an ill-conceived project. Thousands of tourists would occupy the Yosemite Under Canvas project assuming that their safety and well being were protected by Tuolumne County oversight and approval of the project. Should there be large scale injury and death caused by the failure of the county to demand that Yosemite Under Canvas meet recognized fire, building and safety standards, then I fear that successful litigation against the county would result in massive judgements whose repayment would fall on all the citizens of Tuolumne County.

I am a licensed California Civil and Structural Engineer. I have been involved in designing and getting approval of structures since 1976. I am a member of the Structural Engineer's Association of Southern California and have served on several committees recommending code changes. I served as a Structural Specialist with FEMA USAR CATF2 from 1991 to 2016 and responded to emergencies both domestic and foreign. I have qualified as an expert witness in California Courts and have testified in cases concerning structural problems. Based on my many years of experience in building design, disaster response and involvement with the legal system, I fear this project has serious issues which have not been adequately covered in the DEIR.

My wife and I are avid campers, hikers and backpackers. We are both certified outings leaders by the Sierra Club and have been leading trips for nearly 30 years. It is our experience as outings leaders that you need to be prepared for bad things to happen. Before we became romantically involved, we were co leading backpacks in the Sierra. One of the first trips we co lead involved a late season backpack over Parker Pass in the Yosemite high country. Our trip was aborted in the middle of the night when we were hit by an early season blizzard. Our hike out that morning in freezing blowing snow was epic. Fortunately, it did not deter us from continuing to lead trips together, and two years later we were in Yosemite Valley, walking into the chapel and exchanging our wedding vows. Several years ago, my wife and I were leading a camping trip in Anza Borrego State Park. On our last night of the trip, as we all went to sleep, the night was calm. Several hours later the wind began to blow and we were soon experiencing 70 mph gusts. Everyone in our group had their tent blow down. Tents are not made to resist 70 mph wind gusts. After my wife and I successfully took down our own tent and gear, we then helped some of our fellow campers who had become trapped in their collapsed tents. Imagine the scenario if this event was to occur at Yosemite Under Canvas and the collapsed tents with trapped occupants had wood stoves still burning in the rubble.

It is ironic that the DEIR states that the wood stoves being considered for Yosemite Under Canvas are named the "Hunter" model. The last great Tuolumne County catastrophe was caused by a hunter's irresponsible campfire. Does Tuolumne County want another great disaster, this time the carnage and destruction linked to 99 irresponsibly operated Hunters?

Sincerely yours,
Keith Martin

**PUB38-03
cont.**

COMMENT LETTER # PUB39

From: Bill M <mcmahonwj@yahoo.com>

Date: July 20, 2020 at 12:39:08 PM PDT

To: gyaley@co.tuolumne.ca.ua, jgray@co.tuolumne.ca.us

Subject: Re: Request for extension on review period for Under Canvas and Terra Vi

I'm renewing my request for additional time to respond to the Yosemite under canvas and Terra Vi projects. You did not respond to my earlier request. Please provide a response today. Thank you

PUB39-01

COMMENT LETTER # PUB40

From: Bill M <mcmahonwj@yahoo.com>
Sent: Monday, July 20, 2020 11:33 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Objection to Yosemite under canvas and terra vi projects

We are opposed to the Yosemite under canvas project. As a preliminary matter, we'd like to express our disappointment with how the county has handled things so far. I personally attended the meeting in Groveland last year, and I lodged many objections. None of them made it into the record. That is inexcusable. We understand the county is strapped for cash. But that does not permit you to disregard procedures and ignore all of our concerns.

We live on Hardin Flat Road part time, and will be retiring there soon. Our property is situated several hundred yards downhill from the proposed Glamping site. Which means that our water well is subject to getting polluted from the clamping project. It also means our water is subject to being diminished or completely taken by the clamping project. We are not willing to endure that and we and our neighbors will sue if this project gets approved. Just letting you know that upfront. This is not going to be an easy project and you best heed all of our concerns now.

Air pollution is also going to be a big factor. Why haven't you addressed air quality in the preliminary report? Many of us objected on that basis and yet you ignored it. Because Hardin Flat is located in a basin. The smoke from campfires at Yosemite Lakes Campground already fills the basin and lingers. The problem will be much worse if the Glamping project is approved. There simply is not enough airflow to avoid having unhealthy air from so many campfires.

The noise of having hundreds of people staying very close to our property will be intolerable. Please don't ignore that concern. And remember, it's not just humans who are disturbed by that level of noise. Again, we brought up the potential impact to the natural environment and wildlife. Why is the county ignoring us?

We also have security concerns. Because the southern boundary of the Glamping project is literally a stone's throw from our property. We do not want people from the Glamping site walking through our woods or coming near our home. Which means we would have to undertake the expense of building a fence. It is not right that we should have to deal with that.

One of the most ridiculous aspects of the county's actions so far, is ignoring the safety issues created by having terra vi and the Glamping project built. The traffic impact will be huge. There will be traffic safety issues involved with having hundreds, actually more than 1000, people driving in and out of Hardin Flat and Sawmill Mountain. The county must weigh the cumulative impact of having both those developments there. As it is, the county is playing games by pretending that each of those developments alone would have minimal impact.

The county has failed to address other public safety issues. The roadway and those intersections could not handle emergency traffic during an evacuation. And the county simply does not have the resources to provide an adequate level of response for law-enforcement or fire or ambulance/rescue personnel. What is the county's plan in this regard?

Sincerely,
Bill McMahon
30843 Hardin Flat rd

PUB40-01

PUB40-02

PUB40-03

To Whom it May Concern,

My family has owned the property at 11230 Saw Mill Mountain Road in Groveled for over 30 years. I would like to voice my concerns over The Under Canvas and The Terra Vi projects as well as the DIERs that were performed.

First off, I would like to to state how disappointed I am that the additional 30 day request was not granted. It shows that the people who run this County only care about themselves and not the people they are suppose to serve, or the land up here they are suppose to protect.

Here are a list of the concerns over the projects that I believe will be detrimental to the ecosystem as well as the land surrounding the area.

1. **Water Supply:** For starters the water supply test was half heartedly conducted and was done in a more wetter than normal winter season. To my understanding these tests should b conducted over multiple different seasons to get an accurate depiction of water supply in different climates and different parts of the year. California goes through droughts quite often especially lately and with the properties and with the properties in the area being on well systems the projects could pull enough water from the ground and dry up the wells. The wells are our only source of water and if the water supply were to dry up or become contaminated it would be extremely damaging to us and the environment.
2. **Sewage/ Leach Field:** Both of these projects are going to rely on an engineered septic system to treat all of the waste. For projects of this size this'll be a lot of waste to treat. Being that The Terra Vi project is on a higher hill and the leach field has the opportunity to bleed into our wells and contaminate our water. To show that this is areal and very dangerous issue the resort up the road Rush Creek has had numerous issues with this with no way of stopping or treating the issue.A new concern regarding the Sewage is that fact that COVID-19 was found in the sewage in Yosemite Park. This should be a real concern and should be taken into consideration when thinking about this project. COVID-19 is an extreme virus that we still no little about, however from what we do know it causes great illness as well as death from some people that become infected.
3. **Road Entrance/ Traffic:** The intersection of Saw Mill Mountain Rd and 120 is extremely difficult most of the time to drive onto especially during peak times when people are trying to go to and from Yosemite. With all the added car traffic and food traffic from people walking across 120 to get to both sites it will lead to additional traffic hazards. If an accident were to occur or a pedestrian was hit it will pull emergency resources from the surrounding areas.
4. **Fire Damage and Hazards:** As everyone is aware the rim fire of 2013 devastated the area. The rim fire was caused by a single reckless hunter who started a campfire and it went out of control and caused an incalculable amount of damage. This fie took about took about 80-90% of the trees in the area and burned down an outbuilding on our property. It very narrowly missed the main house but it caused some damage to that as well. With a fire this bad being caused by one reckless hunter, what damage could be done by hundreds of visitors with the projects promising wood stoves, campfire pits, and BBQ's. If it is a particularly dry season, which happens all the time, one spark from a fire pit catches some dry brush on fire it could lead to another massive fire. It only takes one careless person to cause a massive fire.
5. **Security and Privacy:** The Terra Vi project will be within a mile of the property. One of the concerns we have is people wandering into our property and either damaging or stealing things. This are is not known for hiking trails and walking on 120 is very dangerous, which could lead to people walking on the dirt paths we use to get in and out of our property. With this project promising wedding and other parties it will lead to a lot of noise pollution.

PUB41-01

PUB41-02

PUB41-03

PUB41-04

PUB41-05

PUB41-06

These are just some of the concerns that I and our family have regarding these two projects. There is an area closed to Groveland called “ The Scar” that would alleviate a lot of these concerns. It is closer to emergency services so if there is a hazard/ fire emergency services could respond much quicker. Since the Scar area is a much larger area of land it is farther away from other personal properties and homes so the projects would not be drawing water from person water supply wells. Where the Scar is located on 120 it is a long flat road where you can see both ways and could be perfect for traffic lights. It is also just far enough away from the Yosemite Gates that it will not get congested even during peak times.

Lastly while reviewing the DEIR I notices that my pervious comment letter was excluded. It also came to my attention that all of my families comment letters were excluded. I hope this letter is included into the next report and the other letters were not left off purposely. Please respond to this letter to let me know that it was received and will be added to the many other letters of opposition regarding this project.

Zachary Wiedemann

PUB41-07

COMMENT LETTER # PUB42

From: Sharon Coolidge <sharongae@gmail.com>
Sent: Tuesday, July 21, 2020 4:58 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Proposed Developments along Hwy 120 near Yosemite

Re: Proposed "Yosemite Under Canvas" (YUC) and
Terra Vi, developments - Hwy 120 corridor

To: Natalie Rizzi, Tuolumne County

July 21, 2020

At first, when I read about the Terra Ve & Yosemite Under Canvas proposed developments I immediately thought about how such large resorts could be even considered for this geographic area with so many critical items screaming to be addressed.

I stand with many NOT being in favor of these proposed projects especially without an EIR, when there is already a major project underway, the Berkeley Tuolumne Camp. This is a huge, \$60 million rebuilding project is only a few minutes away.

Here is a brief list of what other concerns I have and I don't feel are being addressed and need MUCH further study:

1. How is the Covid 19 pandemic going to affect the development process and the future viability of these endeavors. Are these businesses even feasible with what's going on with the travel & leisure industries? What if these places get built and then go belly up? Who ends up 'holding the bag'?
2. Emergency response of police, fire and medical. Mariposa County I believe required Tenaya Lodge over near Fish Camp to build & staff their own EMS department. Seems like a good idea! And make the development owners pay for staffing.
3. Water and sewer - even with the best, most modern engineered systems like the one Rush Creek Lodge installed had major problems.
4. Traffic, noise and smoke from all the woodstoves
5. Parking problems already in Yosemite - how does 1000+ more even get through the entrance gate when the Park is already so jammed with tourists. Major holidays already have limits on vehicles allowed entry. Traffic jams at entrance gates are already miles long with folks sitting there with their car engines running, just waiting for the chance to clog already crowded roads in the Park.
6. Employees - there's a whole nother aspect of what's going to happen? What about SIP orders?
7. These types of projects need to be closer to towns where there are already systems in place to handle a lot of these problems.

You all owe it to the citizens who have voiced their concerns and you need to protect Yosemite National Park itself to see these issues and problems resolved before approval gets handed out!

Signed,
Sharon Coolidge, 6653 Dogtown Rd, Coulterville, CA 95311

PUB42-01

PUB42-02

PUB42-03

PUB42-04

PUB42-05

PUB42-06

PUB42-07

PUB42-08

PUB42-09

From: TR Coolidge <tcintune@gmail.com>
Sent: Friday, July 24, 2020 10:17 AM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: Terra Vi, Yosemite Under Canvas

Re: Proposed Developments Terra Vi
and Yosemite Under Canvas- Hwy120

To: Natalie Rizzi

July 24, 2020

I am concerned over the many environmental and public safety issues that have not been adequately addressed in the planning of these very invasive projects.

The questions regarding water/sewer, traffic, emergency response/ public safety and pollution have all been well-documented by now, so I would save you some time by simply stating that, in my opinion, there should be significantly more attention and research devoted to those items.

PUB43-01

I believe an objective assessment will reveal the negative aspects far outweigh any monetary benefit to the county, and the extensive environmental damage it will cause is unacceptable and irreversible.

I appreciate the time, energy, and thought you devote to this proposal!

Signed,
Tom Coolidge
6653 Dogtown Rd
Coulterville CA 95311

From: TR Coolidge <tcintune@gmail.com>
Sent: Friday, July 24, 2020 10:20 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi, Yosemite Under Canvas

Re: Proposed Developments Terra Vi
and Yosemite Under Canvas- Hwy120

To: Quincy Yaley

July 24, 2020

I am concerned over the many environmental and public safety issues that have not been adequately addressed in the planning of these very invasive projects.

The questions regarding water/sewer, traffic, emergency response/ public safety and pollution have all been well-documented by now, so I would save you some time by simply stating that, in my opinion, there should be significantly more attention and research devoted to those items.

I believe an objective assessment will reveal the negative aspects far outweigh any monetary benefit to the county, and the extensive environmental damage it will cause is unacceptable and irreversible.

I appreciate the time, energy, and thought you devote to this proposal!

Signed,
Tom Coolidge
6653 Dogtown Rd
Coulterville CA 95311

PUB43-02

From: Lee Zimmerman <leez@evergreenlodge.com>

Sent: Friday, July 24, 2020 2:19 PM

To: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>;
Tracie Riggs <TRiggs@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>; Karl Rodefer
<KRodefer@co.tuolumne.ca.us>

Subject: <no subject>

Hi all (including Karl since John is out with surgery),

I feel the need to make sure you are aware of something.

We and others really question the decision by the planning department to issue two massive EIR's of 2000+ pages for 45-day comment period with deadlines within 10 days of each other (Yosemite Under Canvas & Terra Vi). Given that a single project like one of these comes around every few years, we would have expected the county to appropriately stagger the comment periods, particularly given the massive volume of the documents provided.

There is clearly a feeling in the community, which I am hearing from many, of bad faith by the county in trying to stack these two review periods on top of each other to push them through by limiting the ability for thoughtful review and comments, particularly given the scale of the developments and documentation. All is of course exacerbated by current Covid restrictions and demands, which might alone be reason for greater timing flexibility and sensitivity.

I wanted to bring this up before the Terra Vi deadline in case your department wanted to address it.

Separately, as I mention below, the current Terra Vi docs alone are 400 megs in size, which puts an undue burden on folks who may not be able to have the bandwidth needed to download them easily, restricting access in particular for those of lesser means. Again, this leaves the appearance of trying to limit the ability for the community to review the EIR, when Terra Vi could easily have been asked to provide in a lower resolution PDF that was not such a hurdle to folks to download and use.

Thanks for your time.

Lee

PUB44-01

COMMENT LETTER # PUB45

From: Angie Norquist <1angienorquist@gmail.com>
Sent: Sunday, July 26, 2020 3:14 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Cc: Quincy Yaley <QYaley@co.tuolumne.ca.us>; triggs@co.tuolumne.ca.us;
kathleenhaff2020@gmail.com; BOS Members <bosm@co.tuolumne.ca.us>; jjunette@fs.fed.us
Subject: Terra Vi Lodge Yosemite

Dear Ms. Rizzi,

In my previous letter, my concerns were not address in the DEIR for Terra Vi Lodge. My name is Angelene Norquist own a home on Sawmill Mountain Rd. my family has own this property since 1987. For 33 years we have paid taxes, cleaned up the property to prevent fire danger in the area and cleaned up after the Rim Fire 2013, removing dead trees and replanting new trees to replace the the ones that were lost in the fire. The Sawmill Mountain residents have protected this area for many years, and now trying to protect our community and property from over development in the area. I have many concerns about this TERRA VI LODGE YOSEMITE PROJECT, which the DEIR has failed to address.

PUB45-01

WATER SUPPLY, were are you going to get the water when your wells will not produce enough water for the demand you need. Ground water is always a gamble, there is no surface water for you to pull from.

You will deplete our wells.....

SEPTIC there is no public sewer system, you must rely on an engineered septic system to treat truly staggering amounts of wastewater that will be produced. The potential for our well supplies and the Tuolumne River to be contaminated.

PUB45-02

FIRE RISK, In 1952 fire came through this area and burned timber and homes, 1987 again Fire came through this area and burned timber and homes, 2013 once again Fire came through this area and burned timber and homes, This area is in a HIGH FIRE AREA, and yet you do not see this.

PUB45-03

TRAFFIC CONCERNS ON HIGHWAY 120: During the Rim Fire 2013 there were hundreds of people were trying to evacuate on the two lane road Highway 120, When Tuolumne County faces danger in this fashion,

Highway 120 has a very limited capacity to allow for timely evacuation. This can put significant impact and a threat to the lives of the residents of the area. As shown during the 2018 Camp Fire in Paradise,Ca., many people were found burned in their cars, having had difficulty evacuating due to a two lane road.

PUB45-04

I believe that until Terra Vi Lodge can properly address the concerns of the local residents in the area, this should not be allowed to proceed with any development.

Sincerely,

Norquist Family, Bill, Angelene, Gary Paul
11350 Sawmill Mountain Rd.

Phone: 408-354-1493

From: RYAN WHITE <jayneras1@gmail.com>

Sent: Sunday, July 26, 2020 2:58 PM

To: Quincy Yaley

Subject: Proposed Terra Vi Lodge

Dear Ms. Yaley,

I am writing as an architect and former environmental planner with the State of California supporting the CSERC's request for a full environmental impact report and required public hearings for the proposed Terra Vi lodge. Much study is needed to support such a development based on the information at hand showing the detrimental effects to local residents and the natural wonder that is Yosemite and its surrounds. Please consider the CSERC's request with all seriousness for the future of Yosemite and California. Many thanks in advance for your help.

PUB46-01

Jayne Muraki Rasmussen

From: SARL TIARE HOTU <sarltiarehotu@gmail.com>
Sent: Sunday, July 26, 2020 4:35 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Development near Yosemite park

To Mr. Yale director of community development.

.I am writing you as an active business in tourism and understand the problems of over developing popular areas which today is one of the major problems in the world.

Yosemite park is such a beautiful and popular area but it does have limited water supplies traffic and and is an area of extreme fire danger.

I feel that it would be a shame to continue to develop around the park and create more traffic more pollution and more people in such a limited area where at the moment it is already over visited and not enough infrastructure to support more visitors.

Sometimes we need to realize when we have a good thing and not destroy it or overdo it tourism has become so popular now in the world that it is become a danger and we must be aware of that before it's too late.

I ask you today to reconsider any development around or in the Yosemite park and only develop the park in an ecological way that will make it less polluted and more enjoyable for the whole world to visit don't forget this is one of the wonders of the world you have..... please treasure it and keep it as natural as possible for all of the visitors.

Thank you for your consideration Peter Williams

PUB47-01

From: dag219 dag219 <dag219@hotmail.com>
Sent: Monday, July 27, 2020 10:56 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Cc: Tracie Riggs <TRiggs@co.tuolumne.ca.us>; Kathleen Haff <kathleenhaff2020@gmail.com>; bosm@co.tuolumne.ca.us; jjunette@fs.fed.us
Subject: Terra Vi DEIR response letter

July 27, 2020

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

RE: DEIR for Terra Vi Project

Dear Ms. Yaley,

The following is my main list of concerns related to the proposed development of the Terra Vi project in the Sawmill Mountain area. I appreciate your consideration of these concerns before moving forward unabated. Please confirm receipt of this email.

WILDFIRE RISKS AND EVACUATION PLANNING

The DEIR grossly understates the wildfire risks and fails to provide any analysis in support of its conclusion that these risks are less than significant. Terra Vi would be situated within what is considered a 'Very High Fire Hazard Severity Zone', and this area has already succumbed to past forest fires not the least of which was the Rim Fire of 2013. There does not seem to be any attention paid to fire protection services and how these would be provided for. There is, however, an admission that firefighters from Groveland would be unable to reach the area in an acceptable amount of time during a crisis. Shouldn't this be concern enough to fully address the fire danger and evacuation procedures? There's a reliance on Highway 120 as an emergency access road that creates a dangerous assumption. What if the highway is shut down? How would everyone be evacuated in a scenario like this? The DEIR does not analyze Terra Vi's impacts on emergency access in a case such as this. It does not consider the capacity of Highway 120 and traffic conditions on this roadway during an emergency event such as a wildfire. Remember, 1S03 is a **Forest Route**. This Route is managed by the Forestry Service and exists for maintenance of the forest and not meant for commercial access. It is also a dead-end road and serves as the ONLY access and egress for the residents of Sawmill Mountain. The DEIR's lack of evacuation planning will lead to a disaster waiting to happen.

PUB48-01

WATER SUPPLY AND WATER QUALITY

It has been proposed in the DEIR to locate leach lines for the septic system directly above our property. The septic lines would run into a known wetland situated just above and running through our property, into a creek and eventually the Tuolumne River. Since our well is located just below these proposed lines, our water source would most definitely be contaminated. There have also been recent reports that the sewage water in Yosemite National Park has tested positive for the Corona virus. This is a risk that we would be unduly exposed to, not to mention the contamination that untreated sewage would bring. Our health with regard to water quality has clearly not been considered in the DEIR.

PUB48-02

The supply of water is also of great concern, mainly due to the fact that we already have difficulty in obtaining adequate water for our own small property. The most difficult exercise we experienced in the establishment of our homestead was finding a viable water source. When considering the volume of water that the Terra Vi project development would be slated to require (which is not mentioned in the

DEIR) it is simply not logical to believe that our individual property wells would remain productive. Having such a large project development nearby would undoubtedly sap our existing water supply. This area is simply not suited to support the water requirements of not only the residents of Terra Vi, but also the subsequent need for fire suppression by the fire department.

PUB48-02
cont.

UNAUTHORIZED USE OF FOREST ROUTE 1S03

The same fallacy of the intention by the Yosemite Under Canvas developers to use Forest Route 1S09 as a commercial use road also applies to Terra Vi's use of Forest Route 1S03. This simply should not be permitted due to the fact that this particular road is for use by the Forestry Service **only** and is **not** designated as a commercial use road. The amount of traffic alone would deteriorate the only road access we have to our properties especially when you factor in the allowance for heavy equipment to service the Terra Vi project both during construction AND afterwards to maintain its use by the public. Usage of this road would create a major issue of proper and effective evacuation planning in case of fire or other emergency. Exiting Sawmill Mountain onto Highway 120 is already a problem for normal traffic because of how it traverses at that point with a blind corner at the West end. Increasing this traffic due to Terra Vi's presence will most assuredly lead to increased accidents on the highway due to the bottlenecks created during normal situations let alone any emergency scenario.

PUB48-03

NOISE AND TRAFFIC

Make no mistake, the Terra Vi project is a massive project situated in an otherwise serene and largely undeveloped area. The argument could be made that this development is being considered for the 'greater good' much like a highway overpass displaces the lowly and unfortunate residents living beneath but in turn provides improved transportation for the masses. But I fail to see how this development does anybody any good at all, especially the forest when you consider the environmental impact, induced fire hazards and increased traffic and resultant noise pollution. The helipads that the DEIR describes alone would create an incredible amount of noise not to mention the constant heavy traffic that large commercial supply trucking provides just to keep a place like this running. Highway 120 is a two-lane artery, only and it was never designed to take on the increased traffic that this development would attract. We can already hear about every single car that traverses this stretch of road through the Sawmill Mountain area due to the fact that the most recent Rim Fire took out the majority of the trees and growth that served as a natural noise suppressor. The Terra Vi development would easily multiply this noise level and make living nearby it an uncomfortable environment to say the least.

PUB48-04

In conclusion, the aforementioned concerns must necessarily be noted and addressed before moving forward with the Terra Vi project as it has been outlined and described to the affected community in the DEIR. I truly appreciate your consideration and attention.

Sincerely,

David A. George
30400 Sawmill Mountain
Groveland, CA 95321

From: Ron Lopez <ranchovertical2@gmail.com>
Sent: Monday, July 27, 2020 2:04 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra VI Comments

Comments on Terra VI Project

We are becoming increasingly reluctant to comment on anything that brings out “sides”. But it still seems possible to us that everyone CAN win if we listen and are respectful. In that somewhat outdated hope, we offer our thoughts.

The Terra VI project goal should be to add an asset to the community, not a detriment or burden. Planned Growth is so much better for everyone. Growth is inevitable, even desirable, when healthy parameters are established and followed.

From a visitors point of view, we believe the Yosemite corridor would benefit from more comfortable overnight and recreational facilities. That would be an ideal way to expose people to the healthy ecosystem we are trying to save and maintain. Caring for nature is not a natural impulse without some extended exposure. It is then to everyone’s advantage to provide more access into a healthy ecosystem. Terra VI could be such a venue.

The all too common practice of benefiting the wallet of the corporate entity (reasonable) without consideration of the short and longterm impact on the natural and human communities (unreasonable) can obviously be addressed. This means, of course, LESS money pouring into corporate coffers but a better world for everyone. Some of those items that we see with quite limited exposure to the project are:

1. A plan acceptable to the hosting community that provides expanded Emergency Services that will address the increased flux in traffic and people. Really, the concept should be to add an asset to the community, not a detriment or burden (did we say that before?).

2. To add a sizable transient human population into the middle of a stressed but highly valued natural community requires reaching for 10 in an industry that frequently settles on 3. Water, sewage and waste, traffic, employee housing, noise and lights can and should be addressed with the highest independently judged environmental score. Go for the Green! (LEED) The intent should be to meet and surpass the efforts modeled by Evergreen and Rush Creek.

3. Sensitivity to the thriving local human community that Terra VI would be joining. From an artist/handyman friend of ours, who lives in a cabin nearby the proposed project, to the already present tourist providers, the local retailers, artists, farmers and retirees (including several close friends who are income dependent on AirBnB’s)...reaching again for a 10 would have ramifications far beyond the obvious. If an individual can have impact, a family even more, a corporation much more.

To sum it up, the concept should be to add an asset to the community, not a detriment or burden, (in case you lost that in all these words). We believe that to be an attainable goal in this project - only with carefully written mandates to protect existing natural, community (and indeed global) resources.

Believing in a solution somewhere between Wilderness and Clear-Cut,

Sincerely,

Ron & Joy Lopez

PUB49-01

COMMENT LETTER # PUB50

From: Jan Torpy <torpyjan@gmail.com>
Sent: Monday, July 27, 2020 4:37 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Lodge near Yosemite

Dear Ms. Yaley,

I am writing to you today in response to the proposal to build a luxury lodge, Terra Vi near the entrance to Yosemite in Tuolumne. What I recall from conversations with my friends who live in Groveland; there are many concerning factors which need to be looked at when thinking about forward with this project. The biggest issue that I come up with is that this is a high fire area. Building there would have many more people to evacuate, more lives to be lost, and stretch the public safety systems extremely thin. This would be taking away from the long time residents who already live there. This is a fragile ecosystem that you would be building on.

Along with fires, there is a severe draught history in this very area. Taking more water away from what does not hardly exist is not fair to the residents and businesses that are already there. Plus, building a structure of this magnitude might easily put local business out of work as they would not be able to compete with "bigger and better,"

Please rethink this. This project does not have to fold but perhaps taken elsewhere where the environment could make it sustainable and add to the community not take from it.

Sincerely,
Jan Torpy
Auburn CA. resident.

PUB50-01

COMMENT LETTER # PUB51

From: bobasquith@yahoo.com <bobasquith@yahoo.com>

Sent: Tuesday, July 28, 2020 5:31 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>

Subject: Terra VI & Under Canvas DEIRs

Hello Ladies

I am having some trouble reconciling differences between these two DEIRs. Please respond to my attached letter. Thanks.

PUB51-01

Stay Safe, Be Well, Bob Asquith

bobasquith@yahoo.com

(209) 962-7990

July 28, 2020

Emailed 7/28/20

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

Attn: Quincy Yaley, Tuolumne County Planning Commissioners, Board of Supervisors

I have read the Yosemite Under Canvas DEIR and the Terra VI DEIR. Please help me understand how one DEIR can call out numerous items that require mitigation and the other does not.

- Was one of the DEIRs just flat wrong?
- Do the mitigation items stop at highway 120?
- What is the role of Tuolumne County Planning in policing these documents on behalf of the County residents?
- How is Tuolumne County Planning going to reconcile these gross inconsistencies before the projects proceed?

Here is but one example – the Terra VI DEIR lists 22 specific impacts requiring mitigation while the Under Canvas DEIR lists 6 impacts requiring mitigation. Do we have birds and bats that do not cross highway 120? There is something clearly wrong with: 1) Under Canvas DEIR, 2) Terra VI DEIR, and/or 3) Tuolumne County planning process to be so very different.

I am extremely concerned that between the consultants that prepared these DEIRs and Tuolumne County on whose behalf it was prepared, there were so many blatant errors and omissions.

Also, it is very disappointing that Tuolumne County released two very lengthy DEIRs at almost the same time, during summer months when many residents are unavailable, and during the Covid crisis. The lack of consideration for review extension could lead one to the conclusion the County was trying to minimize resident review and comment and rush approval. This is not the manner in which I expect Tuolumne County to act as guardians of the integrity of developments within our County.

Respectfully submitted,

Robert Asquith.

**PUB51-01
cont.**

PUB51-02

PUB51-03

COMMENT LETTER # PUB52

From: Mary Lou Bailey <marylou@wizwire.com>
Sent: Tuesday, July 28, 2020 9:59 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Hotel complex near Yosemite

Our beautiful. Natural Treasures are being eroded now at a faster rate than ever before.
Yosemite is overrun with visitors now, and adding another oversized tourist venue will guarantee more damage to the delicate eco system.
Please do not approve further development In a this fragile area.
Mary Lou Bailey
Sent from my

PUB52-01

COMMENT LETTER # PUB53

From: Connie Brown <cjanebrown37@gmail.com>
Sent: Tuesday, July 28, 2020 5:21 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge development

To David Gonzalves and Quincy Yaley,

I am writing to express my concerns about the proposed development of Terra Vi Lodge on the north side of Highway 120 at the intersection of Summit Mountain Road. I am not altogether opposed to the development of more guest housing in the Yosemite area, but a project of size at this particular location is unusually risky in a number of ways. There is no public water, and there is no assurance that the existing water supply system could be reliable during multi-year periods of drought; there is no public sewer service and no adequate plan for how the effluent from the guests and staff on the property will be treated; fire has already burned this property (in 2013) and there is no reason to believe that it won't happen again; it is not convenient to public services, like sheriffs, medical care, etc.; it could have considerable negative impact on existing tourist businesses in the area.

I am requesting that the County do two things: 1) require an Environmental Impact Report for the development at this location, and 2) consider other locations for this project.

Thank you for your consideration,

Sincerely yours,

Constance C. Brown

PUB53-01

COMMENT LETTER # PUB54

From: Wendy Francis <w.francis59@gmail.com>
Sent: Tuesday, July 28, 2020 2:43 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge

Dear Ms. Yaley

I was very surprised to hear of the proposal for the development up near Harden Flat. Even though I have not lived in the Groveland area since the 1990s I am still well aware of some of the issues that plague the foothills and mountain areas.

A development of that size would require a tremendous amount of water, not to mention a substantial sewage treatment plan. My understanding is that water is always a major concern in the ongoing drought issues in California. I'm not too optimistic on that changing in the future.

Additionally, having gone through the major Complex Fire in the late 1980s, fire is such a huge issue in the mountains that I have grave reservations about the development and the ability to safely evacuate the people staying there. The idea is frightening to even consider, despite the possible safety procedures that might be implemented. There have been too many examples of tragedy resulting from fires and the inability to get people out in areas where the roads are limited.

The environmental impact of a development that size would no doubt add to slow depletion and destruction of the natural resources of the area.

My strong recommendation and hope is that the board will seriously consider protecting the Hwy 120 corridor to the Park by keeping it undeveloped and natural.

Thank you for your consideration of this critical issue.

Wendy Francis

PUB54-01

COMMENT LETTER # PUB55

From: Georgia A Francis <georgia.francis28@gmail.com>
Sent: Tuesday, July 28, 2020 3:13 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Against Terra Vi

To: Ms. Quincy Yaley, Director of Community Development Department

I'm writing to express my concern about the Terra Vi Lodge development. Based on the lack of water, safety concerns, environmental impact and the economic impact on Groveland, I am strongly against this development. Terra Vi is clearly reckless and driven by money with disregard to the needs of the local people and the environment. I find it disturbing that a lodge that is supposed to showcase the beauty of the local environment puts that very environment in such peril by harming it with sewage treatment, fire danger, and drilling for wells in an already over-stressed water table. For shame. There are other appropriate sites that would be a more responsible choice if a development such as this must move forward at all. To allow Terra Vi to continue forward is blatantly irresponsible. Stop Terra Vi Lodge right now.

PUB55-01

Respectfully,
Georgia McKenzie
Long-time resident of Groveland
808-462-9339

COMMENT LETTER # PUB56

From: Anne Anderson <annehand1@mac.com>
Sent: Wednesday, July 29, 2020 9:11 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi

To: Quincy Yaley
From: Anne Anderson
RE: Terra Vi proposal

Dear Ms. Yaley,

I would like to register my strong opposition to the Terra Vi development proposal at the gates of Yosemite National Park. This proposal never should have gotten as far as it has, and it needs to be ended now.

PUB56-01

Here are my reasons:

1. Extreme Fire Danger — For this reason alone, this property should not be developed. This property has already been overrun by wildfire once. It is clearly vulnerable to additional massive wind-fueled wildfires that have become routine in our state.

PUB56-02

2. Lack of water — With no access to public water service and no aquifer beneath the property, relying on a couple of wells for such a massive development is foolhardy. The neighbors' wells are sure to be negatively affected, and how will those neighbors be compensated? The loss of the reasonable use of their property is not an acceptable tradeoff.

PUB56-03

3. Lack of sewer — Without access to public sewage services, the plan to treat all sewage on the property sounds dubious at best. What evidence do you have that the developers can actually pull this off? Has this technology been proven to work at such a large scale? It is more likely that the property will become one giant, smelly cess pool at the GATEWAY to Yosemite. John Muir would be horrified.

PUB56-04

4. Terrible location — There are clearly identified, better locations for a greatly scaled down, right-sized project of this sort. The town of Groveland, for example, is an obvious choice where public water and sewer services can be negotiated. Impacts to the livelihoods of the current residents of Groveland should also be considered strongly in any proposed project. The fact that there are no services — fire, police, water, and sewer — anywhere near this site should be unacceptable to Tuolumne County.

PUB56-05

5. Traffic — There are already miles-long traffic jams of cars trying to get into Yosemite. Tuolumne County should be interested in ensuring that the experience of going to Yosemite is a pleasant one, so that visitors have a positive memory of the county. The experience of being stuck in a traffic jam next to an overbuilt, high-end resort for the wealthy is not going to endear the county to the thousands of visitors who come through daily.

PUB56-06

In sum, a project such as this should never have gotten past the trial balloon stage. That the developers have already spent a lot of money on this project should not deter you and the county supervisors from doing the right thing. Just say no to this project.

PUB56-07

Anne Anderson
annehand1@mac.com

COMMENT LETTER # PUB57

From: Cris Barsanti <cris@crisbarsanti.com>
Sent: Wednesday, July 29, 2020 5:34 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Project

Dear Quincy,

I am writing to express my concerns with the Terra Vi project off Hwy 120, near Hardin Flat. As I've been reading over sections of the DEIR I find that this development is inappropriate for this location. I think it is fair to ask how this parcel was considered for Commercial Recreation zoning. As you know it is bordered by lands zoned A-10, RE-5, RE-2 and Public which seem incompatible with the C/R zoning. Since I'm not familiar with the history, I don't know if the owners of the adjacent parcels fought this zoning when it was approved. I believe that the owners of the neighboring parcels expected that the land would stay undeveloped for at least 10 years when the Murray trust entered into a CA Forest Improvement Program in 2018 after the devastation caused by the Rim Fire. I imagine that if this project is approved the trust will have to reimburse the State of CA for the funds it has already spent on reforesting this parcel.

PUB57-01

Since the parcel is rated by Cal Fire as being in a Very High Fire Hazard Security Zone it is unconscionable to allow accommodations for in excess of 400-600 guests and employees. Additionally the CA PUC classifies the parcel as a Tier 2 Fire Threat. With the increase in multi year droughts and the climate warming we are experiencing it seems unwise to "play with fire" so to speak.

PUB57-02

The lack of public water is another important concern. The two wells that were recently drilled on the property during a normal rainfall year may not be adequate during drought years. Drawing the large amount of water needed to service this project from the fractured underground water table will most likely adversely affect the neighbors' wells.

Short of a lawsuit will the neighbors be adequately compensated should this happen? (It is my understanding that Rush Creeek has found it necessary to truck in water during our frequent drought years.)

PUB57-03

The lack of public sewer is most concerning. With the leach field planned for what the neighbors describe as a wetlands or at best a wet meadow, what is to keep the effluent from contaminating their wells or seeping into the ephemeral streams that eventually make their way to the Middle Fork Tuolumne River.

PUB57-04

Considering the nearby approved and pending developments including the Berkeley Camp Restoration, the Under Canvas project across Hwy 120 and the 1000 Trails Yosemite Lakes RV Park expansion, the traffic into and out of Yosemite will be more unbearable than it is currently. Last weekend a friend waited 1 1/2 hours to get into the Park even with the reduced amount of visitors allowed and the requirement to have a reservation. With all the added potential visitors these developments will generate, the traffic will be comparable to LA traffic jams. I am heartened to notice that a YARTS bus stop is planned in front of the Terra Vi Lodge.

PUB57-05

The location of the development, 25 miles from Groveland where emergency medical, law enforcement and ambulance service are located means that if there is a need for these public services in this remote location which is more likely with 400-600 people present, the people living close to the towns of Groveland and Big Oak Flat will be left uncovered.

PUB57-06

The Helipad will increase noise and present a potential safety hazard to neighbors. The quiet, peaceful atmosphere they have enjoyed for many years will be quite changed by this development. It is good to know that the Helipad would be used for emergencies only, so theoretically it would be used infrequently.

PUB57-07

The disruption of the resident mule deer migration to and from their summer and winter range is concerning as they have been already impacted by the devastation of the Rim Fire and encounters with visitors on walking trails through their migration routes will be detrimental.

PUB57-08

My final concern is the increased GHG emissions generated by this development. As each year goes by we get closer and closer to the point of no return when it will be too late to reverse the damage that is being caused by humans' contributions to the planet's warming. The DEIS finds that the GHG emissions that will be created by this project are significant and unavoidable. This finding alone should be enough to table the project.

PUB57-09

Thank you for considering my comments.

Cris Barsanti
Columbia

From: Justin Berton <berton.justin@gmail.com>
Sent: Wednesday, July 29, 2020 4:27 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge/Public comment

Hello,

Comments in response to Terra Vi Lodge DEIR

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

Water Supply- It is worth repeating that this site is an area with **no aquifers** and “...*subsurface material consists primarily of impermeable granitic and greenstone bedrock which can result in a low groundwater yield.*” and “*The characteristics of the fractured rock and weather fluctuations have led to some wells providing unreliable sources of water.*” (previous IS/MND). Even the current DEIR for this project notes that “*Fractured rock provides inconsistent groundwater conditions; some parcels are underlain by small pools of groundwater that are reliable, and others tap into less reliable subsurface rills and streamlets. The Tuolumne-Stanislaus Integrated Regional Water Management Plan determined that existing data are insufficient to quantify the total available sustainable groundwater supply. This is not atypical in fractured rock environments such as those that occur throughout the Sierra foothills*”.

PUB58-01

Anyone who lives in California knows that every winter is different and we have the potential for a multi-year drought. This DEIR does not take this into consideration at all. In fact, there is no scientific evidence provided to support the contention that the 50% reduction factor will come even close to accurately predicting reduced capacity during multiyear droughts. This is a huge project, the fact that this is not addressed is completely irresponsible. What happens when 500-800 people run out of water in August during peak Yosemite tourists season?

Another problem with this report is that the DEIR indicates that 16,640 gpd is sufficient to supply 500+ people with their daily water requirements. Assuming 500 people, this results in only a 33 gpd allocation per person! Again most Californians know this is an unrealistic amount and you all should know this as well.

PUB58-02

This is a very tough water conservation goal. More realistic is 55 gpd. If one uses a 55 gpd consumption rate per person for 500 people, the daily demand at Terra Vi is now estimated to be 27,500 gpd. This more realistic demand comes much closer to the highly optimistic (i.e. very wet year) pumping rate of 38,160 gpd. To exceed the pumping capacity, consumption would only have to increase to 77 gpd per person (not unlikely). Especially with tourists on vacation they do not understand the very real water problem this area deals with during droughts and are more likely to over use water rather than conserve water.

PUB58-03

This is all before we take into consideration the effects of the Under Canvas project. These two resorts would put a heavy strain on the water available in the area. There are many houses near these two developments and both will put them all at risk of losing their water supply. I still do not understand why the alternative site is not an option I did not see any of the reasons given

PUB58-04

as worthy. For example, the very real problems with water supply and wastewater disposal would be adequately addressed at the alternate site because of the capacity for municipal water supply and sewage service. Similarly, wildfire risk issues would be mitigated by being closer to the fire station and a reduced necessity for landscape screening (AKA fuel loading).

PUB58-04
cont.

Wastewater treatment and potential groundwater contamination – Even if one uses the very low estimate of pumping rate of 16,640 gpd for this project, wastewater production will exceed 6 million gallons per year. The DEIR estimates that 7,000 gpd of grey water will be produced and used for irrigation. Thus, over 2.5 million gallons of grey water would be available for irrigation; that is a lot of irrigation for native vegetation! Realistically, and as noted in the DEIR, there will thus be a surplus of grey water that will also have to be released into the leach fields.

PUB58-05

Combining this grey water surplus with the remaining 3.5 million gallons of blackwater sewage, the load on the septic system is immense. Given this incredible loading, it is absolutely astounding that there is not a real analysis of whether the proposed leach fields will be able to accommodate this wastewater load. The only evidence provided is a quote from the soil analyst that

PUB58-06

the site “should provide a more than adequate area for the wastewater system”. However, the analyst also said that “The exact amount of area needed for the commercial development wastewater system can only be determined during the wastewater system design process”.

Because there does not appear to be any real design at this point, the ability of these leach fields to handle this load is completely unknown. As far as I can tell, the DEIR does not give even the most minimal tests that are used in designing leach fields such as a percolation test or soil loading rates. These are tests that are commonly used even when designing septic systems for single family dwellings. The fact that this has not been done for a huge development truly boggles the mind. The DEIR assumes without evidence that this wastewater will have been adequately treated before moving into the groundwater. Percolation tests are necessary to determine whether the wastewater will be sufficiently treated before it mixes with the groundwater.

PUB58-07

The soil analyst also notes that “This area is a low-lying saddle that has the potential to accumulate excess moisture from winter storm events.” Accumulation of excess moisture means that the soils at this site could become saturated. This soil saturation can cause backups of the entire wastewater treatment system and thus increase the chance of groundwater contamination. Again, percolation tests and soil loading studies are needed to assess the possibility of this major malfunction in wastewater storage capacity.

PUB58-08

Another problem is the direction of the leach fields. The underground flow typically follows the surface terrain meaning it would be flowing down to the existing houses and their wells, as opposed to flowing uphill towards Hwy 120, as shown in the submittal, indicated by the arrow pointing south. This has further potential to contaminate existing wells.

PUB58-09

Finally, this flawed analysis of the wastewater load from Terra Vi does not even consider the potential wastewater input from the nearby proposed Under Canvas project. In sum, this

PUB58-10

PUB58-10
cont.

analysis of the potential problems with wastewater disposal and groundwater contamination is totally inadequate.

PUB58-11

Wildfire risk – The project area is located within a CALFIRE “**Very High Fire Hazard Severity Zone**” and so the concentration of a very large number of people in a relatively isolated (and highly flammable) location is a very bad idea. In fact, it seems pretty unconscionable to expose the 500+ folks at this facility (plus an additional 250+ at the proposed Under Canvas Project) to the extreme fire danger at this site when the closest fire station is a half hour away in Groveland. The crew from Groveland has only one engine and if there is a significant wildfire at this site, the crew would face an almost impossible job of trying to adequately protect this project and the Under Canvas development (and other facilities); especially difficult given that they would likely arrive fairly late to the fire scene. In addition, during a large wildfire event the station would likely prioritize Groveland and thus this site would be completely unprotected.

PUB58-12

The potentially deadly traffic congestion that might result during combined evacuation of this facility and the Under Canvas glamping project across the street bring to mind visions of what happened at Paradise on a road that was bigger than Route 120. One of the more bizarre suggestions in this DEIR to reduce evacuation congestion was to have people shelter in place; apparently in a basement room that somehow would maintain proper ventilation for those inside while a firestorm rages above (!).

This is completely irresponsible and almost laughable if it did not involve suggesting that people shelter in place during a wildfire! We had a cabin catch fire and burn down during that last major wild fire (rim fire) and I assure you if anyone had been sheltering in place in the basement they would have certainly died. There was nothing left but the metal roofing material. Even the washer and dryer completely melted. This line of thinking is shocking and I hope you do not think that this is an actual option during a wildfire.

PUB58-13

We would not have a problem with this project if it were at the alternate site. However, as currently proposed, this project is a total environmental and socio-economic disaster for the people of Tuolumne County. The residents of this County depend on their elected officials and planners to do the right thing for their well-being in the face of financially driven development.

This DEIR is so flawed and I hope you understand how they are trying to inaccurately minimize the impacts of this project so that you will approve it. You must require them to do further study to prove they will not deplete the water supply or contaminate the area wells or you should deny it.

Please do the right thing and deny this project as it currently stands and encourage the developer to seriously consider the alternate site.

Thank you for your consideration,

Justin Berton

COMMENT LETTER # PUB59

From: Connie Brown <cjanebrown37@gmail.com>
Sent: Wednesday, July 29, 2020 10:20 AM
To: Anne Anderson <annehand1@mac.com>
Cc: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Re: Terra Vi

Great letter, Anne!

On Wed, Jul 29, 2020 at 9:11 AM Anne Anderson <annehand1@mac.com> wrote:
To: Quincy Yaley
From: Anne Anderson
RE: Terra Vi proposal

Dear Ms. Yaley,

I would like to register my strong opposition to the Terra Vi development proposal at the gates of Yosemite National Park. This proposal never should have gotten as far as it has, and it needs to be ended now.

Here are my reasons:

1. Extreme Fire Danger — For this reason alone, this property should not be developed. This property has already been overrun by wildfire once. It is clearly vulnerable to additional massive wind-fueled wildfires that have become routine in our state.
2. Lack of water — With no access to public water service and no aquifer beneath the property, relying on a couple of wells for such a massive development is foolhardy. The neighbors' wells are sure to be negatively affected, and how will those neighbors be compensated? The loss of the reasonable use of their property is not an acceptable tradeoff.
3. Lack of sewer — Without access to public sewage services, the plan to treat all sewage on the property sounds dubious at best. What evidence do you have that the developers can actually pull this off? Has this technology been proven to work at such a large scale? It is more likely that the property will become one giant, smelly cess pool at the GATEWAY to Yosemite. John Muir would be horrified.
4. Terrible location — There are clearly identified, better locations for a greatly scaled down, right-sized project of this sort. The town of Groveland, for example, is an obvious choice where public water and sewer services can be negotiated. Impacts to the livelihoods of the current residents of Groveland should also be considered strongly in any proposed project. The fact that there are no services — fire, police, water, and sewer — anywhere near this site should be unacceptable to Tuolumne County.
5. Traffic — There are already miles-long traffic jams of cars trying to get into Yosemite. Tuolumne County should be interested in ensuring that the experience of going to Yosemite is a pleasant one, so that visitors have a positive memory of the county. The experience of being stuck in a traffic jam next to an overbuilt, high-end resort for the wealthy is not going to endear the county to the thousands of visitors who come through daily.

In sum, a project such as this should never have gotten past the trial balloon stage. That the developers have already spent a lot of money on this project should not deter you and the county supervisors from

PUB59-01

PUB59-02

PUB59-03

PUB59-04

PUB59-05

PUB59-06

doing the right thing. Just say no to this project.

Anne Anderson
annehand1@mac.com

PUB59-06
cont.

COMMENT LETTER # PUB60

From: nancy constantino <nancy.constantino@yahoo.com>

Sent: Wednesday, July 29, 2020 10:20 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Cc: Tracie Riggs <TRiggs@co.tuolumne.ca.us>; BOS Members <bosm@co.tuolumne.ca.us>; Kathleen Haff <kathleenhaff2020@gmail.com>

Subject: Jerry Cathey Terra Vi Letter Tuolumne County Admin Center

Dear Quincy,

Attached please find Jerry Cathey's comment letter regarding the Terra Vi DEIR.

Please confirm receipt of this email.

Thank you

PUB60-01

July 20, 2020

**Tuolumne County Admin Center
Attn: Mr. John Gray / Ms. Quincy Yaley
2 South Green Street, 4th Floor
Sonora, CA 95370**

Dear Sir/Madam,

I am writing to you today to voice my concerns and contest the building of the hotel development by Hansji Hotels Corporation on the Manley property, located on Saw Mill Mountain Road.

My family has a long history in the Sierra Nevada's and my Grandfathers settled Cathey's Valley. It is my lineage and love of the beauty that drew me to Tuolumne County.

In the 1970's, I had the opportunity to purchase a piece of land off Saw Mill Mountain Road. I worked hard and saved every penny I could as well as borrowing, to finally purchase this land in 1974. While I was not able to build right away, my family and I, put a trailer on the property. Every spare moment I had was spent working my land and preparing an area for a future cabin. Our home away from home was built in the 80's.

My wife, who was a local to the area as a child, our friends, family, all have enjoyed the beauty, peacefulness and safety of our cabin and surrounding area for many years now. We have been blessed to have an amazing assortment of wildlife which we have always respected and enjoyed seeing. From bears, deer, foxes to various species of birds. All have been on our land and at peace with the quiet, non-traffic of human intervention.

The folks that have land on Saw Mill Mountain Road are all very neighborly. We all look out for and take care of one another. Generation after generation, our children, Grand Children, Great Grandchildren, extended family and friends, even our pets, we all take care of one another. We respect the land, take great care in how we approach what we do and any impact we may have on nature and the environment. This is our HOME and we cherish the peace this area brings us. We have all suffered great loss of loved ones, for myself, my wife, who loved this place as much as I do and like others here, want those memories and surrounding areas to remain as they are today, free of excess population, traffic and the pollution caused by all these components. We all still suffer from the impact from rim fire, both emotionally and financially, however the peace and beauty still remain and the re-growth of vegetation is a blessing for all of us. We are all terrified of the all of impacts this proposed hotel development would inevitability bring.

We all have countless stories from generations past and present and all feel concerned what impact this proposed hotel will bring for our future generations to come. While I am not the young man I once was, I still enjoy spending time at my cabin and enjoying family and friends who also gather there as well. I have worked all my life to have this, it is my hearts desire and I cherish this land more that words can express.

I implore you to please hear the many voices on Saw Mill Mountain Road that are very clear in "NOT" wanting this hotel here.

The impact that Hansji Hotel would have on the locals, many of which are my friends, would be detrimental. The small family owner/operator hotels would lose precious revenue which even on a small scale, would impact them significantly and possible put them out of business. These folks have families, children that depend on this to survive. Winter months are hard enough here for these folks however, Hansji Hotel would cripple them and devastate their livelihoods.

**PUB60-01
cont.**

Hansji Hotel proposes a 125 room facility.

Consider this:

- The building of the hotel will bring destructive big machinery; operators, pollution impacting land and wildlife.
- Sewage & water infrastructure will affect all of us on Saw Mill Mountain Road. Compromised well water supply Of surface water from reservoir, lake, river.
- Staff to support the hotel operations will increase traffic which means an increase on pollution not only from vehicles, but from the people.
- Guests also equal increased traffic which equals additional pollution.
- Increased population equals potential crime. Curious visitors will innocently trespass (which will not be warmly received by residents) onto private lands and will cause the Tuolumne County Sheriff's Department an influx of activity for which they are not equipped to handle.
- Increased population causes damage to the environment and directly impacts wildlife. We will not be able to enjoy the peace and ability to see this wildlife as the result of the increase of humans that will push the wildlife out.
- Hansji Hotels plans to bring prefabricated buildings. This in my view sets the precedent that they are not thinking if the impact to local's but instead, cutting costs to drive revenue. I understand this concept as a business owner (now retired) however this is a small local community of folks in the middle of God's county, so assisting in supporting the locals should be paramount.
- Hansji Hotels is also using a 27 year old land study which should not have any bearing on any reporting as the report is outdated and not relevant due to the rim fire.
- The DEIR did not accurately assess/mitigate the presented issues. Many conclusions have not been based on actual evidence via proper analysis.

In closing, I do not envy your position on having to weigh future tax revenue for the community verses the added cost to our fire, sheriff and other government agencies. We are asking you to put yourselves in our shoes and both see and feel how this proposed hotel will negatively impact our environment, our families and friends. With all that I am, I will stand with my neighbors and community and fight against Hansji Hotels building in our area.

Respectfully,



Jerry Cathey
1913 Ellen Ave
San Jose, CA 95125

PUB60-02

PUB60-03

PUB60-04

PUB60-05

PUB60-06

PUB60-07

PUB60-08

PUB60-09

PUB60-10

PUB60-11

July 29 2020

Matthew Chapman
30445 Sawmill Mt.Road
Groveland Ca.95321
209 962-0663 Home
209 206-1706 Mobile

Tuolumne County Community Development Dept.
48 Yaney Avenue, 4th floor
Sonora Ca. 95370
Attn. Quincy Yaley

RE: Terra Vi DEIR Comments

The Draft EIR (DEIR) submitted for development project Terra Vi proposed on Hardin Flat LLC lands is inadequate, as it conceals and omits NOP comments inoring relevant issues and facts of CEQA "environmental law" set forth within the body of that NOP submittal.

The NOP issues set forth within the NOP "Notice of Preparation" were incomplete, in relation to issues and facts known to the Lead Agency. Those known issues and facts revealed incident to the development project (without CEQA initial Study) entering a Stakeholder Notification process for purpose of a CEQA Negative and or Mitigated Negative Declaration.

The Lead Agency upon determining to full EIR processing, notified, for a second time, the requisite persons and Agency, etc..This Respondent, and others, expressed the necessity to include all Stakeholder Responses, within, as part and parcel of the subsequently requested NOP comments, feedback from the Lead Agency let known, that, that in fact would occur.

This Respondents Stakeholder comments were concealed and omitted, from DEIR documentation, issues and facts therein asserted were ignored, and not addressed as relevant CEQA "environmental law", moreover they were not designated as relevant NOP issues for EIR analysis, despite the Lead Agency's Full knowledge of their existance.

PUB61-01

1/93

CEQA process has been inadequately conducted, in bias manner to conceal and omit. issues and facts that would jeopardize the Lead Agencies predetermined effort to approve the development project. issues and facts they know, can't be refuted, so they are dismissed and ignored within the DEIR, even though noted within the minutes of the public scoping meeting.

PUB61-01
cont.

Predominant among those issues and facts, concealed and omitted was the issue of the lawfulness of the 4 Hardin Flat LLC parcels involved in simultaneous development of the 2 proposed projects, Terra Vi and Under Canvas..

The Stakeholder Response, of this commentator, relates the submittal of:

- 1) CFIP Contract 8GG14302 Gregory Robert Manly 28 pgs.
- 2) COMPLAINT UNLAWFUL LAND DIVISION (Points 1-23)
- 3) CODE OF FEDERAL REGULATION 36 §251.50

That Stakeholder Response ending with the statement;

" . . . all parcels being derived from the patently unlawful land division, the CK zoning of those unlawful parcels equally unlawful. The unlawful land division must be rescinded, the lodge development project put in abeyance until if and/or when a lawful land division process is undertaken and the result of that lawful process is there to contemplate."

PUB61-02

The above statement should have been heeded by the Lead Agency, instead a process of concealment and omission resulted.

There is no indication within the DEIR, that the above Stakeholder submittals relating the Land Use/Planning Topical issues of CEQA recognized "environmental law" (referenced within this commentator's NOP response) was in any manner considered. Nor is the existance of the 23 point Unlawful Land Division Complaint presented as a NOP submittal within the noted NOP response Appendice, It would appear also, that there is no reference to the Code of Federal Regulation related above.

Additional responses to a second public CEQA scoping meeting occurring in early October of 2019, addressing CEQA Hydrogeological study, were omitted, and concealed from the DEIR. Those responses go to the legitimacy of that Hydrogeological study, and is necessary to put the Hydrogeological analysis in proper perspective, and relate it's limitations to adequate analysis, as well as overall neglect by the Lead Agency in recognizing the Unlawful Land Division Complaint's ramifications in being concealed and ignored.

PUB61-03

The act of wanton, omission and concealment of relevant CEQA "environmental law" and other facts, jeopardize full and fair CEQA process review; that a full and fair process otherwise provide. A full and fair process requires disclosure, recognition and adequate response by the Lead Agency within the DEIR, a public document, the veracity of which fully informs the appropriate interested parties, persons, agency, whom otherwise are left ignorant of facts and issues the Lead Agency and/or the preparors determines to censor. That tactic forecloses redirect response within the DEIR to omitted NOP issues of law and fact left concealed. Forcing again the presentation of those omissions within DEIR comment, seeking an initial Lead Agency response, rather than a progressive 2 step analysis.

PUB61-04

In correcting the omission and concealment of the above cited issues and other facts and comments generated by this Respondent, they are inserted in this text to ensure they are not further concealed by the Lead Agency and/or the preparors of the EIR, within further documents to be prepared; that they are properly acknowledged, presented, and adequately responded to, in the remaining EIR processing.

In order, will be presented the following documents

- 1) Terra vi Stakeholder comments of December 27 2018
- 2) Unlawfull Land Division Complaint (23 points), Cover Letter and Table of Content referencing Record File A-F; submitted in Addendum to Item (1) above
- 3) Code of Federal Regulation 36 §251.50; submitted in Addendum to item (1) above *presented as commentary in text.*
- 4) October 14, 2019 response to request to participate in CEQA Hydrogeological well testing.

Additional correspondence, included as PDF attachment, will accompany the whole of this document, to be described within email upon submittal, to confirm its existance and presentation in fact.

Following the documents, related above, will be presented comments relating relevant law explaining the duties of the Lead Agency and/or the preparors of the CEQA EIR, in relation to the the therein described scope of CEQA "environmental law." to be recognized under CEQA.

Those comments were prepared for the "Under Canvas" component of the Hardin Flat LLC lands, they are applicable as well to the Terra Vi component of Hardin Flat LLC land development, as the currently recognized 4 parcels manifest themselves thru that common origin, tho the Terra Vi western parcel's situation in relation to the law is distinguishable, as has been, and will be articulated following that commentary

The date therein referenced July 18, 2019, relating that applicable submittal, should be read to recognize the December 27 Stakeholder Comments of this respondent, a Response omitted from the Terra Vi DEIR Appendix, in which the actual incident of the Land Division Complaint was delivered to the Lead Agency.

PUB61-05

PUB61-06

PUB61-07

PUB61-08

PUB61-09

PUB61-10

PUB61-11



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

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Mailing: 2 S. Green Street
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(209) 533-5631
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www.tuolumnecounty.ca.gov

Date: December 10, 2018
To: Interested Stakeholder
From: Tuolumne County Community Resources Agency
RE: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003
Assessor's Parcel Numbers: 068-120-060 and 068-120-061

The Community Resources Agency thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received an application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 to allow the development of Terra Vi Lodge, a master planned lodging development to include one hundred and forty (140) guest rooms, twenty five (25) 4-bedroom cabins, a market, a lodge, event space, and other support buildings. The project site consists of two parcels totaling 63.38± acres. The parcels are zoned C-K (Commercial Recreation) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at the northeast corner of the intersection of Sawmill Mountain Road and State Highway 120. The property is located on both sides of Sawmill Mountain Road (see attached map). A portion of Section 26, Township 1 South, Range 18 East. Supervisorial District 4.

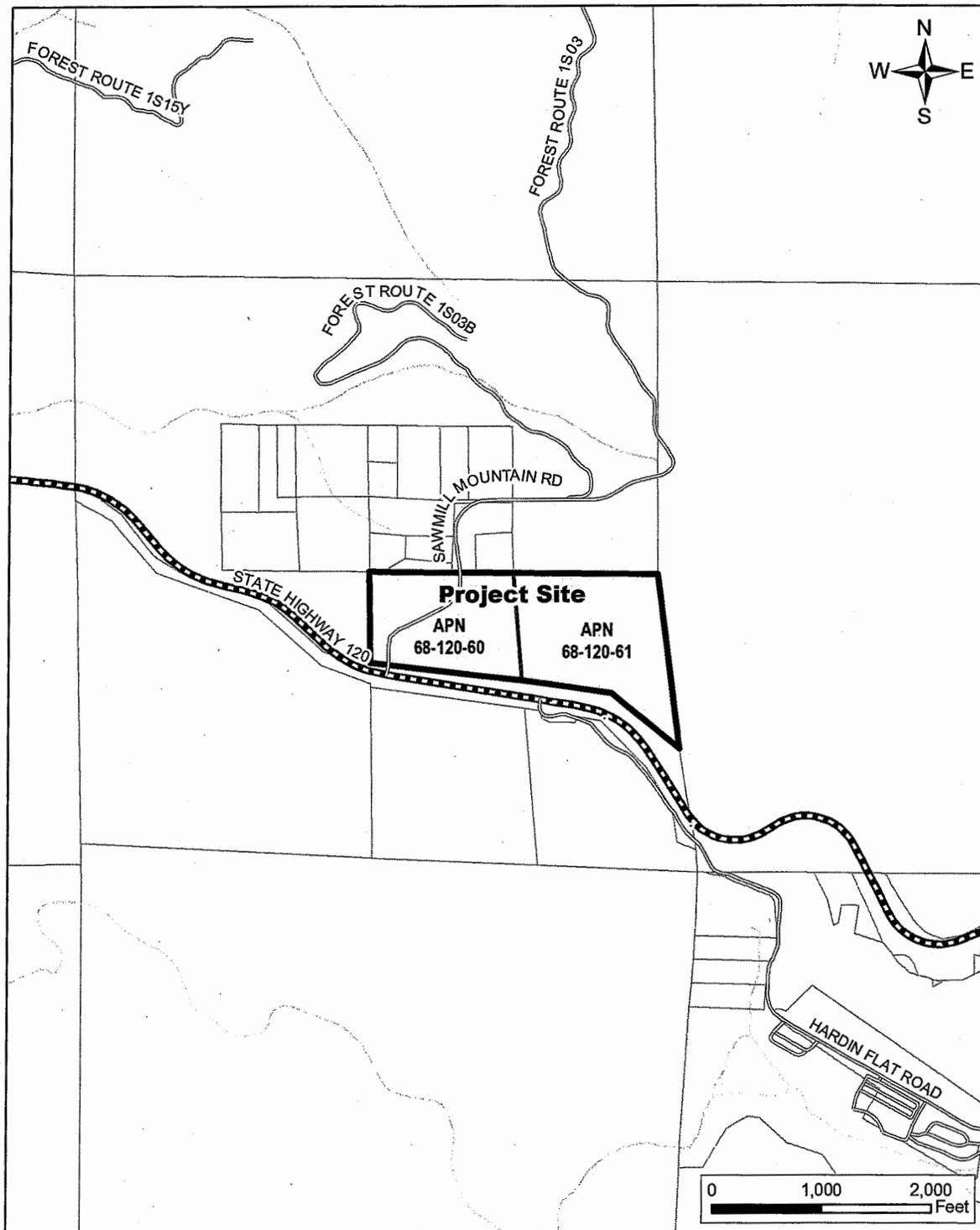
Access: Sawmill Mountain Road Cul-de-Sac: No

Sewage Disposal Method: Private Sewage Disposal System (100% redundancy)

Water Source: Private Wells (two) Fire Hazard Rating: Very High

Additional Information:

1. Application materials and project maps are available at the Tuolumne County Planning Division website: <https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite>
2. The project is comprised of various single, two- and three-story elements beginning at the northwest entrance of Sawmill Mountain Road and continuing northeast. The project will incorporate a LEED equivalent building program which will include Green building materials such as energy efficient windows, skylights, doors, insulation, roofing, lighting, plumbing, heating and cooling equipment, creating a comprehensive energy-efficient building infrastructure and envelope. Solar power panels will be constructed on the roofs of the buildings.
3. Increased building separation, low building heights, high performance fire extinguishing and alarm systems, surplus water storage, complete perimeter fire-fighting accessibility and a community emergency helicopter landing zone have been included in the proposed project to address wildfire issues.
4. Improvements to the intersection of Highway 120 and Sawmill Mountain Road are



PUB61-12
cont.

December 27 2018

Matthew Chapman
30445 Sawmill Mt.Road
Groveland Calif.95321
209 962-0663 home
209 206 1706 mobile

Tuolumne County Community Resource Agency
RE: Development Permit SDP18-003
Assessor's Parcels 068-120-060/068-120-061
COMMENTS IN OPPOSITION

The proposed lodge complex is mischaracterized by two false factual assertions: (1) Tuolumne County falsely asserting no cul-de-sac; (2) the proponents of the development project falsely relating it as an eco-sensitive resort. Neither of those assertions could be further from the truth and the falsehoods that flow from those mischaracterizations permeate the whole proposal; an exercise in grand false propaganda.

The CK zoning of the Manly property in 1991 (then a single ±149 acre parcel) was justified by its relation to the highway 120 corridor per a then general plan premise. An apparent 20 foot Right of Access, available to the proponent to highway 120 lying east of the United States Forest Service road IS03 goes unavailed by the proponents of the lodge. So, rather than a highway corridor CK enterprise, a USFS road IS03 CK enterprise is proposed.

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cont.

The Tuolumne County Community Resource Agency in falsely asserting no cul-de-sac has given undue consideration to the proponent to a furtherance in design, unrestricted by cul-de-sac limitations and relieving them of availing their highway Right of Access to further affect design contingent upon that access.

USFS road IS03 (commonly Sawmill Mt.Rd) as of 1965/66 is under the jurisdiction and managemnt of the USFS, as a National Forest System Road. Various parties retain outstanding rights in IS03 dating previous to USFS acquisition, all the land owners north or the project site, as well as the Manly's have some measure of outstanding rights, measured by usage at the time of

USFS acquisition. Those rights do not include commercial use of the roadway; a Special Use Permit (see Code of Federal Regulation 36 §251.50 et esq.) would be required. Moreover as that usage is to access non-Federal Lands (the Manly Property) it must be shown that no other lawful commercial access is available, as stated above, an alternative lawful Right of Access does exist, the proponents refuse to avail it.

As it was not reasonably foreseeable in 1965/66 that a lodge would impact IS03, and the stakeholders (this land owner one) in the two other easement segments of the IS03 roadway would be subjected to unreasonable spillover by and thru such unforeseen development; ANY SPECIAL USE PERMIT WOULD IMPLICATE THE National Environmental Protection Act (NEPA). this necessary for the full and proper evaluation of the affect on all the current stakeholders in the use of IS03; local landowners exercising their acquired ingress egress right, Public Forest user access, USFS administrative usage, Cal Trans Highway, snowplow activity would all compete with hundreds of lodge users and daily suppliers at the same choke point; a cul-de-sac no less. A situation of an unmitigable nuisance is proposed by the proponent, an unmitigable bottleneck.

As to the professed "eco-sensitive resort" coming to the rescue of Rim Fire distressed land, the project is anything but; in avoidance of a lawful Right of Access to the east along highway 120 the proponents have crammed everything in and along USFS road IS03 taking full advantage of Tuolumne County assertion to no cul-de-sac. The eastern parcel of the two practically devoid of usage. They have developed the areas west of USFS IS03 as a massive leach field, an area of direct watercourse to the historic Homestead and Native American meadow that provided the very subsistence of that Homestead. A meadow now circled with residents dependant upon the shallow wells, wells and meadow subject to thousands upon thousands of daily gallons, year after year of septic black and grey water

PUB61-12
cont.

inundation. Moreover any stench emanating from this leach field carried by the prevailing breezes from the south. There is no accounting for the performance of this leach field in winter conditions of ground saturation coupled with surface and underground watercourse activity of that natural watercourse. It is not without significance that the downhill direction flow of this area of the leach field was falsely represented by project documentation..

Personal experience with performance of the "state of the art" septic systems at Evergreen Lodge and Rush Creek has shown failures of major significance requiring trucking of sewage offsite, an overwhelming stench noticeable from the highway, an overwhelming stench in and around employee housing and an overwhelming stench in the very center of the commons area of Evergreen lodge. As Evergreen and Rush Creek are historic stand alone lodges these failures do not impact offsite landowners as none exist, Terra Vi quite to the contrary is not a stand alone historic Lodge, it's CK status was impressed upon the local residents of upwards of a century of rural residential life by egregious and unlawful Tuolumne County actions. Terra Vi leach field and affect thereof should stand alone on the land they lease, land to the east unused, and/or along the highway corridor

PUB61-12
cont.

The proponent in apparent pride of his falsely labeled "eco-sensitive" boasts of only falling some 4-6 trees. His Ignorance and arrogance exposed and fully revealed.

The Manly's in 2015 entered into a Department of Forestry and Fire Protection program derived from the Calif. Forest Improvement Act of 1978; the Calif, Forest Improvement Program, CFIP. That CFIP contractual agreement encumbered the Manly property for \$34,224.00 for Forest Improvement. That Forest Improvement is represented by the hundreds if not thousands of immature trees spread over the subject parcels; to which the proponent apparently has no regard in plowing under for his declared

"eco-sensitive" lodge; apparently in his mind those aren't real trees, merely weeds on distressed Rim Fire land in need of purpose.

The Manly's certified under the terms of the agreement "that the parcel of Forestland to which the Forest Improvement Program applies will not be developed for uses incompatible with forest resource management within 10 years following the recording date". The Manly's further required under the terms of the contract to sign a Land-Use Addendum to this affect as a covenant running with the land with the Office of the County Recorder. This if the land was zoned other than TPZ. Which it was, as it was zoned CK.

However, apparently the Manly's falsely declared the land zoned AE (Agricultural Exclusive) a designation believed typically associated with Williamson Act contract to which the land was not apparently encumbered by either. See CFIP Contract 8GG14302 Gregory Robert Manly see item 13 at pg.3 of 4, and CFIP Application at pg.1 of 3, also see CFIP Project Description pg. 1-4. The above contractual agreement apparently still in force and affect and satisfied by the State actions in fullfilment of the contract.

The CK zoning of the Manly lands (then a single ±149 acre parcel) was affectuated in 1991 upon notification of removal from Williamson Act contract, CK zoning becoming effective 10 years later in 2001.

That CK zoning was soley justified by the fact that the single parcel straddled the highway 120 corrridor.

Protest in 1991 by the Rural Residential 5 acre minimum neighboring properties asserting inconsistant/incompatible zoning was dismissed with promises that any future proposed CK development would address our concerns, NOW APPARENTLY NOT; comments from the Tuolumne county Community Resource Agency relate no such

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cont.

consideration, expressing a bias as to how good the project would be for the County, a bias dismissing the in your face, unmitigable nuisance engendered thru incompatible zoning that the project presents.

It was Tuolumne County's action in 1991 that compelled upon Rural Residential 5 acre minimum lands the situation that now threatens their residential sanctity of an ongoing century, with inconsistent/incompatible zoning. Tuolumne County bears responsibility for opening the door to in your face, unmitigable nuisances inherent to this incompatible/inconsistent zoning allowing for a metropolis to situate next to Rural Residential 5 acre minimum lands.

Tuolumne county's irresponsibility in failing to consider the ramifications of their inconsistent/incompatible zoning actions of the the single ±149 acre Manly land in 1991 was compounded in 2003 when Tuolumne County thru the actions and assistance of the County surveyor allowed for the blatant, unlawful parceling of that single ± 149 acre parcel into 4 parcels. This action was accomplished without an application for land division ever being submitted to the county. The action was a clear violation of the California Subdivision Map Act and the Tuolumne County law established pursuant thereto, current Tuolumne County surveyor derelict in failing to enforce the provisions of the State Subdivision Map Act "whenever" it is brought to his attention. See COMPLAINT UNLAWFUL LAND DIVISION (points 1-23) 8 pgs. and supplemental RECORD FILES (A-F). See also correspondence with County Surveyor, State board Land Surveyors, State Attorney General, District Attorney, Tuolumne County Grand Jury, Tuolumne Board of Supervisors.

The parcels upon which the lodge is proposed are patently unlawful, as are the remaining 2 parcels encompassing the original single ± 149 acre Manly land, all parcels being derived from the patently unlawful land division, the CK zoning of those

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cont.

unlawful parcels equally unlawful. The unlawful land division must be rescinded, the lodge development project put in abeyance until if and/or when a lawful land division process is undertaken and the result of that lawful process is there to contemplate.

ATTACHMENTS SUBMITTED

- (1) CFIP CONTRACT 8GG14302 Gregory Robert Manly 28 pgs.
- (2) COMPLAINT UNLAWFULL LAND DIVISION (Points 1-23)
RECORD FILES A-F
CORRESPONDENCE
- (3) CODE OF FEDERAL REGULATION 36 §251.50

**PUB61-12
cont.**

MATTHEW CHAPMAN

TABLE OF CONTENT

I. COMPLAINT UNLAWFUL LAND DIVISION

- i. Cover letter to Tuolumne County
- ii. Memorandum Facts and Circumstance (Points 1-23) 8 pgs.

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B. Deeds: State of Calif. / Manly		
i.	Easement Deed, Manly to State of Calif.; Oct. 26, 2000	B1
ii.	Director's Deed (quitclaim), State of Calif. to Manly; Dec. 7, 2000	B5
iii.	Director's Deed, State of Calif. to Manly (1997) recorded Dec. 7, 2000	B7
iv.	Grant Deed, Manly to State of Calif. ; Aug. 25, 2003	B10
v.	Director's Deed (quitclaim), State of Calif. to Manly; Aug. 25, 2003	B16
vi.	Grant Deed, Manly to Yosemite Title; April 5, 2004	B19
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C. LOT LINE ADJUSTMENT #04T-2 Tuolumne County		
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iii.	County Surveyor's Decision	C3
iv.	Certificate of Compliance	C7
v.	Tentative Map Evaluation by Rebecca Cremeen	C9
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vii.	Statement Chief Building Official by Gregory Lamb	C11
viii.	Statement Surveyor's Div. by Carole Carson	C12
ix.	Parcel Map Guarantee	C13
x.	Calif. State Dept. Trans. PLATS(2) "Appraisal Map"	C23/C24
xi.	Calif. State Dept. Trans. Statement to Tuolumne Assessors Office	C25
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i.	Establishment of Parcel 68-120-57-0	D1
ii.	Mazie Woolstenhulme to Manly; 1986	D2
iii.	Mazie Woolstenhulme to State of Calif. March 1960	D4
iv.	Mazie Woolstenhulme to State of Calif. June 1962	D8
v.	Mazie Woolstenhulme to State of Calif. June 1962	D10
vi.	Final Order Of Condemnation (Tuolumne Cnty Superior Court)	D13
E. CODES & LEGAL REFERENCE		
	Tuolumne Cnty Title 16, Calif. Code Civil Procedure §2077, Calif. Professional Land Surveyors Act, (2001), Save Mount Diablo v Contra Costa Cnty/Ronald E Young (2015)	
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	2003 "revised" CalTrans "Record Map" Survey (2 plats) F3, F4	
	Exhibit for Lot Line Adjustment F5, Assessor's Map 68-12 F6	
	Records request to CalTrans by Matthew Chapman	

PUB61-13

June 18, 2018

Matthew Chapman
30445/11327 Sawmill Mt. Road
Groveland CA 95321
209/ 962-0663 home
209/ 206-1706 mobile

Tuolumne County Board Supervisors
Tuolumne County Surveyor
Office State Attorney General
Board Land Surveyors :

By letter dated April 4 2018, local residents and others were informed by HANSJI company of their plans to establish a major lodge development on commercial land adjacent to their residential lands. Unbeknownst to local residents, the single 140 +/- acre parcel had been divided into 4 parcels. Inquiry into that land division resulted in the initial knowledge that it was a result of a Lot Line Adjustment, a process that by law cannot create division of land. Further investigation of that Lot Line Adjustment, revealed the manner in which the Office of the Tuolumne County Surveyor accomplished the land division, without subjecting the division to county ordinance established pursuant to the State Subdivision Map Act.

This complaint submitted against that land division, relate the unlawful facts and circumstance by which that land division was undertaken in disregard of Tuolumne County Land Division ordinance established pursuant to the state Subdivision Map Act, Business and Profession Code of the State Land Surveyors Act, and California State Code of Civil Procedure.

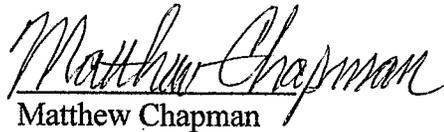
Upon the facts and circumstance so related within the complaint submitted, I am clearly within my rights under the codes and regulations as an "Aggrieved Party" to demand an investigation for accountability, penal and/or otherwise, into the actions resulting in an unlawful Land Division and subsequent Lot line Adjustment, additionally investigation into the Business and Profession Codes in relation to the actions of the State licensed Land Surveyors involved in the unlawful Land Division, County employed or acting privately.

It is clear that Tuolumne County thru the Office of the County Surveyor did not abide by their own ordinance in the first instance, codes relating "strict enforcement" and that, "the general regulations set forth in this Title [16] for final **and parcel maps in the county must be complied with**". It should now be required of the **current** County Surveyor to act on this matter, as "**Whenever the County Surveyor has knowledge** that real property has been divided in violation of the Subdivision Map Act and this Title, he/she **shall cause to be mailed**" **see full text** Tuolumne County Code **16.22.040**. I request the County Surveyor act in accordance with the law as "**shall be enforced by the County Surveyor**"; **see 16.22.060**. That the Tuolumne County Board of Supervisors rescind the Land Division, and act to strictly enforce the provisions of their own **Title 16, regardless of the fact that violations may have occurred through past actions accountable to the office of the Tuolumne County Surveyor.**

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cont.

I request the oversight of the State Department of Justice and the Attorney General to ensure that Tuolumne County, as a unit of the state, in fact implements Public Policy as directed by the State Subdivision Map Act, despite whatever other motive may apparently possess Tuolumne county.

I request the California State Board of Professional Engineers, Land Surveyors and Geologists to act in accordance with any oversight to the Business and Professions Codes as may be appropriate to their duties regarding the practice of the State licensed Land Surveyors involved in the related land division, to further respect for the profession, and performance, in compliance with the codes thereto.


Matthew Chapman

PUB61-13
cont.

**Facts and circumstance related to the subdivision and lot line adjustment
of Tuolumne county Assessor Parcel Number 68-120-57 C-K/O
established by Tuolumne county Ordinance No. 1855 SECTION 2.
August 20 1991 as a single 139 +/- acre parcel**

1

A new survey conducted in or around the year 2000 of the existing highway 120 revealed a conflict with the 1960 deed calls used to acquire, establish, locate, monument, and build that same existing highway which bisects APN 68-120-57. The conflicting course and distance calls of those two surveys was used to create 2 news parcels by exploiting the offset/gap between their respective relative location of the highway's southern right of way boundary. (File F plats 1-4)

2

One newly recognized parcel, as described, utilized the entire length and width of that offset excepting a separately deeded (1962) pullout parcel adjoining that offset. That same pullout, comprising part of the offset, was then newly recognized as a second parcel. A third parcel of .13 acres APN 68-120-29 (indicated by exhibit as situated within the offset) was through a process of Quitclaim Deeds relinquished by CalTrans (fee owner) to Manly; apparently in exchange for an easement in it's stead allowing for road use and material storage, a storage barn partially located on that former .13 acre parcel.¹ (File F plat 5)

3

Manly never applied pursuant to Tuolumne County Ordinance for land division, the substance and process of that Ordinance never occurred. See **16.11 et.seq.**; more particularly **16.11.010 (B)**, addressing resubdivisions; **“resulting in four or fewer parcels are subject to this Chapter, and the parcel map shall comply with all laws and regulations governing the processing, form and content of parcel maps”** see then **Chapter 16.24 Parcel Maps**. (File E Title 16 Tuolumne Cnty Land Division Ordinance 16.02)

¹ A series of deed transfers occurred between Manly and CalTrans; recorded first in the year 2000 and culminating in August of 2003. CalTrans Quitclaim “Director Deeds” were reciprocated by Manly Grant Deeds. Deeds recorded in late 2000 (3), signed as early as 1997, involved the area in and around APN 68-120-29. The later Deeds (2) involve the highway and adjoining pullouts. The 2000 transfers by reference in said deeds were to satisfy Ca. Transp. Comm. “CTC” resolution #G-02 9 for the sale of excess property. (File B pgs 1-29)

4.

In disregard of the above Tuolumne county Ordinance and subsequent Ordinance contingent thereto, the Deputy County Surveyor, utilizing some unknown process determined to issue forth a "Certificate of Compliance" on September 18 2003, certifying compliance with the State Subdivision Map Act and Tuolumne County Title 16 Subdivisions Ordinance. (File C pg 7-8)

5

That "Certificate of Compliance" describes **PARCEL 1**, as the offset/gap between the deed calls of the 1960 land granted for purpose of a highway and the calls of the Jan.13 2003 State survey submitted as a survey of correction for the same highway (excepting parcel 2).

PARCEL 2, is described referencing the originating deed of this same parcel in 1962 without comparison (as with PARCEL 1 to which it adjoins) to the Jan. 13 2003 State survey submitted as a survey of correction for the whole of the parcels comprising the highway. (File C pg 8)

6

The Deputy County Surveyor, entertained in some unknown process, to construe an otherwise readily apparent conflict of surveys, a potential boundary dispute issue, remedied by Deed Correction believed subject to Calif. Code of Civil Procedure **CCP 2077 Rules For Ascertaining Boundaries From Description In Deed** (File E CCP.), as one of lawful parcel creation. He proceeded to find, certify, and issue forth in Sept. 2003 a "Certificate of Compliance" pursuant to the State Subdivision Map Act and Tuolumne County Land Division Ordinance, **in the absence of application for, and process of, county ordinance pertaining to land division**. Moreover, certifying in light of Quitclaim deed correction process that had in fact culminated, mutually undertaken and acquiesced to between CalTrans and Manly as will be shown below.

**PUB61-13
cont.**

7

Would, could, and should have the Deputy County Surveyor required Manly to apply for land division in light of the proposition to accept and certify a deed parcel description based upon a conflict of 1960 deed and the CalTrans corrective survey (a corrective survey citing the original 1960 highway survey) ? Would , could, or should have the parcel map requirements of **County Code 16.11.010 (B)** been implemented ? ... thus potentially subjecting the land division reviewed pursuant to the **Professional Land Surveyors Act 8700-8805, Business and Professions Code State of Calif. 8762 et seq.** Relating at **8767, 8768;** codes requiring the noting of disagreements and explanation thereof and **8770.5; Record of survey-correction ? Apparently all duties of the County Surveyor ?**² (File E Professional Land Surveyors Act)

8

Manly on December 30 2003, citing APN 's 068-120-57 , 068-120-29 **and the Certificate of Compliance #2003024198** applied to Tuolumne County for a **Lot Line Adjustment** , (File C pg 1), it's ensuing process documented in **Lot Line Adjustment Application File 04T-2** (File C pg 1- 23). The **Lot Line Adjustment** was approved January 28 2004, a decision rendered, and approved by the **Deputy County Surveyor** (File C pg 3-6), who previously issued forth the "Certificate of Compliance" in Sept. 2003. The County Surveyor gave "Consent to Record " March 31 2004. (File C pg 2) . **No record of Public notification exists.**

9

The ongoing Quitclaim deed correction process between Manly and CalTrans culminated with signatures in or around July and August of 2003, a Quitclaim Deed from CalTrans and a Grant Deed from Manly simultaneously recorded August 25, 2003 (File B pg 10-29) These Deed corrections in effect, **both at the time of his Lot Line Adjustment Application, it's subsequent approval, and at the time the Deputy County Surveyor issued the "Certificate of Compliance" , Sept. 18 2003, recognizing these two parcels.**

² The above requirements necessitating a Record of Survey are not immune from County Lot Line Adjustment code; see Tuolumne county code 16.09.020 (6); No record of survey shall be required for a lot line adjustment unless required by section 8762 of the Business and Professions Code" see then said Professional Land Surveyors Act Code 8762 Record of Survey when Required (a) thru (e), particularly (b) addressing material discrepancy as "limited to a material discrepancy in the position of points or lines, or dimension."

10

Concluding **Facts 1-9** above; The Deeds of Correction mutually acquiesced to between Manly and CalTrans **had nullified any conflict**, thus the legal description of both PARCELS 1&2 **that rested on that conflict. Deeds of Correction that predated, thus substantively void the “Certificate of Compliance”** Subsequently **null and voiding** any subsequent **Lot Line Adjustment** resting on and applied for under its false unlawful pretense.

11

Addressing a third parcel involved in the approved **Lot Line Adjustment**; APN 68-129-29 deeded back to Manly by CalTrans Quitclaim Deed as recorded Dec.7 2000. That parcel was established by act of Condemnation as represented in a Grant Deed dated 1962; “made for purposes of a freeway”, (File D pg 8-9). **It has existed since then as a distinct parcel from APN 68-120-57, (File C pg 22), including at the time Tuolumne county Ordinance No. 1855 approved the CK zoning of APN 68-120-57, which did not contemplate APN 68-120-29, (File A pg 1-7). As such APN 68-120-29 has no zoning or would revert back to its status it had in 1962; merely a parcel of the SE¼ of the SE¼ of section 26, Township 1 South, Range 18 East, distinct from APN 68-120-57, non the less never lawfully zoned.** Moreover, as a result of the **Lot Line Adjustment**, its increase in size **has consequently proportionally diminished the size of the CK parcel APN 68-120-57.** The above would also be the case for PARCEL 1&2 represented in the “Certificate of Compliance”; except for the fact that they lack foundation for lawful existence as presented in the body of this memorandum. ³

PUB61-13
cont.

12

Parcel ; (4) a separable, separate, or distinct part or portion or section, as of land
The American College Dictionary

13

Disregarding the **separable, separate, distinct portion**, plain meaning of the word “parcel” and in apparent disregard of the related and expressed theory of “pre-existing underlying parcel”

³ Upon expansion (.13 to 27 acres) Parcel 68-120-29 established for “freeway purpose”, **never lawfully zoned**, is conterminous to a rural residential 5 acre minimum zoning district. Residential homes established there since the 1940's, in 1991, were subjected to the commercial rezoning of 68-120-57 despite local opposition at the time. The zoning of 68-120-29 would implicate General Plan zoning issues, notification, and CEQA review.

as justification for the Deputy County Surveyor's actions; he non the less refers to them in the "Certificate of Compliance" as "a **portion** of 068-120-27 and a **portion** of 068-120-57" in **relating their respective APN's**. (File C pg 7). As **separable, separate, or distinct** lawful parcels, they would **already have APN's** distinct from the above noted.; distinct APN's required of **Lot line Adjustment Code 16.09.020 A(1): . . the exhibit map shall include . . current assessor parcel numbers**. It is clear from the **Lot Line Adjustment Exhibit** (File F plat 5) that PARCELS 1&2 derived from the "Certificate of Compliance" **do not have APN's**;

14

PARCELS 1&2 are declared separate by and thru a "Certificate of Compliance" describing them as **distinct** portions of the SE QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 18 EAST making them, in his proffered theory, **distinct** from 68-120-57 & 27 (just as 68-120-57 and 68-120-27 are **distinct** portions thereof) However, the Deputy County Surveyor **does not produce any recorded or otherwise dated pre-existing Parcel Grant Deeds** to separate/distinct parcels **separable from highway/freeway purposes**. The "Certificate of Compliance" real property descriptions of PARCELS 1&2; nothing but a contrived expedient to certification. **They were in fact created in 2003**, as they **rely on** the CalTrans 2003 survey of correction for deed calls.⁴

15

Concluding, it must be noted that these supposed "parcels" already exist in physical reality as the existing highway by Deed Correction as acquiesced to by Manly and CalTrans. **It was by and thru Lot Line Adjustment process that PARCELS 1&2 derived their APN's**. **Lacking bona-fide pre-existing Deeds, their Parcel Deeds were concocted in 2003 to provide for "Certification of Compliance"**. If they were anything previously they were part of the highway parcel 68-120-59; where their 1960/62 Deeds and Asbuilt 1960 survey placed them by monument, where they have existed and been acquiesced to for 40 years; which by Deed of Correction they remain. The subterfuge resorted by the County Surveyor and the County Agency's a party thereto is remiss.

⁴ There is no certification, by dated signature and License stamp, as to whom prepared this real property description in conformance with the Professional Land Surveyors Act; Code 8761 (File E); a real property description derived from conflicting surveys, presenting and based upon **material discrepancy in the position of points or lines or dimensions**, as the Lot Line Adjustment Exhibit illustrates. (see File F at F5)

16

The facts and circumstance by which the Deputy County surveyor issued the “Certificate of Compliance” to Manly is unlawful pursuant to the Subdivision Map Act, and Local Law established pursuant thereto. There was no Grant Deed **prior to** March 4 1972; for which the “certificate of compliance” by the Act's design, was established as a **grandfather clause**. Nor for that matter, the conveyance to an otherwise good faith buyer, of a parcel, established in violation of the Act, for which a, “**Conditional Certificate of Compliance**” may issue. In the absence of those two scenarios Manly thru the County Surveyor was required to apply Tuolumne County Land Division Codes inclusive of a the **Parcel Map** process; “**The recordation of a final or parcel map “constitute[s] a certificate of compliance with the Act (§ 66499.35 sub(d)).**”⁵ (File E Save Mount Diablo v Contra Costa Cnty/Ronald E. Nunn et al. At pg 6)

17

Manly with the assistance of the Deputy County Surveyor and Tuolumne County administrative agencies, subdivided land in violation of the State Subdivision Map Act, and apparently in disregard of Codes of the State Land Surveyors Act .

18

Section 66499.30 of The Subdivision Map Act states; “a parcel for which a recorded map is required **cannot be sold, leased, or financed in the absence of such map**. The issuance of a certificate of compliance authorizing the sale, lease, or financing of a parcel **for which there is no recorded map** would be consistent with the prohibition of section 66499.30 **only if such a map were not required for the parcel- i.e. only if the division creating the parcel were exempt from the map requirement**. Manly by law is forbidden (under penalty of law) from selling, leasing, or financing the parcel as he does not possess a bona fide lawful recorded parcel map and does not present facts and circumstance to a statutory exemption from the map requirement. **See footnote 5 below.***

⁵ Save Mount Diablo v. Contra Costa Cnty/ Ronald E. Nunn et al. Pgs 5-8 addressing and discussing the lawful application and use of the **Certificate of Compliance**. * see pg .7 footnote 7 and associated text.

19

Subdivision Map Act §66499.31 Each violation of this division by a person who is the subdivider or an owner of record, at the time of the violation, of the property involved in the violation, shall be punishable by imprisonment in the county jail not exceeding one year or in state prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. Every other violation of this division is a misdemeanor.

20

Tuolumne County **Title 16 Subdivisions, Chapter 16.22 Administration and Enforcement et seq Section 16.22.010:** It is the policy of the County to **strictly enforce** the provisions of state law and the County's ordinances relative to the division of land. The primary focus of the County's enforcement efforts shall be in regard to ongoing divisions of land. The County **will also investigate cases where a certificate of compliance has been requested or information is obtained indicating the possibility of a division of land without compliance with the applicable provisions of law.** (Ord. 3290 § 4 2015; Ord. 1562 § 2 (part), 1987)

21

Section 16.22.040: Notice of Intention to Record a notice of Violation A. Whenever the County Surveyor has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act and this Title, he/she shall cause to be mailed, by certified mail, to the then current owner of record of the property a notice of intention to record a notice of violation. The notice of intention shall also contain an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Government Code Section 66412.6 and shall state that an opportunity will be given to the owner to present evidence. See full text of 16.22.040 and 16.22.010 thru 16.22.080 (File E Title 16)

22

16.22.060 Enforcement Responsibility The provisions of this Title shall be enforced by the County Surveyor, except enforcement of any restrictive conditions continuing after recordation of a final or parcel map shall be enforced by the Code Compliance Officer

PUB61-13
cont.

Government Code §66499.33 / Tuolumne Code 16-06.150 This chapter does not bar any legal, equitable or summary remedy to which the county or any aggrieved person, firm, or corporation may otherwise be entitled, and the county, or any such person, firm or corporation may file suit in the superior court of California of the county in which any real property attempted to be subdivided or sold, leased, or financed in violation of this division or local ordinance enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed division or sale, lease, or financing in violation of this division or local ordinance enacted pursuant thereto. (File E Title 16)

Aggrieved Party
Conterminous Parcel Owner
APN 068-340-010-000



Matthew Chapman
30445/11327 Sawmill Mt. Road
Groveland Ca. 95321
209/ 962-0663 Home
209/ 206-1706 Mobile

PUB61-13
cont.

CC
Attorney General
State of California Dept, of Justice
Public Inquiry Unit
P.O. Box 944255
Sacramento CA. 94244-2550

Board
Professional Engineers
Land Surveyors & Geologists
2535 Capital Oaks Dr.
Sacramento CA 95833

October 14, 2019

Matthew Chapman
30445 Sawmill Mt.Rd.
Groveland Ca.95321
209 962-0663 home
209 206-1706 mobile
voice mail

Quincy Yaley
Tuolumne County Assistant Director, Development

RE: Hydrogeological Assessment for Terra Vi Project
Hydrogeological Assessment for Under Canvas Project

For the following reasons I decline participation in the two separately proposed "Baseline Groundwater Conditions Collection Effort"

I have over-riding concerns over the lawfulness of any permit issued (to my knowledge requested of a State agency) for the two separate project's parcels'; set forth as either/or unlawful land division and unlawful zoning by complaint appealing the actions of the Tuolumne County agency of Surveyor to the Tuolumne County Board of Supervisors of June 18 2018.

16.04.060 Appeal Board Except for divisions of real property for which the board of supervisors is designated as having the final approval authority, the board of supervisors is charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements required by the advisory agency

Tuolumne County Code Title 16 Subdivisions

The required process set forth at subsection 16.06.130 Appeals.

The California State Attorney General has indicated by Opinion that as of January 1, 1989, "state law will require local governing bodies to here these complaints" see 71 Op Atty Gen. Cal.1988. The specific statute as opposed to any general statute requiring hearing and decision for the June 2018 Complaint in appeal to the Board of Supervisors.

The Tuolumne County Board of Supervisors has failed to perform their above duty to hear and determine the complaint appealing the actions of the Tuolumne County Surveyor served upon them in their capacity as appeal board; therefore no discussion (critical examination by argument; debate.) as defined, has occurred. In fact no response was generated by Tuolumne county Clerk or Board in relation to the appeal requesting the rescinding of the unlawful land division based upon the 23 points within the complaint.

§ Illegal Acts; liability on bond

Any supervisor who (a) refuses or neglects to perform any duty imposed on him, without just cause, or (b) will- fully violates any law provided for his government as supervisor , or (c) fraudulently or corruptly performs any duty imposed on him, or (d) willfully fraudulently, or, corruptly attempts to perform an act as supervisor which is unauthorized by law, in addition to any other penalty prescribed by law, forfeits to the county five hundred dollars (\$500) for every such act , to be recovered on his official bond, and is further liable on his official bond to any person injured thereby for all damages sustained.

PUB61-14
cont.

California Government Code

In light of the above and the fact that the state subdivision map act is a criminal statute;

"The subdivision map act provides criminal sanctions against illegal subdividers and allows local government control over such situations. But the act does not require innocent purchasers to suffer for the violations of the grantor or his predecessors"

Stell v Jay Hales Dev.Co.
11 Cal.App.4th 1214 at 1229

It is untenable that the Tuolumne County Board of Supervisors has failed to act, as their duty, apparently "required" by opinion of the State Attorney General to perform the appellate process per Tuolumne County Code referenced above in response to the complaint of June 18 2018 served upon them. To provide for the declared purpose of County Ordinance 16.22.010

16.22.010 Policy - Compliance required. It is the policy of the County strictly enforce the provisions of state law and this County's ordinances relative to divisions of land. The primary focus of the County's enforcement efforts shall be in regard to ongoing divisions of land. The County will also investigate cases where a certificate of compliance has been requested or information is obtained indicating the possibility of a division of land without compliance with the applicable provisions of law (Ord 3290 § 4, 2015; Ord 1562 § 2 (part), 1987

Moreover;

16.22.020 Issuance or denial of permit - imposition of conditions. The County shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from division, in violation of the provisions of the Subdivision Map Act and this Title if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his/her interest in such real property

PUB61-14
cont.

Tuolumne County Ordinance

Within the June 18 complaint, unlawful zoning, manifest to the land division derived without compliance with the applicable provisions of law, persist; having likewise not been "discussed" per the applicable required land division appeal process.

The land division's parcels and zoning derived without compliance with the applicable provisions of law, threaten unanticipated multiple project development density without General plan scrutiny, zoning compatibility, and requisite CEQA EIR review at the land division and zoning stages. See City of Carmel by the Sea v Brd. Supervisors Monterey Cnty 183 Cal.App.3d 229

(1986) Issues, unlawfully avoided, affectively concealed, and allowed to go forward in disregard of law, by the failure of duty of Tuolumne county Board of Supervisor's to hear and render decision on a bona -fide Subdivision Map Act appeal served upon them.

"... where a project has several phases an EIR must be prepared which covers al phases (citations) The Agency simply cannot choose to preparean EIR on a later phase of a project while ignoring an earlier phase. ".... At the Board of Supervisors meeting on June 19, 1984, it was evident that the supervisors were under the impression that the later EIR would suffice to address environmental issues which had arisen regarding the rezoning" (see text) "The negative declaration adapted adapted , by the Board, however terminates environmental review on the subject of rezoning. A later EIR regarding a development project on the property would treat the zoning as a fait accompli, and would not need to address either the density designation or the definition and demarcation of the wetlands." (see text) "Adapting the zoning ordinance with only a negative declaration on the basis that an EIR was being prepared covering the development phase of the project resulted in the ommision of vital information by use of two mutually exclusive environmental documents. (citations) this amounts to a subversion of the purpose of CEQA (citations)

City of Carmel by the Sea v.
Brd. Supervisors Monterey Cnty.
183 Cal.App.3d 229 (1986)

Now seeking to further exploit the above unlawful parcel gains, two commercial development projects advanced via unlawful land division and unlawful zoning seek independant mutually exclusive hydrogeology assessment; proposing and requesting the involvement of aggrieved coterminus land owners in a hydrogeological assessment, that does not contemplate the simultaneous pumping of projected ground water usage the two projects, to determine a cumulative impact, apparently required of CEQA and its EIR process.

PUB61-14
cont.

It is further related that the parcels of the two proposed commercial development projects are not actually owned by the two project developers. The projects parcels are apparently under the common ownership of the owner of record, entertaining their desire to multiple projects, that desire to multiple project development must provide for the combined simultaneous water useage for proper cumulative impact, and multiple project feasibility.

The plain language of Government Code § 66499.31 Violations; punishment, as it pertains to the Subdivision Map Act relates; "... Every other violation of this division is a misdemeanor" That plain language does not disclude the application and enforcement provisions of the Act

Subsection 66412.6 Presumption of lawful creation of certain parcels relates the words pursuant and required in relation to subdivision (a) of section 66499.35 Certificate of compliance; effect indicating in plain language, those words requirement, for compliance with the Map Act; that compliance, apparently subject to misdemeanor enforcement as per the violations section related above.

The above facts and circumstance, as related in the June 18 Complaint and it's subsequent lack of enforcement, indicate abuses of process amounting to misdemeanor violations of law, as have occurred and are ongoing; amounting to a perpetuating and perpetration of fraud. For the foregoing reasons (and not limited to) I decline to participate in the requested, two separately proposed, water hydrogeological assesments, requested of me, for the "Under Canvas" and "Terra Vi" development projects.

PUB61-14
cont.

As I understand the situation, permits are now being requested of the California State Water Resource Control Board for purpose of Hydrogeological Assessment of the parcel's of the to referenced development projects. As related within Tuolumne County Ordinance 16.20.090;

16.20.090 Compliance with local, state and federal laws

A. This chapter does not enlarge, diminish, alter the types of conditions which may be imposed by the county on a development, nor in any way diminish or alter the power of the county to protect against a condition dangerous to the public health or safety.

B. The rights conferred by this chapter shall relate only to the imposition by the county of conditions or requirements created and imposed by county ordinance. Nothing in this chapter removes, diminishes or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant the county the option to disregard any state or federal laws, regulations or policies. (Ord. 1562 § 2 (part), 1987).

In relation to the above code, and the requested State jurisdiction permit requested, that the State Water Resource Control Board understand and investigate the facts and circumstance related herein for any relevance, and ramification regarding the lawfulness to issue the requested state permits.



Matthew Chapman
Aggrieved person pursuant to
California State Subdivision
Map Act

cc.

Water Resources Associates, Inc.
devon.f.ayres@gmail.com

State Water Resource Control Board
Tricia.wathen@waterboards.ca.gov
Austin.serreria@waterboards.ca.gov

**State of California
Memorandum**

The Natural Resources Agency

To: FAS/Landowner

Date: December 17, 2015

Telephone: (916) 651-6660

E-Mail: Aaron.Mills@fire.ca.gov

Cc: DAO/SCO

Jeff Calvert

Federal Grant Analyst / AFAS

File

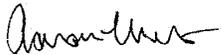
From: CA Dept of Forestry & Fire Protection

Subject: CFIP Contract – 8GG14302; Gregory Robert Manly – APPROVED

Attached are two (2) originally signed of the above mentioned CFIP contract agreement which has been properly approved. Please forward one (1) original to the Landowner at your earliest convenience.

If you have any questions, please feel free to contact me.

Thank you.



Aaron Mills
Staff Services Analyst
Grants Management Unit

PUB61-15

**CALIFORNIA FOREST IMPROVEMENT PROGRAM
APPLICATION**

CFIP Project Number: 14-GHG-CFIP-01-0054

1. Enter the name(s) of all landowners as they appear on the deed. (Use attachment if necessary).

Name: Bob Manly Phone Number(s): 209-984-0468
Day Evening

Address: P.O. Box 130 Moccasin Ca 95347
Street or P.O. Box City State Zip

Name: _____ Phone Number(s): _____
Day Evening

Address: _____
Street or P.O. Box City State Zip

Name: _____ Phone Number(s): _____
Day Evening

Address: _____
Street or P.O. Box City State Zip

2. Responsible person to be contacted:

Name: Bob Manly Phone Number(s): 209-984-0468
Day Evening

Address: P.O. Box 130 Moccasin Ca 95347
Street or P.O. Box City State Zip

3. (a) Does the landowner own 5,000 acres or less of forestland in California? Yes No

(b) 20 acres or more of forestland? Yes No

(c) Is the total area proposed for each ground practice 5 acres or more? Yes No N/A (Wildlife/Conservation)

(d) Number of acres under the Management Plan: 149 Total ownership size: 149

(e) Project area timber site productivity is: I II III IV V

(f) Has the project area been damaged by natural causes within the last 10 years? Yes No

4. (a) How is the project area zoned? Check one of the following and answer pertinent questions:

TPZ Agriculture Preserve Other: AE

(b) Is there a Conservation Easement, CC&R's, or a petition for rezoning from TPZ to other uses, existing, underway, or contemplated, which would restrict resource management activities for the period of time during which the grant is administered (10 years)?
 Yes No

If yes, explain: _____

(c) List all land uses permitted under this zoning. Indicate existing land uses on Management Plan Map.

List specific use(s): Timber Production

(d) Will the landowner agree not to put CFIP land to any use incompatible with forest resource management for 10 years?

Yes No

**PUB61-15
cont.**

CFIP APPLICATION

5. Has any of the land proposed for CFIP funds been harvested subject to the 1973 Z'Berg-Nededy Forest Practice Act?
 Yes No If yes, please list THP, NTMP, SYP Number: 4-13EM-020-TUO
6. Is there a previously prepared Forest or Land Management Plan for the area proposed for CFIP project? Yes No
Should the plan be revised? Yes No
If yes, list the CFIP Project Number: _____
7. Are you an employee of the State of California? Yes No
Were you an employee of the State of California within the past 12 months? Yes No
8. Does your current employment or former employment within the last 12 months with the State of California in any way relate to or affect the awarding of California Forest Improvement Program (CFIP) grants or authorization of cost-share payments for work accomplished under a CFIP grant? Yes No

Please complete the Application Project Summary.

I certify that the above and attached is true and correct to the best of my knowledge.

Executed on 6-9-15 at Jamestown Ca

Applicant's Signature 

PUB61-15
cont.

NOTE

Other Application Requirements:

- Complete the Application Project Summary (Include as page 3 of 3 for this application).
- The funding rate requested must be explained and justified in the Project Description. Failure to adequately describe the project could result in delays or denial of approval.
- Provide maps (scale 15 min. /7.5 min.; USGS topographic maps are best) indicating areas to be treated.
- Provide a detailed project description which includes an explanation and justification for the cost-share rate requested.

CFIP Agreement 2015 GGRF
Page 1 of 4

CFIP Project Number: 14-GHG-CFIP-01-0054 State Contract Number: 8GG14302

THIS AGREEMENT is made and entered into and becomes effective upon the last date of the signatories below, by and between the State of California, acting through its duly appointed and qualified Director of the Department of Forestry and Fire Protection,

hereinafter called "State," and

hereinafter called "Participant," whose mailing address is:

Gregory Robert Manly
Name
P.O. Box 58
Street Address/PO Box
Moccasin, California 95347
City/State/Zip
209-984-0468
Telephone

This agreement expires Dec 31, 2019

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, and becomes effective upon the last date of the signatories below:

STATE OF CALIFORNIA

Agency: Department of Forestry and Fire Protection

Approval for the Director

Date

Printed Name/Title

Jeffrey J. Calvert
Deputy Chief of Forestry Assistance

Local CAL FIRE name and address:

Adam Frese
785 Mountain Ranch Road
San Andreas, CA 95249
(209) 532-2706

PARTICIPANT all landowners appearing on the deed must sign or provide Power of Attorney

Signature

Gregory Robert Manly

Printed Name/Title

Signature

Printed Name/Title

Signature

Printed Name/Title

Signature

Printed Name/Title

Amount encumbered: \$ 34,224.00

Program: Local Assistance Fund: GGRF Item: 3540-101-3228

Chapter: 25 Statute: 2014 Fiscal Year: 14/15 -9520-418.99-PCA 96240

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of expenditure stated above.

Signature of Accounting Officer

Date

I hereby certify that all conditions for exemption have been complied with and this agreement is exempt from the Department of General Services' approval.

Signature of Officer signing on behalf of the agency

Date

Vendor Identification Number: 039647-00

CFIP APPLICATION/PROJECT SUMMARY

Name(s): Manly CFIP#: 14-GHG-CFIP-01-0054

SUMMARY OF PRACTICES TO BE PERFORMED

PRACTICE	Land Conservation Practice	Rating	ACREAGE OR OTHER UNIT	COST/AC OR OTHER UNIT** ROUNDED UP	TOTAL ESTIMATED PROJECT COST	90% COST SHARE (SEE COLUMN 'K')	75% COST SHARE	Value if different than formula	Enter "Yes" if 90% cost share
Management Plan/addendum	<input type="checkbox"/>			NA	\$ - 0		\$ -	\$0	
Mini- Mgt Plan	<input checked="" type="checkbox"/>		1	\$1,750.00	\$ 1,751	1,576	\$ -	\$0	Yes
RPF Supervision		First 20 ac.	20	\$150	\$ 3,000				
		Remainder	72	\$75	\$ 5,400				
	<input checked="" type="checkbox"/>	Total	92	\$92	\$ 8,400	7,560	\$ -	\$0	Yes
Site Prep	<input type="checkbox"/>	Low	15	\$350	\$ 5,250	4,725	\$ -		Yes
		Medium							
		High	0						
Trees & Planting	<input type="checkbox"/>	Average	15	\$225	\$ 3,375	3,038	\$ -		Yes
		Moderate							
		Difficult							
Tree Shelters	<input type="checkbox"/>		0	\$0	\$ - 0		\$ -		
Pre-commercial thinning	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium	0	\$0					
		High							
Pruning	<input type="checkbox"/>	50 TPA	0	\$0	\$ - 0		\$ -		
		100 TPA							
		150 TPA							
Follow up - slash disposal	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium							
		High							
Follow up Herbicide	<input checked="" type="checkbox"/>	Low	77	\$250	\$ 19,250	17,325	\$ -		Yes
		Medium	0	\$0					
		High							
Follow up Other	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium							
		High							
Release Mechanical	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium							
		High							
Release Herbicide	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium	0	\$0					
		High							
Release Other	<input type="checkbox"/>	Low	0	\$0	\$ - 0		\$ -		
		Medium		\$0					
		High		\$0					
Land Conservation Wildlife/ Fisheries Projects	<input type="checkbox"/>		0	\$0	\$ - 0		\$ -		
Other	<input type="checkbox"/>		0	\$0	\$ - 0		\$ -		
					\$ 38,026	Box "A"	Box "B"		

* Enter net acres work for partial practices (minimum of 5 acres of an individual practice except for land conservation and habitat improvement). ^RPF supe acreages are explained in the project description.
 ** Enter 100% contract cost/acre or other unit (not to exceed maximum allowable rate).
MAXIMUM REIMBURSEMENT: \$ 34,224 (Enter "Box A" + "Box B" rounded off to whole dollars)

Location of the proposed project listed above, use additional sheets as necessary.

For recording purposes at your local county recorder's office:

Sub-section	Sec	Town-ship	Range	County	Assessor's Parcel #	TPZ
Portion SE 1/4	26	1S	18E	Tuolumne	088-120-60,61,62,&63	<input type="checkbox"/> Yes <input type="checkbox"/> No

For non-TPZ zoned lands described above a part of that real property more fully described in that certain deed from Carol L Manly Trustee of the Manly living to Manly Surviving Spous Trust dated 31-May-06 (See attached page)

and recorded with the recorder of Tuolumne County, Page 2006010230
 or document number

PUB61-15
cont.

CFIP Agreement 2015 GGRF
Page 2 of 4

WHEREAS, under the provisions of the California Forest Improvement Act of 1978, State may enter into cost-sharing agreements with eligible Participants who will undertake forest improvement work upon his/her land; NOW, THEREFORE,

1. In consideration of the forest improvement work to be performed by the Participants, as described in the attached Project Summary, State will reimburse costs incurred for the purpose of undertaking forest improvement work on those lands designated. The maximum amount of reimbursement is the amount stated in Project Summary, "MAXIMUM REIMBURSEMENT". Reimbursement will be made for actual cash expenditures and for goods or services beyond Participant's matching contribution requirement. Reimbursement for such goods and services shall be made in accordance with the State's prevailing rates, provided, however, reimbursement shall not exceed the State's adopted maximum per-acre (or other unit of measure) costs or Participant's actual costs, whichever is less for the forest improvement practices. Expected revenues from products generated will reduce reimbursement and no more than 100% of out of pocket costs are to be recovered.
2. This agreement is conditional upon appropriation and availability of funds for purposes of this contract. In the event such funds are not available in the Budget Act for the fiscal year concerned or are insufficient to carry out the purpose of this agreement, each party agrees to release the other party from all obligations. Funding of the work is also subjected to annual funding decisions. **IF FUNDED, NOTICE TO THE PARTICIPANT BY THE STATE WILL BE MADE. NO WORK MAY COMMENCE WITHOUT THIS NOTICE.**
3. Participant shall promptly submit records at intervals and in such form as State may request. Payment by the State shall be made after an on-site inspection and approval of the practice(s). The Participant shall submit a CFIP Invoice for payment to the local Forestry Assistance Specialist (FAS) of the California Department of Forestry and Fire Protection. A final CFIP Invoice shall be submitted no later than 45 days after completion or expiration of this agreement, as specified on the Project Schedule.
4. The Participant agrees to make immediate monetary restitution of any paid funds for any disallowance of costs or expenditures or unauthorized activities which are disclosed through audit or inspection by the State. If Participant does not complete the five acres of minimum practice(s) of forest improvement work as described and required in Section 1527.1, Chapter 9.5, Title 14 of the California Code of Regulations (CCR) by the end of the term specified herein, all sums previously paid by State shall immediately become due and payable to State.
5. Participant shall comply with all local and State fire and safety laws.
6. The Project Description, Project Schedule, Environmental Checklist, RPF Checklist, Land-Use Addendum and Management Plan are deliverables due prior to commencement of ground practices. Work started prior to the execution of this agreement will not be eligible for funding under the terms of this agreement. Project costs eligible for assistance shall be determined upon the basis of the criteria set forth in Chapter 9.5 of Title 14 of the CCR.
7. Participant shall permit periodic site visits by a representative of the State to ensure program compliance.
8. Participant agrees to indemnify, defend, and save harmless State, its officers, agents and employees from any and all claims and losses occurring or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this contract and from any and all claims and losses occurring or resulting to any person, firm, or corporation who may be injured or damaged by the Participant or any agent or employee of Participant in the performance of this agreement.
9. The Participant, and the agents and employees of Participant, in the performance of this agreement, shall act in an independent capacity and not as officers, or employees or agents of the State.

PUB61-15
cont.

CFIP Agreement 2015 GGRF
Page 3 of 4

10. This agreement may be amended, or terminated by mutual consent; it may also be terminated by State or Participant upon the giving of written notice to the other party thirty (30) days in advance.
11. Failure by the Participant to comply with the terms of this agreement shall be cause for the suspension of all obligations of the State.
12. Participant certifies that title to the land upon which forest improvement work will be performed is vested in the persons named in this agreement and that land is under the control and possession of the person(s) named in this agreement.
13. Participant certifies that the parcel of forestland to which the Forest Improvement Program applies will not be developed for uses incompatible with forest resources management within 10 years following recordation date, as explained below. If the parcel of forestland is zoned other than TPZ, pursuant to provisions of Chapter 67 (commencing with Section 52200) of Part 1 of Division 1 of Title 5 of the Government Code, a Land-Use Addendum shall be signed by the Participant and shall be incorporated in and made a part of this agreement. Said Land-Use Addendum shall be recorded in the office of the County Recorder of the county of the affected land and shall be a covenant running with the land.
14. The Participant agrees to comply with the California Environmental Quality Act (CEQA), Workers' Compensation, and all other state and federal laws applicable to the work carried out pursuant to the proposed forest resource improvement project.
15. The Participant, by signing this agreement, does swear under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Participant within the immediately preceding two-year period because of the Participant's failure to comply with an order of a federal court which orders Participant to comply with an order of the National Labor Relations Board (Government Code Section 14780.5).
16. Participant shall keep such records as State shall prescribe, including records which fully disclose (a) the disposition of the proceeds of state funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records as will facilitate an effective audit. All records shall be made available to the State for auditing purposes at reasonable times. Such accounts, documents, and records shall be retained by the Participant for at least three years following project termination.
17. During the performance of this agreement, Participant and its subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave. Participant and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Participant and subcontractors shall comply with provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et. Seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et. Seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 Division 4 of Title 2 of the California Code of Regulations are incorporated into this agreement by reference and made a part hereof as if set forth in full. Participant and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other agreement. The Participant shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the agreement.
18. Participant certifies under penalty of perjury under the laws of the State of California to have, unless exempted, complied with the non-discrimination program requirements of Government Code Section 12990 and California Code of Regulations, Title 2 Section 8103.

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cont.

CFIP Agreement 2015 GGRF
Page 4 of 4

19. Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, state or local governmental agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it. The State requests each participant's social security account number on a voluntary basis. However, it should be noted that due to the use of social security account numbers by other agencies for identification purposes, the State may be unable to approve agreements without the social security account number. The State uses social security account numbers for the following purpose: reports to the Department of Fair Employment and Housing, Internal Revenue Service, and Franchise Tax Board.
20. The Participant acknowledges that a conflict of interest with the State does not exist pursuant to provisions in Division 2, Chapter 2, Article 8, Sections 10410 and 10411 of the Public Contract Code.
21. The Participant states the information in the Management Plan and/or Management Plan Addendum (Project Description) is proprietary information and claims privilege against its disclosure pursuant to Evidence Code 1060.
22. The contractor or grant recipient hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The contractor will:
 1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
 2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The person's or organization's policy of maintaining a drug-free workplace;
 - (c) Any available counseling, rehabilitation and employee assistance programs; and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
 3. Provide as required by Government Code Section 8355(c) that every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free policy statement, and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.
23. Contractor shall comply with all federal requirements established under 28 code of Regulations, Part 36, and Americans with Disabilities Act, in order to make programs accessible to all participants and to provide equally effective communications.
24. In addition to the terms and conditions of this agreement, the Addendum for Greenhouse Gas Reduction Fund (GGRF) Grants Projects is hereby incorporated and made part this agreement.

**PUB61-15
cont.**

CALIFORNIA FOREST IMPROVEMENT PROGRAM

PROJECT DESCRIPTION

Landowners: Bob Manly
P.O. Box 130
Moccasin, CA 95347
(209) 984-0468

CFIP #: 14-GHG-CFIP-01-0054

Legislative Districts: State Senator - #14, State Assembly - #25, Congressional - #19

Objective

Establish fully stocked forest conditions capable of carbon sequestration and long term timber production. Establishment of planted conifer plantations and maintain healthy productive stands into the future.

Site

This property is located in SE ¼ SE ¼ Section 26 Township 1 South, Range 18 East, Tuolumne County (37.821792°N, 119.960909°W). The project consists of two parcels separated by the Cal Trans easement along Highway 120. These parcels are in the Big Creek planning watershed (calwater 2.2 #6536.800201) that is classified as high risk by the FRAP assessment team. The 14,197.1 acre watershed is part of the broader Tuolumne River watershed that is also classified as high risk. The South Fork of the Tuolumne River runs ¼ mile south of the property. The 2013 Rim Flat fire burned through the majority of the two parcels. The portion north of Highway 120 burned at high intensity and the area south of the highway burned at lower intensity except for a couple of isolated pockets. There are green trees throughout and surrounding the units. Approximately 77 acres of the area were burned at high intensity. This project is located in the footprint of intensively burned area. Salvage timber operations were conducted following the fire and were completed in the spring of 2014. Reforestation under a NRCS contracted was conducted in the winter of 2014-15. Approximately 30 acres of the northeast portion was planted at 300 trees per acre and a spot spray around seedlings was done. The remaining area had adequate natural regeneration and was not planted. A follow-up herbicide treatment in the summer of 2015 is scheduled for the entire burned area. The area is in need of additional reforestation replanting and follow-up herbicide treatments to achieve adequate survival levels of conifers. The sites have extensive bear clover and oak competition. With the current drought mortality of planted and natural seedlings is expected. Replanting on 15 acres, 10% of the total is expected. The area has a history of wildfire activity. The 1987 Complex Fire, Rogge Fire 1995, and the Rim Fire 2013 all burned major portions of the Tuolumne River watershed either burning or threatening the property.

The project is along Hwy 120 between the North and South forks of the Tuolumne River just west of Harden Flat, a major summer recreation area. This project will complement fuel reduction work completed by the Forest Service on bordering land to the west and south of the unit. The proximity of the parcels to Hwy 120, a major State highway and the northern access to Yosemite Park, add to the importance of creating a safe and aesthetic forest landscape.

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

When combined with other properties within the Tuolumne River Watershed, this project will help protect water quality, aesthetics, and wildlife values within the overall watershed.

Project

This project proposes three cultural treatments to maintain and improve habitat conditions on the property. Individual treatment areas are shown on the attached map and acreages are listed in the summary below.

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- Preparation of mini-management plan. The parcel is not covered by any management plan and will need a mini management plan to meet the long term management plan requirement.
- RPF supervision for a total of 92 acres, 20 to be paid at \$150/ac and 72 at \$75/ac.
 1. 77 acres of chemical follow-up.
 2. 15 acres of chemical site prep and trees and planting. These operations will be conducted together and RPF supervision will be combined.
- 77 acres will be treated with Follow-up herbicide (low). The entire area will be treated in the summer of 2016. Application shall be a directed foliar herbicide treatment. Application will be by backpack sprayer and follow Pest Control Recommendations made by a registered Pest Control Advisor. Work will be conducted by a licensed Pest Control Company and follow all appropriate EPA regulations.
- 15 acres site pre (low). This will consist of chemical spot treatment around seedlings replanted in understocked areas as a result of mortality. Application will be by backpack sprayer and follow Pest Control Recommendations made by a registered Pest Control Advisor. Work will be conducted by a licensed Pest Control Company and follow all appropriate EPA regulations.
- Trees and Planting (Average). This operation will consist of planting trees in understocked areas. Operation will be conducted in the winter of 2015-16. Seedlings will be grown from local seed and be 1-0 stock. Operation will be supervised by PRF and tree handling will be done to insure seedlings protection from adverse conditions.

Greenhouse Gas Affects

- Tree establishment and survival to a fully stocked timber stand will allow for carbon storage on site. Long term the stand will be grown to maturity and managed for timber. Trees will be left to grow on site to rotation age 60-100 years. As harvests occur regeneration will be encouraged to maintain a viable timber stand. Trees will occupy the site and timber volumes per acre are expected to be maintained between 15 and 40MBF/ac.
- The project will reforest the currently understocked area resulting from the Rim Fire. Historically chaparral vegetation types burn from wildfire every 10-20 years. Establishment and future management of invading brush levels and stocking will decrease the potential for and intensity of a wildfire. Once trees are established shade will deter the growth of brushy fuels and plantation maintenance will greatly decrease hazardous fuel buildups that lead to large wildfires.
- Control of stocking as well as competing brush will increase the vigor of trees. Competition for nutrients and water will be less providing for a healthier tree able to increase growth as well as repel insect attack.
- As the stand grows and timber gets to merchantable size periodic harvests will occur. Trees harvested will be used for wood products and store carbon offsite in homes or other wood products. This offsite storage will last for an anticipated several decades adding to the carbon benefits.
- Emissions from the project will be a result of operating the hand tools and crew mobilization in the herbicide application. Emissions from reforestation activities are estimated at 6.93 tons of carbon using COLE 1605B evaluation.
- The project will sequester a net 2,130.02 tons CO₂ over the 40 year crediting period and 2,607.16 tons CO₂ over the 100 year project life. A worksheet summarizing these

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calculations is attached. Also attached is the COLE 1605 report. Calculations were made using the COLE program. A 100 km radius was used to obtain adequate plot numbers. Timber type was Mixed Conifer and Dunning site class I to III. Only above ground carbon was counted as site preparation will not disrupt the soil and no deep tilling is planned.

- 
- If this project was not implemented the project site would continue to be subject to periodic stand replacement wildfire as fuel loading would be extreme. The 2,607.16 tons of carbon stored over the life of the project would be zero in the no project scenario as the probability of keeping fire out of the area for that length of time in heavy fuel conditions is not likely.
 - The landowner employs an RPF to maintain forest health implement management operations. Annual inspections will be made to assess project status. Several photo points will be establish to provide visual evidence of changes over time. The landowner has demonstrated his commitment to long term management through a long history of resource management.
 - The landowner is committed to managing the parcel for long term forest and agricultural use. Current zoning is rural allowing for these land uses. Development to other uses would require applications to the county and waiting periods.
 - Co-benefits of the project include the establishment of jobs for the local community. The project will provide approximately 1,000 hours of employment. The promotion of a mature forest will provide a diversity of habitat for wildlife.
 - The project is along Hwy 120 a major thoroughfare for tourism in Tuolumne County.
 - The landowner has maintained the area in well stocked conditions for decades. The landowner has already committed significant resource to begin reforestation activities.
 - The applicant is ready to conduct work immediately after approval.
 - The area is located within the VeryHighFHSZ in Tuolumne County.
 - Biomass was removed during the commercial timber harvest and residual material will not be removed.

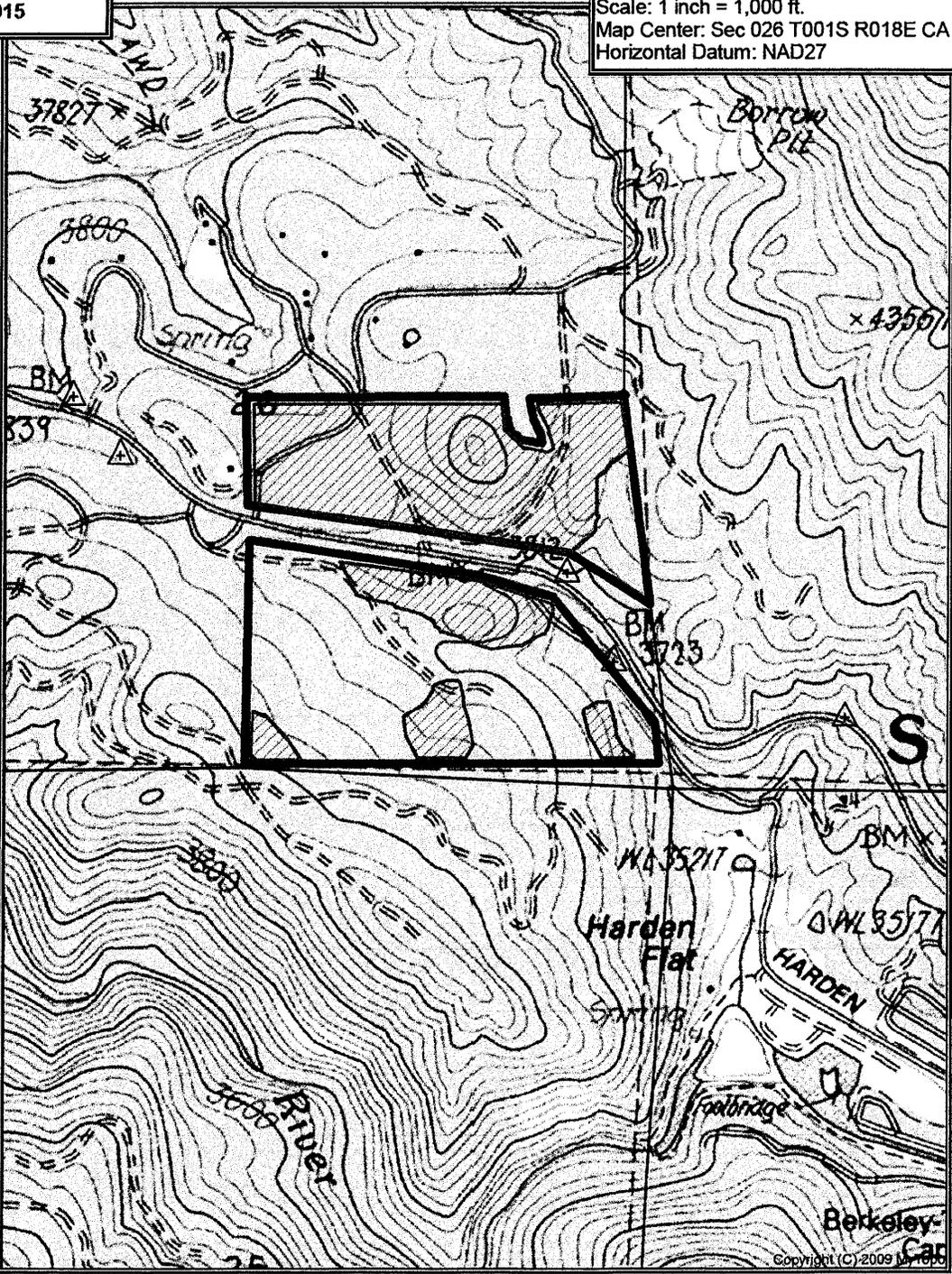
This project is designed to achieve the following:

- 1) Establish viable forested condition.
- 2) Restore and improve forest health.
- 3) Protecting water quality by maintaining vegetative debris and minimize potential for movement of herbicides downstream through use of no application buffer strips.
- 4) Help reduce the risk of catastrophic stand replacement wildfires through maintenance and establishment of forested landscapes.

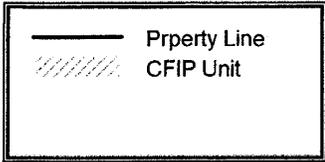
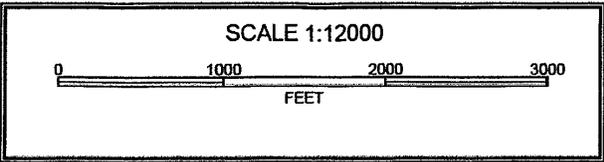
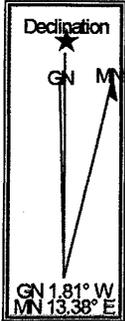
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Manly CFIP
2015

Map Name: ASCENSION MT
Scale: 1 inch = 1,000 ft.
Map Center: Sec 026 T001S R018E CA Mount Diat
Horizontal Datum: NAD27



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cont.



STATE OF CALIFORNIA
Land Use Addendum
LAND USE ADDENDUM

DEPARTMENT OF FORESTRY
AND FIRE PROTECTION



When Recorded Return to:

CALIFORNIA DEPT. OF FORESTRY & FIRE PROTECTION
Zsolt Katay
785 Mountain Ranch Road
San Andreas, CA 95249

Doc # 2018011184
Page 1 of 4
Date: 9/28/2018 09:25A
Recording Requested By:
ST OF CA DEPT FORESTRY & FIRE
Filed & Recorded in Official Records
of COUNTY OF TUOLUMNE
KAEWAN WHITMAN
COUNTY RECORDER
Fee: \$0.00

LAND-USE ADDENDUM
Agreement Concerning Land Uses Incompatible with Resource Management

In further consideration of funds to be provided and actions to be undertaken by State under California forest Improvement Program

Agreement Project/contract Number 8GG14302 / 14-GHG-01-0054 dated 12/16/2015

Participant/Owner Bob Manly
agrees not to develop lands subject to the CFIP Project Agreement referenced above and shown on the attached project map for uses incompatible with forest resource management within ten (10) years commencing from the date of recording of this Agreement. In the event this Agreement is violated, State is entitled to a refund of any cost-share payments which have been made, with interest, pursuant to Section 4797.5 of Public Resources Code. This Agreement is intended to satisfy the requirements of Public Resources Code Section 4797(e)(2). This Agreement shall apply to only those lands affected by the aforementioned CFIP Agreement and shown on the attached map, which are part of the land described below as part of that real property more fully described in that certain deed from

Carol L Manly Trustee of the Manly living Trust
dated 5-31-06 and recorded with the Recorder of Tuolumne County County at Book _____
Page _____ or Document Number 2006010230

Subsection	Section	Township	Range	County	Assessor's Parcel #
Por SE 1/4	26	1 South	18 East	Tuolumne	068-120-60,61,62,63

State shall record this Agreement in the office of the county in which the above described lands are located and upon recording the Agreement shall be binding upon any person to whom such lands are sold, assigned, devised, or otherwise transferred by agreement or operation of law. This Agreement is a state document and shall be filed for no fee at the County Recorder's Office as per Government Code Section 27383. For purposes of this Agreement, "uses incompatible with forest resource management" are defined in Public Resources Code Section 4793(s) to mean "uses not listed as subdivision (h) of section 51100 of the Government Code nor listed pursuant to Section 51111 of the Government Code by the city or county in which the parcel subject to the forest improvement project lies." Government Code Section 51100 defines "compatible use" as being "any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include but not be limited to... (1) management for watershed; (2) management for fish and wildlife habitat or hunting and fishing; (3) a use integrally related to the erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities; or (5) grazing." Government code Section 51111 authorizes city and/or county governments to adopt "compatible use" definitions in addition to the above. Compatible uses are land uses permitted in the Timberland Production Zones as established by the Forest Taxation Reform Act of 1976. The intention of the parties to this Agreement, therefore, is to limit the uses of identified lands to those which would be permitted if such lands were within a Timberland Production zone.

Signature of Participant/Owner(s) **All signatures must be notarized and have Acknowledgement attached.**

1. Bob Manly 9-5-17
Signature Date
Bob Manly
Printed Name

2. _____
Signature Date
Printed Name

3. _____
Signature Date
Printed Name

4. _____
Signature Date
Printed Name

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cont.

M. Refuse and sewage disposal sites and water and sewer treatment plants;

N. Airports and heliports;

O. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;

P. Employee housing;

Q. Accessory uses and structures appurtenant to conditional uses. (Ord. 2222 § 85, 1998; Ord. 2119 § 39, 1995; Ord. 2049 § 27, 1994; Ord. 1229 § 2 (part), 1982).

17.42.040 Rezoning land. Land may be rezoned as a timberland production (TPZ) district upon a finding that the criteria of Government Code Section 51113 (c) have been met. (Ord. 2222 § 86, 1998; Ord. 1229 § 2 (part), 1982).

17.42.050 Additional regulations. The term of the TPZ district shall be as set forth in Government Code Section 51114. (Ord. 1229 § 2 (part), 1982).

17.42.060 Inclusion of additional lands. Additional lands may be zoned TPZ and added to an existing timberland preserve pursuant to Government Code Section 51113.5. (Ord. 1229 § 2 (part), 1982).

17.42.070 Minimum parcel size. Within any TPZ district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one hundred and sixty gross acres in area, except as provided by Government Code Section 51119.5. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement. (Ord. 2127 § 26, 1996; Ord. 1229 § 2 (part), 1982).

17.42.075 Building intensity. Within any timberland production (TPZ) district, the maximum residential building intensity shall be one (1) dwelling per thirty-seven (37) acres; however, additional units are possible through a density bonus for the provision of affordable housing for households of very low or lower income and senior citizens in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel,

referred to as the floor area ratio (FAR), shall be 0.05. (Ord. 2222 § 87, 1998).

17.42.080 Rezoning. Parcels zoned TPZ may be rezoned pursuant to Government Code Sections 51120 et seq., or 51130 et seq. (Ord. 1229 § 2 (part), 1982).

17.42.090 Minimum parcel size requirement. Property of less than one hundred and sixty acres shall not be zoned TPZ unless the property adjoins either lands within an existing TPZ district or the Stanislaus National Forest. (Ord. 1229 § 2 (part), 1982).

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effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 39-260-02, -11, -14, -15 as requested and amending the General Plan land use designation from RR to ER.

GPA/Rezoning -
Davalle

Donald and Katherine Davalle to 1) amend the General Plan land use designation on a 0.9-acre parcel from SR to VC; and 2) Rezone the 0.9-acre parcel from R-1 to C-1, APN 7-100-14, located at 18453 Main Street, Groveland.

No one wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Campana, and carried by unanimous vote, that the General Plan Amendment and C-1 rezoning will have no significant effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APN 7-100-14 as requested and amending the General Plan land use designation from SR to VC.

The Board recessed from 11:58 a.m. to 1:30 p.m.

GPA/Rezone -
Manly

Timothy and Carol Manly to 1) Amend the General Plan land use designation of two parcels, 139 acres and 10 acres in area from TPZ to R/P and 2) Rezone the 139-acre parcel from TPZ to C-K, O, and O-1, and the 10-acre parcel from TPZ to C-K and O, located on Highway 120 near Hardin Flat Road intersection, APN 68-120-49 and -57.

Speaking in support of the application was Mr. Manly.

Matt Chapman and Bill Kuklish spoke in opposition.

Mr. Manley spoke in rebuttal and Mr. Kuklish and Mr. Chapman spoke in surrebuttal.

No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Marks, and carried by 4-1 vote, Supervisor Rotelli dissenting, that the General Plan Amendment and rezoning will have no significant effect on the

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environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning and General Plan amendment are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 68-120-49 and -57 as requested and approving General Plan amendment from TPZ to R/P, effective in 10 years.

Rezzone -
Twining

Charles "Chucker" and Debra Twining, et al/William Schuler/Frank Walter and Associates, to 1) Rezzone 5.2 acres of a 23.2-acre site from RE-5 to O; and 2) Rezzone .2 acres of the project site from R-1 to RE-5, APNs 48-690-01, -05, located on the west side of Wildcat Ridge Road approximately 250' west of its southern intersection with South Fork Road.

Mr. Twining spoke in support of the application.

No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Campana, seconded by Supervisor Marks, and carried by unanimous vote, that O and RE-5 rezoning are exempt from further CEQA review; are consistent with the County General Plan and provisions of Title 17; and rezoning APNs 48-690-01 and -05 as requested.

Rezzone -
Bozworth/Smith

Janie Bozworth and Elizabeth Smith to rezzone a 6.1-acre parcel from RE-5 to 5.7 acres of RE-2 and .4 acres of O, APN 96-030-02, located at 17791 Lime Kiln Road.

Speaking in support of the application was George Hill, on behalf of the applicants.

No one else wishing to speak, public hearing was declared closed.

It was moved by Supervisor Tergeson, seconded by Supervisor Campana, and carried by unanimous vote, that RE-2 and O rezoning will have no significant effect on the environment; that the Board finds a Negative Declaration has been prepared in accordance with CEQA Guidelines and approves said Negative Declaration; that the rezoning is consistent with the County General Plan and provisions of Title 17; and rezoning APN 96-030-02 as requested.

Rezzone -
Cervenka

George Cervenka to rezzone an 8.3-acre parcel from RE-5:MX to 6.7 acres of RE-2 and 1.6 acres of O-1, APN 43-510-40, located at 20330 Peaceful Oak Road.

SB-389 Environmental quality: the Sustainable Environmental Protection Act (2015-2016) amended the Public Resource Code as Section 1 Division 13.6 (commencing with Section 21200).

At section 21200.5 The legislature finds and declares all of the following (emphasis added)

At section 21200.5 (b) Guidelines implementing CEQA have evolved and expanded, and currently provide that project impacts be evaluated based on 87 criteria covering the following 18 environmental topical areas (emphasis added)

At section 21200.5 (b)(8) Land use planning, including consistency with land use plans

At section 21200.5 (c) In the years before and 45 years following the enactment of CEQA, Congress and the legislature have each adapted more than 100 laws to protect environmental quality in those environmental topical areas required to be independently mitigated under CEQA described in subdivision (b). The legislature has enacted environmental protection laws that are as or more stringent than federal law and California environmental laws are often at the cutting edge of environmental protection nationally and even globally. These environmental protection laws, all enacted after 1970, include, but are not limited to, the following. (emphasis added)

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cont.

At section 21200.5 (c)(7) Land use planning including consistency with land use plans: the federal Coastal Zone Management Act 1972 (16 U.S.C. Sec. 1451 et seq), the Federal Land Policy and Management Act of 1976 (43 U.S.C. SEC.1701 et seq.), the federal Forest and Rangeland Renewable Resource Planning Act of 1974 (16 U.S.C. SECs. 1600 and 1611 to 1614 incl. and 1641 to 1649 incl.), The National Forest Management Act of 1976 (16 U.S.C. Secs. 1600 and 1611 to 1614, incl.) The Planning and Zoning Law (Title 7 (commencing with section 65000) of the Government Code) the Subdivision Map Act (Division 2 (commencing section 66410) of Title 7 of the Government Code), the California Coastal Act of 1976, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. . . ., the California Green Buildings Standard Code . . . , and the California Building Code...

At section 21200.5 (g) Environmental laws and regulation identify compliance obligations that apply uniformly to similarly situated projects and activities and provide critical environmental protections that go well beyond the ad hoc review process created by CEQA. Environmental laws and regulation identify compliance obligations of general applicability and thereby provide greater clarity than the project-by-project ad hoc review process that was created for CEQA in 1970. (emphasis added)

At section 21200.5 (h) CEQA requires a public and environmental review process for the review and adaption of land use plans and zoning code revisions, including requirements to avoid or minimize the significant environmental impacts of land use and zoning code implementation. For plan or zoning code changes for which an environmental impact report (EIR) was prepared and certified, CEQA mandates inclusion of mitigation measures and alternatives to avoid and minimize significant unavoidable impacts.

At section 21201 For the purpose of this division, the following definitions shall apply (emphasis added)

(a) "Applicable environmental law" is a law related to an environmental topical area listed in subdivision (b) of Section 21200.5 that is relevant to a project and does any of the following

(1) Includes a policy determination , or directs or authorizes the adaption by an implementing agency of regulations or plans, or directs or authorizes an implementing agency to review and approve permits, licenses, or authorization applications and approval processing procedures and practices to implement that policy determination, regarding a standard applicable to a topical area requiring analysis and mitigation under CEQA.

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cont.

Referencing the above sections of the Sustainable Environmental Protection Act, the legislature has declared that both Title 7 Planning and Zoning Law as well as The Subdivision Map Act constitute "environmental law" (see 21200.5 (c)(7)) that "identify compliance obligations of general applicability (see 21200.5 (g))

Both Title 7 Planning and Zoning Law and the Sub Division Map Act include "policy determinations" by local agency requiring "application and approval processing procedures and practices to implement that policy determination" those "environmental laws" are "activities" which require public, environmental review process'; (see 21200.5 (h))

A "compliance obligation" is attached to the "policy determination" related to the above "environmental Law" moreover, as related at section 21202 (a) An environmental document prepared pursuant to CEQA shall disclose all applicable environmental Laws

Additionally, as found and declared by the legislature within the Sustainable Environmental Protection Act, the "exclusive means of evaluating and mitigating environmental impacts under CEQA regarding the subject of the law, notwithstanding any other provision of law", "shall disclose the applicable compliance requirements of that law, and compliance with the applicable standards"

At section 21202 (a)(1) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (1) of subdivision (a) of Section 21201 shall disclose the applicable compliance requirements of that law and compliance with the applicable standards for impacts that occur or might occur as a result of approval of the project shall be the exclusive means of evaluating and mitigating environmental impacts under CEQA regarding the subject of that law, notwithstanding any other provision of law.

This Respondent having disclosed within his NOP comments, the relevant issue asserting an Unlawful Land Division the particulars of which (23 points) relate to violations of the the Title 7 Planning and Zoning law, and the Sub Division Map Act as well as other relevant Local regulations; it was incumbent under the law for the Lead Agency and preparers of the DEIR to "disclose the applicable compliance requirements of that law and compliance with the applicable standards"

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cont.

It is evident that the lead Agency and preparers of the DEIR had motive to act in the omitting, concealing, ignoring this Respodents submission of July 18 2019; Failure to disclose the relevant lawful claims would relieve the Lead Agency and preparers of the DEIR from addressing the compliance requirements of the Subdivision Map Act and/or Title 7 Planning and Zoning Law and further demonstrating the "compliance obligation" demanded of the Sustainable Environmental Protection Act.

The Lead Agency and preparor of the DEIR with knowledge of the facts and evidence presented within the Unlawful Land Division Complaint could not meet the "compliance obligation", they therefor determined to omit this Respondent's NOP comments relating the matter, thus concealing the issue from relevant disclosure.

Relevant "environmental law" disclosure within this Respondent's omitted, and concealed comments to be found within the Body of the Unlawful Land Division Complaint and its 23 points.

Restated, in review an Unlawful Land Division that includes, but not limited to; A Land Division in the form of "certificate of compliance" for which the land did not lawfully qualify, , without application, without notification to coterminous land owners to partake in the required processing, without Parcel Map or Parcel Map processing, without the unzoned independant parcels undergoing zoning amendment processing, that zoning "activity" occuring without application, coterminous land owner notification and required CEQA "environmental review" processing.

Additionally, that Land Division, one of fraud/negligence in Land Survey Practice Law (local and state), it's Legal Land Description, does not describe any land, rather it describes a common property boundary line. Correction of the Unlawful Land Division would not support the 2 Hardin Flat LLC projects as currently proposed, simultaneously undergoing EIR study.

"A later EIR regarding a development project on the property would treat the zoning as fait accompli and would not need to address the density designation . . . resulted in the omission of vital information by use of two mutually exclusive environmental documents (citations) this amounts to a subversion of the purpose of CEQA

City of Carmel by the Sea v.
Brd of Supervisors Monterey Cnty
183 Cal. App.3rd 229 (1986)

PUB61-16
cont.

The Lead Agency and Preparors of the DEIR continued gross negligence, in concealing the Unlawful Land Division and Zoning despite its lawful relevant disclosure as recognized CEQA "Environmental Law" are subverting the purpose of CEQA treating the Unlawful land Division and Zoning as a "fait accompli". this is evident throughout the DEIR wherein the Unlawful Parcels and Zoning of the Hardin Flat LLC lands are continually referred to as justification for the various topical EIR studies.

It is undeniable fact that the original ±139 acre Manly lands designated as TPZ within the 1991 Zone change to Ck and Open Space, omitted CEQA via a declared CEQA negative declaration despite protest from this Respondent (and others) at that time. It is also undeniable fact that a further division of that land into the now 4 parcels occured in concealment of coterminous land owners, without their direct notification by U.S. mail, who were thus denied knowledge and ability to partake of a process, both "required and pursuant to" that law under pain of misdemeanor penalty of Law.

So the now Hardin Flat LLC land comprised of 4 parcels and zone changes to to 3 independant "Certificate of Compliance" parcels, was accomplished without once applying General Plan Goals, Policy, and implementation Programs; related below.

Incompatable Land Use

GOAL 1.B minimize conflicts between incompatible land uses

Polisies

1.B.1 Protect existing land uses from the infringement of and impacts associated with incompatible land uses

1.B.d Land uses compatible with residential uses

Designate, where possible, land around existing residential neighborhoods for uses compatible with residences
Designate areas for new urban residential development away from existing incompatible land uses, such as agriculture, mining and industry.

PUB61-16
cont.

Commercial Land Uses

Goal 1.F Promote the development of commercial uses to meet the present and future needs of Tuolumne County's residents and visitors and maintain economic viability.

1.F.5 Promote new commercial development in rural communities that provides for the immediate needs of the local residents and service to tourists. the scale and character of such commercial development should be compatible with and complement the surrounding areas.

So the unlawful machinations of Tuolumne County in the avoidance of the very purpose of CEQA, the State Sub-Division Map Act's "required pursuance" process, including the requirement to Parcel Map sub-division process, has manipulated the law to there ultimate ends in avoidance of the Goals, Policy, and Implementation Programs which otherwise would have obstructed their designs to cash in at all costs with multible large scale commercial recreational projects. Projects unlawfully encroaching on historical Rural Residential lands, Rural Residential lands existing from the turn of tha last century; homesteaded in 1906, before the highway even existed, and decades before it became a public highway. RESIDENTIAL LANDS NOT EVEN ACKNOWLEDGED WITHIN THE DRAFT EIR, beyond their existance on the map.

Moreover, commercial development in avoidance of the many references within the General Plan to protect Timber Lands existance, encroachment upon, and its historic rural component of Tuolumne County, declaring within the General plan, Timberland to constitute an Agricultural pursuit within the County. A fact seemed lost within the DEIR. See General Plan, Conservation and Open Space Element, Timberland Reources at 4.B.c

A full and fair lawful process of subdividing the ±139 acre Manly land, now Hardin Flat LLC lands would have enabled coterminous land owners at Sawmill Mountain, duly informed by the U.S. mail, to raise all the forementioned General Plan components, among others, to mitigate incompatible zoning as part of any subdivision.

PUB61-16
cont.

The Parcel Map process, addressing roads, among other required inquiries, would have provided opportunity to address the consequences of higher density development impact on U.S. Forest Service road IS03 (Sawmill Mt Rd.) and seek mitigating alternative Forest access, thru the parcels of any proposed division of the ±139 acres of Hardin Flat LLC land.

Concluding, the above ramification and consequence of failure to acknowledge and address the Unlawful Land Division Complaint, cognizant under CEQA as recognized "environmental law" derived from California State Title 7 Planning and Zoning Law, and the State Sub-Division Map Act.

It is also incumbent upon the Planning Director of the County to enforce Title 17 Tuolumne County Uniform Zoning Ordinance. See Chapter 17.72 Administration and Enforcement; then see Amendments, Text, and Map Changes see 17.70 015 B which assumes a request from the property owner to alter zoning; then see 17.70.020 et seq. Request by property owner for change in zoning district or regulations (which requires coterminous land owner notification and public meeting processing)

The above local regulations, relevant to the Unlawful Land Division Complaint, documented and submitted within this Respondents December 27 Stakeholder comments, referred to in substance within the NOP comments of June 1 2019, and now presented within these DEIR comments, that go ignored, unenforced, in entertaining unlawful development, unlawful permits, emanating from the EIR Lead Agency.

As has been noted within the Unlawful Land Division Complaint, the western parcel of the Terra Vi project, previously a .13 (13 hundredths) of an acre parcel, owned in fee by CalTrans; actually represents a bona fide parcel, unlike the 2 fraudulent parcels Of Hardin Flat LLC land south of Highway 120.

PUB61-16
cont.

However, that parcel existed independantly and distinct from the ±139 acres Manly zoned Ck in 1991, as it was owned in fee by CalTrans at that time. Therefore, obviously, it was not subject to that 1991 rezoning.

That parcel returned to Manly supplemental to activities documented within a Tuolumne County "Lot Line Adjustment" file in or around 2001-2003, incident to CalTrans highway resurvey for purpose of "correction"

That western .13 acre parcel returned by Caltrans, a State Agency was not necessarily exempt from the requirement of Parcel Map process'. See State Government Code Subdivisions § 66428 (a) at (2) ultimately relating the standard "unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map."

That .13 acre parcel could possibly have been subject to Merger under provisions of the Subdivision Map Act.

PUB61-16
cont.

That .13 acre parcel, however, was certainly not ever lawfully zoned CK, as it never was part and parcel of ±139 acre Manly land zoned Ck in 1991; at that time it was independantly owned in fee by Caltrans as condemned for "purpose of a Highway" in 1966 or thereabouts; status at that time, apparently, Williamson Act Timberlands,

The involvement of that .13 acre parcel in the above related County "Lot Line Adjustment" not alone, a lawful means of parcel zoning. *There is no zoning amendment for this independant parcel.*

The expansion of that now proposed western Terra Vi parcel, to it's current ±27.78 acres, via Lot Line Adjustment, leaves that former .13 acre parcel still unzoned, or if anything, reverting back to it's original Williamson Act Timberland zoning status; awaiting lawful zoning process', and Parcel Map processing.

The zoning related issues are disclosed, relevant, CEQA "environmental law", a "compliance obligation" has attached to satisfy the mandated standard for "an environmental document prepared under CEQA", compliance with the applicable standards, "shall be the exclusive means of evaluating and mitigating environmental impacts under CEQA, regarding the object of the law, notwithstanding any other provision of law"

It remains for the Lead Agency and/or the preparers of this "environmental document prepared under CEQA", to realize their duty, and mandated obligation to the law, and act in accordance with that duty, and mandated obligation to the law. Any action short of that, one of knowing dereliction and fraud; negligence per se. Moreover, an indication of gross bias to a predetermined outcome to approve the project at all costs, even integrity to duty.

In response to the various CEQA Topical categories contained within the DEIR, the following comments are related:

Affecting various Topical categories, yet tied to Land Use/Planning, is the proposed access road, National Forest System Road 1503, acquired by the U.S. Forest Service in 1966 by and thru an Act of the Federal Government.

PUB61-16
cont.

That access road is depicted on the plans as "dedicated access", however, that road is subject to an easement, acquired by the U.S. Forest Service by and thru an act of Congress, the easement contains limitations on the use of that road, to be administered by the U.S. Forest Service, as the managers with jurisdictional authority. See Code of Federal Regulation 36 Subpart B Part 212; Administration of the Forest Transportation System. Among the obligations of the United States in acquiring that easement are as follows:

At (2) Provide adequately for foreseeable management, protection, and utilization needs of lands administered by the Forest Service and intermingled and adjacent private and public lands and for the use and development of the resources upon which communities within or adjacent to the NATIONAL Forest are dependant; and

At (3) not be subject to conditions, reservations, or covenants, unrelated to the road use, or which seek or might tend to direct or limit policies and procedures for management of lands administered by the Forest Service.

CODE FED. REG. § 212.9
at 5(9) 2,3

PUB61-16
cont.

Consequently, the proposed commercial use of U.S. Forest System Road 1503, is subject to permission; See Code of Federal Regulation 36 Ch. II Subpart B-Special Uses.

That process requires, proposal and application involving National Environmental Protection Act; see Code of Fed. Reg. 36 Ch. II § 251.54, Among the requisite criteria, therein:

(4) Project description "... compliance with applicable laws, regulations, and orders

(e) Pre-application actions (1) Initial Screening

(i) consistency with laws, regs, orders, policies governing Nat. Forest Service lands, other Fed. Law, State & Local health/sanitary laws

(ii) consistent with resource management plan under National Forest Management Act and 36 CFR part 219.

(iii) use will not pose serious or substantial risk to public health/safety.

(v) use will not unreasonably conflict or interfere with administrative use by the Forest Service, other scheduled, or authorized existing uses of the National Forest System, or use of adjacent non-National Forest System Lands.

PUB61-16
cont.

The above "initial screening" of any proposal (other than non-commercial), is required to meet all of the minimum requirements of paragraphs (e)(1)(i)-(ix). If not, the "Authorized Officer", shall notify the proponent, that the proposed use does not meet the minimum requirements, and shall simultaneously, return the request. The procedure continues with additional provisions, with Paragraph (3) Guidance and Information to Proponent.

The DEIR, has not adequately presented, revealed, or addressed the above Code of Federal Regulation "compliance requirements", the status of any ongoing "proposal" processing, for the proposed "dedicated access" use of National Forest System Road 1503 as the access of the Terra Vi development. Moreover it has misrepresented the actual status of that roadway in describing it as "dedicated", concealing it's actual status.

See 36 Code of Fed. Reg § 212.7 Access Procurement by the United States @ (G)

(G) Use and control of interests in roads, trails, and easements acquired by the United States - "... shall be under the control of the United States, subject to approved reservations ... This control by the United States may include restricting or conditioning the use of the interest owned by the United States in the ... easement"

PUB61-16
cont.

Besides the above, proposal, application and appeal process; the Code of Fed. Reg. Subpart D - Access to Non Federal Lands would be applicable

That Subpart § 251.110 Scope and Application (a)-(g) would apply to any Terra Vi proposal.

(a) The regulations of this subpart set forth the procedures by which land owners may apply for access across National Forest System Lands."

(b) These regulations apply to access across all National Forest System Lands . . . and supplement subpart B of this part, and in parts, 212 and 293 of this chapter

Subsection (b) relates "the regulations of this subpart do not affect rights of way. . . outstanding in third parties at the United States acquired the land." Terra Vi does not exhibit such rights, nor did any commercial recreational access rights exist at the time the United States acquired the land.

(c) Subject to the terms and conditions contained in this part and 212, 293 . . . "Land owners shall be authorized such access . . . adequate to secure them reasonable use and enjoyment of their land."

PUB61-16
cont.

(e) Where the ingress and egress will require the use of existing government owned roads, trails, or other transportation facilities . . . which are open and available for general public use, use by the landowner shall be in accordance with the provisions of part 212 of this chapter

Part "212 of this chapter" is referenced in Subpart B - Special Uses as providing the authority to issue Special Use Permits

See § 251.53 Authorities at (J)

(J) Temporary or permanent easements . . . For roads rights-of-way over lands or interests in land administered by the United States

Subpart B - Special Uses § 250.00 et seq. authorizes among a vast array of criteria, the lawful distinction between non-commercial and commercial use, commercial use, this, to be scrutinized pursuant to Subpart D - Access to Non Federal Lands; RETURNING THERETO at § 251.110 at (G)

(G) Where there is existing access or a right of access to a property over non-National Forest Land or over public roads that is adequate or that can be made adequate, there is no obligation to grant additional access thru National Forest System Lands.

PUB61-16
cont.

Hardin Flatt LLC lands, have existing access and rights-of-access, established in 1966 upon condemnation of that land "for purposes of a highway." That access is perfectly adequate, and/or can be made adequate; it is via the Public Highway some \pm 200 yards east of National Forest System Road 1503, entering into the Terra Vi development site,

Moreover that access is not encumbered by the process, application, scrutiny related to the further criteria of U.S. Forest Service Special Use regulation. See § 251.111 Definitions related below;

Access Means "the ability of landowners to have ingress and egress to their land. . . ."

Adequate Access Means - "a route and method of access to non-federal land that provides for reasonable use and enjoyment of the non federal land consistent with similarly situated non-federal land and that minimizes damage or disturbance to National Forest System Lands.

Then see § 251.112 - Application Requirements

(a) A landowner shall apply for access . . .
. . . in accordance with the application requirements of § 251.54 of this part

PUB61-16
cont.

(b) Applicant shall disclose the historic access to the landowners property and any rights of access which may exist over non-federally owned land and shall provide reasons why these means of access do not provide adequate access to the landowners property

(c) The information required to apply for access across National Forest Lands under this subpart is approved for use under subpart B of this part and assigned OMB control number 0596-0082

Subpart B mentioned above, is entitled Special Uses, so all parts of Code Fed Reg. 36 mentioned above apply in determining the lawful use of 1503 as the means of Ingress and Egress to the Terra U; development project. None of the above has been disclosed within the DEIR as the "compliance requirements" for the proposed access via National Forest Service Road 1503. Moreover, again, all the above has been concealed by the Lead Agency in presenting 1503 as "dedicated access" which is a fraudulent representation. Compliance has not been shown for any of the above requirements.

PUB61-16
cont.

Concluding on access issues, it is unlikely 1503 was ever "dedicated access" as upon condemnation of the land, then owned by Woolstenhume, the area in and around the Caltrans "SAND SHED" was owned in fee by the State of California ca. 1966.

As the area in and around the "sand shed" was owned by the State, alternative ingress and egress was established ± 200 yards east of 1503 to compensate, moreover it was at this time 1966, that the United States, acquired their easement interests in the roadway. Scrutiny of the recorded easements would be necessary to resolve the matter, and any affect of the condemnation by the State of California might reveal as to the actual status of 1503, in and around its intersection with highway 120.

PUB61-16
cont.



RECORDED AT REQUEST OF
 U. S. FOREST SERVICE
 JUL - 1 1966
 Tuolumne County, California
Maria M. Smith
 Recorder
 Fee \$ 2.80 Pd.
 No. 4557

EASEMENT FOR ROAD

I, MAZIE WOOLSTENHULMS, a married woman as her sole and separate property of Shelling, County of Merced, State of California in consideration of Six Hundred Dollars (\$600.00) and other good and valuable consideration, the receipt whereof is hereby duly acknowledged, grant unto the United States of America and its assigns, an easement for an existing road over the parcel of land in the County of Tuolumne, State of California, and described as follows:

The Southeast $\frac{1}{4}$ of Section 26, T. 1 S., R. 18 E., M.D.B.&M. excepting therefrom portions of said property described in the following deeds:

Deed from Masie Woolstenhulms to State of California, dated January 11, 1960 and recorded March 10, 1960 in Volume 111 of Official Records, Page 521, Tuolumne County Records.

Deed from Masie Woolstenhulms to State of California, dated March 16, 1962 and recorded June 18, 1962 in Volume 144 of Official Records, at Page 66, Tuolumne County Records.

Deed from Masie Woolstenhulms to State of California, dated March 16, 1962 and recorded June 18, 1962 in Volume 144 of Official Records, at page 70, Tuolumne County Records.

The said easement hereby granted is for the reconstruction, maintenance and full, free and quiet use and enjoyment of a road traversing the above described premises according to the following center line description;

BEGINNING at a point on the North line of the State of California right-of-way which lies N 54° 34' 52" W a distance of 3,432.34 feet from the Southeast corner of Section 26, T. 1 S., R. 18 E., M.D.M.; Thence:

Bearing	Central Angle	Curve L-R	Radius in Feet	Distance in Feet
N 3° 04' E	62° 49'	R	150	77.33
N 65° 53' E	74° 42'	L	300	164.45
N 8° 49' W				443.81
				391.13
				23.00

to the point of ending on the North property line at a point N 39° 06' W a distance of 3,460.08 feet from the Southeast corner of Section 26, T. 1 S., R. 18 E., M.D.M.

The width of said easement shall be 66 feet, 33 feet on each side of the center line, or more if necessary to accommodate cuts and fills. The boundary lines of said easement shall be prolonged or shortened so as to begin and end on and conform to the Grantor's property line.

Grantor also grants to the United States and its assigns the right of access to the freeway as reserved in the deed from the grantor to the State of California, dated March 16, 1962 and recorded June 18, 1962 in Volume 144 at page 70 of the Official Records, Tuolumne County, California.

PUB61-16
 cont.

A second issue involving ISO3 within this Respondent's Stakeholder and NOI comments was the fraudulent assertion by the Lead Agency that ISO3 was not a cul-de-sac.

The above factual misrepresentation has not been adequately presented, addressed, rather it has been dismissed, ignored, and concealed within the DEIR. More egregiously allowed to perpetuate.

Tuolumne County has previously declared that roadway to be a cul-de-sac, as it emanates from highway 120, into the National Forest. This was declared within documentation.

A previous development project unlawfully pawned off as a Planned Unit Development involving resident Lopes, violated the cul-de-sac roadway limitations, apparently originally approved by the local Fire Marshall.

This Respondent, before the Board of Forestry and Fire protection, in Sacramento, was informed by its executive Officer, George "YG" Gentry, that conversation with then County Council Gregory Oliver, it was agreed that cul-de-sac roadway limitation regarding that proposed development, was a violation of that Public Resource Code.

PUB61-16
cont.

PWSurvey



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

BUILDING AND SAFETY - PLANNING - HOUSING - GEOGRAPHIC INFORMATION SYSTEM (GIS)

RECEIVED
COUNTY OF TUOLUMNE

48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
(209) 533-5616 (fax)
www.tuolumnecounty.ca.gov

DATE: March 3, 2010
TO: ADVISORY AGENCIES
FROM: TUOLUMNE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
ELMO
RE: Lopez Planned Unit Development PUD10-001 and Zone Change RZ10-002

DEPARTMENT OF PUBLIC WORKS

We are in receipt of an application for the project referenced above. The project description is as follows:

Planned Unit Development PUD10-001 and Zone Change RZ10-002 to allow two dwelling units on a 6.2± acre parcel currently zoned RE-5 (Estate Residential: Five Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code.

6.167

LOCATION: The project site is located on Sawmill Mountain Road, approximately 0.4 mile north from the intersection of State Highway 120 and Sawmill Mountain Road, across the road (west) from address 30445 Sawmill Mountain Road. A portion of Section 26, Township 1 South, Range 18 East. Assessor's Parcel Number 68-340-08.

ACCESS: Sawmill Mountain Road Cul de Sac: Yes

WATER SOURCE: Private Well

SEWAGE DISPOSAL METHOD: On-Site Sewage Disposal System

FIRE HAZARD RATING: Very High

ADDITIONAL INFORMATION:

- The property is currently zoned RE-5 which allows for 1 permitted single family dwelling and a second attached dwelling unit not exceeding 850 square feet; or a second detached dwelling unit exceeding 850 square feet when the parcel is 10 acres or greater upon issuance of a Conditional Use Permit. The General Plan for the site is currently Rural Residential (RR).
- The property owners are requesting a Planned Unit Development (PUD) to allow two detached dwelling units on the project site, which is a higher density than is currently allowed under the existing zoning district, since the project site is less than 10 acres. The increased density would provide housing for low to moderate income tenants to reside on the project site.
- There is one existing cabin on the site which was first assessed in 1969. There is a detached garage to the north of the existing dwelling with no record of its age. A second detached dwelling is proposed to be located approximately 100-feet to the south of the existing dwelling. The second dwelling is proposed to be approximately 1,000 square feet and contain two bedrooms, which would be rented to low to moderate income tenants.
- Vegetation on the site consists of ponderosa pines, incense cedar and annual grasses.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment on the environmental effects of this project. Please complete the following and return to me not later than **March 19, 2010**

Signed: *Renee Hendry*
Renee Hendry, Planner II

66

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PUB61-16
cont.

Commissioner Beranek said because the County is calling the project a development, and Mr. Chapman said it is a private single family dwelling wanting to put a second detached single family dwelling on the property.

Commissioner Crook asked Staff what does the County allow.

Mr. Laird said the Tuolumne County Ordinance Code allows the use of a Planned Unit Development Permit to allow exceptions to the normal application to the zoning ordinance when certain findings can be made.

Commissioner Crook asked if the County considers Sawmill Mountain Road a through road.

Mr. Laird replied no because Sawmill Mountain Road does not meet the definition of a through road. He said Sawmill Mountain must meet County Standards the entire length of the road and it does not because it goes to a dirt surface.

Vice Chairperson Oyung commented that all the developers have to assume the responsibility of being sued and Tuolumne County has a good reputation of not needing to defend a lot of their approvals. He said a good example was the winery on Wards Ferry Road, which had a Development Agreement that went against the General Plan. He said a Planned Unit Development Permit was used because a Development Agreement was ruled inappropriate by the court and said the person who was sued was the owner of the winery and of course they lost their case. He said the County can operate loosely in approving all these developments without worrying about being liable for a suit. He felt by Mr. Lopes following through with this project he would have to have deep pockets and does not know why he is doing this project other than the fact he has a lot of money to spend.

Chairperson Elliott asked for any further comments or discussion. Seeing none she called for a motion.

It was moved by Commissioner Nagle and seconded by Commissioner Allegri to recommend approval of Zone Change RZ10-002 based upon Findings 1.A through 1.D; and to recommend approval of Planned Unit Development Permit PUD10-001 based upon Findings 2.A through 2.F, and subject to conditions 1 through 20.

Chairperson Elliott asked for any discussion on the motion.

Chairperson Elliott said she was having a hard time with the proposal. She said the County has bent over backwards for one small unit of affordable housing, but felt it did not meet the requirements of a Planned Unit Development Permit and could not support the project.

Chairperson Elliott called for the vote: Ayes, 3; Noes, 4; Abstain 0.

Motion failed 3 – 4 – 0 with Chairperson Elliott, Vice Chairperson Oyung, and Commissioners Beranek and Steele casting the dissenting votes.

Mr. Laird suggested the Commission make another motion so their recommendations could be forwarded to the Board of Supervisors.

Chairperson Elliott called for a motion.

It was moved by Commissioner Beranek and seconded by Vice Chairperson Oyung to recommend denial of Zone Change RZ10-002 and Planned Unit Development Permit PUD10-001 based upon the following findings:

1. The project site exceeds the maximum cul-de-sac length of 1,320 feet.
2. Sawmill Mountain Road is not maintained in the winter.
3. The road accessing the project site from Sawmill Mountain Road also provides access to five other parcels and does not meet State standards for such access roads.

Vice Chairperson Oyung seconded the motion and asked Commissioner Beranek if she would consider adding a finding regarding twisting the definition of a Planned Unit Development to allow this project.

Commissioner Beranek amended her motion to add the following finding:

4. A Planned Unit Development Permit should not be used to grant exceptions to the health and safety standards of the State Fire Codes.

Vice Chairperson Oyung amended his second to include proposed Finding 4.

Chairperson Elliott asked for any discussion on the motion.

Chairperson Elliott called for the vote: Ayes, 4; Noes, 3; Abstain 0.

Motion carried 4 – 3 – 0 with Commissioners Allegri, Crook and Nagle casting the dissenting votes.

**PUB61-16
cont.**



COMMUNITY RESOURCES AGENCY

BEV SHANE, AICP
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

February 24, 2012

TO: Honorable Board of Supervisors
Alicia Jamar, Chief Deputy Clerk of the Board

FROM: Bev Shane, AICP: *Bev*
Community Resources Director

RE: Southern Tuolumne County Planning Commission Recommendation

48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax - EHD)
(209) 588-9064 (fax - Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

At its meeting of February 8, 2012, the Southern Tuolumne County Planning Commission considered the following project:

OWNER/
APPLICANT: Elmer and Connie Lopes Trust

- PROJECT:
1. Ordinance for Zone Change RZ10-002 to rezone a 6.2± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-5:PD (Residential Estate, Five Acre Minimum:Planned Unit Development Combining) under Title 17 of the Tuolumne County Ordinance Code.
 2. Planned Unit Development Permit PUD10-001 to authorize an increase in the number of detached dwelling units allowed on the parcel beyond that established by Section 17.52.200 of the Tuolumne County Ordinance Code. The applicant proposes a detached secondary single family dwelling, approximately 1,000 square feet in size, on the 6.2± acre parcel.

LOCATION: 11272 Sawmill Mountain Road, approximately 0.4 mile north from the intersection of State Highway 120 and Sawmill Mountain Road. A portion of Section 26, Township 1 South, Range 18 East. Assessor's Parcel Number 68-340-08.

The Southern Tuolumne County Planning Commission recommended denial of the project based on the following findings:

1. The project site exceeds the maximum cul-de-sac length of 1,320 feet.
2. Sawmill Mountain Road is not maintained in the winter.
3. The road accessing the project site from Sawmill Mountain Road also provides access to five other parcels and does not meet State standards for such access roads.
4. A Planned Unit Development Permit should not be used to grant exceptions to the health and safety standards of the State Fire Code.

This application is scheduled for consideration by your Board at your meeting of March 6, 2012, at 1:30 p.m., or as soon thereafter as may be heard.

BJS:RH:jp

S:\Planning\PROJECTS\Planned Unit Development Permit\2010\PUD10-001 Lopes\BOS Docs\Board Memo.doc

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PUB61-16
cont.

LOPES

SURFACE/MINERAL

RIGHTS OWNERS: Elmer and Connie Lopes Trust

APPLICANT: Elmer (Burt) Lopes

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

1. Ordinance for Zone Change RZ10-002 to rezone a 6.2± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-5:PD (Residential Estate, Five Acre Minimum:Planned Unit Development Combining) under Title 17 of the Tuolumne County Ordinance Code.
2. Planned Unit Development Permit PUD10-001 to authorize an increase in the number of detached dwelling units allowed on the parcel beyond that established by Section 17.52.200 of the Tuolumne County Ordinance Code. The applicant proposes a detached secondary single family dwelling, approximately 1,000 square feet in size, on the 6.2± acre parcel.

LOCATION:

11272 Sawmill Mountain Road, approximately 0.4 mile north from the intersection of State Highway 120 and Sawmill Mountain Road. A portion of Section 26, Township 1 South, Range 18 East. Assessor's Parcel Number 68-340-08.

GENERAL PLAN:

The General Plan land use designation for the project site is Rural Residential (RR). Figure 1.6 of the General Plan indicates that the proposed RE-5:PD zoning district may be found to be compatible with the RR land use designation. Figure 1.5 of the General Plan indicates that the maximum residential density on land designated RR shall not exceed one primary dwelling unit per five acres. The project site is 6.2± acres and would allow one primary dwelling unit. A secondary attached single-family dwelling is also allowed. Additional dwelling units are possible for the provision of affordable housing pursuant to the Government Code or the Tuolumne County Ordinance Code.

**PUB61-16
cont.**

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), of the *State CEQA Guidelines*, since the project involves the construction of a single family dwelling that is approximately 1,000 square feet in area.

GENERAL INFORMATION

1. The subject property is located at 11272 Sawmill Mountain Road, approximately 1,600 feet north from the intersection of State Highway 120 and Sawmill Mountain Road, to the beginning of the gravel access driveway. The 6.2± acre parcel is located on slopes that range from nearly level on the western portion of the property to 20% near the eastern portion of the site. The project site ranges in elevation from 3,800 feet to 3,920 feet and contains ponderosa pine, incense cedar and California black oak trees. The property contains a single family dwelling that was constructed in 1969 and a detached garage located to the north of the existing dwelling with no record of its age. At the time of the site visit, there was no record of building permits being obtained for the garage or for recent additions to the single family

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LOPES

dwelling. Permits have since been obtained for all existing buildings and additions on the project site.

2. The property owners are proposing to construct a detached secondary single family dwelling on the project site which would be approximately 1,000 square feet in area. The new dwelling unit is proposed to be two bedrooms and rented at rates affordable to median or lower income households as defined by the Housing Element of the Tuolumne County General Plan and Sections 17.04.445 and 17.04.446 of the Ordinance Code. The proposed detached secondary dwelling would be rented at an affordable rate for a minimum of fifteen years.
3. Section 17.28.020 of the Tuolumne County Ordinance Code (TCOC) allows one primary single-family dwelling per parcel and one attached secondary single-family dwelling not to exceed 1,200 square feet in size. One guest house or one detached secondary single-family dwelling, not exceeding 1,200 square feet in size is allowed, when the parcel complies with the requirements of Section 17.52.200.
4. Section 17.52.200 of the Ordinance Code states that when the parcel is less than twice the minimum parcel size required for the zoning district, the access road to the parcel must comply with the cul-de-sac length limit specified in Section 11.12.040 of the Ordinance Code, in order to have a detached secondary single-family dwelling. The gravel access driveway to the project site begins approximately 1,600 feet from State Highway 120 and passes through properties that are zoned C-K (Commercial Recreation) and RE-2 (Residential Estate, Two Acre Minimum).
5. Section 11.12.040 of the Ordinance Code states that the maximum length of a cul-de-sac road, including all cul-de-sac roads accessed from the cul-de-sac, shall not exceed the following cumulative lengths regardless of the number of parcels served:

Parcels zoned for less than one acre-----800 feet
Parcels zoned for 1 acre to 4.99 acres-----1320 feet
Parcels zoned for 5 acres to 19.99 acres--2640 feet
Parcels zoned for 20 acres or larger-----5280 feet
6. The project site is located on Sawmill Mountain Road which is a cul-de-sac road. Section 11.12.010 of the Ordinance Code states that where a cul-de-sac crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. For the parcels that are zoned C-K or RE-2, the maximum allowed cul-de-sac length limit is 1,320 feet. Since the access driveway for the project site is 1,600 feet from State Highway 120 it exceeds the maximum allowable cul-de-sac length, and only an attached secondary single-family dwelling, not to exceed 1,200 square feet in size, is permitted by the zoning ordinance.
7. The project applicant is proposing a detached secondary dwelling unit of approximately 1,000 square feet in size which would be utilized by median or lower income tenants to provide affordable housing. Pursuant to Section 17.66.020 of the TCOC, within any principal zoning district with which a Planned Unit Development Combining (:PD) District has been combined, the structures permitted and the regulations applying to such structures through application of the TCOC may be modified or supplemented by a Planned Unit Development Permit.
8. Implementation Program 1.E.a of the General Plan states that the County shall continue to provide incentives to developers to build new housing units that are affordable for the County's residents. These incentives shall include density bonuses, "fast-track" processing of land development permits, reduced parcel sizes and waivers of fees for affordable/achievable housing units, as defined by the County of Tuolumne. The project site currently has one residential unit that is being utilized by the property owner as a vacation home. A second residential unit is proposed that would be utilized by median or lower income tenants. The

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Lopes ultimately abandoned that PUD development, that zoning, contingent on the development agreement, it is believed have both, rescinded, for lack of carrying out the project in timely manner.

It is paramount the Lead Agency's declared fact that ISO3, is not a cul-de-sac be adequately presented and addressed. That this factual determination be resolved by CalFire and the United States Forest Service, as the local Fire Marshall has been overruled in the matter of the Lopes project. Moreover, it is CalFire and the U.S. Forest Service, who will bear the consequence, of that determination, as first line Fire Fighters.

In light of recent incidence of wildland fire, like the "Camp Fire", it is the height of negligence and criminality, to mischaracterize, what the local residents at Sawmill Mountain, know, that for them ISO3 is a cul-de-sac. This in large part the fact for any local use of the Stanislaus National Forest. Violations of the Public Resource Code related to fire are declared as misdemeanor violations of law. ISO3 is not adequately maintained by the U.S. Forest Service for the types of vehicles most likely to be utilized by TerraVi guests.

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Other 1503 roadway issue disclosed, and not adequately, presented, acknowledged with appreciation towards the Sawmill Mt. Area residents include:

1) unreasonable interference with the Ingress egress rights of Sawmill Mt. Area residents that the Terra Vi presents by creating a choke point @ highway 120, and the inundating of road 1503 with the entrance and exit of that development not only with its guests, but, long, short term public parking for transit & shopping at the Market & spill over into, thru private lands encompassing roadway 1503. A backup of vehicles, inevitable.

2) The affect of point (1) above on Snow Removal activity that operates out of the "sand shed" area of the development, directly adjacent to the Terra Vi entrance & exits. Snow removal activity will exasperate, vehicle back up at that choke point, and the ability for Snow Removal equipment to effectively negotiate thru the back up of vehicles attempting to enter and exit on and off the highway, particularly in turning left, to the east across oncoming highway traffic.

3) The overcrowding of lodge parking will prevent development site snow removal, trapping vehicles, this occurs at RUSH CREEK on regular basis, when it snows.

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(4) Failure to present, and a knowledge and appreciate the Sawmill Mt Area residential ingress/egress rights and private properties encompassing roadway 1503, has foreclosed mitigating that impact, which has not been acknowledged; believed ignored by the Lead Agency, because those impact cannot be mitigated, short of no project, or alternative.

(5) Adequate presentation, and acknowledgment of point (4) above, could include, but has not, alternative Forest access thru the body of Hardin Flat LLC land; thus to mitigate the 1,000 potential people unundating the area as a consequence both Terra Vi, and Under Canvas development projects. The failure to utilize the unincumbered alternative access to Highway 120 ± 200 east of 1503 aggravates, and could mitigate impacts on Sawmill Mt Area residents, that alternative has unreasonably been dismissed, without adequate consideration.

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It is the factual misrepresentations, in need of correction within the DEIR: falsely representing 1503 as a "dedicate" access, 1503 as not a cul-de-sac, failing to appreciate the ingress/egress rights and private residential properties encompassing roadway 1503. that enable the unjustifiable scope and scale of the Terra Vi development project.

Alternatives to the proposed development within the DEIR, reveal some initial discussion involving access via the highway 120 access rights \pm 200 yards east of 1503.

The rationale for dismissing that alternative based upon objective realities of the limitation of the site, was that the proponent could not undertake a development envisioned by his vanity, a grand scale development, the vision of which, the proponents obstinance to which, is unwilling to compromise to reality of the site limitations. To which the Lead Agency has been all too willing to perpetuate factual falsehoods within the DEIR to enable.

The DEIR contains no critical analysis of the scale, and scope of the goals and desires of the proponent development project, no critical analysis as to the necessity to the amenities, services, programs, social events etc, that contribute to the goliath project, a project presenting a city scape that would rival downtown Sonora. in person and density of activity. A development project that does not complement the rural residential area, but overwhelms it, in disregard of General Plan Goals and Policy.

No critical analysis to the falsehood of an "eco" development, and correction of false assertion.

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The artistic conceptual view of Terra Vi, on the very cover of the DEIR, presents, and perpetuates a false reality of the site setting. That view looking to the west falsely presents rocky peaks to the west, instead of the actual reality of a watercourse drainage that flows downhill that direction, to private residences; it further fails to relate the actual reality of the heights to the east and north on which Z residents look directly down upon the site. That false, artistic conceptual presentation requires correction, lest this false impression remain in the minds of the those, critically reviewing the ultimate environmental study.

The DEIR is inadequate in failing to provide an adequate photograph of the site setting, the photograph provided is a view assumed to focus down roadway 1503. No actual photographs of the sites setting is provided; this deficiency and inadequacy needs to be corrected, lest false impressions remain, the DEIR and or final EIR should not resemble a slick propaganda campaign for investors, but a document of reality and veracity suitable to its purpose.

The existence and physical reality of the aforementioned watercourse has not been critically analyzed, and has not been presented or acknowledged within the DEIR regarding

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the septic field therein and thereon proposed. California Forest Improvement Program (CFIP) documentation relates the nature of the watercourse's of Hardin FLAT LLC lands as "high risk" in relation both to the Big Creek planning watershed (calwater #6536.800201) and the Tuolumne Water shed. This water course flows directly thru Sawmill Mt. Area residential lands that encompass and are comprised of that watercourse; relying on shallow wells and springs therein. This fact within the DEIR is not presented, acknowledged with analysis within the DEIR in its relation to waste water development proposals and environmental impact.

The state and Federal laws and Agency oversight of on site watercourse has not been fully and adequately developed in demonstrating compliance with the applicable laws, regulations, within the DEIR. In large part because the DEIR ignores and dismiss' those watercourse. Significance, upon proposed wastewater disposal, No critical analysis related the winter rain and snow conditions, upon the ephemeral watercourse drainage, leach field of waste water, has been even considered within the DEIR.

2 monitor wells drilled within the above water course required, first, drilling mud, and then resort to concrete, in order to sustain drill bore holes from

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collapsing, this due to the amount of ground water encountered therein. The above fact an indication of the heavy ground water saturation within that water course. An indication of active groundwater flowing within the proposed leach field. The above described factual reality, discovered during well drilling, has not been presented, acknowledged, with adequate critical analysis within the DEIR for its environmental affect upon the "high risk" water course.

Issues related to Timberland and Forest lands have not been adequately responded to or fully resolved. The DEIR does not relate Timberland pursuits under Local Law as a recognized Agricultural pursuit.

The DEIR does not respond to the fact, that the Hardin Flat LLC lands were declared zoned Agricultural (Ae) upon application to the CFIP Contract. The Lead Agency has not explained that fact, and ramification of CFIP project describing necessity of "application" to county and a waiting "would be required" to develop land contrary to its declared "rural" status.

The Lead Agency within the DEIR continues to include "Open Space" land in describing the overall acreage of development. That is not appropriate; Open Space land must be discluded from that development/acreage ratio, and its potential to affect Timber Harvest plans.

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cont.

July 20, 2020

Matthew Chapman
30445 Sawmill MT. Road
Groveland Ca 95321
209 962=0663 Home
209 206-1706 Mobile

Tuolumne County Community Development Dept.
48 Yaney Avenue, 4th Floor
Sonora Ca 95370
Attn. Natalie Rizzi

RE: Addendum to July 18 2020 DEIR Comments
Land Use/ Timberland issues

Further addressing comments at page 36, of the above referenced, DEIR response, dated July 18, 2020.

As stated therein, Tuolumne County recognizes, Timber Operation, as an Agricultural pursuit.

A California Forest Improvement Contract (CFIP) was entered into by Robert Manly (a matter of record), within that Agreement, Application, the now Hardin Flat LLC lands, were declared as zoned AE (Agricultural), with Timber Production declared as the permitted use, and agreed for ten years, not to be used for any use incompatible with Forest Resource Management. A Land Use Addendum is a requirement of the CFIP Agreement.

- 1) Does the CFIP contract, under state law require compatible Land Use zoning to be eligible for that program ?
- 2) Did Robert (Bob) Manly, execute, and acquiesce to a zone change from CK to AE upon Agreement, as a condition, to the CFIP program, thru it's requisite Land Use Addendum ?

Within the CFIP, PROJECT DESCRIPTION, is a "site" description relating the, "two parcels separated by the Caltrans easement along Highway 120" that "site" description further relating:

1) These Parcels are in the Big Creek planning watershed (calwater #6536.800201) that is classified as high risk by the FRAP assessment team. The 14,197.1 acre watershed is part of the broader Tuolumne River Watershed, that is also, classified as high risk.

2) When combined with other properties within the Tuolumne River Watershed, this project will help protect water quality, aesthetics, and wildlife values within the overall watershed.

CFIP Agreement, #14-GHG-CFIP-01-0054, issued to Bob Manly, further relates at page 3 of that "Project Description";

The landowner is committed to managing the parcel for long term forest and agricultural use. Current zoning is rural allowing for these land uses. Development to other use would require applications to the county and waiting periods.

The underlined statement above, is compelling to the question that a zoning change from CK to AE was in fact a necessity to, a requirement of, executed in fact, and acquiesced to by Bob Manly, as part and parcel of the CFIP Agreement, and it's requisite Land Use Addendum, signed and submitted by Bob Manly.

That even upon buy out of that Agreement, "Development to other uses, would require " (in relation to the stated rural zoning) "applications to the county" and "waiting periods"

It is clear from the above that the DEIR, is inadequate in failing to relate the "compliance requirements" of the CFIP Agreement, raised as an NOP issue, and or adequately relate any "compliance obligation" to that Land/use issue.

The whole of the law pertaining to the CFIP contract in relation to the development project Under Canvas on Hardin Flatt LLC lands, has not adequately been addressed, as submitted above.

The whole of the issues relating to the 1991 rezone of then Manly lands from TPZ to CK and Open Space, via a Negative Declaration, is suspect.

That Board of Supervisor determination was made, without any substantiation, amounting to baseless assertions to conclusion to a Negative Declaration. See attached 2 page Board of Supervisor minutes of August 20, 1991.

That baseless conclusion, omitted any reference to any applicable General Plan policies and Goals, to support their decision to place incompatible Commercial Recreational Land next to long standing Rural Residential Land without CEQA mitigation.

Submitted along with the above;

- 1) State of California Memorandum CFIP Contract 8GG14302
Gregory Robert Manly
 - a) CFIP Agreement
 - b) CFIP Application
 - c) CFIP Project Description (less GHG & Carbon data)
- 2) Land Use Addendum: Bob Manly
- 3) Tuolumne Board of Supervisor
Minutes August 20, 1991

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cont.


Matthew Chapman

The analysis within within the DEIR, is unreasonable and partial, it contains no extensive detailed evaluations of the development project on the environment in its current state; ie upon the rural residential land owners of the Sawmill Mt Area, in specific appreciation of them individually as opposed to a general reference towards the "residents north of the project"

The DEIR relates its no significant impact analysis, upon a commercial recreation concept in disregard of a complementary view to the environment in its current state. This conclusion in the CEQA topic of Aesthetics is wholly partial and irrational.

For over a century, zoning classification, has recognized "significant impacts" as justification for the very concept of zoning in land use planning.

The conclusions drawn within the DEIR would overturn a century or more of rational, reasonable conclusions that, that concept embodies.

The unreasonable, irrational, analysis within the provided DEIR would conclude that Commercial Recreational high density development is perfectly compatible with Rural Residential homes, which is an absurd proposition. Such

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an absurd proposition, epitomises the defective, unreasonable conclusive, irrational analysis offered within the DEIR.

The design of the development occurred before any meaningful information for environmental assessment was gathered. The developer, as reinforced in partial, bias, analysis, within the DEIR, obstinately retains those premature designs to satisfy the vanity of his uninformed, unrestrained imagination.

The developer, it is pointed out (without any critical objective analysis within the DEIR) has not even bothered to work out financial data/analysis of a scaled back alternative. The developers vanity, to a grand scale bohemian Lodge, will not let him even entertain the thought. Lack of critical analysis to the scale and scope of the goals of his vanity within the DEIR in relation to the existing environmental in its current state, leave that DEIR inadequate, and objectively, the DEIR, fails in impartial analysis.

A critical analysis within the DEIR of the rationality, of the motives of the developer's megalomania, in relation to the laundry list of envisioned goals; costs analysis to the

scale and scope, obstinance to alternative scale of development, obstinance to (frivolous rationale) to otherwise better alternative siting (the "scar"), obstinance to highway access east of 1503, obstinance requiring exhorbitant cost and impacts in rebuilding highway 120 at the 1503 intersection, obstinance in a heli-copter pad (to abuse its use?) obstinance to financial analysis to a scaled down project, obstinance to anything but a posh grand bohemoth Lodge, obstinance in inability to appreciate the long standing rural residents encroaching upon their homes with unnecessary cabin development encroaching toward those homes, rather than away from those homes, a roadway encroaching on their homes, rather than building that hilltop road on the south of that hill. Obstinance in disposal of waste waters, within a known watercourse, to residential spring fed meadow supplying water to those homes. In short exhibiting an irrational obstinance, to anything, in the way of, an ill conceived, financially driven, tail wagging the dog, development project, not suitable the environment in its current state, he is unwilling to realize and accept. The Lead Agency, in apparent fear of losing or affronting this megalomania, its golden goose, have compromised their duty, to impartial analysis, as related in the body of these comments.

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The absurdity of concluding "no significant" impacts to such known divergent and clashing zoning classifications; the General Plan rife with policy's and goals that command the separation of such commercial activity and residential homes, is ludicrously insane. A sinister contrivance, to avoid having to consider mitigation, to known confrontational zoning classifications, that any conscientious observation, and/or analysis would determine necessary. The abuse of a "no significant" impact determination does not stop with relieving mitigation, the absurd rationale is further used to dismiss, otherwise, viable, and better situated alternatives to the project.

The fact that lawful, land division, lawful zoning would not even allow for the situation to exist, explains the derelict, unlawful conduct of the Lead Agency, to disregard conceal, omit, disclosed relevant "environmental law" that they know would prohibit the very machinations they undertake to fraudulently approve and otherwise unlawful development project.

The DEIR lacks credibility of ration and reason in its abundant claims of "no significant impact."

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Returning Hardin Flat LLC Lands to the
±140 acres as existed before the unlawful
land division and the unlawful zoning of the
parcels would provide opportunity for less
dense, and complementary alternatives to the
whole of the ±140 acres,

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cont.

Matthew Chapman

MATTHEW CHAPMAN
Coterminous land owner



SB-389 Environmental quality: the Sustainable Environmental Protection Act. (2015-2016)

SB-122 shall address issues of DEIR COMMENTS

As Amends the Law Today

SECTION 1. Division 13.6 (commencing with Section 21200) is added to the Public Resources Code, to read:

DIVISION 13.6. SUSTAINABLE ENVIRONMENTAL PROTECTION ACT

21200. This division shall be known and may be cited as the Sustainable Environmental Protection Act.

21200.5. The Legislature finds and declares all of the following:

(a) The Legislature adopted the California Environmental Quality Act (Division 13 (commencing with Section 21000)) (CEQA) in 1970 in recognition that the maintenance of a quality environment for the people of this state is a matter of statewide concern.

(b) Guidelines implementing CEQA have evolved and expanded, and currently provide that project impacts be evaluated based on 87 criteria covering the following 18 environmental topical areas:

- (1) Air quality.
- (2) Biological resources, including protected species and habitat types.
- (3) Cultural resources, including archaeological resources.
- (4) Geology and soils, including seismic and landslide risk.
- (5) Greenhouse gas emissions.
- (6) Hazards and hazardous materials, including toxic chemical exposures, brownfields or contaminated site issues, and accident risks.
- (7) Hydrology and water quality, including flooding and sea level rise.
- (8) Land use planning, including consistency with land use plans.
- (9) Public services, including fire and police protection, schools, parks, and other public facilities.
- (10) Traffic and transportation, including transit, vehicular, bicycle, and pedestrian transportation, emergency access, and roadway safety.
- (11) Utilities and service systems, including wastewater, water supply, stormwater, landfill, and waste management systems.
- (12) Aesthetics.
- (13) Agriculture and forestry resources.
- (14) Mineral resource availability.
- (15) Noise.
- (16) Population and housing growth.
- (17) Recreational resources.
- (18) Mandatory findings of significance.

(c) In the years before and the 45 years following the enactment of CEQA, Congress and the Legislature have each adopted more than 100 laws to protect environmental quality in those environmental topical areas required to be independently mitigated under

CEQA described in subdivision (b). The Legislature has enacted environmental protection laws that are as or more stringent than federal law, and California environmental laws are often at the cutting edge of environmental protection nationally and even globally. These environmental protection laws, all enacted after 1970, include, but are not limited to, the following:

(1) Air quality, including air pollution and toxic air contaminants: the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal Acid Precipitation Act of 1980 (42 U.S.C. Sec. 8901 et seq.), and California air quality laws, including Division 26 (commencing with Section 39000) of the Health and Safety Code, the Protect California Air Act of 2003 (Chapter 4.5 (commencing with Section 42500) of Part 4 of Division 26 of the Health and Safety Code), the Carl Moyer Memorial Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code), the California Port Community Air Quality Program (Chapter 9.8 (commencing with Section 44299.80) of Part 5 of Division 26 of the Health and Safety Code), the California Clean Schoolbus Program (Chapter 10 (commencing with Section 44299.90) of Part 5 of Division 26 of the Health and Safety Code), the Air Pollution Permit Streamlining Act of 1992 (Article 1.3 (commencing with Section 42320) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code), and the California air pollution control laws, including the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300) of Division 26 of the Health and Safety Code), the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 (Section 41865 of the Health and Safety Code), and the Lewis-Presley Air Quality Management Act (Chapter 5.5 (commencing with Section 40400) of Part 3 of Division 26 of the Health and Safety Code).

(2) Biological resources, including protected species and habitat types: the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), the federal Bald and Golden Eagle Protection Act (16 U.S.C. Sec. 668), Section 404(b) of the federal Clean Water Act (33 U.S.C. Sec. 1344(b)), the federal Marine Mammal Protection Act of 1972 (16 U.S.C. Sec. 1361 et seq.), the federal Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. Sec. 4701 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), Sections 1602, 3503.5, 3511, 3513, and 4700 of the Fish and Game Code, the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 3 of Division 2 of the Fish and Game Code), Article 3 (commencing with Section 355) of Chapter 3 of Division 1 of the Fish and Game Code, Division 5 (commencing with Section 5000) of the Fish and Game Code, Division 6 (commencing with Section 5500) of the Fish and Game Code, and subdivision (e) of Section 65302 of the Government Code.

(3) Cultural resources, including archaeological resources: Section 106 of the federal National Historic Preservation Act (16 U.S.C. Sec. 470(f)), the federal American Indian Religious Freedom Act (42 U.S.C. Sec. 1996), Section 7050.5 of the Health and Safety Code, and Section 5097.9.

(4) Climate change and greenhouse gas emissions: the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.), the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), Division 26 (commencing with Section 39000) of the Health and Safety Code, the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 (Chapter 8.9 (commencing with Section 44270) of Part 5 of Division 26 of the Health and Safety Code), the California Energy-Efficient Vehicle Group Purchase Program (Article 1.5 (commencing with Section 43810) of Chapter 4 of Part 5 of Division 26 of the Health and Safety Code), Section 43018.5 of the Health and Safety Code, and Chapter 728 of the Statutes of 2008.

(5) Hazards and hazardous materials, including toxic chemical exposures, brownfields or contaminated site issues, and chemical accident risks: the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec. 6901 et seq.), the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001 et seq.), the federal Pollution Prevention Act of 1990 (42 U.S.C. Sec. 13101 et seq.), the federal Oil Pollution Act of 1990 (33 U.S.C. Sec. 2701 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), the federal Toxic Substances Control Act (15 U.S.C. Sec. 2601 et seq.), the federal Asbestos Hazard Emergency Response Act of 1986 (15 U.S.C. Sec. 2641 et seq.), the federal Lead-Based Paint Exposure Reduction Act (15 U.S.C. Sec. 2681 et seq.), the federal Low-Level Radioactive Waste Policy Act (42 U.S.C. Sec. 2021b et seq.), the federal Lead Contamination Control Act of 1988 (42 U.S.C. Sec. 300j-21 et seq.), the Hazardous Waste Control Law (Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code), Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code, Sections 25356.1.5 and 25395.94 of the Health and Safety Code, Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code, the Elder California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 1 of Division 1 of Title 5 of the Government Code), and the Natural Gas Pipeline Safety Act of 2011 (Article 2 (commencing with Section 955) of Chapter 4.5 of Part 1 of Division 1 of the Public Utilities Code).

(6) Hydrology and water quality, including flooding and sea level rise: the federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.), the National Contaminated Sediment Assessment and Management Act (33 U.S.C. Sec. 1271 et seq.), the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.), Section 1602 of the Fish and Game Code, the Integrated Regional Water Management Planning Act (Part 2.2 (commencing with Section 10530) of Division 6 of the Water Code), the Stormwater Resource Planning Act (Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code), the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code), the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6

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(commencing with Section 25249.5) of Division 20 of the Health and Safety Code, the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code) Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code), the Storm Water Enforcement Act of 1998 (Chapter 5.9 (commencing with Section 13399.25) of Division 7 of the Water Code), the Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code), Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code, and Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code.

(7) Land use planning including consistency with land use plans: the federal Coastal Zone Management Act of 1972 (16 U.S.C. Sec. 1451 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. Sec. 1701 et seq.), the federal Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. Secs. 1600 to 1614, incl., and 1641 to 1649, incl.), the National Forest Management Act of 1976 (16 U.S.C. Secs. 1600 and 1611 to 1614, incl.), the Planning and Zoning Law (Title 7 (commencing with Section 65000) of the Government Code), the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)), the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code), the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations), and the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

(8) Public services, including fire and police protection, schools, parks, solid waste, recycling, and other public facilities: Chapter 2 (commencing with Section 17920) of Part 1.5 of Division 13 of the Health and Safety Code, Sections 65996, 65997, and 66477 of the Government Code, Title 7.3 (commencing with Section 66799) of the Government Code, the Used Oil Recycling Act (Article 9 (commencing with Section 3460) of Chapter 1 of Division 3), the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500), Division 12.3 (commencing with Section 16000), Division 12.4 (commencing with Section 16050), and Division 12.7 (commencing with Section 18000)), the Fiberglass Recycled Content Act of 1991 (Division 12.9 (commencing with Section 19500)), the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000)), the California Fire Code (Part 9 of Title 24 of the California Code of Regulations), and Sections 1270 and 6773 of Title 8 of the California Code of Regulations.

(9) Traffic and transportation, including transit, vehicular, bicycle, and pedestrian transportation, emergency access, and roadway safety: the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. Sec. 101 et seq.), Titles 23 and 49 of the United States Code, and Chapter 2.3 (commencing with Section 65070), Chapter 2.5 (commencing with Section 65080), and Chapter 2.8 (commencing with Section 65088) of Division 1 of Title 7 of the Government Code.

(10) Utilities and service systems, including wastewater, water supply, stormwater, landfill and waste management systems: Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, Part 2.55 (commencing with Section 10608) of Division 6 of the Water Code, the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code), and the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(11) Aesthetics: the federal Highway Beautification Act of 1965 (23 U.S.C. Sec. 131), Article 2.5 (commencing with Section 260) of Chapter 1 of Division 1 of the Streets and Highways Code, the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3 of the Business and Professions Code), and subdivision (e) of Section 65302 of the Government Code.

(12) Agriculture: the federal Soil and Water Conservation Act of 1977 (16 U.S.C. Sec. 2001 et seq.) and the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code); and forestry resources: the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4) and corresponding regulations (Chapter 4 (commencing with Section 895), Chapter 4.5 (commencing with Section 1115), and Chapter 10 (commencing with Section 1600) of Division 1.5 of Title 14 of the California Code of Regulations), Protection of Forest, Range and Forage Lands (Part 2 (commencing with Section 4101) of Division 4), and the Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5).

(13) Mineral resources: the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. Sec. 1201 et seq.) and the Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2).

(14) Noise: the federal Noise Control Act of 1972 (42 U.S.C. Sec. 4901 et seq.), the federal Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. Sec. 47501 et seq.), Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, the California Noise Insulation Standards (Part 2 of Title 24 of the California Code of Regulations), the California Employee Noise Exposure Limits (Article 105 (commencing with Section 5095) of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations).

(d) Over the same 45-year period since the enactment of CEQA, the Legislature has also adopted environmental protection laws affecting three topical areas for which the United States Congress has not taken any action to adopt federal environmental law of

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general application in California, as follows:

(1) *Geology and soils, including seismic and landslide risk:* the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2), the Seismic Hazards Mapping Act (Chapter 7.8 (commencing with Section 2690) of Division 2), the California Building Code (Title 24 of the California Code of Regulations), Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code, subdivision (g) of Section 65302 of the Government Code, and the Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2).

(2) *Population and housing growth:* Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code and Chapter 13 (commencing with Section 75120) of Division 43.

(3) *Recreational resources:* Section 66477 of the Government Code and the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400) of Division 5).

(e) *When enacting CEQA and subsequent amendments, the Legislature declared its intent to ensure that all public agencies give major consideration to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian and to create and maintain conditions under which humankind and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.*

(f) *Environmental laws, including implementing plans, programs, regulations, and permit requirements that have been adopted since the 1970 enactment of CEQA, are designed to ensure California continues as a national and international leader in protecting the environment, health, safety, and welfare of California and those within its borders.*

(1) *At the local level, the California Constitution and California law require cities, counties, and cities and counties to adopt land use plans in order to develop and implement an orderly planning process for protecting and enhancing the quality of the community and the environment while providing for jobs, revenues, recreational and other services, housing, and other community needs.*

(2) *Pursuant to Section 65080 of the Government Code, metropolitan planning organizations (MPOs) are directed to prepare sustainable communities strategies (SCSs) to reduce regional greenhouse gas emissions from the land use and transportation sector. Additionally, many cities and counties have adopted, or are in the process of adopting, land use plans such as general plan updates, zoning code revisions, specific plans, community plans, and area plans to encourage both renewable energy production and higher density, transit-oriented development patterns.*

(3) *In response to the challenges of climate change and in furtherance of energy independence and security, the Legislature has established significant new mandates for the development and use of renewable energy and higher density development patterns that promote transit utilization and conserve water and energy resources.*

(4) *With recent mandates and policies encouraging denser development patterns to promote transit, energy, and water efficiency, job and housing growth is prioritized in areas that are already well populated and include urbanized conditions such as regional freeway congestion and local roadway congestion, and neighborhood-scale challenges such as parking and evolving aesthetic values. By directing growth into higher density, transit-oriented development patterns, SCS and local land use plan and zoning code adoption and implementation generally cause significant unavoidable density-related adverse environmental impacts under CEQA, such as traffic and parking and related air quality emissions. Additionally, infrastructure and services in many urbanized areas are challenged and require upgrades that are beyond the fiscal ability or jurisdictional authority, or both, of a city or county, resulting in findings of additional significant unavoidable impacts for CEQA purposes. Impacts from higher density development land use plans and zoning code revisions (urbanization impacts) are evaluated and in many instances approved by decisionmakers as an appropriate policy decision based on climate, energy security, agricultural or open-space preservation, or other inherent policy choices that are informed by the EIR's environmental analysis and public disclosure process.*

(g) *Environmental laws and regulations identify compliance obligations that apply uniformly to similarly situated projects and activities, and provide critical environmental protections that go well beyond the ad hoc review process created by CEQA. Environmental laws and regulations identify compliance obligations of general applicability and thereby provide greater clarity than the project-by-project ad hoc review process that was created for CEQA in 1970.*

(h) *CEQA requires a public and environmental review process for the review and adoption of land use plans and zoning code revisions, including requirements to avoid or minimize the significant environmental impacts of land use plan and zoning code implementation. For plan or zoning code changes for which an environmental impact report (EIR) was prepared and certified, CEQA mandates inclusion of mitigation measures and alternatives to avoid or minimize significant unavoidable impacts.*

(i) *Despite these stringent environmental laws and local planning requirements, public and private projects throughout the state are commonly challenged under CEQA even when a project meets all other environmental standards of existing laws.*

(j) *The court, in Friends of Westwood v. City of Los Angeles (1987) 191 Cal.App.3d 259, determined that the CEQA process is required even for projects that complied with the density, use type, and other restrictions in applicable land use plans and the zoning code.*

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(k) Applying CEQA's existing requirements at a project-specific level can often undermine the policy goals and objectives of applicable land use plans. A project that brings higher density to an area, with corresponding jobs, revenues, or housing, also brings traffic and parking demands, with associated air quality and other impacts, as well as a host of other urbanized effects as disclosed in the land use plan EIR. Where urbanized effects have been mitigated on the plan level to the extent feasible, the reanalysis of these impacts at the project level can be problematic.

(l) Duplicative CEQA review of projects that comply with the density, use type, and intensity requirements of land use plans that have already undergone an EIR process was not intended by the Legislature and creates unacceptable delays and uncertainties in the plan implementation process. Avoidance of duplicative review will reduce litigation and the considerable political uncertainty that has resulted for communities and project proponents who attempt to implement land use plans, notwithstanding previously disclosed significant unavoidable urbanized impacts.

(m) Development of projects consistent with the density, use type, and intensity requirements of land use plans should be encouraged by avoiding duplicative environmental review of those projects if project approval is conditioned on implementing applicable mitigation measures included in the EIR prepared for the applicable land use plans. Attach Form 5029 if required.

(n) Public agencies are subject to public notice and disclosure requirements when approving projects, including the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), and are also authorized to require comprehensive project applications and to condition project approvals under their police powers and other laws, not including CEQA.

(o) Public agencies are encouraged to create and maintain electronic records where feasible to reduce paperwork and increase efficiency. The prompt commencement and resolution of litigation filed under this division and CEQA is dependent upon the prompt availability of the respondent public agency's record of proceedings for the challenged agency action. There are no practical means by which records of proceedings that are predominantly maintained in electronic format can be readily accessed, organized, and produced by any party other than the respondent public agency. Where all or most of the respondent agency's record of proceeding is maintained by the respondent agency or its designee in an electronic format, timely production of the record of proceedings requires that the record be prepared by the respondent agency.

(p) In enacting this division, it is the intent of the Legislature to further the purposes of CEQA by integrating environmental and planning laws and regulations adopted over the last 45 years, while avoiding the sometimes conflicting and often duplicative ad hoc environmental review and mitigation requirements under CEQA.

(q) In enacting this division, it is also the intent of the Legislature to continue to foster public disclosure and informed public participation of the environmental consequences of projects.

(r) In enacting this division, it is the intent of the Legislature to preserve the authority of a lead agency, consistent with the jurisdiction and authority of that agency, to disapprove projects or to condition approvals of projects on terms that may require more stringent environmental protections or project approval conditions than those required by applicable environmental or planning laws.

(s) In enacting this division, it is the intent of the Legislature to modernize CEQA to conform to California's comprehensive environmental laws and regulations to produce thoughtful CEQA reforms that can preserve the law's original intent of environmental protection while eliminating duplicative environmental analysis and providing a higher level of certainty for project proponents.

21201. For the purposes of this division, the following definitions shall apply:

(a) "Applicable environmental law" is a law related to an environmental topical area listed in subdivision (b) of Section 21200.5 that is relevant to a project and that does any of the following:

- (1) Includes a policy determination, or directs or authorizes the adoption by an implementing agency of regulations or plans, or directs or authorizes an implementing agency to review and approve permits, licenses, or authorization applications and approval processing procedures and practices to implement that policy determination, regarding a standard applicable to a topical area requiring analysis and mitigation under CEQA.
- (2) Identifies quantitative and qualitative analytical methods or approaches, or directs or authorizes the adoption by an implementing agency of regulations or plans, or directs or authorizes an implementing agency to review and approve permits, licenses, or authorization applications and approval processing procedures and practices that include those analytical methods or approaches, regarding a standard.
- (3) Identifies required or permissible practices for mitigating or minimizing adverse impacts to a topical area requiring analysis and mitigation under CEQA, or directs or authorizes the adoption by an implementing agency of regulations or plans, or directs or authorizes an implementing agency to review and approve permits, licenses, or authorization applications that include avoidance,



minimization, mitigation, conditions or other requirements to achieve a standard applicable to a topical area requiring analysis and mitigation under CEQA.

(b) "Applicable plan" means a planning document for which an environmental impact report, supplemental environmental impact report, or environmental impact report addendum was certified, including either of the following:

(1) A land use plan, such as a general plan, specific plan, or a sustainable communities strategy adopted by a city, county, city and county, metropolitan planning organization, or other local, regional, or state agency that establishes use designations, densities, and building intensities.

(2) A plan to improve or maintain public facilities or infrastructure to be funded in whole or in part by public funds and that has been adopted by a local, regional, or state agency.

(c) "Applicable mitigation requirements" means all mitigation measures included in an applicable plan with the exception of mitigation measures that the lead agency determines, based on substantial evidence, are not required to mitigate a potentially significant impact of a proposed project.

(d) "CEQA" means the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(e) "Implementing agency" means a state or federal agency, board, or commission, a city, county, city and county, regional agency, public district, or other political subdivision.

(f) "Standard" means a quantitative or qualitative level of protection, preservation, enhancement, pollution, reduction, avoidance, or other measure for a topical area requiring analysis and mitigation under CEQA.

21202. (a) An environmental document prepared pursuant to CEQA shall disclose all applicable environmental laws.

(1) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (1) of subdivision (a) of Section 21201 shall disclose the applicable compliance requirements of that law, and compliance with the applicable standards for impacts that occur or might occur as a result of approval of the project shall be the exclusive means of evaluating and mitigating environmental impacts under CEQA regarding the subject of that law, notwithstanding any other provision of law.

(2) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (2) of subdivision (a) of Section 21201 shall disclose the applicable analytical methods or approaches, and the disclosure of those analytical methods or approaches shall be the exclusive means of evaluating potential project impacts under CEQA regarding the relevant law, notwithstanding any other provision of law.

(3) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (3) of subdivision (a) of Section 21201 shall disclose the applicable mitigation and minimization methods or approaches typically used by implementing agencies as part of their review and approval of permits, licenses, or authorization applications, and compliance with mitigation and minimization practices shall be the exclusive means of mitigating environmental impacts under CEQA regarding the subject of the relevant law, notwithstanding any other provision of law.

(b) The disclosure obligations set forth in this section are intended to foster informed environmental review and public participation in the environmental and public review process required by CEQA or other applicable laws and regulations, such as the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

21203. (a) A cause of action shall not be commenced under Section 21167 for noncompliance with CEQA under either of the following circumstances:

(1) If the cause of action relates to an environmental topical area listed in subdivision (b) of Section 21200.5 and the environmental document discloses compliance with an applicable environmental law pertaining to a topical area or a regulation, plan, permit, license, or authorization application and approval processing procedures adopted by an implementing agency as directed or authorized by that applicable environmental law.

(2) If the environmental document for the project discloses compliance with an applicable environmental law pertaining to a topical area or a regulation, plan, permit, license, or authorization application and approval processing procedures adopted by an implementing agency as directed or authorized by that applicable environmental law; the project conforms to the use designation, density, or building intensity in a land use plan or was included in any other applicable plan identified in subdivision (b) of Section 21201; and the lead agency incorporates applicable mitigation requirements included in the certified environmental impact report,

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cont.

supplemental environmental impact report, or environmental impact report addendum prepared for the applicable plan into the environmental document prepared for the project.

(b) This section does not prohibit a cause of action otherwise authorized by law to enforce compliance with any other existing local, state, or federal law, regulation, or applicable plan.

21204. (a) Except for projects with potentially significant aesthetic impacts on an official state scenic highway established pursuant to section 262 of the Streets and Highways Code, a lead agency shall not be required to evaluate aesthetics pursuant to CEQA or this division, and the lead agency shall not be required to make findings pursuant to subdivision (a) of Section 21081 on or relating to aesthetic impacts.

(b) This section does not change the authority of a lead agency to consider aesthetic issues and to require mitigation or avoidance of adverse aesthetic impacts pursuant to discretionary powers provided by laws other than CEQA or this division.

21204.5. This division does not modify the obligation of a lead agency to evaluate the potential for a project to effect Native American resources and to comply with Section 5097.98, including the obligation to discuss and confer with the appropriate Native Americans, as identified by the Native American Heritage Commission and the obligation to avoid, mitigate, and minimize adverse impacts to significant Native American resources.

21205. This division applies only to projects for which the lead agency or applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program required by paragraph (1) of subdivision (a) of Section 21081.6.

21206. This division does not preclude a state agency, board, or commission, or a city, county, city and county, regional agency, public district, redevelopment agency, or other political subdivision from requiring information or analysis of the project under consideration, or imposing conditions of approval for that project, under laws and regulations other than this division and CEQA.

21207. (a) An environmental document, prepared pursuant to CEQA, shall be required to consider only those environmental topical areas listed in subdivision (b) of Section 21200.5 and only to the extent that those environmental topical areas are relevant to the project.

(b) Subdivision (b) of Section 21200.5 is not intended to affirm, reject, or otherwise affect court decisions concerning the consistency of the guidelines provisions within the provisions of CEQA.

(c) This section does not preclude a lead agency from modifying or updating its analytical methodologies for those topical areas.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**PUB61-16
cont.**

From: matthew chapman <matthewchapman8@gmail.com>

Sent: Wednesday, July 29, 2020 4:12 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Terra Vi DEIR comments part 2 of 4

Correspondance with the County Surveyor

August 8, 2018

Matthew Chapman
30445 Sawmill Mt. Road
Groveland Ca. 95321

RE; Unlawful land division Complaint

209-206-1706 cell
209-962-0663 HOME

Warren D Smith LS
Tuolumne County Surveyor,

Your responding letter of July 13, 2018 relates a mischaracterization of events represented by the facts and circumstance of my complaint of June 18 2018. Your assertion is unobservant of fact, and/or a negligent, willful, denial of fact.

In regard to parcels 1&2 derived via the "Certificate of Compliance" **no excess land was ever transferred between Manly and Cal Trans (there was no reconstruction of the highway as you assert in your response)** merely a deed correction utilizing a new "Basis of Bearing" N 07° 18' 29" W derived from the 1982 Survey of Record R/S 25-81, affecting that Manly/USFS property boundary; the East Line of the SE¼ of Sec. 26 T.1 S, R. 18 E, M.D.M. (see attached record at pgs. 1-2). A >7 degree difference from the 1960 survey "Basis of Bearing" N 0° E (see attached record at pgs. 3-7)

A survey circa 1960 and the survey of 2003 utilizing **different** "Basis of Bearing" is an **undeniable** factual occurrence, both survey's indicate the highway land transferred by deed respective thereto as **identical in location by measure in relation to the 3 monuments set in 1960, referenced as found within the 2003 survey.** (see attached record at pgs.8-10) In relation to those monuments as **paramount** (as you assert in your response as "on point") there is no measurable distinction between the lands surveyed in 1960 and the survey of 2003. Thus no excess land transfer could occur, **the survey's reveal no excess land to transfer.**

Yet it is also an **undeniable** fact that the real land description of parcels 1&2 within the Certificate of Compliance clearly relate a measurable distinction of an offset/gap between the two survey's relative position of the highway's southern right of way boundary. All the land south and west of the 2003 survey calls and north and east of the 1960 survey calls; resulting in 15.1 acres, per the Lot Line Adjustment sketch.

It is not possible for these two occurrences to simultaneously exist. The Tuolumne County Office of the Surveyor, then, and apparently now, thru your response, fail to ascertain the reason for such an absurdity. What was lost at the time, and now attempted to be explained away via various subterfuge is the affect of the > 7 degree change in the "Basis of Bearing". Manly's Certificate of Compliance parcels 1&2 do not exist upon a proper retracing of the original 1960 survey utilizing the then "Basis of Bearing" or a **proper, lawful interpretation** of the 2003 survey with deference to the 1960 monuments as paramount.

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The **changes** made by the 1982 USFS resurvey of the Manly/USFS common property boundary simultaneously **changing** and establishing a **new** "Basis of Bearing" for the highway survey of 2003 is being used to override the monuments set in 1960, apparently by relating the 1960 survey calls (derived from the 1960 'Basis of Bearing" N 0° E) to the changed "Basis of Bearing" of the 2003 survey (N 07° 18' 29" W), which is absurd. A fraudulent integrating of two separate survey's. The above assertion is evident within the Lot Line Adjustment sketch, wherein the 2 separate profiles of the highway's southern Right of Way boundary are depicted, and indicating by protractor a 7-10 degree divergence from their point of origin beginning at a **common "Basis of Bearing"**.

You mischaracterize my complaint, I seek to have **unlawful land division** rescinded. Your efforts at subterfuge in defending the Lot Line Adjustment without the necessary **lawful parcels** is advanced by you in disregard of rudimentary Professional Land Survey practice. Rudimentary Land Survey practice articulated within Tuolumne County **Lot Line Adjustment Code 16.09.020 (6)** referencing **Section 8762 of the Business and Professions Code**; requiring a survey **upon material discrepancy in the position of points or lines or dimensions, as set forth in my complaint at point 7 footnote 2 page 3.** It is **undeniable fact**, that parcels 1&2 of the Certificate of Compliance exist as a result of **material discrepancy in the position of points, lines, and dimensions.** The Professional Land Survey Act placing it a duty of the county Surveyor at **8767 and 8768** requiring the noting of disagreement and explanation thereof, which did not occur in the creation of the above parcels 1&2. If it had it, the reasonable outcome would have revealed the fraudulent integration of the 1960 and 2003 survey I relate above.

As the 1960 survey and the 2003 survey indicate in reference to measurement in relation to the **set and found monuments, there was no transfer of land, moreover no reconstruction of the highway ever occurred in relation thereto, your reliance on SMA section 66428 (a)(2)** regarding the above parcels 1&2 is inapposite, I deny it's relevance as out of context. as there were no "excess parcels to relinquish to adjacent landowners."

I can see no point in meeting with you discuss this matter further, in light of your willful disregard of **undeniable objective fact.** If and when you come to realize your greater duty to Profession as a Land Surveyor and duty to enforce Tuolumne county Land Division Law, based on objective fact, please contact me.


Matthew Chapman

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cont.

Copy to:
Tuolumne County Board Supervisors
CA. State Board Professional Engineers, Land Surveyors
Geologists

5148

1. FOUND STANDARD U.S.F.S. MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 23 23
 27 26
 LS 4792
 1981

FOUND THE FOLLOWING BEARING TREES:
 A. CEDAR 5" DIA., BEARS S 33° E. 46.06 FT.
 B. CEDAR 7" DIA., BEARS S 45-1/2° W. 17.80 FT.
 C. BLACK OAK 18" DIA., BEARS N 13-1/4° W. 33.06 FT.
 D. CEDAR 7 1/2" DIA., BEARS N 26° E. 7.4 FT
 E. BLACK OAK 15" DIA., BEARS S 6-1/4° E. 10.55 FT.
 F. BLACK OAK S 11-1/2° E. 14 LINKS G.L.O.

2. FOUND 3/4" IRON STAKE WITH ALUMINUM TAG MARKED R.C.E. 15486
 FOUND 18" DIA. YELLOW PINE N 31° W. 55.8 LINKS
 (10" YELLOW PINE N 32° W. 56 LINKS PER G.L.O.) ALSO
 FOUND 22" BLACK OAK S 20-3/4° E. 22.4 LINKS (18" BLACK
 OAK S 24° E. 22 LINKS PER G.L.O.) ACCEPTED BEARING
 TREES AS ORIGINAL.

REPLACED IRON STAKE WITH STANDARD U.S.F.S.
 MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 1/4 S 26
 R.C.E. 25217
 1981

3. FOUND STANDARD U.S.F.S. MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 23 23
 27 26
 LS 4792
 1981

FOUND THE FOLLOWING BEARING TREES
 A. CEDAR 8-3/4" DIA., SCRIBED (1/4 S 23 BT) BEARING
 N 8 W 17.3 FEET FROM THE CORNER.
 B. CEDAR 10-1/2" DIA., SCRIBED (1/4 S 26 BT) BEARING
 N 69-3/4 W 15.6 FEET FROM THE CORNER.
 C. BLACK OAK 8-1/2" DIA., SCRIBED (1/4 S 26 BT)
 BEARING S 41-1/2 W 24.6 FEET FROM THE CORNER.

4. FOUND 1 INCH DIAMETER IRON PIPE WITH ALUMINUM TAG
 MARKED R.C.E. 15486 LINKS FOUND ON THE IRON PIPE.
 THE IRON PIPE DATED 1942 AND WAS MARKED 1/4 SEC.
 CORNER 26/25 B.T. SET BY K.E.G. AND R.P.M. RECENT
 SCRIBING FACES TO N.W. FOUND ROTTED AND DECAYED
 STUMP S. 42° E. 24 LINKS PER G.L.O. FOUND IRON PIPE
 TO THE EAST 1/4 CORNER OF SECTION 26.

ACCEPTED IRON PIPE AS POSITION OF EAST 1/4 CORNER.
 THIS POSITION FITS WITH THE POSITION OF THE IRON PIPE
 CALLED OUT IN THE ORIGINAL G.L.O. NOTES (S.A. HANSON,
 1890). ALSO FOUND REMAINS OF FENCE PER G.L.O.,
 SEARCH FOR YELLOW PINE PER G.L.O. AND FOUND NOTHING.

5. FOUND AXLE AT EDGE OF CREEK. FOUND K-TAG ON ROAD 2
 CHAINS, 2.5 LINKS EAST OF SECTION CORNER. DATED
 BY 17 KLAPROTH, N.C.F.S. DEVELOPING DISTRICTS
 RANGER 1921-1929. IRON STAKE WAS SET 7-30-46 BY HILL
 ACCORDING TO U.S.F.S. CORNER RECORD. THIS POSITION
 DOES NOT FIT CALLS TO THE NORTH, HOWEVER, A SEARCH OF
 CORNER RECORDS FOUND NO EVIDENCE TO SUPPORT A DIFFERENT
 CORNER POSITION.

ACCEPTED AXLE AS THE S.E. CORNER OF SEC. 26, AND SET
 A STANDARD U.S.F.S. MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 35 36
 R.C.E. 25217
 1982

6. FOUND 29 INCH DIAMETER BLACK OAK, ROTTED OUT AT
 BREAST HEIGHT. ALSO FOUND 1 INCH IRON PIPE TAGGED
 R.C.E. 15486 1.87 FEET WEST OF THE CENTER OF 10"
 45-1/2 LINKS OF BLACK OAK WITH K-TAG DATED 2-28-31.

7. FOUND A 3/4 INCH IRON PIN NOT TAGGED. FOUND FORKED
 BLACK OAK N 22° W 11-1/2 LINKS PER G.L.O.
 FOUND 33 INCH DIAM. YELLOW PINE S 32° E 78-1/2 LINKS,
 CHEST HIGH SCAR WITH RECENT SC 18 INCH 13 LINKS PER
 G.L.O. POSITION OF THE IRON PIN FITS ORIGINAL
 CALLS TO THE HIGHWAY AND CREEK TO THE NORTH.

8. FOUND 29 INCH DIAMETER BLACK OAK, ROTTED OUT AT
 BREAST HEIGHT. ALSO FOUND 1 INCH IRON PIPE TAGGED
 R.C.E. 15486 1.87 FEET WEST OF THE CENTER OF 10"
 45-1/2 LINKS OF BLACK OAK WITH K-TAG DATED 2-28-31.

9. SET STANDARD U.S.F.S. MONUMENT MARKED:
 T. 1 S., R. 18 E., M.D.M.
 N 1/16 S 26
 R.C.E. 25217
 1981

10. SET STANDARD U.S.F.S. MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 C 1/4 S 26
 R.C.E. 25217
 1981

11. SET STANDARD U.S.F.S. MONUMENT MARKED:
 T. 1 S., R. 18 E., M.D.M.
 C 1/4 S 26
 R.C.E. 25217
 1981

12. SET STANDARD U.S.F.S. MONUMENT MARKED:
 T. 1 S., R. 18 E., M.D.M.
 C 26 C
 R.C.E. 25217
 1981

13. SET STANDARD U.S.F.S. MONUMENT MARKED
 T. 1 S., R. 18 E., M.D.M.
 NW 1/16 S 26
 R.C.E. 25217
 1981

14. FOUND 1" REBAR WITH NO TAG IN OLD FENCE LINE BEARING
 S 89° 00' 16" W. 262.83' AND THEN N. 00° 00' 44" E.
 8.23' FROM THE N.C.C. 1/16 SEC. 26.

15. FOUND 3/4" IRON PIPE WITH NO TAG BEARING N. 89° 00'
 W. 331.29' AND THEN N. 89° 49' 28" E. 2.48 FEET FROM THE
 E.C.C. 1/16 SEC. 26 PER 14 R.S. 61.

16. FOUND 5/8" REBAR WITH ALUMINUM TAG MARKED RCE 15486
 BEARING N. 0° 11' 32" W. 666.03' AND THEN N. 89° 48' 28"
 W. 1.71 FEET FROM THE E.C.C. 1/16 SEC. 26 PER 11 R.S.
 56.

17. FOUND 3/4" REBAR TAGGED L.S. 3625 BEARING N. 0° 11' 32"
 W. 331.29' AND THEN N. 89° 49' 28" E. 2.48 FEET FROM THE
 E.C.C. 1/16 SEC. 26 PER 14 R.S. 61.

18. FOUND 3/4" REBAR TAGGED L.S. 3625 BEARING N. 89° 00' 32"
 W. 326.7 FEET AND THEN N. 00° 00' 28" E. 1.74 FEET FROM
 THE E.C.C. 1/16 SEC. 26 PER 14 R.S. 61.

19. FOUND 3/4" IRON STAKE TAGGED R.C.E. 15486 BEARING N.
 89° 00' 32" W. 667.23' AND THEN N. 00° 00' 28" E. 6.50
 FEET FROM THE C. 1/4 SEC. 26 PER 11 R.S. 98.

RECORD OF SURVEY
 FOR
 U.S. DEPARTMENT OF AGRICULTURE
 STANISLAUS NATIONAL FOREST

SECTION 26, T. 1 S., R. 18 E., M.D.M. IN THE
 UNINCORPORATED TERRITORY OF
 TUOLUMNE COUNTY, STATE OF CALIFORNIA

5942 SHEET 2 OF 2

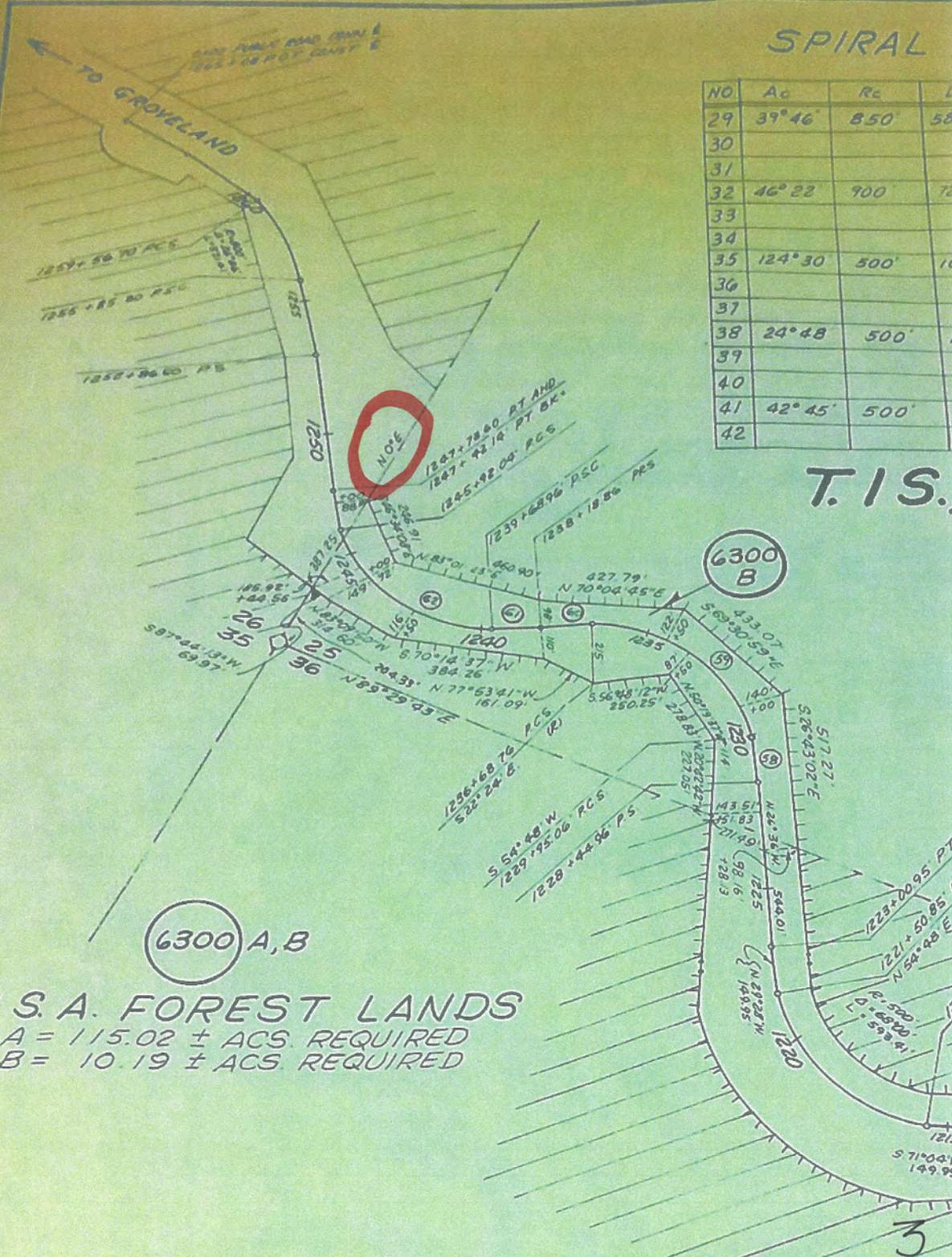
PUB61-17 cont.

1

SPIRAL

NO	Ac	Rc	L
29	39° 46'	850	58
30			
31			
32	46° 22'	900	70
33			
34			
35	124° 30'	500'	10
36			
37			
38	24° 48'	500'	
39			
40			
41	42° 45'	500'	
42			

T.I.S.



U.S.A. FOREST LANDS
 A = 115.02 ± ACS. REQUIRED
 B = 10.19 ± ACS. REQUIRED

PUB61-17
 cont.

SPIRAL CURVE DATA

NO.	Ac	Rc	Lc	Δ	Ts	Δs	Ls
29	37°46'	850'	589.95	49°34'	472.92	5°06'	151.32'
30						4°48'	150.80'
31						4°48'	150.80'
32	46°22'	900'	728.33	35°58'	554.14	6°36'	150.10'
33						8°36'	150.10'
34						8°36'	150.10'
35	124°30'	500'	1086.47	141°42'	1520.25	8°36'	150.10'
36						8°36'	150.10'
37						8°36'	150.10'
38	24°48'	500'	216.42	42°	267.64	8°36'	150.10'
39						8°36'	150.10'
40						8°36'	150.10'
41	42°45'	500'	873.06	57°57'	364.46	8°36'	150.10'
42						8°36'	150.10'

T. I. S., R. 18 E.

6300 A, B

U. S. A. FOREST LANDS
 A = 115.02 ± ACS REQUIRED
 B = 10.19 ± ACS REQUIRED

TO CROWLAND

NO.	Ac	Rc	Lc	Δ	Ts	Δs	Ls
43						8°36'	150.10'
44	34°27'	500'	300.63	51°37'	317.88	8°36'	150.10'
45						8°36'	150.10'
46						8°36'	150.10'
47	22°40'	500'	197.80	39°52'	257.00	8°36'	150.10'
48						8°36'	150.10'
49						8°36'	150.10'
50	54°36'	500'	476.47	71°48'	438.29	8°36'	150.10'
51						8°36'	150.10'
52						8°36'	150.10'
53	52°10'	500'	455.24	69°22'	422.29	8°36'	150.10'
54						3°57'	151.67
55						3°57'	151.67
56	3°14'	1100'	62.08	11°08'	183.11	8°36'	150.10'
57						8°36'	150.10'
58						8°36'	150.10'
59	77°12'	500'	673.70	94°24'	616.97	8°36'	150.10'
60						8°36'	150.10'
61						8°36'	150.10'

4

PUB61-17
 cont.

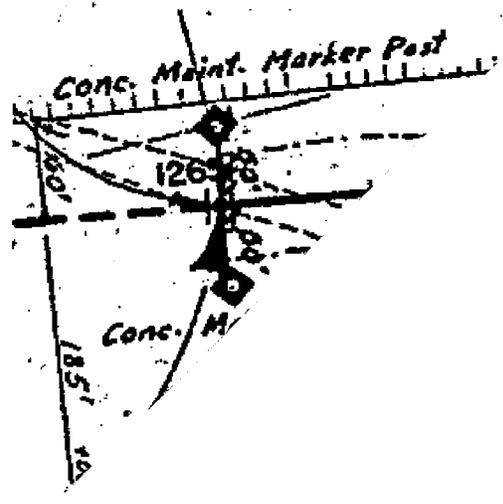
SE

AUS Paved Waterways

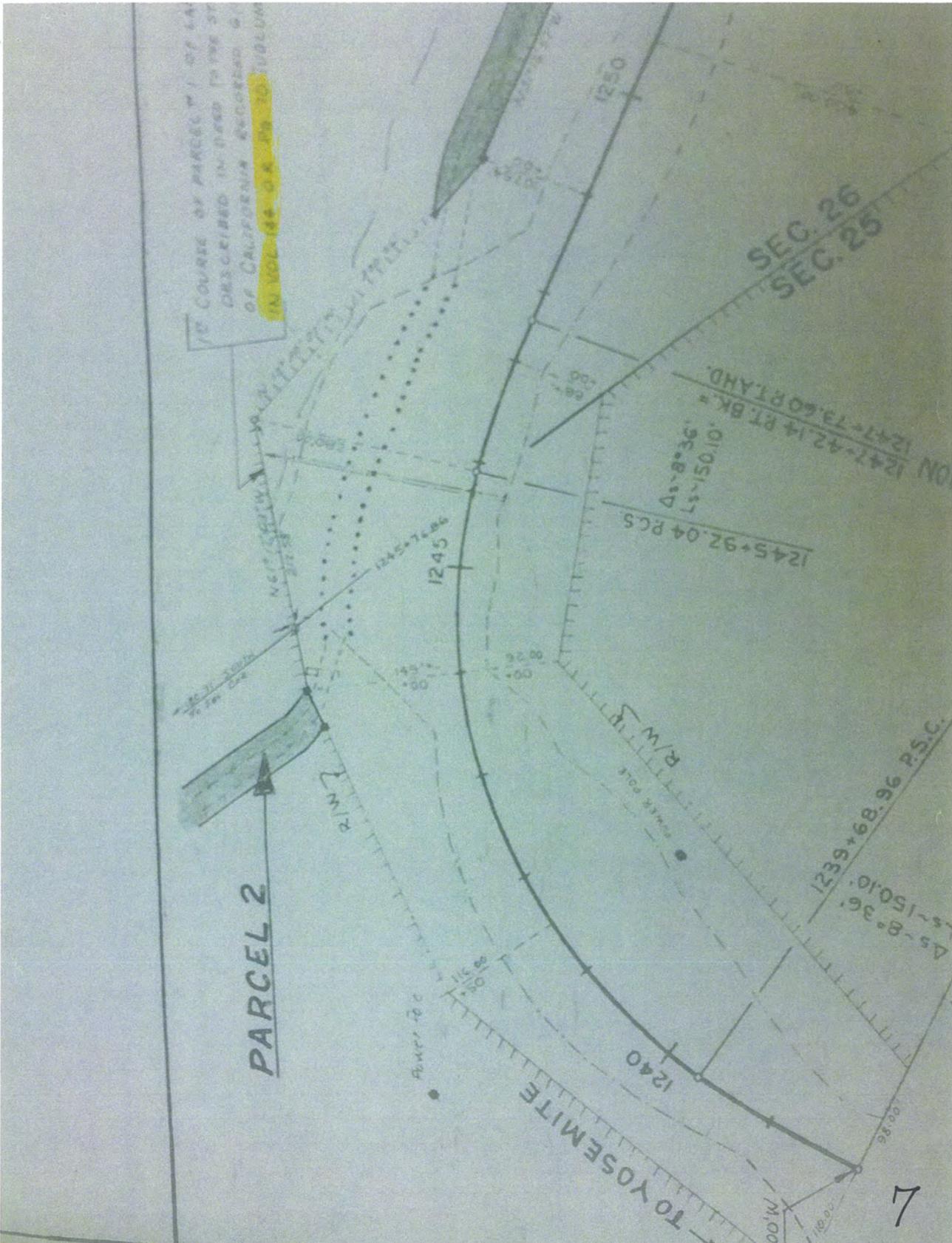
ion to	Station	Length Lt.	Length Rt.
+08	1266+70	-	175'
+60	1266+10	52'	-
+80		33.3'	12.5'
+90	1272+25	-	440'
+90	1271+85	395'	-
+50		-	25.0'
+00	Road Conn.	-	39.0'



— Construct Connection to Existing /



PUB61-17
cont.



PUB61-17
 cont.

SEC. 26., T. 1S., R. 18 E., M. D. B. & M.

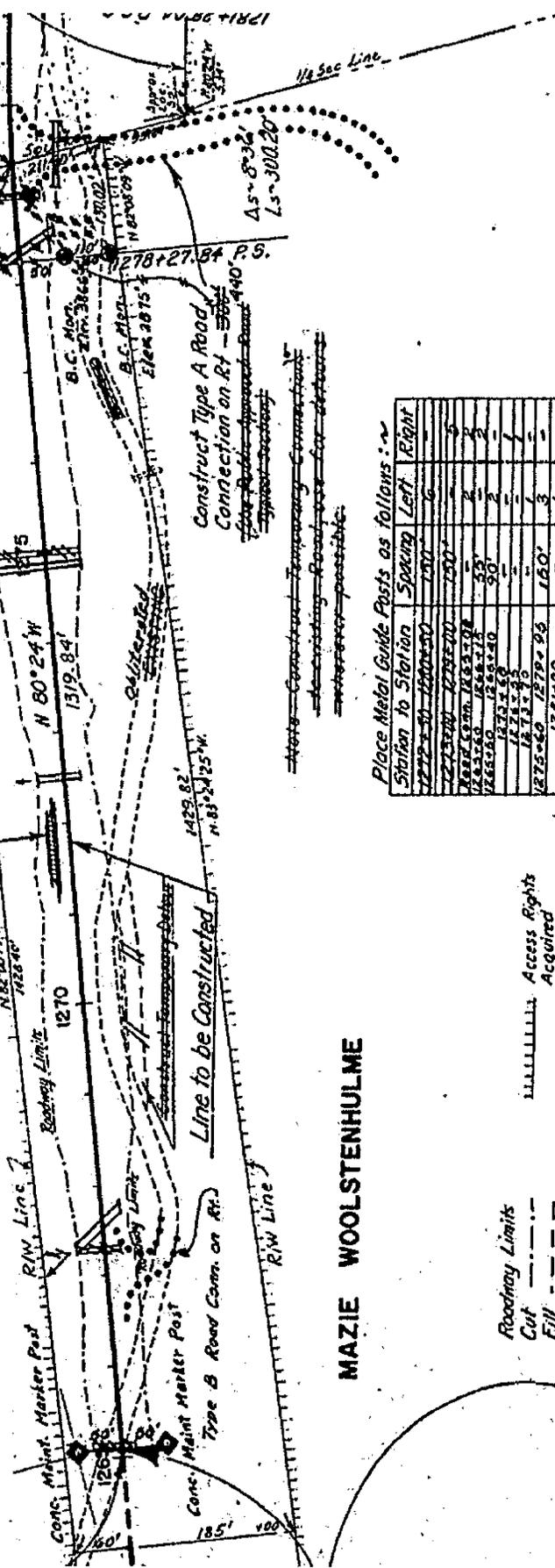
NATIONAL

FOF

AUS Paved Waterways

Station	Length	Length
to Station	ft.	ft.
+08	1266+70	- 17.5'
+60	1266+10	52' -
+80	1272+25	33.3' 12.5'
+90	1271+85	39.5' -
+50	Road Conn.	- 25.0'
+00	Road Conn.	- 39.0'

Construct Connection to Existing Road



MAZIE WOOLSTENHULME

Place Metal Guide Posts as follows:

Station	To Station	Spacing	Left	Right
1272+50	1280+50	750'	6	6
1272+50	1272+50	100'	2	2
1272+50	1272+50	50'	2	2
1272+50	1272+50	50'	2	2
1272+50	1272+50	150'	1	1
1272+50	1272+50	150'	3	3

Roadway Limits
Cut ---
Fill ---

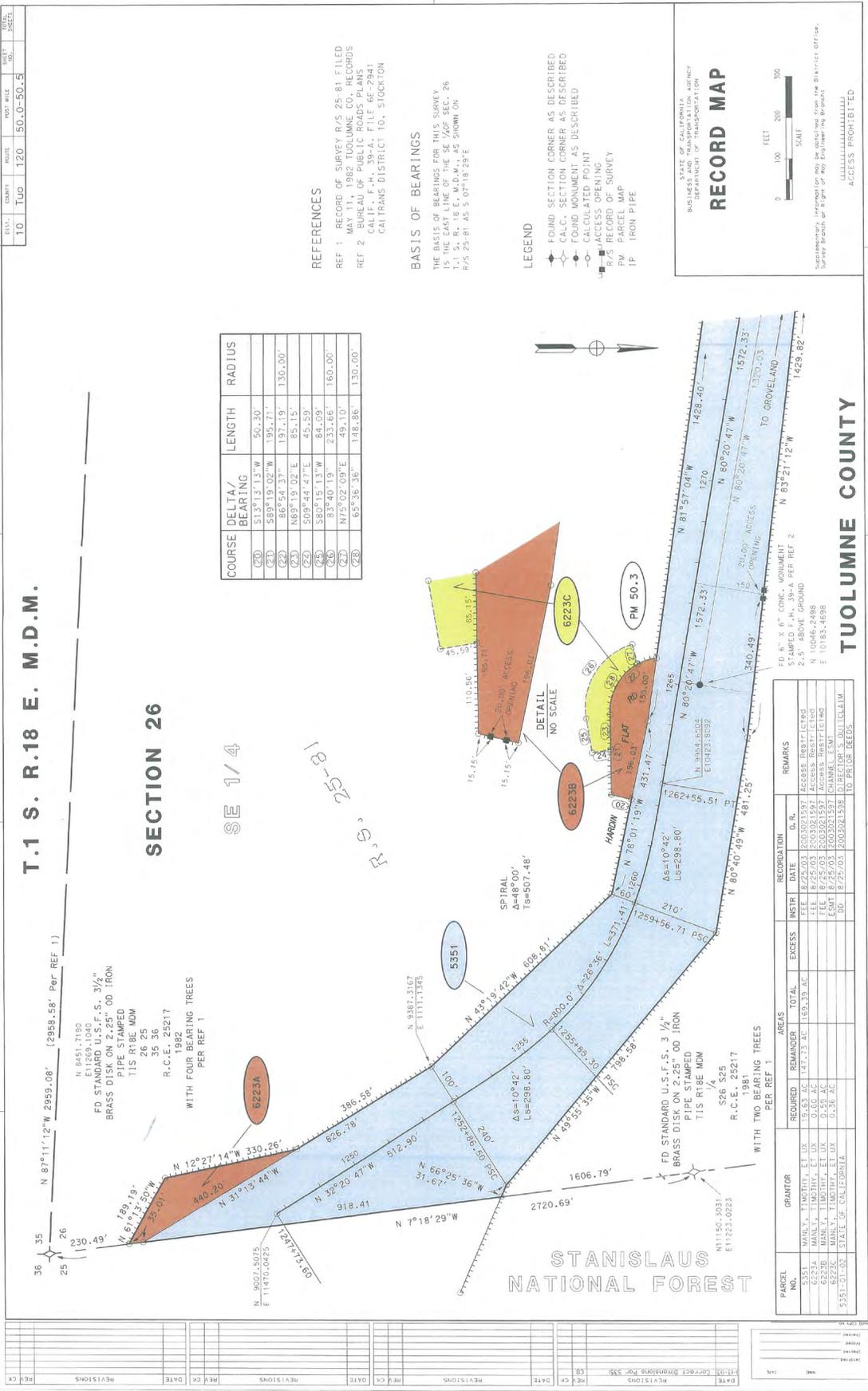
Access Rights Acquired

T.1 S. R.18 E. M.D.M.

SECTION 26

SE 1/4

18-57
R.S.



STATE OF CALIFORNIA
BUSINESS AND PROFESSIONS AGENCY
DEPARTMENT OF TRANSPORTATION

RECORD MAP

SCALE: 1" = 100 FEET

ACCESS PROHIBITED

PARCEL NO.	GRANTOR	REQUIRED	REMANDED	TOTAL	EXCESS	RECORDATION DATE	REMARKS
6223A	MANLY, TIMOTHY, ET UX	147.13 AC	163.59 AC	310.72 AC		8/25/03	ACCESS RESTRICTED
6223B	MANLY, TIMOTHY, ET UX	0.59 AC		0.59 AC		8/25/03	ACCESS RESTRICTED
6223C	MANLY, TIMOTHY, ET UX	0.36 AC		0.36 AC		8/25/03	ACCESS RESTRICTED
5351-0152	STATE OF CALIFORNIA					8/25/03	DIRECTOR'S QUALITAIN TO PRIOR RECORDS

TUOLUMNE COUNTY

REC'D 026 TUO 120-074 n. R.S. JRG

PUB61-17 cont.

From: matthew chapman <matthewchapman8@gmail.com>

Sent: Wednesday, July 29, 2020 4:06 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Terra vi DEIR comments ; part 3 of 4

Actual site photos from IS03, from highway 120, and a REAL representation from the site looking west; note no mountain peaks to west or north; the watercourse is visible



PUB61-18



**PUB61-18
cont.**



**PUB61-18
cont.**



**PUB61-18
cont.**

From: matthew chapman <matthewchapman8@gmail.com>

Sent: Wednesday, July 29, 2020 4:04 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>

Subject: Terra Vi DEIR comments part 4 of 4

Photos view from Paden and Chapman homes, view of Paden and Chapman homes from site



PUB61-19



PUB61-19
cont.



COMMENT LETTER # PUB62

From: Shawn Conlan <sconlan@aol.com>
Sent: Wednesday, July 29, 2020 4:07 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra VI Lodge Draft EIR SDP18-003 Opposition Letter

Quincy Yaley

The email in in opposition to the Terra VI Lodge Site development Permit SDP18-003 and the Draft EIR. I have been visiting the Sawmill Mtn area for 45 +_ years, most of the time with Jerry Cathey at his Cabin (11370 Sawmill Mtn rd.) across from the Terra VI proposed development. The Terra VI development is simply to big for this remote area with limited resources. Mr. Cathey's well was included in the hydrology tests for the Draft EIR. During those tests Mr. Cathey and his brother in Ron Morgan were at the cabin. Both of them observed a bad taste in the water during the tests. In addition Mr. Cathey's well stopped pumping water while the tests were being done. It's obvious that a project this size will draw down Mr. Cathey's well. I request that you read the attached well log from Mr. Cathey's well and notice that the water in this area is in very small 1' Granite Fractures.

In addition to water availability the sewage disposal system for this large project will impact the neighboring properties, their is simply not enough room to treat and or dispose of the sewage from that many toilets, sinks, showers and the proposed commercial uses in this small area.

Lastly, this small rural area cannot absorb the additional traffic generated by this project with out significant impacts including safety and noise.

For the above reasons I request that you deny the proposed development application for the Terra VI lodge SDP18-003 based on the above and the information in the Draft EIR.

Thank You

Shawn Conlan

Attached :

Pervious letter from Jerry dated 12-27-2018
Well log from Jerry's well.

PUB62-01

PUB62-02

PUB62-03

PUB62-04

PUB62-05

December 27th, 2018

Quincy Yaley, Assistant Director, Development
Tuolumne County Community Resources Agency
48 Yaney Avenue, Sonoma 95370
Email: qyaley@co.tuolumne.ca.us

RE: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003

Dear Mrs. Yaley:

This letter is in opposition to the planned development along Sawmill Mountain Road (Site Development Permit SDP18-003). I am the owner of 11370 Sawmill Mountain, Groveland my name is Jerry Cathey, and my property is located in the residential area across Sawmill Mountain Rd from the proposed development. I have owned the property at 11370 Sawmill Mountain Rd since 1976. First, I oppose this project based on the effect it will have on the water table. Secondly, the size and location of the sewage disposal system and the adverse effect it will have on the surrounding property owners. Lastly, the size of the project will bring a lot of cars and people to this small area.

My opposition to the project is based on the size of the proposed development and the effect the project will have on the water table from the amount of water that will be used, I believe that the water table will be overdrafted and that the new well on my property will be affected, my well is approximately 1500' from one of the proposed new wells. In September 2015 I drilled a new well on my property to replace a shared well. The shared well could no longer supply enough water to service the three homes it supplied due to a declining water table. My new well had to be drilled to 700 feet and supplies just enough water for a single home. The attached well log shows that the water table in this area is located in very small one foot fractures in the granite rock. I believe the amount of water used by this project will overdraft this water table and cause my well and the other neighboring wells to fail. I request that the Tuolumne County Community Resources Agency require the developer to study the effects of the proposed development on the water table and prove that it will not overdraft the available amount of water to my property and the surrounding properties.

In addition to the overdraft of the water I am concerned that the amount of sewage generated by the project cannot be adequately absorbed by the planned leach field and that this will also affect the water from my well. Also, the location of the leach field is planned to be adjacent to the residential development in this area which could adversely affect the existing residential cabins especially when the ground is saturated from rain and snow causing it to smell like a sewage around the project. I request that the developer be required to show that the proposed sewer disposal system will not adversely affect the water table or cause surrounding property owners to smell sewage.

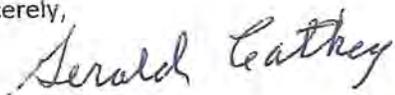
Lastly, I am concerned that the size of this proposed development will bring a lot of traffic from cars and people to this small mountain area. My property is next to the forest service property on two sides. Traffic at the intersection of highway 120 and Sawmill Mountain Road will become unsafe. The number

PUB62-06

of guests coming to the proposed development will cause people to be walking around the surrounding area and trespassing on my property, upsetting the peaceful private atmosphere that currently exists.

For the above reasons I request that the developers be required to study the effects of this proposed project on the water table that currently exists, the effect of the proposed sewage disposal system on the surrounding property owners and the additional traffic from cars and people on this small mountain area. I believe the only way my concerns can be addressed is via a full Environmental Impact Report (EIR) and I request that the County require that an EIR report be completed before approval of this project.

Sincerely,



Jerry (Gerald) Cathey, Owner

11370 Sawmill Mountain Rd, Groveland

Mailing address

1913 Ellen Ave, San Jose, Ca 95125

**PUB62-06
cont.**

*The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

State of California

Well Completion Report

Refer to Instruction Pamphlet

Page 1 of 1

Owner's Well Number _____

No. xxxxxxxx

Date Work Began 09/22/2015

Date Work Ended 9/25/2015

Local Permit Agency Tuolumne County Environmental Health Department

Permit Number EH2015-00178

Permit Date 6/10/15

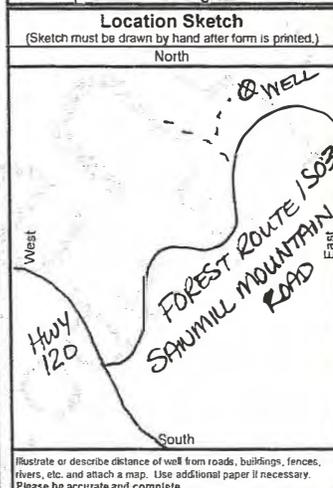
DWR Use Only - Do Not Fill In

State	Number
Latitude	Longitude
APN/TRS/Other	

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____		
Drilling Method <u>AIR/ROTARY</u> Drilling Fluid <u>WATER</u>		
Depth from Surface	Feet	Description
Describe material, grain size, color, etc		
0	20	CLAY
20	100	DECOMPOSED GRANITE
100	130	WEATHERED GRANITE
130	180	GRANITE
180	181	FRACTURE 1 GPM
181	620	GRANITE
620	621	FRACTURE 2 GPM
621	670	GRANITE
670	671	FRACTURE 7 GPM
671	700	GRANITE
Total Depth of Boring <u>700</u> Feet		
Total Depth of Completed Well <u>700</u> Feet		

Well Owner	
Name	<u>JERRY CATHEY</u>
Mailing Address	<u>1913 ELLEN AVENUE</u>
City	<u>SAN JOSE</u> State <u>CA</u> Zip <u>95125</u>

Well Location	
Address	<u>11370 SAWMILL MOUNTAIN ROAD</u>
City	<u>GROVELAND</u> County <u>Tuolumne</u>
Latitude	____ N Longitude _____ W
Datum	Dec. Lat. _____ Dec. Long. _____
APN Book	<u>68</u> Page <u>340</u> Parcel <u>14</u>
Township	____ Range _____ Section _____



Activity
<input checked="" type="radio"/> New Well
<input type="radio"/> Modification/Repair
<input type="radio"/> Deepen
<input type="radio"/> Other
<input type="radio"/> Destroy
<small>Describe procedures and materials under "GEOLOGIC LOG"</small>

Planned Uses
<input checked="" type="radio"/> Water Supply
<input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public
<input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial
<input type="radio"/> Cathodic Protection
<input type="radio"/> Dewatering
<input type="radio"/> Heat Exchange
<input type="radio"/> Injection
<input type="radio"/> Monitoring
<input type="radio"/> Remediation
<input type="radio"/> Sparging
<input type="radio"/> Test Well
<input type="radio"/> Vapor Extraction
<input type="radio"/> Other

Water Level and Yield of Completed Well	
Depth to first water	<u>180</u> (Feet below surface)
Depth to Static	_____
Water Level	_____ (Feet) Date Measured <u>09/25/2015</u>
Estimated Yield *	<u>10</u> (GPM) Test Type <u>Air Lift</u>
Test Length	<u>6.0</u> (Hours) Total Drawdown <u>0</u> (Feet)
*May not be representative of a well's long term yield.	

Casings						
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen
Feet to Feet	(Inches)			(Inches)	(Inches)	Type
0	140	8 3/4	BLANK	PVC	SDR26	6

Annular Material		
Depth from Surface	Fill	Description
Feet to Feet		
0	140	BENTONITE PUMPED

Attachments
<input type="checkbox"/> Geologic Log
<input type="checkbox"/> Well Construction Diagram
<input type="checkbox"/> Geophysical Log(s)
<input type="checkbox"/> Soil/Water Chemical Analyses
<input type="checkbox"/> Other
<small>Attach additional information, if it exists.</small>

Certification Statement	
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief	
Name	<u>Canepa and Sons, Inc.</u>
<small>Person, Firm or Corporation</small>	
<u>14384 Cuesta Court</u>	<u>Sonora</u> <u>CA</u> <u>95370</u>
<small>Address</small>	<small>City State Zip</small>
Signed <u>Ricky Canepa</u>	<u>9/28/15</u> <u>425749</u>
<small>C-57 Licensed Water Well Contractor</small>	<small>Date Signed C-57 License Number</small>

PUB62-07



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

Date: December 10, 2018
To: Interested Stakeholder
From: Tuolumne County Community Resources Agency
RE: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003
Assessor's Parcel Numbers: 068-120-060 and 068-120-061

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax - EHD)
(209) 588-9064 (fax - Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

The Community Resources Agency thanks you for your participation in the land development process in Tuolumne County. We value your comments and look forward to your continued participation in our planning process. This process provides information on your requirements and concerns to the applicant early in the review process. Involvement on your part can eliminate or minimize problems that could arise later.

We have received an application from Hardin Flat LLC/Hansji Corporation for Site Development Permit SDP18-003 to allow the development of Terra Vi Lodge, a master planned lodging development to include one hundred and forty (140) guest rooms, twenty five (25) 4-bedroom cabins, a market, a lodge, event space, and other support buildings. The project site consists of two parcels totaling 63.38± acres. The parcels are zoned C-K (Commercial Recreation) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at the northeast corner of the intersection of Sawmill Mountain Road and State Highway 120. The property is located on both sides of Sawmill Mountain Road (see attached map). A portion of Section 26, Township 1 South, Range 18 East. Supervisorial District 4.

Access: Sawmill Mountain Road Cul-de-Sac: No

Sewage Disposal Method: Private Sewage Disposal System (100% redundancy)

Water Source: Private Wells (two) Fire Hazard Rating: Very High

Additional Information:

1. Application materials and project maps are available at the Tuolumne County Planning Division website: <https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite>
2. The project is comprised of various single, two- and three-story elements beginning at the northwest entrance of Sawmill Mountain Road and continuing northeast. The project will incorporate a LEED equivalent building program which will include Green building materials such as energy efficient windows, skylights, doors, insulation, roofing, lighting, plumbing, heating and cooling equipment, creating a comprehensive energy-efficient building infrastructure and envelope. Solar power panels will be constructed on the roofs of the buildings.
3. Increased building separation, low building heights, high performance fire extinguishing and alarm systems, surplus water storage, complete perimeter fire-fighting accessibility and a community emergency helicopter landing zone have been included in the proposed project to address wildfire issues.
4. Improvements to the intersection of Highway 120 and Sawmill Mountain Road are

PUB62-08

expected with the proposed project, and exact improvement requirements will be determined during the environmental review of the project.

- 5. Open Space zoning is located in the eastern portion of the project site, and adjacent to Highway 120. No disturbance of the Open Space is proposed with this project.
- 6. The Fire Resource and Assessment Program (FRAP) maps indicate that the habitat types found on the project site are Sierran mixed conifer (smc), montane hardwood conifer (mhc), and ponderosa pine (ppn), however much of the project site was impacted by the 2013 Rim Fire.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment this project. Please complete the following and return no later than **December 28, 2018**.

Staff Contact: Quincy Yaley, Assistant Director, Development
(209) 533-5633
qyaley@co.tuolumne.ca.us

AGENCY: _____

COMMENTS: I WOULD LIKE TO BE NOTIFIED .
AND WILL SEND MY COMMENTS SEPARATELY .

PROPERTY OWNERS: All property owners within 2,000 feet of the proposed project will be notified of future public hearings. Due to the nature of the project, this has been expanded beyond the typically required 1,000 foot notification requirement in Ordinance Code. Property owners within 2,000 do not need to request future notification.

AGENCIES/ORGANIZATIONS ONLY: Please indicate below if you wish to be notified of public hearings scheduled for this project or if you wish to receive notification of the availability of the environmental document prepared for this project. If you do not indicate your preference, we will assume you do not want notification of the hearings or the environmental document.

Public Hearing Notification Yes No

Notification of availability of the environmental document Yes No

Signed by: Jerry Cathey, GERAID CATHEY

Agency: COMMUNITY RESOURCES AGENCY, 11370 SAWMILL AV, SEWAMA Date: 12-21-18

OWNER: 11370 SAWMILL MTN RD, GROVELAND

MAIL: 1913 GLEN AVE, SAN JOSE, CA 95125

PUB62-08
cont.

COMMENT LETTER # PUB63

From: Dan Courtney <dancourtney.dc@gmail.com>
Sent: Wednesday, July 29, 2020 3:07 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Re: [spam] Automatic reply: Comment Letter - YUC

Hello Supervisor Gray and CCD Quincy Yaley, I would like to add my voice to those who are requesting a short, two week, extension for the submittal of comment letters on the Terra Vi DEIR. My property is adjacent to and below the site, receives the run-off and my meadows, spring and well is directly below their proposed leech field.

It was a struggle to submit comments on the Under Canvass DEIR last week which was what, 2,200 pages long?

And now, right on the heels of that momentous effort, it's completely impossible to digest this even more massive DEIR and submit intelligent and comprehensive comments.

Without question my property will be greatly impacted by this development and it's only fair for the County to give me, and the other neighbors and interested parties, a reasonable opportunity to review and comment.

Please consider and advice as to whether a fourteen (14) day extension to Thursday, August 13th can be accepted.

Thank you,

Dan Courtney
Trustee, The Jacqueline Courtney Trust
11250 Sawmill Mountain Road
Groveland, CA 95321
(858) 337-7019 cell
Dan@excaliburre.com

PUB63-01

From: Megan Delaye <mermeg@comcast.net>
Sent: Wednesday, July 29, 2020 9:27 AM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge Yosemite

July 28, 2020

Attention Ms. Yaley and the Board of Supervisors,

I am writing because I am in opposition of the development of the Terra Vi Lodge Project. I have a number of reasons for not being in support of this project. I have concerns about wildfire risk, emergency evacuation response, water quality impacts, and transportation.

First, the DEIR's Analysis of and Mitigation for Wildfire Risk, and Emergency Evacuation and Response Impacts is inadequate. The DEIR largely relies on the implementation of Project features (such as separation between buildings, fire-resistant building materials, a vegetation management plan, employee training and a helipad) to suggest that the Project's wildfire-related impacts would not be significant level. The DEIR provides no evidence that these features would be sufficient to protect people and structures from the threat of a wildland fire. The DEIR fails to evaluate any evacuation scenarios. It assumes evacuation via SR-120 will be feasible, but does not consider whether SR-120 could accommodate the Project's traffic together with the traffic from other evacuees during a wildfire event, or whether SR-120 might be blocked during a wildfire. This is a concern with the number of wildland fires increasing each year due to climate change.

PUB64-01

Next, the DEIR'S Analysis of and Mitigation for the Projects Water Quality Impacts is inadequate. The DEIR provides no analysis in support of its conclusion that the Project's wastewater treatment system and leach field would not harm water quality. Instead, it wrongly claims that any water quality impacts from the wastewater treatment system would be less than significant simply because the Project's wastewater treatment would comply with applicable regulations.

PUB64-02

The DEIR fails to analyze cumulative impacts on water quality. It concludes that the Project, in combination with the Yosemite Under Canvas project, Thousand Trails/ Yosemite Lakes RV Expansion, Berkeley Tuolumne Camp Restoration project, and Mountain Sage Conditional Use Permit project, would result in less-than-significant cumulative impacts on hydrology, water quality, and groundwater. However, it contains no analysis in support of this conclusion, instead relying on Project features and regulatory compliance to claim impacts would not be significant. It is critical to consider the long term impact this Project will have on the watershed in Tuolumne County.

PUB64-03

Also, the DEIR's Transportation Analysis fails to adequately analyze or mitigate impacts relating to roadways hazards. The Project would require construction of a new eastbound receiving lane on SR-120 to handle increased traffic from the Project, but this lane would be too short for traffic to merge safely. The DEIR fails to identify this

PUB64-04

deficiency as a significant roadway hazard. Another concern is the DEIR fails to adequately analyze safety risks to bicyclists. It wrongly concludes that bicycle safety impacts are insignificant because cyclists would supposedly only travel a short segment of SR-120 between Sawmill Mountain Road and Hardin Flat Road. It ignores other bicycle traffic along SR-120, including traffic between the Project and other more distant points such as Yosemite National Park, and the Project's safety impacts on these cyclists.

**PUB64-04
cont.**

As you can see there is plenty of evidence which shows the DEIR did not accurately assess and/or mitigate the issues of wildfire risk, emergency evacuation response, water quality impacts, and transportation. For these reasons I strongly oppose the Terra Vi Lodge Project.

PUB64-05

Sincerely,

Megan Delaye

July 28, 2020

Attention Ms. Yaley and the Board of Supervisors,

I am writing because I am in opposition of the development of the Terra Vi Lodge Project. I have a number of reasons for not being in support of this project. I have concerns about wildfire risk, emergency evacuation response, water quality impacts, and transportation.

First, the DEIR's Analysis of and Mitigation for Wildfire Risk, and Emergency Evacuation and Response Impacts is inadequate. The DEIR largely relies on the implementation of Project features (such as separation between buildings, fire-resistant building materials, a vegetation management plan, employee training and a helipad) to suggest that the Project's wildfire-related impacts would not be significant level. The DEIR provides no evidence that these features would be sufficient to protect people and structures from the threat of a wildland fire. The DEIR fails to evaluate any evacuation scenarios. It assumes evacuation via SR-120 will be feasible, but does not consider whether SR-120 could accommodate the Project's traffic together with the traffic from other evacuees during a wildfire event, or whether SR-120 might be blocked during a wildfire. This is a concern with the number of wildland fires increasing each year due to climate change.

Next, the DEIR'S Analysis of and Mitigation for the Projects Water Quality Impacts is inadequate. The DEIR provides no analysis in support of its conclusion that the Project's wastewater treatment system and leach field would not harm water quality. Instead, it wrongly claims that any water quality impacts from the wastewater treatment system would be less than significant simply because the Project's wastewater treatment would comply with applicable regulations.

The DEIR fails to analyze cumulative impacts on water quality. It concludes that the Project, in combination with the Yosemite Under Canvas project, Thousand Trails/ Yosemite Lakes RV Expansion, Berkeley Tuolumne Camp Restoration project, and Mountain Sage Conditional Use Permit project, would result in less-than-significant cumulative impacts on hydrology, water quality, and groundwater. However, it contains no analysis in support of this conclusion, instead relying on Project features and regulatory compliance to claim impacts

would not be significant. It is critical to consider the long term impact this Project will have on the watershed in Tuolumne County.

Also, the DEIR's Transportation Analysis fails to adequately analyze or mitigate impacts relating to roadway hazards. The Project would require construction of a new eastbound receiving lane on SR-120 to handle increased traffic from the Project, but this lane would be too short for traffic to merge safely. The DEIR fails to identify this deficiency as a significant roadway hazard. Another concern is the DEIR fails to adequately analyze safety risks to bicyclists. It wrongly concludes that bicycle safety impacts are insignificant because cyclists would supposedly only travel a short segment of SR-120 between Sawmill Mountain Road and Hardin Flat Road. It ignores other bicycle traffic along SR-120, including traffic between the Project and other more distant points such as Yosemite National Park, and the Project's safety impacts on these cyclists.

As you can see there is plenty of evidence which shows the DEIR did not accurately assess and/or mitigate the issues of wildfire risk, emergency evacuation response, water quality impacts, and transportation. For these reasons I strongly oppose the Terra Vi Lodge Project.

Sincerely,

Megan Delaye

COMMENT LETTER # PUB65

From: Bill Flanery
Sent: Wednesday, July 29, 2020 12:35 PM
To: bosm@co.tuolumne.ca.us
Subject: Bill Flanery Terra VI Concerns

To Whom it May Concern,

First off I would like to express my disappointment that the EIR review extension was not granted to the property owners during these trying times. It is obvious that everyone is dealing with issues and personal struggles that have never been experienced. This denial of an extension leaves me with the feeling of the County and Builders trying to push this project thru regardless of the environmental impact. I understand that the new Property is being touted as a Green environmentally friendly property and my concern is to what degree is this Terra Vi project is willing to go to really be a Green LEED property. Please respond that **this was received and address concerns below.**

PUB65-01

< Water Availability and usage: The report stated that the area has enough water to sustain the new projects. Obviously this is a huge concern as water is scarce and the property will be depleting the wells much more rapidly than the area can handle. Please address these points.

PUB65-02

1. Is the property planning on having a rain water reclamation system to be used for all gray water usage as well as needed irrigation?

2. Is the building going to have a Black water treatment plant as part of their plumbing system in order to recycle all water used on the property? Meaning 100% Potable water after treatment?

PUB65-03

3. What steps are being taken to assure that the septic system / Leach field will not end up polluting any near rivers or creeks? " Will this be treated prior to entering the septic system"?

PUB65-04

4. Under full summer usage at capacity how many gallons of water will be used in a day? According to the EIR it seemed grossly under realistic usage.

PUB65-05

5. Are all boilers / Heaters High efficiency units to have reduced carbon entering the atmosphere, if so what % will the proposed equipment be?

PUB65-06

6. Will the property have enough solar and storage batteries in order to run on its own?

PUB65-07

< Traffic Concerns / Needed in depth Traffic Study:

1. What are the properties plans for guest to enter the property on a two lane highway?

PUB65-08

2. In case of a natural disaster "Fire" the evacuation plan to remove over 610 guest at Terra Vi and 425-500 Glampers at Under Canvas, as well as the campers on the river not to mention property owners.

PUB65-09

This seems unrealistic with no infrastructure to support a mass staged exit with critical timing.

3. A great concern is the number of guest exploring the area around the Terra Vi property, while I know the answer will be that private property postings will keep everybody out in reality this is not always the case. Does the property have a plan to address this issue? "At check in make it a known situation to guest stressing the approved property lines"

PUB65-10

< Fire Danger:

PUB65-11

1. With more people comes more danger of another fire in the area there is really no resolution to this, it's only a fact. The likelihood of guest hiking or exploring around will greatly increase the chances of an accidental fire. Does the property have [24/7](#) fire truck and crew on site, not near but on site to address this issue?

**PUB65-11
cont.**

2. Does the property plan on outdoor fire pits? . We have had our property for over (30) years with a well-protected outside fire pit. We also have adequate protection in case a emergency occurs. My family has a rule during high fire danger months and we restrict family and guest from using the outside pit; please note this is private property.

PUB65-12

Title 24 California restrictions: What are the specifics of the mechanical equipment being installed?

PUB65-13

Fire department arrival time when a fire occurs?

PUB65-14

Properties Fire on site plan. How many hydrants are on site?

PUB65-15

How much fire water storage will the property have?

PUB65-16

How will the property insure that the water source in conjunction with storage can meet demands needed for firefighting i.e. 200 PSI for 4 Hours ?

PUB65-17

How much on site fire fighters and equipment will be on property?

PUB65-18

How many trained firefighters on each (24) hour shift?

PUB65-19

And my number 1 concern is that if the EIR said none of this is needed, it puts the entire corridor in eminent danger. We have all dealt with the droughts as well as extreme wind; this is a dangerous combination. This property, or any projected future property should be held to the highest standard and latest Mechanical approved codes , regarding fire suppression systems. In such a high hazard area this feels like a blatant disregard not only for the air quality but actual human lives.

PUB65-20

In Closing I feel that the EDR did not truly take into account the negative impact that this project is going to have on the areas environment as well as overall safety. If the in depth traffic survey is not completed and a resolution achieved, there is no doubt in my mind this will result in accidents and possible deaths. The increased fire danger seems a blatant disregard for the entire 120 corridor.

PLEASE SEND REPLY THIS EMAIL WAS RECIVED

Thanks,



Bill Flanery
Plumbing Service Department / Superintendent
C. 510-246-5655 O. 408.232.9000
San Jose | Alameda | Rohnert Park

We offer 24/7 emergency repair and maintenance services.
1-866-SERV-UMI or 1-866-737-8864

COMMENT LETTER # PUB66

From: Ben Gardella <bgardella@gmail.com>

Sent: Wednesday, July 29, 2020 11:06 PM

To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; Quincy Yaley <QYaley@co.tuolumne.ca.us>; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; Kathleen Haff <kathleenhaff2020@gmail.com>; BOS Members <bosm@co.tuolumne.ca.us>; Jim Junette <jjunette@fs.fed.us>

Subject: Response to Terra VI DEIR

My name is Ben Gardella and I represent Save Sawmill Mountain. The attached response letter was already sent to Quincy Yaley from the law firm Shute, Mihaly & Weinberger LLP. But I wanted to make sure it reached the rest of you.

PUB66-01

Thank you for your consideration in this matter.

Ben Gardella
11220 Sawmill Mtn Rd.
Groveland, CA 95321

July 29, 2020

Ms. Quincy Yaley
Tuolumne County Community Development Department
2 South Green Street
Sonora, CA 95370
qyaley@co.tuolumne.ca.us

RE: Terra Vi Draft EIR

Dear Ms. Yaley,

I would like to provide comments for the draft Environmental Impact Report (DEIR) prepared for the Terra Vi Hotel. Overall, it seems that the DEIR has understated the significance of environmental impacts that the project would bring to the Sawmill Mountain area. Key concerns that need to be addressed for the proposed Terra Vi development:

WILDFIRE AND EVACUATION

The DEIR does not accurately assess the serious threat of wildfire, especially in a location that has burned multiple times, most recently in the 2013 Rim Fire. We are located in a "Very High Fire Hazard Severity Zone" remote area without a nearby fire department, ambulances, or healthcare facilities. Bringing so many people to Terra Vi on Sawmill Mountain and allowing over 100 camp fires and wood burning stoves at the nearby Under Canvas project would be a detriment to the surrounding neighboring forest. These developments increase the fire hazard to nearby homes and local residents of Sawmill Mountain, Hardin Flat, Buck Meadows, Groveland, as well as Yosemite National Park.

PUB67-01

The DEIR fails to provide evidence that the project would not exacerbate the risks of wildfire and would not expose the area to the uncontrollable spread of wildfire. Tuolumne County has a responsibility to protect the safety of our community and our forest. Supporting project development within a VHFHSZ area without water or nearby emergency services is irresponsible. By negligently approving or allowing a fire-trap to be constructed at the entrance/exit to our private properties, the County is subjecting our homes and lives to significant risk, loss, and death due to fire. Project features such as a vegetation plan, fire-resistant building construction, building separation, employee training, a helipad, and prohibitions against "risky behavior" are suggested as protection from a wild land fire. These features would not protect people, structures, or wildlife from the destruction of an imminent fast moving wind-driven fire.

The DEIR fails to evaluate evacuation scenarios and has made a fatal flaw in the project layout by suggesting Forest Route 1S03 as the main circulation and access for the Hotel. Forest Routes are not warranted for commercial use; they are meant for forest use only. There is only one narrow, one-lane dirt and gravel driveway from an old skid trail off Forest Route 1S03 that leads to and from my family cabin of 60 years. My (15) neighbors and I have no other way to escape Sawmill Mountain in the event of an emergency. If thousands of people are suddenly evacuating the area, or if fire is blocking the road, my only exit route to Highway 120 may become inaccessible.

PUB67-02

Safety Hazard: The use of Forest Route 1S03 poses additional problems for commercial use or large quantities of vehicles because if someone in a panic turns the wrong way, they could drive straight into the possible fire danger rather than away from it. The forest routes are difficult terrain, sparsely maintained, and zig zag throughout the mountain with no signage or clear direction. Tourists with no special knowledge of the area, and spotty to nonexistent wifi service could inadvertently put themselves in harms way. Code requires the exits from Terra Vi must be clear, unobstructed, and lead directly to the path of egress, which is Highway 120.

The DEIR does not evaluate what will happen when everyone attempts to evacuate onto Highway 120. This is a two lane scenic highway that leads to Yosemite in one direction and toward the small town of Buck Meadows in the downhill direction. Where would all of the evacuees go? Highway 120 cannot accommodate thousands of tourists from Terra Vi, Under Canvas, Hardin Flat, Sawmill Mountain, and Yosemite all trying to escape a disaster at the same time.

**PUB67-02
cont.**

In addition, the DEIR is inaccurate to state that the development is not dividing an established neighborhood. It is literally placing an obstacle between Sawmill properties and our exit to Highway 120. Our ONLY safe route for evacuation is encumbered by over 1,000 tourists and emergency responders and a helicopter on the same road. Fire regulations require two safe exits from every site and the Sawmill residents only have one. We need to reach the Highway and if the fire is directly in the path of egress, we are trapped in a dead-end situation.

PUB67-03

To further exacerbate this problem, the neighboring UC project is proposing a secondary means of access/ egress from Forest Route 1S09 which is directly across the highway from the Sawmill exit. Again, the Forest Routes are not for commercial use. Moreover, a "site for future development" is located adjacent to the Sawmill exit in the midst of this already over-populated and dangerous intersection. All of these conditions create a terribly unsafe intersection on the 120 corridor stretch between Hardin Flat and Sawmill Mountain. With the serious bottleneck in the evacuation route and the danger posed to the public and residents of the area, the evacuation scenarios and exits must be evaluated; Terra Vi and Under Canvas would require an alternate access location to alleviate congestion and danger. The proposed developments would create a disastrous fire-trap and jeopardize public safety. Unbelievably, the DEIR fails to evaluate any evacuation scenarios.

PUB67-04

The DEIR fails to analyze the cumulative effects on emergency access and response. It is important to note that there are no emergency water sources proposed at the Under Canvas project directly across the street: no sprinklers, no fire hydrants or water storage. Likewise, the Terra Vi project has not established how much total water is required or whether there is enough water to supply fire sprinklers and fire hoses/ hydrants from two groundwater wells on unreliable fractured granite aquifers.

PUB67-05

The Terra Vi project conflicts with the Tuolumne County General Plan because it increases the exposure to risk of wildfire, it interferes with evacuation (especially for Sawmill and Hardin Flat residents), and burdens the fire protection services. The proposed project also results in significant cumulative impacts with respect to land use and planning due to exacerbation of land use conflicts by placing high occupancy Hotels and Glampsites within the neighborhood. Placing commercial sites immediately adjacent to rural residential properties amplifies the serious evacuation deficiencies and problems. The DEIR fails to recognize these issues as significant impacts.

PUB67-06

PUBLIC SERVICES, SAFETY, AND TRAFFIC

I am very concerned about the distance to emergency services and the lack of adequate emergency responders to the Sawmill Mountain area. Our home is at least a half hour drive from Groveland and about an hour from Sonora. Groveland Community Services District submitted a letter with concerns about the ability to adequately provide fire and emergency response services to the proposed project site. The GCSD explains problems with the distance of the project from GCSD resources, concern about being able to respond to two remote places at the same time, wear and tear on vehicles, increased fire risk concern, impact on evacuation efforts, inadequate water supply for wells, fire sprinklers, fire fighting, sanitation, and evacuation through Groveland. The DEIR fails to adequately address these many significant impacts. The DEIR acknowledges the fact that firefighters would not be able to reach Terra Vi within established response times, but does not evaluate how the inability of emergency responders to access the site in a timely manner would affect the risk of wildfire.

PUB67-07

I am concerned about the safety of pedestrians or bicyclists crossing the highway in this dangerous stretch of 120 to visit a store, bar, or restaurant at the other resort, which will occur if the YUC and Terra Vi projects become a reality. The DEIR brushes off this safety risk as being “relatively infrequent,” and misses the mark by deeming “access to the site is adequate” and the “project’s impact to these modes is less than significant.” This significant safety impact cannot be denied and must be addressed.

PUB67-08

The project would definitely increase noise, pollution, safety concerns, and traffic to the existing, surrounding community because there is nothing in the location currently. Impacts would be potentially significant and need to be studied, rather than ignored. DEIR statements have not been substantiated.

PUB67-09

Again, it is imperative that traffic flow and evacuation routes be thoroughly reviewed in this Very High Fire Hazard Severity Zone and to learn from the tragic Camp Fire where people died while trying to flee their homes. The problem was only one road for egress and our Sawmill /Hardin Flat neighborhood is faced with the same dangerous dead-end situation. The DEIR fails to evaluate evacuation plans. It is frightening to think that this critical issue has been overlooked; the entire Sawmill/Hardin Flat area and 120 corridor need to be evaluated for safe evacuation.

PUB67-10

NOISE

The introduction of noise related activities such as construction, amplified music and events, human voices, barking dogs, vehicular traffic, truck and bus circulation, loading docks, waste disposal and garbage service trucks, outdoor generators, HVAC systems, and helicopters will cause distress to the local wildlife, as well as the peaceful surrounding environment for local residents. However, the DEIR fails to disclose the particulars of the noise producers or the intended event activities, especially amplified music or announcement systems and incorrectly concludes that noise impacts would be less than significant. How would these noise generating activities and noise levels impact wildlife and humans? Have quiet hour restrictions been proposed, as a minimum? How can the impact be insignificant if the noise producing culprits have not been identified?

PUB67-11

I am particularly concerned about these issues because the quiet solitude creates the beauty of the mountain. We enjoy the abundant wildlife (especially the deer) on our property and surrounding forest. Sound travels easily on the mountain and the neighbors on Sawmill are respectful of each other with a mutual desire to maintain the quiet solitude. It is so beautifully quiet on our property and the silence of the forest is powerful: I can hear the silent bat fly above my head, the crack of a snapped twig when a deer walks by, the high pitched buzz of a mosquito, and can actually determine the exact location of a woodpecker quite a distance away.

The DEIR fails to determine the residential properties (sensitive receptors) that will be affected by the project. Noise impacts cannot be evaluated without this basic information. In fact, the DEIR does not address the impacts to the many homes within the Sawmill and Hardin Flat area and therefore fails to provide adequate mitigation for these impacts. The conclusion that the noise impacts would be less than significant cannot be substantiated when there is no understanding of what or where the sensitive receptors are located in relation to the project and how they will be affected.

PUB67-12

We are just several hundred feet away from the project and will easily hear noises, especially amplified sounds, music, people and vehicles generated in close proximity. These noise producers cannot be mitigated in the peaceful forest. Furthermore, there are already two large hotels with enclosed venues and several other better-situated sites available that could better absorb the influx of additional tourists looking for lively parties and entertainment.

The DEIR also concludes that construction related noise would be less than significant because the impact would be “short-term.” There is nothing short term about a two year construction period that will wreak havoc on our peaceful surroundings.

PUB67-13

The impacts related to the day and nighttime use of the helicopter and related noise, wind, and visual disturbances have not been adequately analyzed. The local residents would be greatly impacted by such a nuisance to the area. The helipad is unnecessary, yet the report calls out for twice daily usage. Installing the pad will lead to inevitable abuse and use of helicopters in the area that are not justified. When or if an emergency occurs, a helicopter can land anywhere and does not need a designated pad on Sawmill Mountain. Such noise does not belong in the forest and cannot be mitigated.

PUB67-14

WATER

The DEIR repeatedly says that all impacts are less than significant without thorough review and supporting evidence to address public concerns that have been brought forward.

Supply: There is no public water supply on the site and Terra Vi has not indicated their total water usage estimations. The DEIR indicates well tests but does not provide evidence to support that the groundwater supplies can simultaneously supply the project without threatening private well water supplies. The well testing does not take many years of drought into consideration and the DEIR has not proven that there would be sufficient water supply in dry years. The future availability and quality of water will be adversely affected, yet the DEIR dismisses these impacts as "less than significant." The DEIR is inadequate.

PUB67-15

Quality: There is no acknowledgment in the DEIR about contamination of the water supply to existing homes and cabins in the surrounding neighborhoods. Terra Vi has proposed a location for septic tanks and leach lines that may contaminate the known watercourse that feeds our meadows, my well, and neighboring wells. In addition, the proposed leach fields for both Terra Vi and Under Canvas will potentially pollute the Tuolumne River.

The DEIR has rejected the request to relocate the leach fields and rejected the opportunity to review alternatives because they said there were no significant impacts. That is precisely the problem that needs to be addressed! The impacts must be evaluated. Simply stating that the system will meet all applicable codes does not erase the problem. We need to be protected from contamination of our wells from raw sewage and septic leaching from both Terra Vi and Under Canvas projects. If the leach system is compromised in any way, private properties, wet-lands, and US Waters will be contaminated. Wildlife that depend on these water sources will be harmed. The leach fields are currently located directly above my property on wetlands and ephemeral drainage that leads to my meadows and well.

PUB67-16

Pine Mountain Lake residents have been experiencing toxic sewage gas problems for 15 plus years. The foul smell is hydrogen sulfide, a gas that originates from decaying organic matter, aka sewage. Hydrogen sulfide is the primary component in sewer gas and is dangerous even at low levels. Different gases contribute to the odor: sulfides, ammonia, methane and the other compounds in the sewage combine to create the awful smell. Sulfides and ammonia are toxic to humans, causing organ damage or death. The septic tanks and leach lines must be relocated AWAY from our meadow and water supply.

Additionally, the DEIR reports that the water tested at the site contained arsenic, iron, turbidity, and maximum contaminant color levels. No evidence supports the conclusion that proposed water testing and treatment measures would be effective in mitigating contamination found in the drinking water supply.

PUB67-17

ALTERNATE LOCATIONS

I was dismayed to read in the DEIR that some of the alternative locations for the project that were discussed at the Town Hall meeting and suggested in public comment letters were disregarded without given a fair chance. The first alternative to consider which locates the main Hotel access on 120 rather than 1S03 was dismissed because of "lack of significant impacts." This conclusion is inaccurate because the use of Forest Route 1S03 is an obstacle and an alternate access must be reviewed.

PUB67-18

The "No project" and "Scar" alternatives are both viable. The conclusion that the "Reduced Footprint" alternative is the next best option is flawed, again because this option assumes unwarranted commercial use of Forest Route 1S03. Therefore, the "Scar" would be the next feasible alternative.

PUB67-19

Based on the concerns mentioned in this letter and my previous letters, it is evident that the issues with increased wildfire risk, lack of adequate and safe evacuation, lack of water, septic contamination, traffic, noise, visual-scenic impact to the Highway 120 corridor, threats to cultural and biological resources, dangerous vehicular access-circulation, and strain on public services such as law enforcement, fire, and ambulances, that the Terra Vi proposed project is proposed for the wrong location. Alternatives must be thoroughly and seriously examined, rather than omitted from analysis.

CONCLUSION

PUB67-20

The cumulative impacts from projects proposed in this area are significant. It is vital that the County officials and other agencies review the "big picture" to determine the overall impact on the environment well into the future. I respectfully urge the County to slow the process down and take the necessary time to thoroughly evaluate the serious risks and huge environmental impacts that Terra Vi and other projects in this area would create. Reckless, poor decisions will affect Sawmill Mountain FOREVER.

Sincerely,

Rosalina George

Kathleen K Haff,
Tuolumne County Supervisor-Elect, District 4
Kathleenhaff2020@gmail.com
Response to the DEIR for the Terra Vi Lodge Project

July 29, 2020

Natalie Rizzi
Tuolumne County Community Development Dept
2 S Green Street
Sonora, CA 95370
nrizzi@co.tuolumne.ca.us

Re: Comments of the Draft Environmental Impact Report (DEIR) for the Terra Vi Lodge Project

Thank you for the opportunity to submit comments for the Terra Vi Lodge Project. As a former Senior Analyst for the County Administrative Office and the Emergency Services Coordinator for Tuolumne County (2007 – 2011) I have a clear focus on fire safety. As a Supervisor-Elect (beginning in January 2021) I will have the added responsibility to County residents to highlight areas of concern which may have a negative impact now or in the future.

It appears that many areas of negative impact have been addressed and mitigated in this Draft EIR. Thank you to Placeworks and Sycamore Environmental Consultants for treating this project seriously and with due consideration. However, there are still some matters of concern which I consider noteworthy, as highlighted below. Most of my comments arise from familiarity with issues due to positions I have held previously with the County.

From Table 1-1: Here are the impact areas that I see which may require further mitigation. Included in the sections below are also comments and suggestions made for consideration and implementation:

AES-4: Photovoltaic (PV) Array

The significant factor, glare from this array, can range from being a nuisance to an outright safety issue depending upon where it is sited and at what angle it is placed. The full annual range of sun cycle angles should be calculated, not only for maximum generation, but also for avoidance of glare to guests and motorists, on the property or off site. It is requested here that the siting of the PV array and calculations for its placement be fully outlined in the Final EIR.

BIO-2: Invasive Plant Species

As this Draft EIR has stated elsewhere, the planting plan should not only ensure that all plantings are non-invasive species, but they should be native to California and fire retardant, as well.

BIO-3.3, 3.4: Degrading Water Quality Through Construction Activities

Mitigation measures suggest obtaining coverage or an exemption from the requirements. The responsible thing to do is to obtain coverage, and no exemptions.

PUB68-01

PUB68-02

PUB68-03

PUB68-04

Kathleen K Haff,
Tuolumne County Supervisor-Elect, District 4
Kathleenhaff2020@gmail.com
Response to the DEIR for the Under Canvas Project

BIO-4.1a: Native Mule Deer Migration

Although Yosemite Stanislaus Solutions is a wonderful non-profit group, the Tuolumne County Fish & Game Preservation Fund Advisory Committee is a much more appropriate group to be used for these native mule deer migration activities.

PUB68-05

BIO-4.1b: Dogs on Leash

Comment: This is in the Tuolumne County Ordinance Code, and is to be followed during the construction phase through to managing the day-to-day operations of this project. And yes, it should be posted as such.

PUB68-06

HAZ-6, TRANS-4: Emergency Evacuation Plan; Inadequate Emergency Access

This project would definitely impact and possibly impair any evacuation from the general area. Were a wildfire to break out in or around this development, which is miles away from the County seat of operations or even the closest fire station, having a plan for mass evacuation is deemed necessary. With only one main 2-lane artery out of the development (Highway 120) the roadway would be greatly impacted and swollen with Terra Vi guests and other developments' tourists leaving en masse from the general location. This matter needs to be worked through, fully. It is highly suggested that project principals meet with County OES, Fire and Law Enforcement personnel to come up with a reasonable plan to address and solidify an evacuation plan, before occupancy is granted.

PUB68-07

- It is not apparent from the project description, but it appears that there is only one dedicated access to this resort. Having 2 options for vehicular ingress and egress into/from the property will most certainly be required. In evacuating a full resort of between 290-400 guests, it will be necessary.

HAZ-7: Exposing People and Structures to Significant Risk Involving Wildland Fires

This is NOT a "Less than Significant" risk or impact area, and should have many mitigation measures listed rather than stating the matter is non-applicable. This project site is located in a **Very High Fire Hazard Severity Zone and in a previously burned area of the 2013 Rim Fire.** Two other fires previous to the Rim Fire have also burned here. To say that mitigation is not applicable is unconscionable. Here are my thoughts on this significant issue:

PUB68-08

- At a minimum, Terra Vi should provide laddered fuel breaks throughout the entire property and have a plan to maintain the property, including all defensible space on an annual basis. Consultation with the Highway 120 Fire Safe Council and CAL FIRE to satisfy this goal is highly advised.
- To ensure adequate fire-fighting capability for the construction phase of the project and beyond, a water system should be developed *first*, complete with fire-fighting grade water flow and a huge capacity water tank that meets fire safety/wildfire-fighting standards. The tank capacity *needs to be substantial* to begin fire-suppression activities immediately due to the remote location of this project and the time it will take for the nearest fire protection personnel to arrive on-scene. The appropriate fire agency and/or CAL FIRE should weigh in on the specs for the capacity of the water tank. This water system should be available *during the construction phase*, and not developed at the end

PUB68-09

Kathleen K Haff,
Tuolumne County Supervisor-Elect, District 4
Kathleenhaff2020@gmail.com
Response to the DEIR for the Under Canvas Project

of the project. The Terra Vi property resides in somewhat of a “no man’s land” as far as fire protection goes, so the exposure for guests, neighboring residents and/or structures is great and responding promptly is imperative. (See PS-1, and PS-2, for more on this.)

PUB68-09
cont.

HYD-1: Post Project Runoff

I think it is prudent not only to have a drainage plan, but also a two-year inspection and certification program in place after the project is final to address and mitigate any unintended consequences that may arise where negative water quality affects those (local residents) offsite and thus, can be remedied by Terra Vi.

PUB68-10

HYD-2, UTIL-2 & UTIL-5: Groundwater Supplies/Engineered Septic

The groundwater supply issue is a significant one, not less than significant. There is no groundwater table in this area, no hidden underground lake. All water in this region comes through fractures in the granite.

- There are concerns for *water capacity* in the general area – meaning is there enough water to satisfy the needs of not only the Terra Vi guests and staff, but the residents in the area who rely on their wells for their daily living needs? Is there enough water capacity to provide for fire-fighting flow as mentioned previously? Has the amount of water necessary for proper septic operations been taken into consideration to calculate the full amount of water needed per day, per guest? How will the project guarantee sufficient water for the site without depleting underground resources for the people who live nearby? I have read the hydrology study and think that *most* of the water quality issues have been addressed, but still question the sheer volume of water necessary to run a resort of this type, *and* to have enough water storage for fire-fighting capacity on site. Please revisit the 16,636.4 gallons per day assessment as it seems artificially low when considering all of the above needs and assuming maximum occupancy.
- There are also concerns for *cross contamination from the septic system leaching into the ground water supply*. This has the potential to impact the water quality of private residence wells that are located nearby. What type of measures will be taken to ensure adequate septic system capacity and proper functioning of the engineered system that will be built? How will it be monitored, and who will do the monitoring? Water is also necessary for an engineered septic system. This matter needs to be fully addressed in the Final EIR.

PUB68-11

PUB68-12

NOI-3.1: Noise Associated with Emergency Helipad Use

It is admirable and forward thinking to use medi-flight services for emergency medical services, as the response time will be decreased substantially and the choice of hospitals available, due to severity and condition of the injured person will be better paired, all resulting in improved outcomes for the party who suffers a medical emergency.

PUB68-13

- It is noted that the offer to provide the resort’s helipad to surrounding residents for their emergency medical needs is a good neighbor and good-will gesture. This will not negate the noise levels from the helicopter arriving or taking off, but may help soften

Kathleen K Haff,
Tuolumne County Supervisor-Elect, District 4
Kathleenhaff2020@gmail.com
Response to the DEIR for the Under Canvas Project

the ill feelings the noise creates for locals, who live there and will hear medi-flight helicopters year-round.

**PUB68-13
cont.**

POP-3: Population and Housing Impacts

The DEIR lists this impact area as less than significant. Any Groveland resident or employee of the greater Groveland business area knows that housing is a significant issue. Many of the month-to-month home rentals have been converted into vacation rentals, thus leaving a void in the housing market where full-time rentals are needed. This has become a significant issue County-wide. There is not enough affordable housing for our population or workforce. Thus, the problem exists. It is important to know this and to come up with a viable plan to address how and where Terra Vi will find staff and secure housing for their employees.

PUB68-14

- For a resort the proposed size of Terra Vi, with a public market, general lodge with dining, indoor and outdoor areas with dining, a pool and spa, and other activities, 100 guest rooms, seven guest cabins (26 guest rooms therein), 2 manager suites, 20 staff rooms, and up to 400 guests – is it really practical to suggest the need for only 40 jobs to satisfy all the work that must be conducted to become a successful resort? Two other resorts in this region similar to Terra Vi each have well over 100 staff members each during peak season. I would like to see a more realistic staffing plan.

PS-1, PS-2: Public Services for Fire and Law Enforcement

The DEIR rightly concludes that this is a significant impact area. Having trained and certified emergency staff, personal protection and communication equipment is a commendable first step. There needs to be some sort of cost recovery system built in to this development to help the County, and its partner Groveland Community Services District (GCSD), recover costs when responding to emergencies outside of the official response area.

PUB68-15

- This project is suggested for a *very* remote part of the County. In fact, it is outside of the Automatic Mutual Aid Agreement area that the GCSD has with the County. That means, officially, there is no coverage for fire or other emergency services. There needs to be some sort of sanctioned agreement established, a sustainable mechanism for cost recovery, for all types of emergency response services in the far reaches of the County, which is where this project lies. This may take the form of creating a Community Facilities District to mitigate service impacts to the County and GCSD, or some other mechanism. County residents and/or GCSD should not have to subsidize these services or experience a reduction in service level because County and/or GCSD resources are responding to a call outside of the mutual aid area.
- The nearest *County* fire station is an hour away in Jamestown. Currently, even Groveland residents can experience long response times for Emergency Medical Services (EMS), Law Enforcement (LE) or Fire. To add a singular significant development or one in conjunction with other significant projects not only taxes the County's emergency response equipment and personnel, but adversely impacts response times for those services in the Groveland area should they be required by the Groveland/Big Oak Flat population.

PUB68-16

Kathleen K Haff,
Tuolumne County Supervisor-Elect, District 4
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Response to the DEIR for the Under Canvas Project

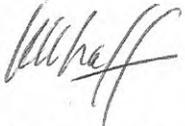
- It is suggested that the developers of this project work closely with County staff to address this issue to the County's and GCSD's satisfaction for all three of these public services.

PUB68-17

Finally, it does seem that much thought and attention has been put forth in designing this project to be sustainable and environmentally friendly. It would certainly benefit the County and those tourists wanting to have a memorable experience, here in our area. There are still, however, significant issues left to address and resolve. I hope the Hanji Corporation takes the suggestions made during this draft environmental review process to heart and is able to resolve the major grievances that have been voiced.

PUB68-18

Respectfully,



Kathleen K Haff
Supervisor-Elect District 4
Tuolumne County, CA



July 29, 2020

Quincy Yaley, AICP
Director, Community Development Department
Tuolumne County
2 South Green Street
Sonora, CA 95370

Re: Terra Vi Draft Environmental Impact Report

Subject: Section 6 Alternatives

Dear Quincy,

Regarding the Draft Environmental Impact Report (“DEIR”) dated June 2020 as prepared by Placeworks for the County of Tuolumne, please review the following responses and corrections. These comments relate only to Section 6, “Alternatives”. We may have other comments related to other parts of the DEIR.

PUB69-01

6.5.2 Alternate Location Alternative

The report describes the Big Oak Flat site as a potential alternative location for the proposed Project. We do not think it is appropriate for a public agency to consider alternate locations that are not owned by the applicant. However, even assuming such a review were appropriate, the suggested location is infeasible for the following reasons:

PUB69-02

I. Physical Characteristics

The Alternative Location (“Scar Property”) is located in Big Oak Flat, approximately 3 miles west of Groveland, California. I have physically inspected the property and reviewed the records provided by the County GIS mapping system. The Scar Property is comprised of eight (8) parcels surrounding an interior public access road parcel (Parcel 9), and bordering SR 120. (See “Exhibit 1”) The combined gross acreage for the parcels is approximately 30 acres.

- A. Ownership: The property is not on the market. It was recently acquired by a different developer who is assembling a development application. Even if the property were on the market, it is infeasible as it would be prohibitively more expensive and undesirable for the resort.



B. Zoning: The alternate site is zoned C-1 (Commercial). This is economically undesirable for a resort hotel making the location economically infeasible. The purpose of the general commercial district is to provide for a variety of sales establishments which serve the residents and traveling public. While a hotel is a permitted use, so are mortuaries (across the street) professional offices, repair garages, self-storage and other commercial uses that are not consistent (aesthetic, acoustic, density) or compatible with a recreation resort. In contrast, the purpose of the Commercial Recreation District (C-K District) is to encourage “well planned” and “integrated” resort and vacation-oriented commercial complexes. These are two distinct Zoning Districts because they have substantial and distinct General Plan objectives in the way the land is to be used (See “Exhibit 2”).

PUB69-03

C. Parcel Orientation: The alternative site is comprised of eight (8) separate parcels surrounding an access road parcel (Parcel 9) that is zoned as a Public Area. This configuration prevents the parcels from being joined and creates design restrictions without a zoning amendment. In contrast, the proposed site is comprised of two (2) contiguous parcels with the proper zoning designation. The increased costs and delay associated with obtaining such approvals would reduce the economic viability of the Project.

PUB69-04

D. Adjoining Properties: The adjacent, neighboring properties of the alternative site are privately held on three sides, with the frontage being SR 120. (See “Exhibit 3”) The proposed site abuts the Stanislaus National Forest on three sides, sharing a portion (50%) of the northern property line with three (3) residential (RE-2) parcels and one (1) residential (RE-5) parcel. The southern property line borders a parcel owned by the State of California. A key Project objective is to provide diverse recreational and wellness experiences...through outdoor recreation activities. The lodging facility is to serve as a “portal” to the Stanislaus National Forest and U.S. Forest Service lands for hiking, trail running, biking, and other outdoor activities. The alternate site is bordered by private and state property with no direct access to the SNF or U.S.F.S lands. A second key objective is to create open space combined with aesthetic and acoustic minded setbacks from adjoining property improvements. With the alternate site being more than 50% smaller than the proposed site and not knowing what the future improvements of the neighboring property might be, this would not meet this objective.

PUB69-05



- E. **Property Size:** The combined acreage of the alternative site is approximately 30 acres, although in its current parcel and zoning form, is not contiguous.
The proposed site is comprised of two (2) contiguous parcels which total 63.38 acres. A key Project objective, and undoubtedly the most important for the Terra Vi brand, is to develop and operate a lodging facility at a scale sufficient to support diverse accommodations, amenities and “on-site” recreation. This is a paramount feature to meet the guests’ expectations and to ensure financial viability. The alternate site size is less than 50% of the proposed site. Even with zoning and parcel adjustments, the success of which are unknown at this time, the open space area requirements of the Project can never be achieved.

- F. **Site Elevation to SR 120:** Most of the alternate site elevation is at or below SR 120. The proposed site elevation is an average of 20’ above SR 120. A key Project objective is to create a one-of-a kind resort with amenity areas that have open connections to nature, “both visually and physically.” The alternate site, being at or lower than SR 120, would create an aesthetic and acoustic impact that cannot meet this objective.

- G. **Utilities:** A requirement of the C-1 District zoning requires that the project be served with public water and sewer. The County infrastructure to support the development of the alternate site is not in place and is not planned. The schedule, development and operating costs for these improvements could be substantially greater than those of the planned development likely making the alternative site economically infeasible.

- H. **Location:** The alternate site is approximately 28 miles from the Big Oak Flat entrance to Yosemite National Park. A key Project objective, and certainly one of the most important for operation and financial viability, is the location to Yosemite National Park, being within 10 miles of the Big Oak Flat entrance. The alternate site is 28 miles from this entrance. This is nearly three times the distance of our Project objective, and from a travel time consequence, is much greater because of the traffic restrictions through Groveland. From an environmental perspective, the alternate site could have a significantly greater impact on VMT and GHG as well. 70% percent of our target guest sales would enter from either the Tioga, South or Arch Rock entrances. (See “Exhibit 4”) These guests would be required to drive an additional 36 miles each day the visit the park, and an additional 18 miles to return home. This could cause significant impacts to the Groveland traffic and especially to the already distressed Ferretti Road/ SR 120 issue.

PUB69-06

PUB69-07

PUB69-08

PUB69-09



- I. Site Environmental Hazards: The alternate site has an abandoned gas station. It is unknown if any issues exist related to subterranean tanks and/or soil contamination. In any case, this would increase the cost and development time of the Project.

PUB69-10

II. Environmental Impacts

There are no substantial environmental benefits in using the Alternative Location over the proposed site. As the report defines, there are *no* environmental improvements to 6.5.2.1 Aesthetics, 6.5.2.2 Air Quality, 6.5.2.3 Biology, 6.5.2.4 Cultural Tribal and Cultural Resources, 6.5.2.5 Energy, 6.5.2.6 Forestry Resources, 6.5.2.7 Geology and Soils, 6.5.2.8 Greenhouse Gas Emissions, 6.5.2.9 Hazards and Hazardous Materials, Hydrology and Water Quality, 6.5.2.11 Land Use and Planning, 6.5.2.13 Population and Housing, 6.5.2.15 Transportation, and 6.5.2.17 Wildfire, and provides only “*slightly lessened*” impacts to 6.5.2.14 Public Services, and 6.5.2.16 Utilities and Service Systems. While the alternative site project does eliminate the Helipad and thus remove significant impacts to 6.5.2.12 Noise, it conversely removes a substantial public benefit... “that would aid in a wildland fire response.”

PUB69-11

III. Project Feasibility

The utilization of the Scar Property as the alternative location for the Project is infeasible. The Project cannot be carried out at a reasonable cost or in a reasonable time, or even carried out at all. Notwithstanding the alternative property’s diminished size, the ownership, parcel orientation, zoning, available utilities, and location create development barriers that the applicant cannot overcome. First, the site is not for sale, nor is there any reason to believe that the cost, if it became so available, would be economically feasible. Second, the zoning change required to combine the parcels, and the required environmental analysis, preparation and processing, would add substantial costs and significant time to the applicant schedule. Third, the extension of water and sewer utilities by GCSD is not developed or planned. The cost and time to extend these services, if even possible, are unknown and incalculable. Therefore, development costs and schedule cannot be determined, making it impossible to say if any hotel project can be developed at a reasonable cost and in a reasonable time. Lastly, the location of the Scar Property does not meet the applicant’s most important Project objective; to be located within 10 miles of the Yosemite National Park, Big Oak Flat entrance. In order to compete with Rush Creek and Evergreen Lodge, it must be proportionate to, of similar accommodations, and be so similarly located. The alternative property is 28 miles from the intended premium market area, and is part of an entirely different market area and demand that cannot generate the occupancy load and average daily rate necessary to meet the profitability threshold required by our lender or investment partners, and is thus not economically feasible. The location of this alternative site, the lack of utility infrastructure, and poor market demand, may help to explain why it has never been developed.

PUB69-12



6.5.3 Reduced Footprint Alternative

The reduced footprint alternative removes all of the Project's largest, most desirable accommodations (cabin rooms), together with other lodging and employee amenities. This significantly reduces the scale and variety of accommodations necessary to meet the applicant's objectives and reduces the operational revenue *critical* to remain both competitive and profitable.

The report describes the Project being redesigned to reduce the development footprint and overall size of the Project. This is contemplated by eliminating all 26 guest cabin rooms, all 3 employee apartment buildings, reducing the lodge guestrooms by 10 to be instead used for employees, and the removal of the emergency services helipad. The operational and economic impacts prevent this reduced footprint from being considered a feasible alternative for the Project for the following reasons:

PUB69-13

I. Project Characteristics

One of the most important Project objectives is to develop and operate a lodging facility at a scale sufficient to support a variety of accommodations. The reduced footprint alternative does not meet this Project objective. To do this, the Project was carefully designed to both address the unique needs of our guests, as well as providing accommodations that are similarly offered in the competing area market. With the impacts of the current coronavirus pandemic, having a variety of accommodations, that can provide guests with special needs the ability to maintain greater social distancing is not only an important market demand, but certainly must be contemplated as a matter of public health safety.

PUB69-14

II. Guest Reduction

The removal of the guestrooms, of which provides very limited environmental effect, has a substantial effect on the scale of guest participation:

The report incorrectly interprets this metric, and only addresses the difference between the lodge rooms (100 vs 90) and associated number of guests (360 vs 400) and neglects to address the loss of guests caused by the elimination of the cabin rooms. The correct guest impact is not -40, but rather -196 (360 vs. 556) shown below:

PUB69-15

Reduced Footprint - 90 Lodge rooms: up to 360 guests (360 Total)



Planned Footprint - 100 Lodge rooms: Up to 400 guests

26 Cabin rooms: Up to 156 guests (556 Total)

**PUB69-15
cont.**

The net effect of this reduction is a loss of up to 196 guests daily, and not 40 that the report indicates. This loss of guest participation would have a significant negative revenue impact effecting the activity programs, equipment rentals, and the food and beverage operations that are required to make the Project economically feasible.

III. Room Reduction

In addition to the substantial loss of daily guest participation, the elimination of the cabins and reduction of the lodging units also causes a dramatic effect, not just in the variety of products that can be offered, but also to the overall room nights available to be sold:

The reduced plan provides for 90 guestrooms:

90 * 365 days = 32,850 annual room nights

The Project as submitted provides 126 guestrooms:

126 * 365 days = 45,990 annual room nights

PUB69-16

The loss of 13,140 annual room nights by itself creates a substantial revenue impact. This is, however, exacerbated as the deletion of the cabin units, being a larger space and detached location, generate a far greater occupancy and average daily rate. Moreover, this also eliminates our ability to offer the variety of accommodations necessary to meet the demand for larger families, those desiring more seclusion, and of course those needing to establish greater social distancing. Such a reduction would make the Project economically infeasible.



IV. Revenue Reduction

The loss of rooms, food and beverage and other incremental revenue caused by the alternative reduced footprint is substantial. We compared the performance of the alternative 90 room project to that of the proposed 126 room model and determined a significant reduction in revenue and profitability. Our analysis projected stabilized revenue and net profit, as well as the net operating profit; the difference is shown below¹:

90 Room – Room Revenue	(-44.6%)
90 Room – Net Operating Income (NOI)	(-57.6%)
90 Room – Net Profit	(-315%)

¹ Since the operating numbers would fluctuate substantially in the first few years, we are using the forecasted values for a stabilized operation at year 5

The reduction in guest participation, variety of room types and rooms available for sale, create a clear and substantial loss in revenue that is not sustainable. Conversely, the cost to operate the property at the level of service expected, cannot be proportionately offset. Regardless of deleting the cabin rooms and employee housing, the lodge still operates over and maintains a 64 acre site, and must provide the same level of service programs for food and beverage, banquets, guest activities and recreation amenities, all of which are labor intensive and require nearly the same amount of labor cost, infrastructure, administration and overhead.

V. Development Cost

As mentioned above, the area to develop and maintain the Project, whether as planned or at the reduced footprint, remains at 64 acres. While some of the development costs will be reduced (construction costs, some consultant fees and building permits), still other site costs would be largely unaffected. These latter costs include virtually all mitigation measures, site grading and retaining structures, most landscaping, utility infrastructure for water, sewer, storm drainage and electrical services, offsite road improvements for Sawmill Mountain Road and improvements related to SR 120. The effect of reducing the footprint merely shifts the costs of these grading improvements, roads and utility infrastructure to a smaller number of rooms, creating a higher cost per unit than that of the applicant submittal. This is illustrated as follows:



90 Unit Model

Development Cost: \$ 37,481,606. Cost Per Unit: \$416,462.00

126 Unit Model

Development Cost: \$42,680.306 Cost Per Unit: \$338,733.00

While the cost of the overall Project is reduced by \$4,778,700 (11%), the cost per unit is disproportionately increased by \$77,729.00 (19%). The higher unit-cost, combined with the revenue reductions, create an additional negative impact which compounds the loss of profitability making the alternative infeasible.

PUB69-18
cont.

VI. Environmental Impact

As the report defines, there are *no* environmental improvements to 6.5.2.1 Aesthetics, 6.5.2.4 Cultural Tribal and Cultural Resources, 6.5.2.6 Forestry Resources, 6.5.2.7 Geology and Soils, 6.5.2.8 Greenhouse Gas Emissions, 6.5.2.9 Hazards and Hazardous Materials, 6.5.2.11 Land Use and Planning, and 6.5.2.13 Population and Housing...while changes to 6.5.3.2 Air Quality, 6.5.3.3 Biology, 6.5.3.5 Energy, 6.5.3.10 Hydrology and Water Quality, 6.5.3.15 Transportation, 6.5.3.16 Utilities and Service Systems are only *“slightly lessened.”* The only substantial environmental improvement (6.5.3.12 Noise) is only achieved by removing the emergency services helipad, which conversely eliminates an important public safety feature of the Project and actually causes *“greater”* environmental impacts relating to wildfire protection.

PUB69-19

V. Project Feasibility

To summarize, the Alternative Footprint is infeasible. To be economically viable, the Project must operate at a sufficient scale of rooms and include a variety of accommodations that must include the cabin units. These units are critical to house larger groups and to provide the alternate guest experience that is demanded in this market space. This is even more

PUB69-20



important considering the coronavirus pandemic and dramatic changes our industry faces with social distancing and public safety. The reduction in guest participation, variety of room types and rooms available for sale, combined with higher unit cost and labor inefficiencies create a clear and substantial loss in revenue and profitability that is not sustainable. Moreover, the proposed reduction does not substantially improve the environmental impacts but rather increases the impact to wildland fire management and reduces public safety in the removal of the emergency services helicopter landing zone.

**PUB69-20
cont.**

The Project should be approved as submitted. We will be happy to provide any additional information that may be helpful in correcting the information in the DEIR.

Regards,

John K. Bissell

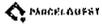
Digitally signed by John K. Bissell
DN: cn=John K. Bissell, o=Hansji Corporation, ou=Hansji Corporation, email=John.K.Bissell@hansji.com, c=US
Date: 2020.07.28 17:43:26-0700

John Bissell

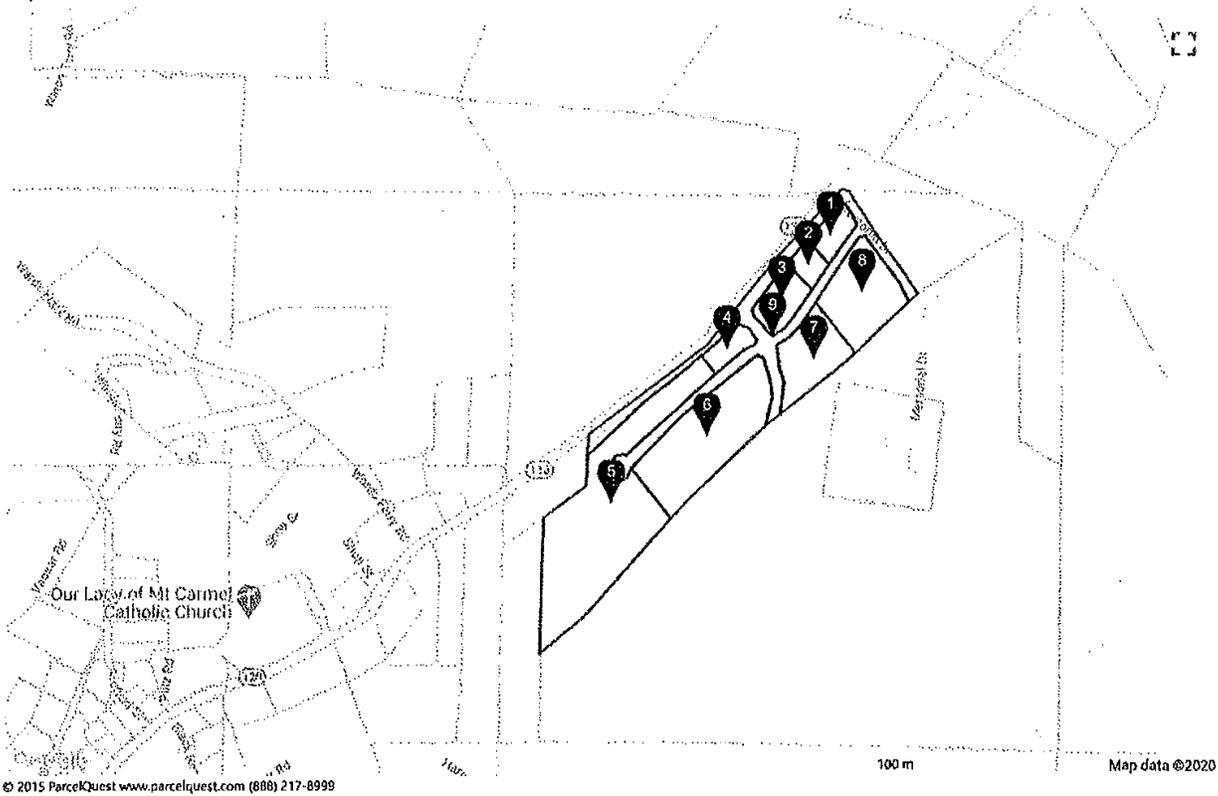
Executive Vice-President

Hansji Corporation

4/15/2020



"Exhibit 1"



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PUB69-21

4/15/2020

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LIST 0
DETAIL

<input checked="" type="checkbox"/>		Co	APN	Owner	S Street Address	S City State Zip
<input checked="" type="checkbox"/>		1	TUO 066-140-016-000	GATEWAY HUB LLC	11470 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		2	TUO 066-140-017-000	GATEWAY HUB LLC	11460 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		3	TUO 066-140-018-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		4	TUO 066-140-019-000	GATEWAY HUB LLC	11430 WAY STATION RD	BIG OAK FLAT CA 95305
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<input checked="" type="checkbox"/>		6	TUO 066-140-032-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		7	TUO 066-140-015-000	GATEWAY HUB LLC	11445 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		8	TUO 066-140-014-000	GATEWAY HUB LLC	11461 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>		9	TUO 066-140-022-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305

"Exhibit 2"

Chapter 17.34

GENERAL COMMERCIAL DISTRICT, OR (C-1) DISTRICT

Sections:

- 17.34.010 Purpose.**
- 17.34.020 Permitted uses.**
- 17.34.030 Conditional uses.**
- 17.34.040 Minimum parcel size.**
- 17.34.050 Building intensity.**

17.34.010 Purpose. The purpose of the general commercial (C-1) district is to provide for a variety of sales establishments which serve both the resident and traveling public. Development within this district shall be served with public water, public sewer, paved streets and adequate police and fire protection according to the policies of the general plan. Development in this zone must comply with Title 15 of this code relative to fire safety standards. (Ord. 2222 § 59, 1998; Ord. 1980 § 15, 1993; Ord. 1229 § 2 (part), 1982).

17.34.020 Permitted uses. Within any general commercial (C-1) district, the following uses are permitted unless otherwise provided in this chapter:

- A. Hotels and motels;
- B. One single-family dwelling per parcel, which shall not be converted to a commercial use unless it is brought into compliance with Title 15 of this code relative to fire safety standards;
- C. Nurseries and greenhouses;
- D. General recreational use incidental to the primary use of the parcel;
- E. On and off-shore marina facilities;
- F. Public safety facilities;
- G. Public transportation stations or depots;
- H. Places of public assembly, social clubs, lodges and clubhouses;
- I. Residential care homes or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- J. Schools, churches, libraries, museums, art galleries, tourist information facilities;
- K. Mortuaries, funeral homes, mausoleums, columbaria and crematoria;
- L. Retail sales, indoor, subject to the requirements of section 17.52.180;
- M. Retail services, indoor, and other business establishments in an enclosed building, subject to the requirements of section 17.52.180;
- N. Shopping centers, subject to the requirements of section 17.52.180;
- O. Professional offices;
- P. Bars, without outdoor seating (not permitted within two hundred feet of a residential district in

accordance with Section 17.52.020);

Q. Bed and breakfast establishments, within a permitted single-family dwelling, six bedrooms or less;

R. Animal hospital, indoors;

S. Equipment repair facilities in an enclosed building;

T. Enclosed storage of equipment and materials;

U. Commercial laundry or dry cleaning plants;

V. Public utility distribution facilities;

W. Prospecting;

X. Christmas tree farms;

Y. Mini-mart;

Z. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of section 17.52.160;

AA. Emergency shelters;

BB. Restaurants or take-out restaurants, with or without outdoor seating, in accordance with Section 17.52.020 relative to serving alcoholic beverages or providing entertainment;

CC. Transitional housing and supportive housing within a permitted single-family dwelling;

DD. Accessory uses and structures appurtenant to permitted uses. (Ord. 3266 §§ 61, 62, 63, 2014; Ord. 3177 § 7, 2011; Ord. 3170 §§ 92, 93, 94, 95, 96, 2011; Ord. 2705 § 11, 2006; Ord. 2705 § 10, 2006; Ord. 2550 § 15, 2004; Ord. 2222 § 60, 1998; Ord. 2119 § 30, 1995; Ord. 2049 § 18, 1994; Ord. 1757 § 5 (part), 1990; Ord. 1532 § 3 (part), 1987; Ord. 1229 § 2 (part), 1982).

17.34.030 Conditional uses. Within any general commercial (C-1) district, the following uses may be permitted subject to first securing a use permit:

A. Recreational buildings and developments;

B. Tent revivals, circuses and carnivals;

C. Development of mineral resources;

D. Health care facilities;

E. Residential care homes, transitional housing, supportive housing, nursery schools, and day care centers, other than family day care homes;

F. Animal hospitals, outdoors;

PUB69-22

Chapter 17.31

COMMERCIAL RECREATIONAL DISTRICT,
OR (C-K) DISTRICT

Sections:

- 17.31.010 Purpose.
- 17.31.020 Permitted uses.
- 17.31.030 Conditional uses.
- 17.31.040 Minimum parcel size.
- 17.31.050 Building intensity.

17.31.010 Purpose. The purpose of the commercial recreational (C-K) district is to encourage well-planned and integrated resort and vacation-oriented commercial complexes in which the developer may incorporate innovative design techniques. Development in this zone must comply with Title 15 of this Code relative to fire safety standards. (Ord. 3225 § 7, 2013; Ord. 2222 § 49, 1998).

17.31.020 Permitted uses. Within any commercial recreational (C-K) district, the following uses are permitted unless otherwise provided in this chapter:

- A. One single-family dwelling per parcel;
- B. Recreational structures and developments;
- C. Hotels and motels;
- D. Residential care homes or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- E. Bed and breakfast establishments, within a permitted single-family dwelling, six guest bedrooms or less;
- F. Public utility distribution facilities;
- G. General farming and ranching;
- H. Roadside stand for the sale of agricultural products primarily a farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;
- I. Growing and harvesting of timber;
- J. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of Section 17.52.160;
- K. Retail sales, indoor (under 25,000 square feet of gross floor area, maximum);
- L. Retail services, indoor, and other business establishments in an enclosed building (under 25,000 square feet of gross floor area, maximum);
- M. Shopping centers (under 25,000 square feet in gross floor area, maximum);
- N. Restaurants or take-out restaurants, with or without outdoor seating, in accordance with Section

17.52.020 relative to serving alcoholic beverages or providing entertainment;

- O. Public safety facilities;
- P. Transitional housing and supportive housing within a permitted single-family dwelling;
- Q. Accessory uses and structures appurtenant to permitted uses. (Ord. 3266 §§ 50, 51, 52, 2014; Ord. 3225 § 7, 2013; Ord. 3170 §§ 74, 75, 76, 77, 2011; Ord. 2222 § 50, 1998).

17.31.030 Conditional uses. Within any commercial recreational (C-K) district, the following uses are permitted subject to first securing a use permit:

- A. Agricultural processing facilities and activities;
- B. Nurseries and greenhouses;
- C. Residential care homes, transitional housing, supportive housing, nursery schools, and day care centers, other than family day care homes;
- D. Kennels;
- E. Development of mineral resources;
- F. Tent revivals, circuses and carnivals;
- G. Temporary sales offices for parcels or residences;
- H. All public utility uses other than distribution facilities;
- I. Refuse and sewage disposal sites and water and sewer treatment plants;
- J. Agricultural marketing facilities or activities;
- K. Additional single-family dwellings when incidental to a commercial use of the parcel, two acres per unit maximum density;
- L. Commercial stables, riding clubs and guest ranches;
- M. On-shore and off-shore marina facilities;
- N. Motorcycle, snowmobile and auto clubs and facilities including trails, test areas and racetracks;
- O. Recreational vehicle parks and campgrounds;
- P. Places of public assembly, social clubs, lodges and clubhouses;
- Q. Service stations;

PUB69-22
cont.

Chapter 17.41

PUBLIC DISTRICT, OR (P) DISTRICT

Sections:

- 17.41.010 Purpose.
- 17.41.020 Permitted uses.
- 17.41.030 Conditional uses.
- 17.41.040 Minimum parcel size.
- 17.41.045 Building intensity.
- 17.41.050 Transfer of ownership.

17.41.010 Purpose. The purpose of the public (P) district is to acknowledge the limited ability of the County to impose regulations on land under the jurisdiction of public agencies, including, but not limited to, federal, state and local governmental bodies and public utilities. This zoning district is compatible with all general plan land use designations. (Ord. 2222 § 80, 1998; Ord. 1316 § 1 (part), 1984).

17.41.020 Permitted uses. Within any public (P) district, the following uses are permitted unless otherwise provided in this chapter:

- A. Wilderness;
- B. Christmas tree farms;
- C. Uses integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings and log storage areas;
- D. Management for watershed;
- E. Management for fish and wildlife habitat or hunting and fishing;
- F. General farming and ranching;
- G. Processing of agricultural products;
- H. Nurseries and greenhouses;
- I. General recreation and parks;
- J. On and off-shore marina facilities;
- K. Refuse and sewage disposal sites;
- L. Water and sewer treatment plants;
- M. Airports and heliports¹;
- N. Public utility distribution facilities;
- O. Public transportation facilities;
- P. Churches, schools, libraries, museums, art galleries, visitor centers, fire stations, post offices and cemeteries;
- Q. Administrative offices and related uses;
- R. Law enforcement and judiciary facilities;
- S. Public safety facilities;
- T. Accessory uses and structures appurtenant to permitted uses. (Ord. 2222 § 81, 1998; Ord. 2115 § 27, 1995; Ord. 1316 § 1 (part), 1984).

17.41.030 Conditional uses. Any land use not listed in Section 17.41.020 may be permitted provided a use permit is first secured. (Ord. 1316 § 1 (part), 1984).

17.41.040 Minimum parcel size. Within the public district, there shall be no minimum parcel size requirement for the purposes of creating new parcels. (Ord. 1316 § 1 (part), 1984).

17.41.045 Building intensity. Within the public district, there shall be no limit to the building intensity. (Ord. 2222 § 82, 1998).

17.41.050 Transfer of ownership. Upon transfer of lands from a public agency to a private individual or nonpublic entity, land uses shall be limited to those listed under Section 17.41.020 until such time as the land is reclassified to another zoning district. No entitlements, such as use permits or land division, shall be approved by the county until such time as this zoning reclassification becomes effective. (Ord. 1316 § 1 (part), 1984).

PUB69-23

¹ For provisions on airport zoning, see Ch. 18.28 of this Code.

Chapter 17.16

GENERAL RECREATIONAL DISTRICT,
OR (K) DISTRICT

Sections:

- 17.16.010 Purpose.
- 17.16.020 Permitted uses.
- 17.16.030 Conditional uses.
- 17.16.040 Minimum parcel size.
- 17.16.050 Building intensity.

17.16.010 Purpose. The purpose of the general recreational (K) district is to provide for the development of indoor and outdoor sports, recreation facilities and commercial places of amusement. Development within this zone must comply with Title 15 of this code relative to fire safety standards. (Ord. 1980 § 4, 1993; Ord. 1229 § 2 (part), 1982).

17.16.020 Permitted uses. Within any general recreational (K) district, the following uses are permitted unless otherwise provided in this chapter:

- A. One single-family dwelling per parcel which shall not be converted to a recreational use unless it is brought into compliance with Title 15 of this code relative to fire safety standards;
- B. General farming and ranching with no building;
- C. Nurseries and greenhouses for domestic use;
- D. Recreational structures and developments;
- E. Commercial stables, riding clubs and guest ranches;
- F. On and off-shore marina facilities;
- G. Firehouses and police stations;
- H. Schools, churches, libraries, museums, art galleries, tourist information facilities;
- I. Public utility distribution facilities;
- J. Prospecting;
- K. Christmas tree farm (See Ord. 2115 § 10, 1995);
- L. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of section 17.52.160;
- M. Residential care homes or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- N. Private garages accessory to a single-family dwelling, or one private garage, not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less, as a primary use of the parcel;

O. Transitional housing and supportive housing within a permitted single-family dwelling;

P. Accessory uses and structures appurtenant to permitted uses. (Ord. 3266 §§ 17, 18, 19, 2014; Ord. 3170 § 23, 24, 25, 26, 2011; Ord. 2119 § 9, 1995; Ord. 2115 § 10, 1995; Ord. 2049 § 4, 1994; Ord. 1757 § 5 (part), 1990; Ord. 1229 § 2 (part), 1982).

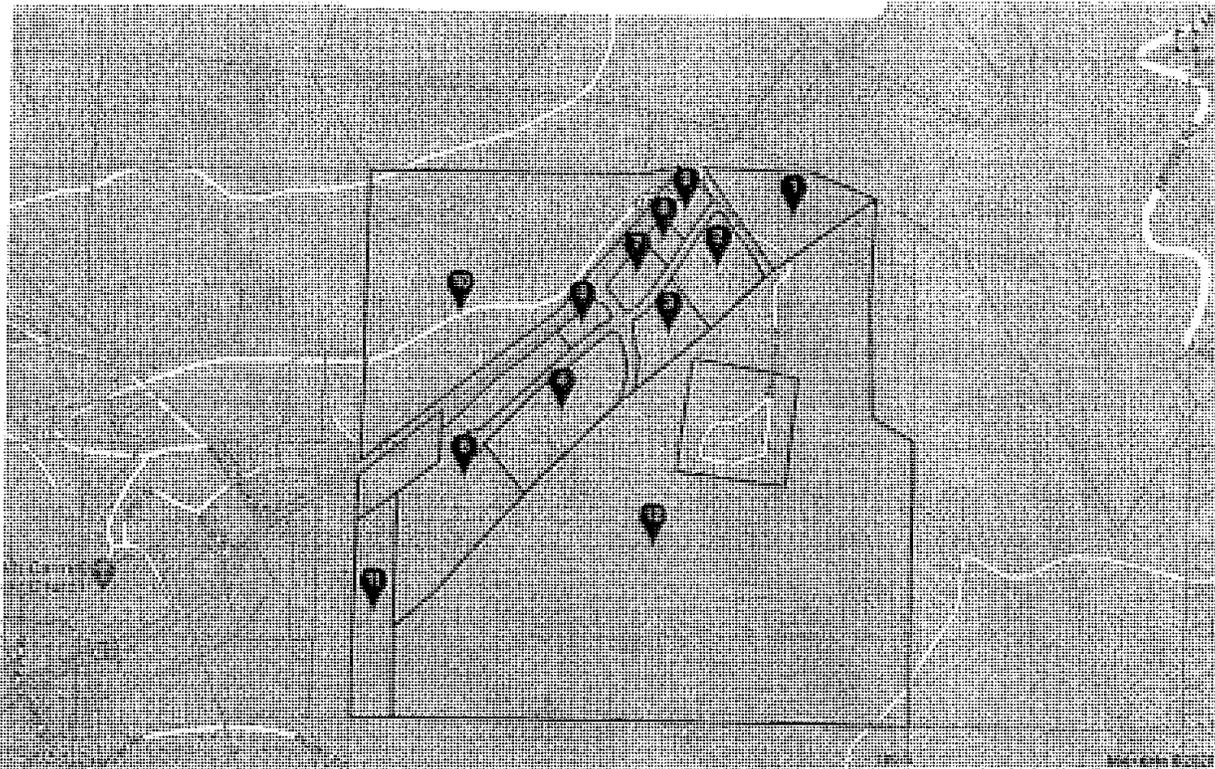
17.16.030 Conditional uses. Within any general recreational (K) district, the following uses are allowed subject to first securing a use permit:

- A. Motorcycles, snowmobiles and auto clubs and facilities including trails, test areas and racetracks;
- B. Tent revivals, circuses and carnivals;
- C. Development of mineral resources;
- D. Public transportation stations or depots;
- E. Places of public assembly, social clubs, lodges and club houses;
- F. Bars (not permitted within two hundred feet of residential district);
- G. Service stations;
- H. Outdoor sales and storage;
- I. Temporary sales offices for parcels and residences;
- J. Refuse and sewage disposal sites and water and sewer treatment plants;
- K. Airports and heliports;
- L. Public utility uses;
- M. Residential care homes, nursery schools and day care centers, other than family day care homes;
- N. Buildings and structures for farming and ranching;
- O. Accessory uses and structures appurtenant to permitted uses. (Ord. 2222 § 24, 1998; Ord. 2119 § 10, 1995; Ord. 2115 § 11, 1995; Ord. 2049 § 5, 1994; Ord. 1454 § 1, 1986; Ord. 1229 § 2 (part), 1982).

¹ For provisions on airport zoning, see Chapter 18.28 of this code.

4/14/2020

"Exhibit 3"



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PUB69-24

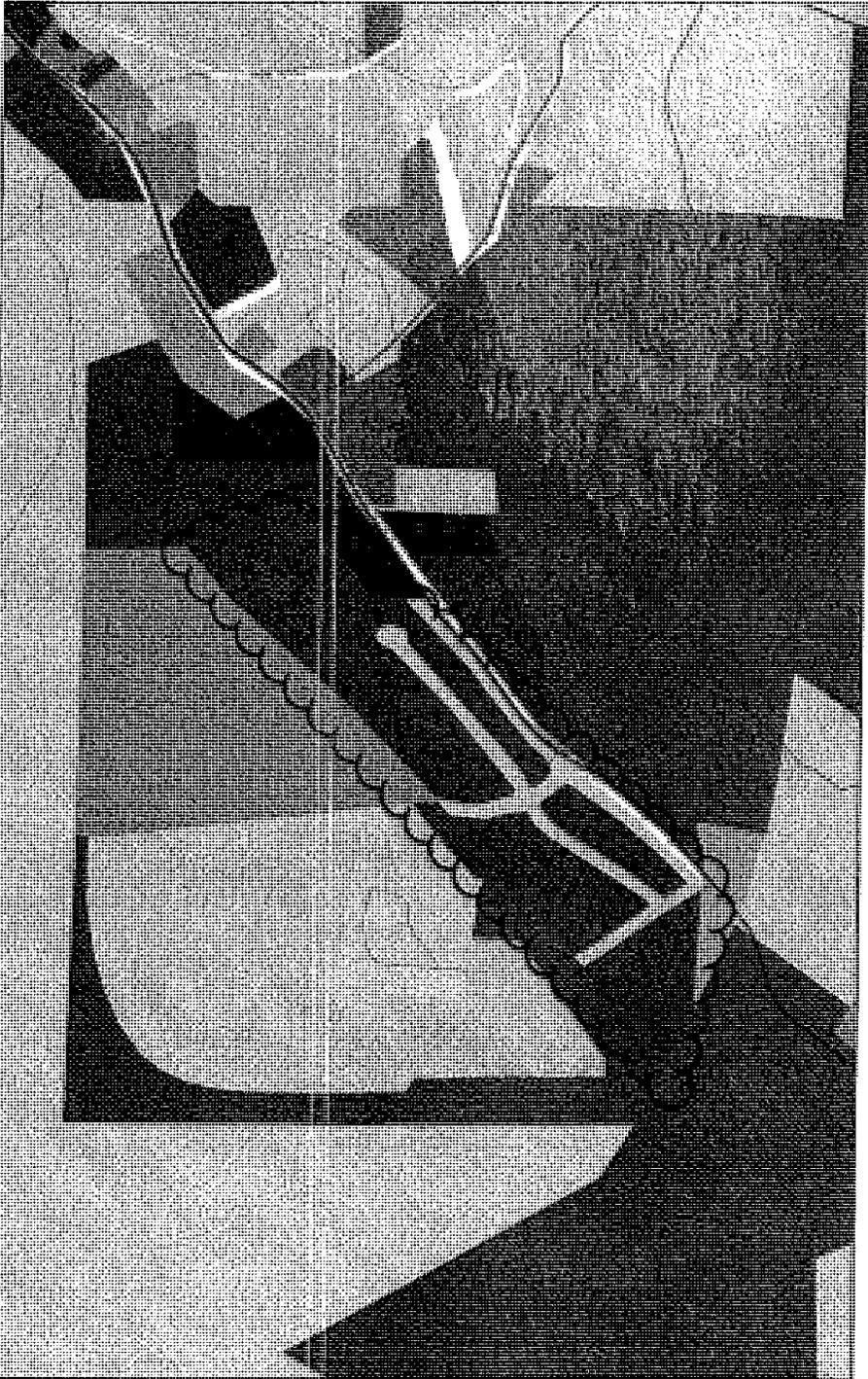
4/14/2020

Search | ParcelQuest



<input checked="" type="checkbox"/>	ID	Co	APN ^	Owner	S Street Address	S City State Zip
<input checked="" type="checkbox"/>	1	TUO	066-140-013-000	GATEWAY HUB LLC	11445 MEMORIAL DR	GROVELAND CA 95321
<input checked="" type="checkbox"/>	2	TUO	066-140-014-000	GATEWAY HUB LLC	11461 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	3	TUO	066-140-015-000	GATEWAY HUB LLC	11445 FRONTAGE RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	4	TUO	066-140-031-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	5	TUO	066-140-032-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	6	TUO	066-140-019-000	GATEWAY HUB LLC	11430 WAY STATION RD	BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	7	TUO	066-140-018-000	GATEWAY HUB LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	8	TUO	066-140-017-000	GATEWAY HUB LLC	11460 FRONTAGE RD	BIG OAK FLAT CA 95305
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<input checked="" type="checkbox"/>	10	TUO	066-140-001-000	KELLER LORI TR 1/2 SMITH CHARLES TR 1/2	17880 STATE HWY 120	BIG OAK FLAT CA 95305-0167
<input checked="" type="checkbox"/>	12	TUO	066-140-030-000	MC GAH LLC		BIG OAK FLAT CA 95305
<input checked="" type="checkbox"/>	11	TUO	066-140-027-000	GAUDENTI ROBERT W ETAL GAUDENTI ALAN ETAL		BIG OAK FLAT CA 95305

Tuolumne County Land Use Map



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Roads

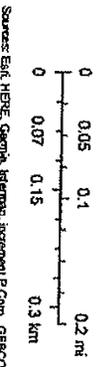
- Hwy
- Secondary Road

Local Traffic

- Other Roads

General Plan Land Use Designations, VIEW

- MU
- GC
- HC
- HDR
- MDR
- LDR



Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, iSDI, USGS, METAVASEN, EPA, USDA | Tuolumne County GIS

"Exhibit 4"

Yosemite NP

Bookmark this report: <https://irma.nps.gov/Stats/SSRSReports/Park%20Specific%20Reports/Traffic%20Counts>

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TRAFFIC COUNT AT ARCH ROCK												
2020	20,897	29,344										
2019	20,286	18,627	26,748	41,740	53,008	60,856	65,040	61,529	57,224	42,021	31,304	22,428
2018	20,793	22,429	30,230	36,935	46,739	45,000	21,450	27,200	44,223	35,860	28,012	21,859
2017	20,184	24,208	46,112	66,499	67,532	67,925	67,547	67,367	63,186	40,242	33,996	19,405
2016	21,728	26,186	32,769	38,821	52,689	58,480	60,143	54,744	62,947	43,167	28,816	23,811
2015	19,875	19,574	28,685	35,389	45,677	49,450	46,671	49,004	43,378	36,641	24,772	23,412
2014	16,919	16,924	21,754	32,520	44,850	45,000	56,355	49,472	40,474	28,344	23,857	21,975
2013	16,534	17,636	25,560	30,371	44,950	45,000	50,887	55,726	40,552	20,237	22,968	18,384
2012	18,387	17,877	23,422	33,551	45,200	49,717	50,002	49,600	36,198	28,858	19,275	17,363
2011	17,123	17,945	19,730	31,600	44,950	56,213	59,327	54,471	44,696	37,061	22,218	18,149
2010	15,385	16,482	22,692	29,365	45,613	56,830	67,350	51,946	46,205	34,755	21,411	15,627
2009	15,440	14,002	20,361	29,003	42,560	47,773	51,030	49,969	45,786	34,237	21,837	17,474
2008	16,048	16,700	22,401	25,287	38,920	44,019	43,485	42,423	36,330	31,070	19,285	15,803
2007	14,722	14,248	19,687	26,916	37,943	42,237	44,124	43,148	37,152	30,765	21,216	16,432
2006	17,870	15,490	20,985	29,254	1,060	0	0	31,704	35,085	28,859	21,048	16,477
2005	15,983	16,900	23,250	31,500	44,950	49,248	61,150	49,600	41,342	33,369	22,605	16,728
2004	15,788	16,324	20,640	30,058	40,128	42,490	44,650	42,568	36,162	27,661	18,134	16,989
2003	15,982	15,027	19,178	23,827	35,603	44,195	45,213	44,444	34,301	31,196	19,288	17,225
2002	16,244	15,358	19,562	25,182	37,050	41,790	44,301	43,849	34,883	29,822	21,691	16,764
2001	17,670	18,800	23,250	25,895	35,684	39,097	43,614	49,600	32,657	27,621	16,854	17,685
2000	11,400	10,800	13,500	12,600	26,100	45,000	51,150	49,600	16,800	35,650	22,500	20,150
1999	11,400	10,885	13,500	12,600	26,100	37,600	51,150	49,600	16,800	17,250	13,500	7,800
1998	15,549	15,062	20,876	28,761	37,179	36,732	49,673	49,855	41,584	35,680	13,500	7,800
1997	0	113	300	6,994	17,620	36,036	42,966	47,090	38,641	34,408	21,227	17,525
1996	15,143	18,911	23,648	31,756	38,442	46,409	49,043	49,600	42,110	35,650	22,600	19,500
1995	17,016	19,979	6,967	27,850	43,812	60,229	53,267	51,946	40,216	39,625	22,999	12,273
1994	17,962	18,382	23,579	31,082	40,803	42,805	46,679	47,880	41,400	34,622	21,605	20,930
1993	17,834	16,481	22,843	35,414	49,454	44,065	54,014	50,490	43,126	37,269	23,077	19,173
1992	19,247	17,881	21,832	33,251	45,164	44,244	48,750	49,994	40,366	34,452	22,493	18,383
1991	16,036	16,115	20,341	28,154	40,381	39,028	46,778	49,079	39,341	33,019	22,704	17,988
1990	17,260	17,352	22,010	31,171	40,716	41,200	40,544	32,608	31,855	30,048	20,331	15,314
1989	17,645	16,976	22,450	27,600	40,242	39,763	42,977	44,266	35,892	30,168	22,508	17,864
1988	18,174	17,846	22,793	27,685	40,121	40,121	41,735	41,191	32,951	28,821	21,001	17,468
1987	16,073	16,731	18,714	28,382	40,757	39,038	42,193	43,175	35,128	28,608	25,282	17,300
1986	15,880	13,464	20,102	23,152	35,559	32,321	34,350	49,218	35,411	22,354	12,992	15,051
1985	13,370	14,605	15,489	22,392	32,166	33,551	37,480	36,613	29,839	26,872	17,366	14,267
TRAFFIC COUNT AT BADGER PASS												
2020	9,008	8,732										
2019	7,082	11,209	8,283	9,672	6,775	22,500	89,013	54,493	49,940	65,850	17,514	21,205
2018	12,400	14,700	12,400	2,250	8,525	22,500	36,250	0	33,750	23,250	4,500	10,850
2017	10,054	7,617	9,111	300	8,625	22,500	44,950	44,950	33,750	23,250	4,500	10,850

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	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2006	6,553	8,045	16,275	16,694	45,223	52,712	59,806	54,962	38,763	28,753	14,443	7,777
2005	5,996	6,925	11,462	17,585	35,632	50,672	54,638	49,840	36,672	27,459	13,877	6,946
2004	6,824	6,956	12,699	21,797	36,937	40,182	47,099	46,747	35,145	22,890	9,296	6,948
2003	6,023	8,054	12,167	16,321	30,723	42,769	47,147	48,341	35,066	27,442	10,448	6,437
2002	7,564	8,108	11,398	18,728	34,311	40,841	46,970	47,328	36,776	28,236	12,552	6,957
2001	7,127	6,694	13,176	20,777	37,866	41,311	48,650	46,897	36,788	28,636	13,630	7,120
2000	8,469	8,935	14,493	27,514	37,295	40,613	51,472	48,541	42,093	28,582	12,840	10,063
1999	5,722	4,214	10,326	13,847	25,287	36,586	38,308	47,844	41,672	33,347	16,536	12,435
1998	6,091	8,095	14,197	22,242	27,568	34,736	54,803	57,191	40,420	33,645	11,803	7,874
1997	0	7,288	14,316	20,406	34,609	41,388	53,475	60,629	43,201	30,008	13,101	7,378
1996	5,780	6,034	13,849	22,482	34,090	34,090	64,534	55,291	42,030	29,421	13,079	7,836
1995	7,022	9,867	13,611	22,276	15,250	45,673	59,671	58,763	49,140	33,694	16,557	4,703
1994	8,183	6,955	16,703	23,088	38,161	45,821	56,148	56,835	44,502	28,039	9,176	7,568
1993	3,709	4,458	13,762	23,914	38,046	37,098	50,687	53,449	42,434	30,702	18,255	9,065
1992	9,260	8,917	13,841	28,082	43,715	45,724	49,420	60,593	41,885	34,557	16,239	7,889
1991	9,012	11,297	10,392	20,181	41,394	38,002	49,888	67,949	43,095	30,949	17,126	9,744
1990	9,201	6,951	14,459	28,109	41,887	42,633	47,908	35,414	37,072	28,733	17,255	9,153
1989	7,561	6,749	13,497	23,198	40,537	37,659	46,270	48,740	39,003	25,408	14,874	10,618
1988	5,841	9,935	17,418	23,045	36,881	38,039	41,863	48,253	38,260	28,189	13,602	7,056
1987	8,452	6,995	11,187	22,491	39,481	38,864	45,153	48,601	17,491	27,709	13,549	7,628
1986	7,871	5,919	10,360	19,219	33,727	35,676	41,344	48,812	33,093	25,937	17,024	8,443
1985	5,923	6,827	9,503	17,914	32,229	35,221	38,700	46,315	32,884	23,780	9,853	6,713

TRAFFIC COUNT AT BIG TREE

2020	0	0										
2019	0	0	0	9,450	21,700	35,344	29,450	30,225	24,750	19,375	7,500	0
2018	0	0	0	0	0	28,250	23,760	16,575	24,750	19,375	0	32,066
2017	0	0	0	0	0	0	0	0	0	0	0	0
2016	0	0	0	0	0	0	0	0	0	0	0	0
2015	2,325	1,400	4,650	15,750	21,700	26,250	29,450	30,225	0	0	0	0
2014	2,325	1,400	4,650	15,750	21,700	26,250	29,450	30,225	24,750	19,375	7,500	2,325
2013	2,325	1,400	4,650	15,750	21,700	26,250	29,450	30,225	24,750	19,375	7,500	2,325
2012	4,815	4,509	6,978	15,750	21,700	26,250	29,450	30,225	24,750	19,375	7,500	2,325
2011	336	430	435	11,298	18,405	25,410	24,743	24,806	23,856	19,375	6,618	6,337
2010	557	361	3,049	3,153	11,101	21,375	23,485	22,811	18,849	19,375	7,500	1,139
2009	504	358	668	9,049	18,887	21,162	29,450	24,066	17,779	15,601	9,479	3,824
2008	2,325	1,460	5,078	4,625	20,652	21,112	23,540	24,085	19,709	16,638	8,924	1,714
2007	1,844	1,400	4,650	15,760	21,700	28,250	29,450	30,225	24,750	19,375	7,500	2,325
2006	303	556	582	2,600	18,785	20,631	23,001	16,315	18,203	14,924	7,853	658
2005	724	668	2,928	3,628	17,796	28,250	29,450	30,225	16,087	15,460	8,660	4,495
2004	367	1,276	4,650	16,780	21,700	26,250	25,415	22,383	18,762	10,956	3,920	784
2003	883	483	1,388	9,000	15,916	18,749	24,947	30,225	16,922	14,802	6,351	1,004
2002	414	708	3,110	12,547	17,214	18,800	20,858	21,053	17,809	14,961	8,547	2,430
2001	1,823	789	1,795	9,009	18,398	19,986	23,113	22,797	24,330	14,198	7,170	557
2000	3,047	1,619	2,591	13,067	18,940	19,696	22,503	22,201	18,636	14,645	3,812	4,531
1999	4,945	773	3,024	9,970	23,893	23,933	26,638	28,468	21,117	17,384	9,789	5,728
1998	846	869	1,844	16,371	21,758	25,360	28,030	28,190	23,538	20,865	8,045	2,784
1997	327	352	4,848	13,740	21,899	24,919	26,961	28,524	22,858	19,884	6,693	2,290

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cont.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1986	457	200	378	522	3,859	4,581	8,163	9,023	6,342	5,987	4,199	417
1985	250	69	224	486	3,257	4,341	7,632	10,123	2,876	0	889	857
TRAFFIC COUNT AT SOUTH ENTRANCE												
2020	17,825	19,575										
2019	17,825	18,800	21,700	33,750	44,950	55,500	65,100	65,100	46,500	37,200	22,500	21,700
2018	17,825	18,800	21,700	33,750	44,950	55,500	50,400	35,700	46,500	37,200	22,500	86,355
2017	17,749	14,191	18,350	46,841	67,842	80,486	67,888	37,825	43,371	41,538	33,689	18,822
2016	22,052	35,523	56,816	40,942	59,667	67,306	78,411	65,100	56,875	37,200	31,818	23,689
2015	24,755	24,247	31,144	42,358	54,494	62,096	65,100	65,100	46,500	37,309	23,774	20,179
2014	17,825	18,900	21,700	33,750	44,950	55,500	72,129	62,899	48,547	43,574	40,350	21,700
2013	17,825	18,900	21,700	33,750	44,950	55,500	65,100	65,100	46,500	37,200	22,500	21,700
2012	15,428	17,028	21,700	33,750	44,950	65,500	65,100	65,100	46,500	37,200	22,500	21,700
2011	15,434	13,332	12,992	32,040	47,398	54,893	76,212	89,499	49,486	37,200	18,917	18,225
2010	16,040	14,844	21,230	29,479	50,490	63,620	70,455	64,502	49,399	37,200	22,500	15,772
2009	17,717	12,422	19,704	34,510	52,247	63,929	66,096	62,636	45,756	36,168	32,796	16,737
2008	17,825	19,575	21,700	29,290	48,438	53,058	60,106	57,719	41,679	35,426	22,802	16,071
2007	18,145	18,900	21,700	33,750	44,950	55,500	65,100	65,100	46,500	37,200	22,500	21,700
2006	16,776	15,443	14,377	25,688	60,103	65,920	73,834	83,361	44,182	33,379	22,318	17,367
2005	13,732	14,793	20,322	25,184	63,227	62,523	64,120	85,100	31,650	33,800	22,050	18,502
2004	16,209	18,128	21,700	33,750	44,950	48,265	55,009	52,682	37,473	25,277	17,765	12,979
2003	18,473	16,859	19,759	25,198	39,630	49,463	60,167	65,100	37,150	33,447	19,697	15,867
2002	16,702	17,406	21,127	25,544	41,024	47,178	54,323	54,134	37,721	31,226	21,393	17,140
2001	14,438	15,288	19,201	25,297	40,497	45,681	53,810	52,516	47,088	22,889	21,148	17,728
2000	14,585	18,311	22,815	34,845	39,950	46,510	54,469	52,706	40,254	30,697	19,052	18,609
1999	15,755	16,700	23,241	28,815	52,159	60,414	61,299	61,880	45,175	38,970	23,622	17,831
1998	17,200	14,357	20,812	32,014	43,848	50,421	63,843	65,678	47,498	45,852	23,224	19,808
1997	0	12,748	29,441	37,693	53,449	49,793	63,343	66,865	44,881	37,867	23,761	18,908
1996	13,952	18,050	24,429	34,805	51,686	54,658	63,908	66,366	46,265	37,976	23,648	21,500
1995	17,609	20,802	19,198	35,857	34,250	61,652	69,373	64,164	61,775	42,958	25,173	12,896
1994	19,032	17,052	24,476	32,026	48,134	60,921	63,408	81,068	41,937	32,925	19,686	21,479
1993	16,718	16,871	21,379	33,234	51,821	63,617	63,872	66,976	50,164	41,311	24,799	21,445
1992	21,166	18,137	21,098	33,492	48,417	49,815	57,766	57,744	42,880	34,644	23,194	17,773
1991	15,707	14,549	14,786	25,400	44,300	38,918	48,454	61,105	42,339	33,385	23,120	16,642
1990	14,198	15,155	18,045	30,506	40,688	40,966	44,333	35,890	30,752	27,082	20,945	13,628
1989	16,447	14,430	19,949	25,217	40,500	44,681	52,820	50,941	38,014	28,104	21,848	16,801
1988	14,751	15,320	19,480	21,968	37,989	40,673	49,849	48,315	35,096	27,322	17,328	14,834
1987	13,759	13,866	13,180	23,545	34,979	40,886	44,660	45,608	28,833	24,398	15,652	12,202
1986	13,785	10,867	15,905	17,798	31,773	36,019	41,822	45,569	26,342	24,058	17,722	12,324
1985	18,849	13,833	15,849	22,661	36,111	43,743	49,246	53,278	34,445	26,159	12,573	13,571
TRAFFIC COUNT AT TIOGA PASS												
2020	0	0										
2019	0	0	0	0	0	0	58,221	81,808	49,628	34,360	9,535	0
2018	0	0	0	0	0	33,000	48,050	66,650	48,000	27,833	9,272	0
2017	0	0	0	0	0	2,200	48,050	69,877	48,000	23,250	0	0
2016	0	0	0	0	0	65,348	64,892	61,146	62,609	20,250	0	0
2015	0	0	0	0	0	93,000	48,050	56,576	46,006	23,250	0	0
2014	0	0	0	0	0	33,000	48,050	66,650	48,000	23,250	0	0

PUB69-26
cont.

From: Mary Hollendoner <maryhollendoner@gmail.com>

Sent: Wednesday, July 29, 2020 7:45 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>; John Gray <JGray@co.tuolumne.ca.us>; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; Jim Junette <jjunette@fs.fed.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; kathleenhaff2020@gmail.com; BOS Members <bosm@co.tuolumne.ca.us>

Subject: Response to Terra Vi EIR

I am writing in response to the Terra Vi draft EIR that you recently published. The DEIR fails to justify by substantial evidence that they will mitigate the significantly increased fire risk; or that Groveland emergency services will be able to handle the enormous increase in visitors; or that there won't be problems with lack of water and/or quality of water due to their significant consumption of water and excretion of sewer and grey water.

PUB70-01

There are also numerous other issues that do not appear to be sufficiently covered by the DEIR – noise, light, wildlife, traffic - to name just a few, but I will focus on the most significant.

One general point: the DEIR suffers from a significant flaw in that it does not analyze the **cumulative** impact of YUC, Terra Vi, Berkeley Family Camp, and the planned expansion at Yosemite Lakes/NACO. These four developments represent about 500 lodging units, which likely means more than 1,000 new visitors daily, as well as employees which increases that number much more. Each development alone may try to argue that it could just barely get by with enough water, but this is in the absence of the other 3 developments. The impact on our water, emergency systems, and fire risk must be considered cumulatively.

PUB70-02

1. FIRE

"It is not a question of will we have a catastrophic fire in Tuolumne County, but of when." – Tuolumne County Fire Safety Report, June 2020

The DEIR significantly understates the fire risk from this project, erroneously deeming it less than significant. Inviting ~500 people into a "Very High Fire Hazard Severity Zone" will undoubtedly cause a dramatic increase in the chance of fire. Careless smokers won't always abide by the smoking area rules imposed by the hotel – we all know that people will sneak a cigarette at the woods on the edge of the property or outside their hotel rooms, or might throw a not-entirely-extinguished cigarette into a trash can. It just takes one small error like that to start a significant fire. The Rim Fire, which destroyed my property in 2013, was started by one man's campfire that he didn't entirely extinguish. This could so easily happen again if we allow this hotel to be built! It is wrong to consider building such a large hotel without also building a full firefighting system, eg. tanks of water – the well water is not nearly sufficient to fight a fire. The full EIR must properly address the issue of increased fire risk and how to reduce it.

PUB70-03

2. PUBLIC SERVICES

PUB70-04

Closely related to the issue of fire, is the problem of our emergency services. The DEIR fails to justify that GCSD would be able to handle the significant increase in emergencies. Especially, when we consider YUC, Terra Vi, Berkeley Camp, and Thousand Trails together – we are looking at well over 1,000 visitors and staff every day. Even if you forbid the other projects, and only Terra Vi gets built, that is still about 500 extra people on Sawmill Mtn Rd, compared to the dozen or less who are currently there. It is a huge increase in people, and therefore on our emergency services in Groveland.

In the best case scenario, we have a 25 minute response time from Groveland for fire or medical or police. But, in reality, the ambulance could be delivering someone to Sonora, meaning over an hour response time. The fire truck could be stationed on a fire already, meaning no response at all.

Can you imagine a fire engulfing this area, and the Groveland fire truck driving up to our area, and being faced with many different large housing areas to try to save? What do you expect them to do? Do they go to the long-term families on Sawmill Mtn Road and Hardin flat to save the handful of homes there? Do they go to YUC? To Terra Vi? To Berkeley Family camp? To Thousand Lakes?

If you are seriously considering allowing 1000+ new visitors to stay here, then please ensure those developers pay for increased resources in the way of fire & ambulance & police.

The EIR does not provide any mitigation for this problem. It simply pretends it's not an issue. Please address this properly and listen to your taxpayers!

My property tax bill on Sawmill mountain road is not getting any smaller, year after year, but I don't see that money going to fire and ambulance.

Closely related to the issue of emergency services, is that of traffic and road safety. The EIR doesn't address the response time for accidents on the road. YUC and Terra Vi are just over the rim of a hill for those driving to Yosemite from the west, not to mention there may now be people walking across 120 to get between the 2 proposed restaurants.

There would be a significant increase in road accidents in this area – particularly since most visitors staying in a hotel like Terra Vi are most likely not locals familiar with the mountain roads. It is unrealistic to say this is not significant in the EIR! If you build Terra Vi you are causing a significant increase in the likelihood of accidents on highway 120 near the intersection with Sawmill Mtn Rd. Ambulances are, at best, 25 minutes away.

The EIR should propose the mitigation of creating a separate, dedicated entrance/exit to Terra Vi, further along highway 120, in the direction of Yosemite, where there is more visibility on a straighter section of 120.

Use of Forest Road 1S03

**PUB70-04
cont.**

PUB70-05

PUB70-06

PUB70-07

PUB70-08

The EIR does not adequately analyze the proposal to use the forest road (Sawmill Mtn rd) as Terra Vi's primary access. This is a 20 foot wide road, with no lane markings, no shoulder – this was NOT designed for hundreds of people to drive in and out every day!

PUB70-08
cont.

My daughter safely practiced riding a bicycle on that road, we regularly see deer walking on that road, it is not supposed to be used as a major commercial thoroughfare for hundreds of people daily!

In the event of an emergency evacuation, you would be putting us in danger by adding 500 people at Terra Vi all trying to use that forest road (Sawmill Mtn Rd) to escape. Compounding this, would be another roadblock when the forest road meets highway 120 – everyone would be trying to turn onto 120 and would be backed up all the way to our driveways. Compounding this even further – Yosemite Under Canvas (YUC) is proposing to have their emergency exit directly across from Sawmill Mtn Rod on the other side of 120, so there would also be hundreds of people trying to turn onto 120 from their side. **This would be a disaster of a bottleneck during an evacuation putting everyone in danger!**

I am scared that we would be trapped in our driveway, unable to get onto the forest road and out to the highway! This is undue hardship for current residents of the area. The EIR does not address this danger you are putting us in. In the final EIR, please include the mitigation of **moving Terra Vi's primary entrance OFF the forest road (Sawmill Mtn Road) – Terra Vi should instead create a direct access from 120 to their hotel.**

PUB70-09

We all saw the terrible news of the Camp Fire in Paradise last year, where many people could not escape from their properties in time and lost their lives, partly due to there only being one road out. Please don't put us in that same situation, in a "very high fire" zone! It is wrong for the DEIR to discount this as insignificant. The final EIR must include a thorough evacuation analysis, that includes YUC residents.

Helicopter:

Related to the topic of traffic – I am appalled to see the DEIR state that they will have a helicopter in use *twice a day*, landing right next to the driveway of one of the family homes, and that it will cause "unavoidable, excessive, and significant noise". You say you are mitigating this by putting upgraded doors on Terra Vi's cabins to protect your guests from the noise – what are you going to do to protect the current families from the noise?

PUB70-10

Can you imagine a helipad being built immediately next to **your** driveway that would be used twice a day?

3. WATER

The EIR is lacking in its conclusion that there would be no significant impact to our water supply. Terra Vi would need water for 500+ people for a sprinkler system, storage tanks, swimming pool, laundry facilities, maintenance facilities, special events, cleaning, water

PUB70-11

treatment, food preparation/ service waste water treatment, and most importantly fire suppression!

The EIR does not provide sufficient evidence that they would have enough water without significantly impacting all the existing families' wells. During the well tests, they drew down the water level by 24' and 54' in two wells, and that was without the compounding effect of YUC across the road, and not during a drought year, and only for 10 days. The EIR needs to analyze a sufficient pump test that properly tests the full usage that Terra Vi would require.

**PUB70-11
cont.**

What guarantee do we have that Terra Vi will provide us water if our well supply is depleted when they use such a large amount of water from the mountain every day?

Nor does the EIR recognize the possibility of contamination of the water supply to existing residents. During the well tests, our neighbors on Sawmill Mtn Rd said their well water taste suddenly changed, and that they still now, months after the test completed, have residues that they never had before. (They've had this cabin for decades). Another neighbor also on Sawmill Mtn said the smell was so bad during the pump test that her whole cabin smelled inside – that had never happened before in 60 years of use. These are obvious signs that the proposed water solution is NOT an acceptable solution. The full EIR needs to address these two cases of water supply contamination.

PUB70-12

Similarly, Terra Vi will increase runoff due to its many impervious surfaces (eg. parking lots), which "typically" includes pollutants such as oil and sediment from parking lots or pesticides from landscaped areas. This will run into our water courses, like the Tuolumne river below, polluting our well water and possibly harming wildlife who rely on the river as a source of drinking water.

PUB70-13

Certified hydrologist Ken Schmidt has reported many issues with the pump tests. For example, he explains that your report does not tell us how the pumped water was disposed during the tests – if it percolated back to the groundwater, then that was not a valid pump test. He also points out that the test you ran does not indicate long-term well yields in the foothills of the Sierra Nevada – constant head tests of 20 to 30 days are needed to determine long-term yields.

PUB70-14

Sewer:

On a similar note, the proposed septic location is on a slope that flows into a known watercourse that provides well water to many of us on the mountain. Your drawings show an arrow pointing UPHILL, indicating that the sewage would magically flow uphill away from us. You don't have to be an expert to know that gravity works the other way, but here is an expert to confirm:

Dr. Ken Schmidt, certified hydrologist, said the underground flow typically follows the surface terrain meaning it would be flowing down to us and our wells, as opposed to flowing uphill towards Hwy 120, as shown in your submittal, indicated by the arrow pointing south.

PUB70-15

In summary, the EIR does not properly address many significant issues – most importantly, fire, public services, water, and use of the forest road as a primary access point. In the final EIR please address these issues and suggest mitigations such as: moving the primary entrance away from the forest road (sawmill mtn rd) to a dedicated entrance from 120 directly into Terra Vi; moving the septic drainage area from the west side to the east side of the property, so that it flows *away* from the family residences on the mountain; and funding sufficient firefighting capabilities to address the dramatic increase in people who would be on the mountain.

PUB70-16

Thank you for listening to my concerns,
- Mary Hollendoner, owner of property on Sawmill Mtn Rd

COMMENT LETTER # PUB71

From: Bill Kelly <bill@kellys.org>
Sent: Wednesday, July 29, 2020 7:50 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra VI

Quincy,

I'm objecting to the Terra VI project for its scope, the critical fire hazard that it entails and the lack of city services for water and waste.

Did this project get an Environmental review?

Thanks

Bill Kelly
Big Oak Flat

|
PUB71-01
|

COMMENT LETTER # PUB72

From: Eve Kelly <evemayakelly@gmail.com>
Sent: Wednesday, July 29, 2020 7:26 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi

Dear Quincy,

I am writing to about my concerns specific to the Terra Vi project.

I in no way oppose the new development of our county, but the method and placement of this one concerns me.

One of my largest concerns is fire impact. The parcel is rated as being in a Very High Fire Hazard Zone, and I'm having trouble imagining in this time inviting over 400-600 guests and employees to this type of area without plentiful resources/evacuation ability. The CA PUC classifies the parcel as a Tier 2 Fire Threat, with that only becoming more pressing as we increase in multi year droughts and year round fire season.

PUB72-01

This is related to my concern of traffic. Not only is adding to the stifling traffic of 120 a concern on any basic summer day, it's wild to think about the traffic concern if there were an emergency or a fire. Without a plan to better manage traffic in the area, and specifically on the 120 turn off that's a sharp and sudden turn, I cannot see this being anything but a burden on our community.

PUB72-02

The issue of water is another important concern. The two wells that were drilled to test water on the property were done during a good rainfall year and cannot possibly be adequate during a drought year. And thus don't reflect the average years we have to come. Drawing the large amount of water needed to service this large project from the fractured underground water table will do damage to the neighbors' wells supplies. Short of a lawsuit will the neighbors be adequately compensated should this happen? What about the future generations they have bought this land to give to? I have heard that Rush Creeek has found it necessary to truck in water during our frequent drought years.

PUB72-03

The lack of public sewer cannot help but be concerning. With the leach field planned for what the neighbors describe as a wetlands or at best a wet meadow, what is the process to keep our local water and Tuolumne river safe?

PUB72-04

In many ways it seems like this type of development would be far better suited to Groveland. The location of the development, 25 miles from Groveland where emergency medical, law enforcement and ambulance service are located means that if there is a need for these public services in this remote location which is more likely with 400-600 people present, the people living close to the towns of Groveland and Big Oak Flat will be left uncovered.

PUB72-05

I've heard from a number of dear friends who live in the neighboring area about the significant zoning concerns with this spot. Without addressing these fully and finding a new place to base the resort from, or properly compensating your residences I don't know how we can feel heard moving forward. There are so many natural fire disasters and drought impacts on our land, it feels very important to be choosey about what we allow. Why not watch out for the long term effects in our community and listen to our residents?

PUB72-06

Thank you for your time considering my comments.

Eve

COMMENT LETTER # PUB73

From: lisa kelly <lisa@kellys.org>
Sent: Wednesday, July 29, 2020 7:44 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Concerns about Terra Vi

Dear Ms. Yaley,

I am very concerned about the proposed Terra Vi.

It seems like an unsafe intersection, an extreme fire danger, and an environmental disaster.

I hope you will do whatever you can to keep this site from being developed in this manner.

Sincerely,

Lisa Kelly
Big Oak Flat

PUB73-01

COMMENT LETTER # PUB74

From: Craig Konklin <cskonklin@outlook.com>
Sent: Wednesday, July 29, 2020 6:02 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge Yosemite Comment: Public Safety

Dear Ms. Yaley:

I am writing this regarding the Draft Environmental Impact Report for the Terra Vi Lodge Yosemite, specifically the impacts this project will have on County's the public safety sector.

While the report acknowledges that the project will create a significant impact on fire and police resources, the mitigations it outlines for those impacts (4.14-8 and 4.14-12) are entirely inadequate. The idea of training two employees to Tuolumne County Fire Department standards does not address the consequences of one of those employees being absent or leaving their job. Training new employees can to the standard outlined could take months and no mention is made of who would provide that training. OSHA standards also require a total of four trained firefighters to be on the scene of a building fire before interior firefighting operations can begin.

Additionally, any fire or medical emergency will still require a fire department and ambulance response, depriving existing residents of their current level of protection. The time it takes for a piece of fire equipment to travel from Groveland to the Lodge's location is significant.

A similar situation extends itself to the law enforcement impacts. Even with a strong security force, a response from the sheriff's office will still be required for reported crimes. There is no provision to increase the number of deputies available in the area.

I saw no mention of the Emergency Medical transportation system and how the impacts that the increased call volume will be mitigated. There is one ambulance in the community of Groveland.

I am personally supportive of this and other projects in the Hardin Flat area. The cumulative impacts of these projects however must be correctly weighed and mitigated. If we do not, the well-being of our existing residents as well as our area's visitors will be compromised. I strongly urge the creation of a County Service Area to fund and manage the public safety element of this heretofore relatively undeveloped area of the county before any of the proposed projects are approved.

Craig Konklin
Sonora, Ca

PUB74-01

PUB74-02

PUB74-03

PUB74-04

PUB74-05

7/29/20

Tuolumne County Community Resources Agency

Re: Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003 Assessor’s Parcel Numbers: 068-120-060 and 068-120-061

As 44 year residents and property owners on Hardin Flat Road, we are neighbors of the Sawmill Mountain property owners. We have serious concerns regarding this proposed development that **have not been shown to be mitigated:**

The location of the proposed lodge would have a major impact on the adjacent homeowners, some of whom have been there for generations, whose properties are valued not so much by the structures, but by the peaceful solitude this natural setting offers. This does not appear to be of concern to the developer.

PUB75-01

Area impact: Numerous projects in close proximity must be considered collectively. Reconstruction of the Berkeley Camp is underway, Yosemite Lakes (aka NACO Thousand Trails) is adding 125 additional sites/units, the new Yosemite Under Canvas ‘glamping’ campground proposal across the highway from the ‘Terra Vi’, and possibly a new KOA in Buck Meadows. A rough estimate of the increase in visitors to the immediate area in peak season is somewhere in the neighborhood of 2200 people per day! This does not include workers. Imagine how this mass of people will impact this beautiful, peaceful area, as well as the highway. The developer does not seem to be concerned with the environment, nor the quality of life that we all value here in Tuolumne County. With increased AirBNB travel and the recent addition of Rush Creek Lodge, there is plenty of lodging in the area, and most are rarely filled to capacity.

In addition, all of these proposed developments will be bringing more visitors to Yosemite. The highway and park entrance are already seriously overburdened, as is Yosemite Valley.

PUB75-02

The county is already struggling to meet the needs of the current residents/tax payers and visitors/TOT payers. How can further burden on the infrastructure even be considered? For instance, it is clear the county is already struggling to maintain our crumbling county roads.

PUB75-03

Other local business: The impact of this new lodge on existing businesses has apparently not been considered! The variety of natural disasters in our area have already put stress on these local businesses, including ‘Yosemite’s newest lodge’. There is no actual need for further lodging in the area, and the potential for putting other local businesses out-of-business is unwarranted and would result in reduced TOT revenue.

PUB75-04

Water: The current wells on individual Sawmill Mountain properties are largely inadequate for many of these single-family dwellings. There is clearly not enough water for a huge development such as this, particularly in view of our changing/dryer climate. There is no ‘historical data’ for well output, since the ‘existing’ wells on the Manly property were only drilled within the last 2 years. Does the project take into account project expansion in the future? How is it that current site wells “exceed anticipated requirements for full buildout” when the septic plan is only intended for 50 rooms? The amount of water required for this large-scale development would be enormous, and would reduce, or completely dry-up neighboring wells.

PUB75-05

Sewage: Why is the sewage for a 240 room lodge designed for only 50 units? The lack of a proper sewage treatment facility means that the massive amounts of grey and black water will go back into the ground, potentially polluting the surrounding area including neighboring wells. This whole water shed drains into the Wild & Scenic Tuolumne River.

PUB75-06

Employees: Where will all the staffing come from? Groveland does not have enough willing/available workers as it is. Housing for transients moving to the area for this type of seasonal business is not readily available. The document states it will create 'sustainable' employment. How is this possible in a seasonable business?

PUB75-07

Wildlife: The project site as well as the surrounding Sawmill Mountain area is the winter grounds for our local Mule deer herd, this massive development would be very disruptive to the well being of the herd.

PUB75-08

Withstanding disasters: Even if they have a bullet-proof fire prevention and response system for the lodge, how does this company plan on handling the now 'normal' business-disrupting disasters of area forest fires, nocuous smoke, flash floods, heavy snows, bone-chilling temperatures, landslides, road washouts and road closures sometimes lasting weeks or months? Not just possibilities, but actual events in just the past 6 years.

PUB75-09

Safety: How would visitors cross the highway safely, from one development to the other (taking into account the Glamping project across the highway)? The Sawmill Mountain Road turn off is already a dangerous 'blind' curve. Will the helipad be available to support all the additional highway emergencies that these developments will bring?

PUB75-10

There are simply **too many serious issues** that the developer is apparently unable to mitigate.

Bill Nickell
33569 Hardin Flat Road
Groveland, CA 95321
209-962-4360
sunsetinn@mlode.com

7/29/20

Tuolumne County Community Resources Agency

Re: Terra Vi Lodge Yosemite Development Project
Hardin Flat LLC/Hansji Corporation Site Development Permit SDP18-003
Assessor’s Parcel Numbers: 068-120-060 and 068-120-061

We are 44 year residents and property owners on Hardin Flat Road, and neighbors of the Sawmill Mountain property owners. We have **serious concerns** regarding this proposed development:

1. The **location** of the proposed lodge would have a major impact on the adjacent homeowners, some of whom have been there for generations, whose properties are valued not so much by the structures, but by the peaceful solitude this natural setting offers. This does not appear to be of concern to the developer.

PUB76-01

2. **Area impact:** Numerous projects in close proximity must be considered collectively. Reconstruction of the Berkeley Camp is underway, Yosemite Lakes (aka NACO Thousand Trails) is adding 125 additional sites/units, the new Yosemite Under Canvas ‘glamping’ campground proposal across the highway from the ‘Terra Vi’, and possibly a new KOA in Buck Meadows. A rough estimate of the **increase in visitors** to the immediate area in peak season is somewhere in the neighborhood of **2200 people per day!** This does not include workers. Imagine how this mass of people will impact this beautiful, peaceful area, as well as the highway. The developer does not seem to be concerned with the environment, nor the quality of life that we all value here in Tuolumne County. With increased AirBNB travel and the recent addition of Rush Creek Lodge, there is plenty of lodging in the area, and most **are rarely filled to capacity.**

PUB76-02

In addition, all of these proposed developments will be bringing more visitors to Yosemite. The highway and park entrance are already seriously overburdened, as is Yosemite Valley.

PUB76-03

The county is already struggling to meet the needs of the current residents/tax payers and visitors/TOT payers. How can further burden on the infrastructure even be considered? For instance, it is clear the county is already struggling to maintain our crumbling county roads.

PUB76-04

3. **Other local business:** The impact of this new lodge on existing businesses has apparently not been considered! The variety of natural disasters in our area have already put stress on these local businesses, including ‘Yosemite’s newest lodge’. There is no actual need for further lodging in the area, and the potential for putting other local businesses out-of-business is unwarranted and would result in reduced TOT revenue.

PUB76-05

4. **Water:** The current wells on individual Sawmill Mountain properties are largely inadequate for many of these single-family dwellings. There is clearly not enough water for a huge development such as this, particularly in view of our changing/dryer climate. There is no ‘historical data’ for well output, since the ‘existing’ wells on the Manly property were only drilled within the last 2 years. Does the project take into account project expansion in the future? How is it that current site wells “exceed anticipated requirements for full buildout” when the septic plan is only intended for 50 rooms? The amount of water required for this large-scale development would be enormous, and would reduce, or completely dry-up neighboring wells.

PUB76-06

5. **Sewage:** Why is the sewage for a 240 room lodge designed for only 50 units? The lack of a proper sewage treatment facility means that the massive amounts of grey and black water will go back into the ground, potentially polluting the surrounding area including neighboring wells. This whole water shed drains into the Wild & Scenic Tuolumne River.

PUB76-07

6. **Staffing:** Where will all the staffing come from? Groveland does not have enough willing/available workers as it is. Housing for transients moving to the area for this type of seasonal business is not readily available. The document states it will create 'sustainable' employment. How is this possible in a seasonable business?
7. **Wildlife:** The project site as well as the surrounding Sawmill Mountain area is the winter grounds for our local Mule deer herd, this massive development would be very disruptive to the well being of the herd.
8. **Withstanding disasters:** Even if they have a bullet-proof fire prevention and response system for the lodge, how does this company plan on handling the now 'normal' business-disrupting disasters of area forest fires, nocuous smoke, flash floods, heavy snows, bone-chilling temperatures, landslides, road washouts and road closures sometimes lasting weeks or months? Not just possibilities, but actual events in just the past 6 years.
9. **Safety:** How would visitors cross the highway safely, from one development to the other (taking into account the Glamping project across the highway)? The Sawmill Mountain Road turn off is already a dangerous 'blind' curve. Will the helipad be available to support all the additional highway emergencies that these developments will bring?

PUB76-08

PUB76-09

PUB76-10

PUB76-11

We 'count' on our 'county' (pun intended) officials to act on our behalf to preserve and protect our precious way of life. This is your mandate.

There are simply too many serious issues that the developer is apparently unable to mitigate. This is not a feasible project.

Lauren Nickell
33569 Hardin Flat Road
Groveland, CA 95321
209-962-4360
sunsetinn@mlode.com

15589 Wards Ferry Road
Sonora, CA 95370

July 29, 2020

BY EMAIL & FIRST CLASS MAIL
QYaley @ co.tuolumne.ca.us

Community Development Department
Attention: Quincy Yaley, Director
Tuolumne County
2 South Green Street
Sonora, CA 95370

Re: Highway 120 Corridor
Terra Vi

Dear Ms Yaley:

I have reviewed the draft EIR (DEIR) for the Terra Vi project (Project) which underestimates the significant adverse impacts by failing to treat both the Project and the Under Canvas project as essentially one, both on property owned by the same owner even though the developers may differ.

PUB77-01

Water System.

Reliance on wells and a septic system for development will only result in future failures and problems of contamination of natural resources. As you are aware, there is no underground aquifer in Tuolumne County, only fractured rock and fissures containing water which can easily be drained and only slowly recharged, if ever, when overdrawn. As stated in the DEIR under Section 4.10, Hydrology and Water at page 4.10-6:

“The County stretches from the foothills to the higher elevations of the Sierra Nevada, where the subsurface material consists primarily of impervious granitic and greenstone bedrock, **which generally produces a low or unpredictable groundwater yield.** The general hydrogeology of Tuolumne County is typical of granitic mountainous terrain, where groundwater is controlled by the weathering and structure of the bedrock.”

(Emphasis Added)

PUB77-02

At least the DEIR, acknowledges that ground water yield is unpredictable. The hydrology analysis that was performed only tested for a ten day period in one year. Testing should be required for much longer than one year to reflect drought years such as the protracted drought years which may have ended only a few years ago. Water recovery from pumping existing wells on site required 8 days to return to within 2 feet of pre-testing levels. The testing took place toward the end of 2019, an above average rain year at 47.95 inches. Compare that amount to between 10 inches and 25 inches during last drought years of 2013, 2014 & 2015.

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See figure 7 of the Technical Memo from Geoscience dated March 30, 2020.

The amount of water allowed to be pumped under State regulations for each of two wells is 265 gallons per minute or 38,160 gallons per day according to the DEIR. The proposed water usage during operation of the Project after completion is only projected to be 16,638 gallons per day. The Under Canvas project assumes 7,755 gallons per day for its operation. Compare this water usage with that of Rush Creek Lodge which uses approximately 20,000 gallons per day with far fewer facilities and rooms than the proposed Project according to its letter dated July 17, 2020 commenting on the Under Canvas Project.

The County's General Plan requires that a water system for a proposed development be reliable for present and future demands. See General Plan Policy 3.B.2. Without testing over more than a short period of only 10 days within one year combined with longer testing for the Under Canvas, there is no way of knowing whether the water supply will be adequate in drought years for these combined projects which likely share the same geology of fracture rock and fissures for their respective water supplies.

Well pumping at the rates estimated for both this Project and the related Under Canvas project may have a substantial adverse impact on existing wells used by neighboring residences. Nowhere in the DEIR is mention made of mitigation for such possible impacts on the neighbors should water shortages occur. The depth of the adjoining wells is not stated but likely shallower than the Project wells.

Waste Water Treatment Plan.

The Project proposes an engineered septic system for the treatment of waste water as does the Under Canvas project directly across Highway 120, both of which are proposed to have leach fields that will be above the fractured rock and fissures containing the water for the wells that are proposed to provide the water for each development.

Some portion of such waste water can be expected to infiltrate the ground water source and may do so as well in the area of the Under Canvas development, either from the Under Canvas septic system or that of the Project. While drinking treated waste water may be safe in public water systems in major metropolitan areas, such as Orange County, which have the staff and expertise to monitor such treated water, small water systems such as proposed by both Under Canvas and the Project will not have such monitoring on a daily basis. Infiltration will be a risk to the drinking water for visitors, employees and adjoining residential properties. However, I could find no discussion of such infiltration into ground water or how it would be monitored in the DEIR.

**PUB77-02
cont.**

PUB77-03

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At least the Draft EIR for the Under Canvas project discusses this issue at Impact 3.5-5 at page 3.5-20 which reads in part:

“The construction and operation of the onsite wastewater treatment and disposal system would ensure that groundwater quality would not be adversely affected, which would be consistent with the Basin Plan. In addition, because wastewater would be treated onsite and routed to two leach fields, some portion of the water used onsite would be infiltrated back to the aquifer after treatment”.

The Under Canvas analysis quoted above incorrectly refers to a Basin Plan which does not exist for Tuolumne County and to an aquifer which also does not exist in this County, but does address infiltration back into the water within the fractured rock beneath the site..

Reference is made at paragraph 3.3.8, Wastewater, page 3.2-6 of the DEIR to a future leach field system for the Project. No explanation is given as to why it is only a future system or why is not construction part of the initial Project. If a fully engineered a full waste treatment system was required for the Rush Creek development, why is only septic system proposed for the Project?

Population and Housing.

At paragraph 4.13.1.2 titled Existing Conditions, page 4.13.3, the DEIR cites a 29% vacancy rate for all housing units in the County at 31,624 units, of which 9% is considered multi-family. This information conflicts with the County’s own 2019 update of the Housing Element of the General Plan as adopted by the Board of Supervisors on September 3, 2019, months before this DEIR was released for public comment. The Housing Element shows total housing units as of 2018 as 29,103, of which approximately 1,047 or 3.6% could be considered multi-family. Most multi-family units are concentrated in the Sonora and Jamestown areas of the County with few apartments in the Groveland area. In contrast to the DEIR, the Housing Element shows only a 5.2% vacancy rate for rental units County wide.

By comparison, the draft EIR for Under Canvas recognizes that the higher vacancy rate was for vacation homes located at higher elevations within the County where winter weather is severe such as the Twain Harte area. When recreational homes are subtracted from the vacancy rate, that draft EIR for Under Canvas uses a 2016 vacancy rate of 5.2% for the rental housing in the area consistent with the Housing Element.

The number of proposed employees is now included in the DEIR at 40. However, that number appears low in comparison to staff employed at peak season at Evergreen Lodge and Rush Creek Lodge.

**PUB77-03
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Although limited on-site housing is being provided for the Project, 20 rooms are insufficient since employees are likely to exceed 40 at any one time. For example, at paragraph 3.3.2, Circulation, there are 30 parking spaces for employees, and another 40 spaces for employee housing. Although all employees are not likely to be on duty at any one time, there will still be more employees for the Project than the 40 listed in the DEIR.

Similar to the draft EIR for Under Canvas, the expectation stated in the DEIR is that employees will be drawn from the local community thus reducing the need for on-site housing. However, most of the possible employee pool will be from the Sonora and Jamestown area more than 25 miles away.

As you are well aware, the County is suffering from a lack of affordable housing of all types . Little new housing is being proposed currently and certainly not affordable housing for employees of the hospitality industry which pay lower wages than many other employers. The cost of construction in many cases precludes affordable rental housing as the rents required to provide a reasonable return on investment exceed what most low and moderate income persons and families can afford. As a result, the shortage of such housing imposes a great burden on existing businesses and public agencies. Both the Forest Service and the National Park Service are hampered by the lack of available housing in trying to recruit necessary staff for their respective areas.

According to the website City Data. com, for Zip Code 95321 which includes Groveland and surrounding rural communities, there are approximately 399 renter occupied apartments. Using the County's 2018 vacancy rate of 5.2% results in only 20 units available for rent. The demand for such units will come not just from the Project but from Under Canvas, the Forest Service, Yosemite Park employees, the Thousand Trails expansion, and other proposed projects. Clearly there is inadequate off site housing. If the project is to proceed, there is no reason other than its financial impact to the developer that on-site employee housing is not built at the same ratio as Rush Creek Lodge has provided.

The DEIR for the Project should include an analysis of available housing within a reasonable commuting distance of the Project site which was not done and which used an incorrect vacancy rate of 29% referenced above. If such housing is not provided by the developer on site or in close proximity, employees commuting long distances will add to congestion and air pollution as there is no other feasible way of travel to the Project than by automobile.

Transportation.

As others have commented, the location of the Project across Highway 120 from the proposed Under Canvas development will create a significant impact to through traffic from vehicles entering and exiting the respective projects. Also guests and staff of the Under Canvas site can be expected attempt to cross over to and back from the Project which will have more

**PUB77-04
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amenities than the Under Canvas development, either by car or on foot.

The analysis at page 5.15-15, second full paragraph, reads:

“The safety of possible pedestrian activity across SR 120 has been considered. Looking east towards Yosemite National Park from Hardin Flat Road the highway curves to the right but roughly 650 feet of sight distance is available. As noted earlier this satisfies HDM Table 201.1 requirements for travel at more than 60 mph. The view is unobstructed to the left (i.e., towards Groveland). While a formal crosswalk could theoretically be installed, pedestrian activity at this location would be relatively infrequent. The introduction of a marked crosswalk on a high-speed road could actually lead to safety conflicts if pedestrians gain a false sense of security from the marking. A marked crosswalk is not recommended.”

One could question the frequency of pedestrian crossings between the two developments but no mention is made of at least a flashing yellow light even without a crosswalk to alert drivers of the hazards of cars entering and exiting the driveways as well as possible pedestrian traffic.

Fire Protection Services.

The location of the Project within the County is designated as a Very High Fire Hazard Severity Zone by CalFire. It is primarily served by CalFire under contract with the County. Groveland Community Services District (GCSD) also contracts with the County. Both the County and GCSD are under great financial strain given the slow growth of revenues compared to the escalating cost of obtaining services from such providers as CalFire, even before the impact on revenues caused by Covid-19. Unless and until County and GCSD voters are willing to approve an increase in taxes or fees, there can be no expectation that fire services will expand to meet the needs of this Project or nearby proposed projects such as Under Canvas.

The closest fire station is that of GCSD in Groveland over 18.8 miles away by road. As noted under Public Services paragraph 4.14, page 4.14-3, that station cannot meet its own 7 minute response service standard and has old equipment in need of replacement. Similarly the Tuolumne County Service District (TCSD) cannot provide adequate service to the Project site. At the same page it is acknowledged that CalFire cannot meet its standard of containment of a 10 acre fire 95% of the time at this location.

As pointed out in other comments, the limited availability of fire trucks and crew to serve this remote location will put both visitors and employees at great risk in the event of another major wildfire. Training Project staff in fire protection is a poor substitute for adequate public fire service and will do nothing for other projects proposed for the area.

**PUB77-05
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PUB77-06

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Police Services.

The reference above is to the Tuolumne County Sheriff Office which is based in Sonora. The substation in Groveland is not currently manned on a full time basis. The main office is in Sonora, a 45 mile drive and nearly an hour away by car. I have personally heard the Sheriff state that there are only four deputies available on patrol duty at any one time for the entire County with a total area of 2,274 square miles . With the additional budget constraints on the County budget, due in part to Covid-19, one cannot anticipate any increase in the number of deputies available for patrol duties.

At least the DEIR acknowledges the problem. At paragraph 4.14.24 under Cumulative Impacts, page 4.14-12 it reads in part:

“.... the proposed project could exacerbate existing response time and staffing deficiencies. This could result in future construction or expansion of police facilities that could have potentially significant environmental impacts. Therefore, the proposed project would have a potential *significant* impact with respect to the need for new or physically altered police protection facilities.”

The DEIR proposes on site training of staff in security. Such attempt at mitigation is a poor substitute for adequate Sheriff service and will do nothing for other projects proposed for the area. That this mitigation measure will reduce the impact to less than significant is ludicrous. Adequate funding is required to provide Sheriff service to this remote area but none is offered by this Project. There is not adequate increased funding projected by the County in the near future, even if an increase in the Transient Occupancy Tax rate should be approved by the voters.

Project Alternatives.

As I noted in my prior letter of May 19, 2019, regarding Notice of Preparation, of the alternatives studied for future growth in preparation of the revised General Plan, the concept of growth concentrated around already developed communities was chosen as the most desirable choice to preserve the beauty and historic character of this unique foothill County. However, rather than focus new tourist facilities within the greater Groveland area, the proposed Project will be built in a remote area without services and without access to water and sewer service. Such water and sewer services are available in the Groveland area provided by the GCSD.

The DEIR does not consider alternative locations which may be closer to developed communities other than one west of Groveland in Big Oak Flat. The Big Oak Flat location should be considered a environmentally superior alternative since it could be served by GCSD water, sewer, fire, and recreation facilities, avoiding the time and distance constraints

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Community Development Department
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of the present Project site. In addition, this alternative site would have no impact on the Yosemite deer herd discussed in the DEIR. The claim in the Alternatives discussion as page 6.18 that the wild fire risk would be the same as at the Project site ignores the closer proximity to the Groveland fire station and other emergency services.

The Buck Meadows alternative location is summarily dismissed as an alternative since it is located in Mariposa County, not Tuolumne County. I could find no justification for excluding this alternative location simply because it is located in an adjoining county and would appreciate a legal citation for this exclusion. Buck Meadows is a location much closer to existing services in the Groveland community and of sufficient size to accommodate the facilities proposed by the Project. The Federal National Environmental Policy does allow consideration of alternatives located outside the jurisdiction of the reviewing agency.

Thank you for your consideration of these comments.

Sincerely,



Thomas E. Parrington

TEP:co

**PUB77-08
cont.**

COMMENT LETTER # PUB78

From: James Plouffe <plouffe.jamesm@gmail.com>
Sent: Wednesday, July 29, 2020 8:18 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Letter in opposition to terra vi

Dear Ms. Yaley,

I would like to register my strong opposition to the Terra Vi development proposal at the gates of Yosemite National Park. This proposal never should have gotten as far as it has, and it needs to be ended now.

Here are my reasons:

1. Extreme Fire Danger — For this reason alone, this property should not be developed. This property has already been overrun by wildfire once. It is clearly vulnerable to additional massive wind-fueled wildfires that have become routine in our state.

2. Lack of water — With no access

to public water service and no aquifer beneath the property, relying on a couple of wells for such a massive development is foolhardy. The neighbors' wells are sure to be negatively affected, and how will those neighbors be compensated? The loss of the reasonable use of their property is not an acceptable tradeoff.

3. Lack of sewer — Without access to public sewage services, the plan to treat all sewage on the property sounds dubious at best. What evidence do you have that the developers can actually pull this off? Has this technology been proven to to public water service and no aquifer beneath the property, relying on a couple of wells for such a massive development is foolhardy. The neighbors' wells are sure to be negatively affected, and how will those neighbors be compensated? The loss of the reasonable use of their property is not an acceptable tradeoff.

3. Lack of sewer — Without access to public sewage services, the plan to treat all sewage on the property sounds dubious at best. What evidence do you have that the developers can actually pull this off? Has this technology been proven to work at such a large scale? It is more likely that the property will become one giant, smelly cess pool at the GATEWAY to Yosemite. John Muir would be horrified.

4. Terrible location — There are clearly identified, better locations for a greatly scaled down, right-sized project of this sort. The town of Groveland, for example, is an obvious choice where public water and sewer services can be negotiated. Impacts to the livelihoods of the current residents of Groveland should also be considered strongly in any proposed project. The fact that there are no services — fire, police, water, and sewer — anywhere near this site should be unacceptable to Tuolumne County.

PUB78-01

PUB78-02

PUB78-03

PUB78-04

PUB78-05

5. Traffic — There are already miles-long traffic jams of cars trying to get into Yosemite. Tuolumne County should be interested in ensuring that the experience of going to Yosemite is a pleasant one, so that visitors have a positive memory of the county. The experience of being stuck in a traffic jam next to an overbuilt, high-end resort for the wealthy is not going to endear the county to the thousands of visitors who come through daily.

In sum, a project such as this should never have gotten past the trial balloon stage. That the developers have already spent a lot of money on this project should not deter you and the county supervisors from doing the right thing. Just say no to this project

Thank you for your time,
James Plouffe

PUB78-06

COMMENT LETTER # PUB79

From: Pat Skeels <pat skeels11@gmail.com>
Sent: Wednesday, July 29, 2020 5:56 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: RE: Terra Vi proposal

Dear Ms.Yaley,

I am opposed to the Terra Vi development proposal in Yosemite National Park.

First, there is no public water or aquifer at the development site. Next, what about drought years which are happening? Also, this area has been overrun by wildfires, which have become more frequent in California. As a young college student in the 70's,I worked in Yosemite Park When I returned to the park last year, I could not believe how crowded it had become. So, there is the added traffic issue.

I am asking you to stop this project in Yosemite Park.
I suggest that these developers put their project outside of the park.

Sincerely,
Pat Skeels
pat skeels11@gmail.com

PUB79-01

PUB79-02

PUB79-03

From: John Stanfield <johnnilsstanfield@gmail.com>

Sent: Wednesday, July 29, 2020 8:01 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; kathleenhaff2020@gmail.com; BOS Members <bosm@co.tuolumne.ca.us>; Jim Junette <jjunette@fs.fed.us>

Subject: Response to Terra Vi Lodge Project DEIR

Dear Quincy Yaley Director,
Community Development
Dept. County of Tuolumne 2 South Green Street,
Second Floor Sonora, CA 95370
qyaley@co.tuolumne.ca.us

Re: Draft Environmental Impact Report for the Terra Vi Lodge Yosemite Project

Dear Ms. Yaley:

After reading the DEIR and consulting our legal experts, hydrologists and independent advisors to the land owners on Sawmill mountain road (off Forest route 1S04) I want to object to the Terra Vi Lodge development due to inadequate impact studies and hazard mitigation planning for the above mentioned areas. I hope that mine and other letters written by tax paying landowners will be taken into account by the county and other entities that are making decisions about this development.

I feel that the DEIR has NOT taken into account the voices of the public in the planning meetings and should evaluate these concerns prior to allowing this development to continue. Here are some of my concerns.

Ground water usage

The development depends on wells in a very unstable fractured granite type groundwater environment. This is a very unpredictable way to get water and will end up stressing the wells for the private homes in the area. I see NO remedy or mitigation proposal in the very likely event that I or other landowners run out of water in the near future. The Proposed developments will consume enormous amounts of water and have not been adequately tested for stress and drought and do not consider the amount of water needed to fight a forest fire realistically.

Groundwater Contamination:

A project of this size is an incompatible use on a remote forest site without public water or public sewer. The septic location which is located on a slope flowing into a known watercourse that provides well water to many neighboring homes is a disaster for the homeowners in the area that depend on small private wells for potable water. This known watercourse leads through meadows, several wells, and empties into the stream, the creek and ultimately the Tuolumne River. The CFIP contract describes the project site as located in the Big Creek planning watershed (calwater 2.2 #6536.800201) that is classified as high risk by the FRAP (Fire and Resource Assessment Program) team. The 14,197.1 acre watershed is part of the broader Tuolumne River watershed that is also classified as high risk. The South Fork of the Tuolumne River runs ¼ mile south of the property. The DEIR does not offer mitigation or ample testing and does not even release the results of the minimal testing that was done on the site!

Evacuation in the event of an emergency

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

PUB80-01

PUB80-02

PUB80-03

The infrastructure and basic layout of the two-lane Highway 120 corridor lacks two separate distinct exits required by fire safety code. Both exits from the site lead to 120!
Many people died in the Camp Fire in Paradise last year as they were trying to evacuate their homes. They only had one road in and out of the area; the residents of Sawmill Mountain and Hardin Flat are in the same terrible predicament. Why would the County knowingly place a highly hazardous property use such as Terra Vi and Under Canvas in a Very High Fire Hazard Severity Zone without contemplating safe exits and evacuation?

PUB80-03
cont.

Land Use

Agriculture and Forestry Resources, Zoning The proposed project area meets the definition of "Timberland" pursuant to Public Resources Code 4526. Mr. Gregory Robert Manly entered into a Forest Improvement Program contract agreement with California Department of Forestry and Fire Protection (CFIP) in June, 2015. According to this contract, the participant (Mr. Manly) certifies that the parcel of forestland will not be developed for uses incompatible with forest resources management within 10 years following recordation date. The property has undergone reforestation efforts and CalFire has been monitoring the forest improvement work. The DEIR asserts that the CFIP has now been annulled but there is no evidence of this statement. Per the CFIP agreement signed by Manly, he declared the property was zoned AE Agricultural and that the current zoning is Rural. The DEIR talks in circles about the fact that this is Timberland, that it isn't Timberland, that it would not result in the loss or conversion of forest land and that impacts would be less than significant. Let's resolve these issues once and for all. Please provide all pertinent information and compliance criteria regarding the rezoning, the CFIP, and the land conversion for public review and comment.

PUB80-04

Noise pollution

Helicopter: Please provide the restrictions and required clearances. The current pad location is a nuisance and located next to our only driveway into and out of our homes. How will Sawmill residences evacuate when a helicopter is blocking our ONLY egress from Sawmill Mountain. Based on what the DEIR claims, the helipad will be used twice a day with "unavoidable, excessive, and significant noise" that cannot be mitigated. How is this ok to the people that own property, the wildlife of the area and to the guests in the lodge? Plus, one helicopter is absolutely inadequate for evacuation of 500+ guests. This is a joke?

PUB80-05

Increased fire hazard

Adding 500+ visitors to an already fragile and high risk wildfire area and claim (as the DEIR does) that the site will help to lower fire hazard is a slap in the face to all the wildland firefighters that serve in the USFS and other agencies. The DEIR has NO mitigation plan for lowering fire risks and no action plan for WHEN a fire happens in this sensitive area again. There must be more research, planning and action taken to seriously study the causes, effects and mitigations for fire hazards if this project is to be approved.

PUB80-06

Property Access:

Existing Conditions 4.11.1.2 (of the DEIR for the Terra Vi development) omits several easements that impact the proposed property:

a) Existing driveways that leads off Forest Route 1S03 provides the only access to about half of the 80 acre homestead homes. The trail has been used continuously for 60 years as well as by the homesteaders who settled the land in the early 1900's.

These easements **have not been mentioned in the DEIR** and should have been identified before designing the site. Knowing where the easements are located is crucial to understand before any planning should commence. The assumption that Forest Route 1S03 is the "primary access road for guests and employees of the lodge" and Terra Vi's main circulation." Forest Routes are not roads and are not meant for commercial access. These rudimentary trails are built and managed by the Forest Service, under control by the US Government, to access

PUB80-07

remote undeveloped areas for the purposes of the logging industry, forest management workers, and backcountry access. Furthermore, Forest Route 1S03 is the only dedicated access and egress for the 80 acre Sawmill Mountain area, residential neighborhood.

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

These are just a few of the relevant concerns I have after reading the DEIR and talking to Hydrologists, noise pollution experts, environmental lawyers and transportation experts and wildland fire experts. It is my hope that through this study and the words of other landowners the county will listen to our voices and not ignore us in the pursuit of revenue over the needs of the tax paying landowners and the environmental needs of the land and the wildlife.

Sincerely,

John Stanfield
Land Owner Sawmill Mountain Road.

--

John Hollendoner Stanfield
+1(650) 241-8073

**PUB80-07
cont.**

COMMENT LETTER # PUB81

From: Gary Wesley <gary.wesley@yahoo.com>
Sent: Wednesday, July 29, 2020 10:08 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Cc: Gary Wesley <gary.wesley@yahoo.com>
Subject: Terra Vi Lodge EIR

The EIR must address environmental impacts in light of the coronavirus and the prospect of other contagions and epidemics in the future. I also incorporate into this objection to the (draft) EIR all other points timely raised by others concerning its inadequacy. Gary Wesley (gary.wesley@yahoo.com)

PUB81-01

Robert Asquith

20756 Point View Drive, Groveland, CA 95321

bobasquith@yahoo.com

(209) 962-7990

July 30, 2020

Emailed 7/30/20

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

Attn: Quincy Yaley, Tuolumne County Planning Commissioners, Board of Supervisors

I have read the Yosemite Terra VI DEIR. While this document contains many words, it categorically dismisses items that I consider very relevant to the safety and well-being of people along the Highway 120 corridor in Tuolumne County. It does so while offering slim to scant evidence justifying the categorization of *less than significant* for so many items. For me, the principle items are:

- Emergency services – fire, ambulance, law enforcement.
- Wildfires – substantially increased risk, available fire equipment, evacuation.
- Public transportation – highway changes, emergency evacuation.
- Water – Includes potable water, firefighting water, and septic discharge.
- Biology – Great Grey Owl, Pacific Fisher, others
- Cumulative impacts on the nearby area as well as in Groveland.

In addition, there are numerous other items that are marked less than significant with little or no justification. Indeed, the supporting evidence in many cases is less than compelling and certainly not worth Tuolumne County risking future problems and/or lawsuits with such poor quality work from the consultant.

Emergency services. Here the authors of the DEIR indicate *less than significant* impact on fire response, medical response (fire + ambulance) and law enforcement. This conclusion is not substantiated in any way.

- The nearest fire Department is located in Groveland and response time would be closer to 45 minutes. Further, during a fire response, Groveland/Big Oak Flat are left without fire protection for which they are taxed and pay extra every year.

The authors clearly did not correctly determine first fire response. It is not Tuolumne County, rather it is GCSD and further, as a taxpayer within the GCSD district, under the DEIR, I will be paying for any emergency calls to Terra VI, NOT the project.

More than 1/3 of all fire/medical calls responded to by the GCSD Fire Station #78 are already outside of District boundaries. This project will clearly increase that percentage.

There is a possibility that a Groveland based fire engine may not be funded within several years. Thus, fire response may come from much further away, dramatically increasing the wildfire risk. How far would a wildfire spread in 45 minutes?

PUB82-01

PUB82-02

The DEIR proposes to provide training to staff in fire fighting and perhaps medical assistance. It is quite unbelievable that this is proposed as an alternative to professionals employed by local, state and federal agencies. This mitigation is bogus.

- Likewise, the nearest medical response comes from Groveland, both fire and ambulance. Again, there is a 45 minute response time. Further, if medical transport is necessary, the ambulance would be unavailable for the Groveland/Big Oak Flat area for at least a half a day if not an entire day or longer, depending upon its hospital destination. Finally, the Groveland/Big Oak Flat residents pay annual taxes for the ambulance to be available to them, not Terra VI guests or employees.
- The nearest Sheriff's Office is in Sonora making a response time of an hour or more to the Terra VI location. The DEIR incorrectly identifies a useful substation in Groveland. That facility is currently unmanned with no future date determined when it would be staffed. With recent tax increase ballot measures failing, the County Sheriff's Office is understaffed and responding to Terra VI would require at least two hours driving time plus on scene time. This exposes the rest of the County to undue risk.

Wildfires. The DEIR Authors dismiss wildfire risk without any evidence to indicate why.

- The area to be developed into Terra VI was classified in 2007 as *Very High Fire Hazard Severity Zone* by CAL FIRE (see DEIR). The catastrophic Rim Fire of 2013 clearly demonstrated this classification is appropriate. It actually burned part of the site.
- The likelihood of having any open fires on the site during high fire season cannot help but worsen the fire risk. Any conclusion that this would be a *Less Than Significant* fire risk his seriously flawed.
- The Camp fire in Paradise CA occurred in 2018. Subsequent evacuation studies have shown the high danger of a large population with only one or two evacuation routes out of the area. This is clearly the case with respect to the Terra VI site, particularly when combined with other nearby projects. (See *Cumulative Impact* below). The DEIR is silent on this issue. There could be as many as 1,500 people to evacuate the area.
- The remoteness of the Terra VI site means that fire response is lengthy. This allows wildfires to be well developed long before crews are on scene to suppress.
- The DERI is silent on providing adequate and dedicated firefighting water. There must be one or more tanks of dedicated fire water as there is no other source to fight fires. Further, the site must be plumbed with hydrants to distribute the water.

Public Transportation. The authors of this report clearly do not understand the issues of public transportation as they have labeled all the impacts *less than significant*.

- In order to accommodate Terra VI as well as the Under Canvas project across the highway, significant widening of Hwy 120 would be required. Looking at the highway changes necessary for the Rush Creek Lodge located just up the highway that is much less complicated, At least four lanes and probably five would be required

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between Sawmill Mountain Road and Harden Flat Road. These lanes could be configured as: WB right turn, WB thru, Left turn (WB & EB), EB thru, and EB right turn.

- The current entrance at Sawmill Mountain Road (for the Terra VI project) would have to be moved because the sight lines and distance from the crest of the hill to the west are too short for safe traffic. The DEIR calls for tearing the hillside of the present highway cut down to improve site lines. This would make a major impact on the aesthetics of the area and still not provide sufficient site lines as the highway crowns at that location. Note – this road is NOT a dedicate or maintained public road; it is a USFS forest access road that was never designed for constant traffic such as Terra VI plans.

Imagine several EB large construction trucks stopped in the middle of the 2 lane highway waiting to make a left turn into the project. There is NO left turn lane and highway traffic is typically traveling 60+ mph. This is unacceptable.

- The presence of large trucks delivering food and supplies to both properties (Terra VI & Terra VI) as well as the YARTS buses require long acceleration and deceleration lanes at this location of Hwy 120 due to its steep grade.

The changing of the highway must be accomplished before construction begins inasmuch as construction traffic on the highway (as noted above) would pose a clear and immediate danger to travelers.

- The DEIR expects to send lodge guests to Yosemite National Park using the YARTS bus system. It does so without increasing capacity. As records indicate, there are many days where there are NO seats available given the present route of the busses. Further, the cumulative impact of Terra VI and other projects in the vicinity would not be able to accommodate these riders. The *Less Than Significant* conclusion is wrong.
- In a weird turn, the DEIR proposed a YARTS parking lot of 30 cars meant to be a Park and Ride opportunity. This is either ignorant or crafty. There is absolutely no need for such a facility. The Groveland stop has public parking for more than 50 cars and the Buck Meadows stop has parking for more than a full bus load as well. There is NO reason why travelers would drive all the way to Terra VI just to park and ride YARTS.
- See Evacuation Route note under wildfires above. The only evacuation Route are either eastbound or westbound on Hwy 120. There are no other routes. The Camp fire of 2018 clearly demonstrated the danger of such a scenario. This project with others nearby would require as many as 1,500 people to be evacuated in the event of wildfire.

Water. The authors have provided little evidence there is sufficient water for all the needs at the Terra VI site. Also, the possibility of groundwater contamination from sewage was never adequately explained.

- There needs to be adequate fresh water supplies not only in wet years, such as the one cited in the DEIR, but in multiple dry years. This was not adequately covered by the

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authors. How would the water be supplied to a facility with as many as 500 people in repeated dry years?

- Backup Water Supply is needed in very dry years should the promises put forth in the DEIR not be realized.
- No mention is made of a dedicated firefighting supply of water. This is critical in a Very High Risk fire area. Without such a dedicated supply, firefighting resources have to be diverted to obtain water in an otherwise very dry region. Because of the long response time for County and State resources to arrive on scene, this stored water supply must be sufficient to fight a growing wildfire for several hours.
- The DEIR provided no explanation of how groundwater contamination was to be prevented from its septic systems during high water years with substantial runoff. In that there are many others downstream from these projects using Tuolumne River water, groundwater contamination further research during very wet years is critical.
- Considering this project is across the highway and above the Under Canvas project, negative impacts and remedial measures must be articulated in the event of groundwater contamination from the Terra VI septic system infiltrates the water supply of Under Canvas as well as further downslope at Berkeley Camp.

Biology. The DEIR does not provide sufficient information to ensure populations of endangered species will be protected. The Pacific Fisher and Great Grey Owl have been only lightly treated. Specifically, the Great Grey Owl's residence in Ackerson Meadow (Yosemite National Park) is buy 6 miles away from the project. This is the highest density of this owl in the entire Sierra Nevada. There must be further study of the impact on these birds to inform potential mitigation measures to protect them.

Cumulative Impacts. The DEIR all but ignores the cumulative impact of three other substantial projects nearby. Arguably the substantial cumulative impact of all of these projects render many of the *less than significant* conclusions listed in the DEIR as indefensible. These projects are:

- Terra VI
- Under Canvas
- Yosemite Lakes RV resort existing and expansion
- Berkeley-Tuolumne Camp
- Existing Hwy 120 projects: San Jose Camp, Evergreen Lodge, Rush Creek Lodge, etc. as they impact emergency response already. Terra VI adds to this local burden.

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Other Considerations.

- Aesthetics – Presently, travelers to Yosemite are driving through forest lands for many minutes. To suddenly come upon a resort clearly alters the aesthetic in a very noticeable way. Further, the aesthetics as well as forest would be deeply disturbed should the tearing down of the cut just west of Sawmill Mountain Road be undertaken.
- Air Quality – It is difficult to imagine clean air in the vicinity of as many as 400 clients driving to and staying at Terra VI. However, the DEIR states *less than significant* impact.
- Employee Housing – Completely delineating the housing for the maximum number of employees on site. Considering more than 400 guests may be staying at Terra VI during peak season, the estimates for onsite housing is grossly underestimated.

The current housing situation has only been exacerbated by the Covid crisis. The number of house sales in Groveland has quadrupled in the past month. This removes them from potential home for employees not provided for onsite.

Yosemite National Park does not have enough housing for its employees presently. Many are housed outside the Park. Currently, they have positions that are unfilled due to lack of housing. Terra VI only makes that worse as they plan inadequate onsite housing.

The current supply of low cost housing within a 45 minute drive is extremely limited and 100+ employees would greatly exacerbate the local seasonal housing situation. Additionally, inadequate housing could increase highway crowding and air quality as employees drive long distances to and from work. This could mean employees would have to live in Sonora which is more than an hour's drive away.

- Hydrology – Runoff from the Terra VI site with hardened streets and facilities necessarily must affect the hydrology. Recent experiences with Rush Creek Lodge indicate there will be significant runoff and it will contaminate groundwater. Special consideration needs to be enumerated for protecting runoff during construction.
- Public Lands – The DEIR indicates there would be *Less Than Significant* impact on public lands. This is just not true. For example, Yosemite National Park has experienced significant crowding over the past few years. So much so, the Park Service has instituted measures to reduce the crowding. To suggest Terra VI would have no impact or even help is ludicrous.

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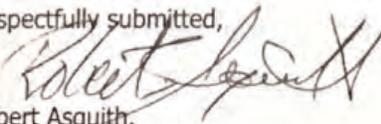
Conclusions. Tuolumne County must ensure the EIR contains mitigation for the above articulated and very significant, yet poorly addressed items. To that end, I propose the following conditions for the Terra VI County Permit to proceed.

- An emergency services facility be built and staffed for fire, medical and law enforcement. This facility would be located between Sawmill Mountain Road and the Yosemite National Park boundary. **Full funding** for facility and staffing must be provided by the projects.
- Adequate water supplies be identified including a very significant and **dedicated firefighting supply** and a supporting infrastructure be developed.
- **Water supplies**, including backup supplies, must be **clearly delineated**. When such would be necessary, supplies for other developments as well as Groveland/Big Oak Flat would be likewise impacted and in short supply.
- Much **better plans for onsite groundwater runoff** during storms must be delineated during construction as well as daily operations so as to not contaminate Tuolumne River.
- Highway improvements must be recognized and provided for in conjunction with other nearby projects. These must be paid for by the Terra VI project and **completed before construction begins**.
- Terra VI must be required to **provide total employee housing onsite** – this includes projected counts as well as room for future growth. Only in this way would there be a *Less Than Significant* on today's housing market.

I am astounded that between the consultant that prepared this DEIR and Tuolumne County on whose behalf it was prepared, there were so many blatant errors and omissions. Some of the worst are in the area of wildfire risk, emergency response, and who would end up paying for all of the above.

It is very disappointing that Tuolumne County released two very lengthy DEIRs at almost the same time, during summer months when many residents are unavailable, and during the Covid crisis. The lack of consideration for review extension could lead one to the conclusion the County was trying to minimize resident review and comment and rush approval. This is not the manner in which I expect Tuolumne County to act as guardians of the integrity of developments within our County.

Respectfully submitted,



Robert Asquith.

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PUB82-34

From: Tricia Cline <tricia_ctefrogie@yahoo.com>
Sent: Thursday, July 30, 2020 2:15 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Deir

July 30, 2020

Tuolumne County Community Development Department

2 S. Green Street

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RE: Comments in response to TERRA VI DEIR

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

Our family has owned a parcel adjacent to the proposed development since the mid-1940's. Our family and friends have been enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for five generations.

This letter is in response to the "Terra Vi DEIR," which included extensive appendices, well test reports, site plans, and past comments. This document dismisses items that are considered relevant to the safety and well-being of the neighboring communities and the general public that frequent the Highway 120 corridor in Tuolumne County.

The First Issue to address is the Parcel and Zoning Questions:

PUB83-01

PUB83-02

This DEIR is doing a report on a parcel that was never legally subdivided in compliance with the Tuolumne County Ordinance. As a property within the community of the Manly property we would like the County to follow the proper procedure and notification for a divide and rezoning.

PUB83-02
cont.

The Second Issue to address is the Timberland Conversion:

The matter of conversion of the site from commercial forest use to a non-forest use. The DEIR notes that the project could have a significant impact on the environment if it results in the conversion of forest land to non-forest use.

PUB83-03

The DEIR text clearly acknowledges that the project would result in a conversion of the project site from a focus on timber management to a focus on recreation.

Over past decades, when projects affecting forest lands have been reviewed, Tuolumne County planning commissioners and county supervisors have historically strongly advocated for strict and thorough review of the impact of converting commercial timberlands to other uses.

Third Issue is Fire Risk:

The Grand Jury published a report on June 3, 2020 a Tuolumne County Fire Safety Report. (which can be found on the County’s website: [2020 Grand Jury Report | Tuolumne County, CA - Official Website](#)) The report states “Of the 20 most destructive Fires in California’s History, 10 have happened within the last four years. . . .Recent wildfires events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days..” it continues to state that “A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road.”

PUB83-04



Adding a 250+ room hotel, employees, and the general public along with the properties already there, this project would cause a massive potential for disaster with hundreds of guests

PUB83-04
cont.

and employees attempting to evacuate along with the owners of properties adjacent to the proposed project.

PUB83-04
cont.

The Fourth Issues is Water Supply:

All properties currently get their water supply from wells. Terra Vi's well testing failed. With the indicated required draw on the water table, the project could and probably would leave the Sawmill Community with no water. There is no documented mitigation for this.

The DEIR finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development. All the other local, large hotels that are also in granite sub-strata have struggled to provide sufficient water.

PUB83-05

The DEIR does not appropriately state that the water flow testing showed that the pump test was a failure in providing the appropriate water that would meet the demand of such a project. There is no mitigation for depriving the surrounding properties of their water supply.

The Fifth issue is Forest Service Road:

Terra Vi is assuming they would have access from the Sawmill Mountain Road (Forest Route IS03). Their main circulation, access and egress is all planned for using this route. However, a Forest Route, such as IS03, is for forest administration and forest access. Also, Forest Route IS03 is the only access that the 15 cabins in the 80-acre homestead have.

PUB83-06

Considering that the planned site for Terra Vi has an alternative access approved by CalTrans 200 yards east along Highway 120, the alternative would be the most appropriate access to such a planned project.

The Sixth issue is Waste Water:

The DEIR does not address the potential for system failure of the waste water treatment system. The failure of the system would result in contaminating the water supply for the 15 resident cabins, the Middle Fork of the Tuolumne River, and also could be in violation of the clean water act. The DEIR completely overlooks the negative impact of a waste water treatment failure.

PUB83-07

The USGS Ascension Mountain quad map (photo-inspected 1992) shows a spring located outside the project boundaries, 300± feet to the north (the same off-site aquatic feature shown in the NWI map). On the quad map, the spring flows into an unnamed perennial channel that flows northwest into the Middle Tuolumne River and, based on topography, EC-01 also would be expected to flow into the same off-site perennial channel 300± feet north of the project boundaries and subsequently to the Middle Fork Tuolumne River. What does this tell us?

These concerns address only a few of the issues; as this DEIR is over 1,200 plus pages with a short time granted to review not only the Terra Vi DEIR but also the Under Canvas DEIR, the county is limiting the community's ability to adequately respond to all the misinformation and lack of facts this DEIR provides.

Tricia Cline Brown

30300 Highway 120

Groveland

**PUB83-07
cont.**

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July 29th, 2020

To: Quincy Yaley
Director of Community Development
County of Tuolumne
2 South Green Street, Second Floor
Sonora, CA 95370

Re: Draft Environmental Impact Report for the Terra Vi Lodge Yosemite Project

Dear Ms. Yaley, County Planning Commissioners, and the Board of Supervisors:

Thank you for the opportunity to comment in response to the Terra Vi DEIR.

As you know, the purpose of an EIR is to make the case for development of a project in regards to health and public safety and to prevent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring. This DEIR is flawed and does not adequately make the case that this project should be built nor does it offer reasonable, effective or adequate mitigation measures in many areas. Following are the areas of greatest concern in regards to this DEIR:

1. FIRE

The DEIR does not adequately address the Project's potential wildfire risks. The proposed Project is located in a Very High Fire Hazard Severity Zone, and the Project site itself has burned multiple times, most recently in the 2013 Rim Fire. Future wildfire is a likely possibility and, thus, adequate measures must be taken to address it. This EIR does not do that, instead it simply asserts "mitigations" but fails to make the case that those mitigations make the impact of the project "Less than Significant", specifically in regards to the following:

A. EVACUATION:

No Overall Plan: While there is reference to pre-fire evacuation plans and identifiable "evacuation triggers", there is no evacuation plan included in this DEIR. As such, it is impossible to evaluate the effectiveness and consider the pitfalls of any proposed evacuation plan because there is not one.

Unrealistic Protocol: The DEIR also states in table 4.17-2 on page 4.17-23, that the hotel would be able to keep guests safe through the "monitoring of both weather conditions and nearby incidents"; it then goes on to assert that guests "...would be notified to evacuate early to minimize peak traffic on Highway 120 in the event of an incident that requires evacuation." This assumes that 1) there is time to make such an assessment and, 2) guests would actually leave in a timely manner and 3) no one else is trying to evacuate the area at the same time. Given the rapid travel rate of the Tubbs Fire (2017) and the Camp Fire (2018) and the number of people who died because of its explosive escalation, simply having a plan to "monitor" any incidents is inadequate and does not fully address the very real potential of a fire moving so

PUB84-01

PUB84-02

quickly, that the amount people who need to evacuate from, 1) Terra Vi, 2) the nearby residences on 1S03, 3) campsites, 4) Under Canvas, 5) Hardin Flat 6) Rush Creek, 7) Evergreen Lodge and, 8) Yosemite Park, would not be able to do so in an effective and safe manner.

PUB84-02
cont.

Highway 120 Access: Further conflating the problem is access to Highway 120 from 1S03 (Sawmill Mountain Road). For all the people that need to evacuate the hotel, the residences camping and other areas, a car needs to drive them out. Currently, 1S03 (Sawmill Mountain Road) is a two lane 22' wide US Forest Service road with only one ingress/egress to Hwy 120 and a dead end in the other direction. The DEIR states that there will be two other egress points added to the project; these are driveways off of 1S03 that go to Hwy 120. The DEIR concludes that this is adequate egress in case of an emergency but offers no supporting evidence for this assertion in regards to 1S03 or its capacity in such an event. There is no analysis of the number of cars that would need to evacuate the area in an emergency nor is there a proposed evacuation plan to review for efficacy and safety. The DEIR also seems to assume that the only people who would need to evacuate are the hotel's guests, but does not account for day visitors who would be eating at the restaurant or otherwise using the facility. Furthermore, the Under Canvas project across from Terra Vi on Hwy 120 proposes the use of 1S09, another forest service route directly across from 1S03, as their egress in case of an emergency. This complicates evacuation even more and creates greater potential for a significant log jam on Hwy 120 in the case of an emergency.

PUB84-03

B. HEIGHTENED FIRE RISK:

The introduction of the project, the construction and its guests substantially increase the potential threat of wildfire to the surrounding community. The DEIR offers no mitigation for this threat beyond vegetation management, training, some fire prevention protocol and building features. These attempts at mitigation do not remove the threat, and the EIR fails to prove with significant analysis that these efforts result in a "Less than Significant" impact.

According to an LA Times article titled, "Human caused ignitions spark California's worst wildfires but get little state focus," published on January 5th, 2020, "Of the known causes of the state's 20 most destructive wildfires, all are human-related." Further it states that, "Researchers who analyzed two decades of U.S. records found that, from 1992 to 2012, human activity was responsible for 84% of the wildfires and 44% of the area burned nationally." For California, overall data suggests that, "...in much of California, more than 90% of the wildfires are started by people or their equipment."

PUB84-04

The construction, the guests, the day visitors to the lodge and the lodge itself (fire pits, barbeque areas, a commercial kitchen) all pose significant wildfire threat and yet, the DEIR suggests the project's features such as building locations, landscaping, etc. are mitigating measures that offer "Wildfire Risk Reduction" that would limit wildfires and keep people safe. One safety mitigation proposed is mentioned multiple times is a basement in the hotel where it is presumed guests and staff would go to shelter in place from a fire. Unless that basement is actually a certified "Fire Bunker" that meets all safety regulations, the guests who opt for this "safety measure" would have to withstand up to 2000 degree heat to survive. The

DEIR suggests that this “basement” would suffice for escape from fire, among other disasters. The DEIR offers no indication as to its size, egress/ingress, how many people it would hold or what its specific construction would be. Instead, in table 4.17-2 on page 4.17-21, it talks about air filtering and ventilation for the “people harbored” with no mention of the number it holds or level of heat resistance. It simply does not discuss any particular features that would be necessary to survive a wildfire while sheltering in place in a basement. Because the DEIR lacks such detail in regards to this feature, one is left to assume it is more of a standard basement which would, ultimately, be a deathtrap for anyone who sought shelter there during a fire. The DEIR offers no explanation of what this basement would provide in the way of safety from a fire and thus, it is impossible to determine if this mitigation would truly be effective in keeping people safe in the event of a wildfire.

PUB84-04
cont.

Further, the proposed basement and the other building features mentioned do not prevent a wildfire from occurring, nor do they mitigate the possibility of one happening; these mitigations simply aim to prevent a fire’s rapid spread. Thus, the DEIR fails to prove that the project would not expose people and structures to significant risks in regards to wildfire.

C. WILDFIRE RESPONSE AND SUPPORT

Public Services: While the DEIR acknowledges that the project will not be adequately served with existing fire services as the site is located 17 miles away (a 20-25-minute drive at best) from the nearest Fire Station, it fails to, however, prove that this will be a Less than Significant Impact. In the Executive Summary, Table 1-1, page 1-30 under “Public Services and Recreation”, it acknowledges that this project could cause a potential increase in demand for fire protection services, especially when considered in combination with cumulative projects which would be considered “Significant”; it then indicates that with Mitigation Measure PS-1, the impact will be “Less than Significant”. Mitigation Measure PS-1 amounts to volunteer firefighter training, two emergency staff on premises at all times and PPE for all personnel, and that is all. The DEIR fails to elucidate how any of these mitigation measures would be beneficial or effective in the case that a fast moving wildfire hits the area and immediate calls for service are needed. It fails to make clear how people would be safe and not harmed with these meager mitigations in place. It also does not consider the impact of multiple calls in the region should there be a widespread emergency. The DEIR must include clearer, more reasonable and effective mitigation measures in regards to public service and response times for fire safety.

PUB84-05

D. GENERAL PLAN INCONSISTENCY IN REGARDS TO FIRE

The DEIR is not consistent with the Tuolumne County General Plan in regards to Fire Protection and Risk Management as articulated in Goal 9G in the Tuolumne County General Plan which states:

“Establish and maintain a codified fire protection risk management strategy which requires new development within Tuolumne County to incorporate or supply fire protection infrastructure and improvements necessary so that such development does not exceed the capabilities of the County's fire protection resources.”

PUB84-06

While the DEIR addresses 9G by referring to policies and implementation text for 9.G.1, 9.G.2 and 9.G.4, it completely ignores 9.G.3, which also applies to this project:

“9.G.3 - Determine the impact the proposed development will have on the provision of fire protection services and maintain the established level of service as outlined in the current Tuolumne County Fire Department Service Level Stabilization Plan.”

PUB84-06
cont.

This project will, in fact, keep service from being maintained at the established level for the area and, further, it applies significant strain on the system. Because policy 9.G.3 was completely left out of the DEIR altogether, no mitigation measure is suggested. This gives the impression that this policy was passed over intentionally. The DEIR must more fully address and ameliorate this inconsistency between the DEIR and the Tuolumne County General Plan.

2. UTILITIES AND INFRASTRUCTURE

A. GENERAL PLAN INCONSISTENCY

In regards to water service, the DEIR is not consistent with the County of Tuolumne’s General Plan, specifically in Goals 3A, 3B, and 3E as delineated on the following pages:

“GOAL 3A: Establish standards for water service for new development and protect the quality and quantity of existing supplies of ground and surface water.”

The DEIR fails to indicate how Goal 3A is accomplished especially when considered in regards to the following Goal 3A policies, which were simply omitted from the DEIR:

- **Policy 3.A.2: Require new commercial development to be served by public water systems, except for development in areas designated as Special Commercial on the General Plan land use diagrams.**

PUB84-07

- **Implementation Program**

3.A.a - Utilize the Special Commercial (SC) General Plan land use designation on property suitable for commercial development of a neighborhood, rural or tourist-oriented nature but lacking service from a public water system.

Development of a commercial nature on land designated SC is allowed with applicant permits without having service from a public water or sewer system, but only where service is not reasonably available.”

The DEIR clearly fails to address these General Plan policies and is, in fact, in direct contradiction to them. This commercial project is located well outside existing infrastructure, and yet, no requirement is being made for the project to be “served by

public water systems”, as is required per Policy 3.A.2. Further, Policy 3.A.2, goes on to define that a commercial development not served by public water is allowed “*in areas designated as Special Commercial (SC)*” in the General Plan Land Use Designations. The parcels for this project are not designated SC, so it is unclear how the project is able to develop its own water service infrastructure when it is clearly in defiance of the County’s own General Plan policies.

The implementation text in 3.A.a indicates how to accomplish this goal, stating that the County should utilize land designated Special Commercial for suitable commercial projects where a public water system is not present. Again, these proposed development parcels are not SC designated and the DEIR fails to address this inconsistency with the General Plan which could be considered a fatal flaw.

“GOAL 3B: Plan new development and water supply infrastructure in a cooperative fashion.”

While the term, “cooperative fashion” is vague, through the language of the goal, the policies set forth therein and the OAV3 statement on page 3-1, it can be assumed to refer to cooperating with known stakeholders in regards to water supply and infrastructure. The DEIR attempts to address this goal but falls short specifically in regards to this policy:

“Policy 3.B.2: Consider whether the water system proposed to serve a new development has a reliable source of water, sized to serve their existing and future customer's’ foreseeable demands. Projects shall only be approved where the water supply system has reliable sources of water capable of meeting present and future demands. “

CEQA requires proof that a project has a reliable water supply to “serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.” The DEIR analysis does not substantially prove the water supply is reliable, and not only for Terra Vi, but for all neighboring residences and businesses under dry/drought conditions. The groundwater pump test was done in October 2019 after a few years of heavy rainfall and it fails to analyze or estimate how dry/drought years would impact water availability. In fact, the DEIR offers no analysis whatsoever or evidence that the proposed project groundwater withdrawals will not have an adverse impact on consistent groundwater supply during dry year or multi-year drought periods. Operating in “cooperative fashion” would suggest that the project must take

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PUB84-08

into account not only the reliability of its own water, present and future, but also the water of the surrounding community of residences, the existing businesses and the other new commercial developments being proposed. The DEIR fails in this regard.

“GOAL 3E: Maintain a healthy environment for the citizenry by setting standards for the types and methods of sewage disposal to be used by new development.”

Here again the DEIR and the project fails to comply with the General Plan:

“Policy 3.E.a: Continue to require new urban and residential development with a density of three dwelling units per acre, or greater, and commercial development, except that on land designated Special Commercial (SC) by the General Plan land use diagrams, to connect to public sewer.”

In the General Plan, it’s clearly stated that it is **REQUIRED** for new commercial development, unless designated SC, to be connected to a public sewer. In this regard, this DEIR fails to make the case that it is compliant with the General Plan.

The DEIR does call out Policy 3.E.2 and acknowledges the need to “...successfully demonstrate that on-site underground sewage disposal can be accomplished with no lessening of quality to ground or surface waters.” This is puzzling as it would seem the land needs to be designated SC to do such, but even in this attempt, the DEIR fails to make its case. Instead the DEIR asserts, without evidence, that the project’s septic system would not harm water quality. Although the DEIR asserts that the project would meet the necessary regulations, this does not in any way prove that the groundwater would not be contaminated. The DEIR does not take into account nearby residential wells or analyze the potential impact on those wells. A more thorough study must be done to conclude with assuredness that wells in the project area, especially those down slope from the septic and leach fields, will not be contaminated. Overall, the DEIR fails to prove that ground water quality will not be impacted in a Less than Significant way.

PUB84-08
cont.

PUB84-09

3. HYDROLOGY AND WATER QUALITY

A. GENERAL PLAN INCONSISTENCY

While the DEIR includes much of Goal 14C’s objectives in the document, it completely leaves out the goal itself, which states:

PUB84-10

“GOAL 14C: Protect and improve the quality and quantity of the County's water resources, while protecting the rights of land owners.”

The threat of the water supply diminishing for neighboring wells and groundwater contamination is real and is not at all addressed in this EIR, and while some of the policies of GOAL 14C are referenced, the following policies are ignored:

“Policy 14.C.2: Encourage new urban development to locate in areas where public water and sewer services are available or can be developed.

Implementation Programs

14.C.c - Continue to require *new urban residential development with a density of one dwelling unit per two acres, or greater, and commercial development, except on land designated as Special Commercial by the General Plan land use diagrams, to be served with public water.*

14.C.d - Continue to require *new urban residential development with a density of three dwelling units per acre, or greater, and commercial development, except that on land designated Special Commercial by the General Plan land use diagrams, to connect to public sewer.*

B. WATER DEMAND OF PROJECT UNDERESTIMATED

The project underestimates its water demand in that it only calculates the demand for water in regards to hotel guest use and employee housing. It does not factor in other water uses such as cleaning, maintenance, dining and kitchen uses or the impact day guests would have on water demand. The DEIR must accurately calculate the project’s TOTAL water needs taking into account all water need on the site; failure to do so violates CEQA.

4. LAND USE AND PLANNING CONFLICTS

As described by the DEIR:

“The project site is under the Parks and Recreation (R/P) General Plan land use designation, as shown below on Figure 3-2.¹ The R/P land use designation is described in the General Plan as intended for recreational uses of commercial nature to serve the tourist industry, while also providing leisure activities for county residents. Typical land uses allowed in this designation include parks, camping facilities, recreational vehicle parks, ski and other resort facilities, marinas, and commercial uses in support of such facilities and public utility and safety facilities. Surrounding General Plan land use

PUB84-10
cont.

PUB84-11

PUB84-12

designations include Rural Residential (RR) and Estate Residential (ER) to the north, Public (P) to the east and west, and Parks and Recreation (R/P) to the south.²

While the project is, indeed, in the R/P land use designation and the proposed use is within the acceptable uses, what the DEIR fails to adequately acknowledge and address is that this project creates an incompatible land use as the 80 acres of land directly adjacent is a combination of Rural Residential and Estate Residential.

The DEIR makes an attempt to prove General Plan consistency by referencing one of the goals of General Plan *Chapter 1: Community Development and Design* in the Aesthetics Chapter of the DEIR, on page 4.1-2:

GOAL 1.B: Minimize conflicts between incompatible land uses.

The DEIR then indicates application of the following policies “*aimed at preserving the scenic quality of the county*” (pg. 4.1-2) would be in compliance with the General Plan:

“Policy 1.B.3: Require new commercial development to be designed to minimize the visual impact of parking areas on public roads and on public viewsheds.

Implementing Program

1.B.g: Require proponents of new commercial development to locate parking areas behind buildings or sufficiently screen them from public roads and public viewsheds, or, if locating behind buildings and screening are determined to be infeasible, provide other landscaping or design features to visually enhance the parking areas.”

“Policy 1.B.5: Preserve the existing nighttime environment by limiting the illumination of areas surrounding new development. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from off-site sensitive uses, and shall be hooded, shielded, and located to direct light downward and prevent glare.”

However, the DEIR does NOT address the other elements in *Chapter 1: Community Development and Design* of the General Plan, including the introduction which states:

“The Community Development and Design Element encourages growth in areas where services exist, such as infrastructure, and directs development away from areas with limited growth potential due to the lack of adequate public services and facilities and/or are constrained by natural characteristics that do not lend themselves to development, such as steep slopes.” (Chapter 1, pg, 1-1, Tuolumne County General Plan)

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PUB84-13

As stated in the introduction of Chapter 1, the General Plan clearly discourages development where there is a lack of public services and yet, this fact is totally left out of the DEIR. Also in Chapter 1, under Goal 1B, there are other policy and implementation programs that clearly apply to this project and are flat out ignored in the DEIR, specifically:

Policy 1.B.1: Protect existing land uses from the infringement of and impacts associated with incompatible land uses.

Implementation Programs

1.B.a - Designate, where possible, land around existing non-residential land uses, such as agriculture, timberlands, mining preserves and industry, for new development that is compatible with these existing uses.

1.B.b - Designate, where possible, land around existing residential neighborhoods for uses that are compatible with residences. Designate areas for new urban residential development away from existing incompatible land uses, such as agriculture, mining, industry, solid waste facilities, airports and sewage treatment facilities.

1.B.c - Separate new urban residential development from land uses that potentially conflict with housing, such as agriculture, mining, industry, airports and sewage treatment facilities. (formerly 1.E.3)

1.B.d - Consider buffer areas around existing industrial land uses to protect them from infringement of new residential and other potentially incompatible land uses. These buffer areas may include building setbacks and/or limiting land uses within an established distance of these existing land uses.

By ignoring these obviously applicable policy and implementation program elements, the DEIR also ignores the fact that this project is inconsistent with General Plan. The DEIR, in fact, cherry picks two General Plan policies (1.B.3 and 1.B.5) from Goal 1B to exhibit the appearance of “compliance” with the General Plan but, in fact, these two policies only serve the needs of the project by creating more appealing viewsheds and nighttime lighting for the general public. The focus of the DEIR on those two policies does not address the entirety of Goal 1B and thus does not “minimize conflicts between incompatible land uses” with the surrounding area. The DEIR fails to address and apply all of the applicable policies and implementation programs of Goal 1B to the project and, thus, is not consistent with the County’s General Plan.

**PUB84-13
cont.**

5. TRAFFIC AND ROAD SAFETY

A. EMERGENCY EVACUATION

As discussed earlier, in the case of a massive wildfire, any evacuation would be chaotic and dangerous. This DEIR, however, addresses no evacuation plan whatsoever, not just for fire, but for any other type of emergency. Further, the DEIR suggests that because it does not “impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan” it is assumed to be of Less than Significant impact. However, there is no further analysis that actually proves this to be true. Simply because a project complies with a regulation, does not actually mean it is a feasible and safe measure. Further evaluation must be done and a reasonable plan developed for safe and effective evacuation in any circumstance.

PUB84-14

B. CONSTRUCTION IMPACTS

The DEIR states that, “The number of trips made by construction vehicles . . . would not exceed the amount of traffic accessing the site during operation of the project.” This might be true, but no support is provided in the form of a construction traffic volume estimate. DEIR, p. 1.45-15

PUB84-15

C. VMT ANALYSIS

The DEIR states that Tuolumne County had not adopted a standard of significance regarding VMT, stating that “Tuolumne County is in the process of establishing significance criteria based on VMT thresholds, and alternative criteria are under consideration within the context of OPR guidance.” There is never any indication which (if any) of three alternative criteria was used in the analysis. This begs the question, if there is no adopted criteria, how can significance be credibly determined?

PUB84-16

D. CUMULATIVE ROADWAY SAFETY IMPACTS

The DEIR does not analyze how traffic from the Project, together with traffic from the Yosemite Under Canvas development, the Thousand Trails/Yosemite Lakes RV Expansion, the Berkeley Tuolumne Camp Restoration project, and the Mountain Sage Conditional Use Permit project, would cumulatively affect the roadway safety.

PUB84-17

E. PROPOSED 120 IMPROVEMENTS

The Project would cause a sight distance “deficiency” at the intersection of SR-120/Sawmill Mountain Road that would need to be mitigated. The “Construction” section of the DEIR, on pg 4.15-15 references project-related improvements proposed along SR 120 near the site – an eastbound left-turn lane, a westbound right-turn lane, and an eastbound receiving lane on SR 120 and it is noted that, “These improvements are outside of the project site within the Caltrans right-of-way.” There will need to be some cutting of the hillside within the Caltrans right-of-way, which is beyond the limits of the project site or the jurisdiction of the County.

PUB84-18

Thus, this impact should have been identified as Significant and Unavoidable, as there is no certainty that it this will be accomplished as the DEIR does not provide any evidence to suggest that Caltrans would approve this roadway project.

F. 1S03 IS A US FOREST SERVICE ROAD

1S03, also known as Sawmill Mountain Road is, in fact, not a standard road at all. It is a 22' wide road with no shoulder that leads to 15 residences and then continues on deep in to the forest. It is a dead end road that is paved in some parts and not in others. It has always been a "fire road" meant for fire and forest maintenance operations and, except for being used as access to the residences there, that is the only way it has ever been used. This road was not meant nor is it suited for the type of vehicular, bicycle and pedestrian traffic this project will generate. It is an inappropriate use that unnecessarily puts the residents of 1S03 as well as hotel guests and visitors in harm's way, especially if there should be an emergency. Use of this road for commercial purposes also creates a hazard for the Forest Service should they need to access the road quickly. Every other lodging facility on Hwy 120 has their main entrance off of the highway; the DEIR has not made the case that Terra Vi should be the exception to this. No explanation is offered for using 1S03 as the main entrance road except that it "already exists" which leads one to believe that this was a decision made out of convenience for the developer and not out of "best practice". The use of this road as the main entrance creates a plethora of issues in regards to safety that have been previously addressed in this letter. An alternate route must be considered and studied in earnest because up until this point it is clear that it has not been.

6. BIOLOGICAL RESOURCES

Threatened and Endangered Resources: The DEIR does not adequately address the many threatened and endangered resources that are potentially present on the property. The mitigations suggested do not prove or in any way inspire confidence that, should endangered species and/or habitats found, they would not be destroyed. Over and over again the DEIR suggests education and fencing off of such areas. There is no indication or assurances that such measures are actually effective in the type of construction this project would require. It is not reasonable that a portion of such a large project could be fenced off for protection without somehow being damaged or destroyed. More effective and reasonable mitigations must be explored in order to protect he biological resources on the site.

Further, more observation must be done over time to ensure that no such threatened or endangered species exist on the site, as the DEIR asserts. This DEIR indicates that limited observation over a limited time period was the determining factor regarding what exists on the land and what doesn't. More time and care must be taken to guarantee that all threatened and endangered biological resources have been observed.

Deer Migration: This land is a well known deer habit and winter migration area. While the DEIR asserts that this area has a low to moderate suitability as a deer movement corridor (DEIR, pg 4.3-59) the reality is that this area is covered with deer in the winter and spring

months. Yet, there is no mitigation suggested for the removal of this deer habit and little concern given to the fact that an important corridor will be lost. Yes, there is fencing proposed to keep the deer out of the area and out of the way of cars and traffic, but that does not address the loss of their habitat. The DEIR must more adequately address this issue.

PUB84-21
cont.

7. CUMULATIVE IMPACTS

Currently, there are four developments and use permits being pursued in this area of the County. They are as follows:

- The Terra Vi Lodge Yosemite project: a proposed master-planned lodging development that would be located directly north of the project site across State Highway 120 and includes a public market, a general lodge with multipurpose indoor and outdoor areas, 100 guestrooms, 7 cabins providing 26 guestrooms, and 5 employee housing units.
- The Berkeley Tuolumne Restoration project: approximately 2.7 miles southeast of the project site at 31585 Hardin Flat Road, which would include 90 cabins to replace a similar use lost during the 2013 Rim Fire.
- Consideration of a Use Permit for the Mountain Sage Nursery in Groveland to conduct occasional special events.
- The Thousand Trails/Yosemite Lakes RV expansion project: a proposed 150-site expansion of the existing Yosemite Lakes RV Resort, divided between RV sites, cabins, and employee model home sites, approximately 0.8 mile southeast of the project site at 31191 Hardin Flat Road.

PUB84-22

While this DEIR does address some of the cumulative impacts of these projects, it never analyzes or studies the true cumulative impact of all of these projects being sited within about a three mile radius. Over and over again the DEIR states that there will be “little to no significance” in regards to just about every single aspect of this projects, from fire threat, to water, to traffic, to noise to aesthetics; somehow this DEIR finds a way to mitigate its way to “LTS” in almost every scenario. This DEIR fails to seriously consider the cumulative impacts in almost every area. Until a more thorough and earnest analysis is done of how all these projects will impact the area, this DEIR should not be finalized. It would be irresponsible to do so because the true impact of ALL of these projects will never be studied and thus known to the public.

8. Noise

The DEIR does not accurately nor adequately assess the project’s impact in regards to noise and does not provide enough evidence for the conclusion that its impacts would be “Less than Significant”, specifically in regards to construction noise and overall noise impacts. There are multiple residences located close to the Project site that would be impacted by Project noise, but the DEIR largely addresses impacts to only one residence. The DEIR fails to specify the number of homes in the area, their specific location or their distance from the Project.

PUB84-23

The Project will generate noise from sources including vehicle traffic, truck circulation, a loading dock, and an outdoor generator. The DEIR fails to provide adequate

mitigation for these impacts. The DEIR also concludes that construction-related noise would be less than significant suggesting that these impacts would be “short-term.” A construction project that lasts two years cannot be considered short-term.

In regards to helicopter noise, the DEIR determines this to be “significant and unavoidable” and fails to identify any mitigation for this issue. The DEIR admits that helicopter takeoff and landing from the Project helipad would produce substantial increases in daytime and nighttime noise but it does not adequately analyze how helicopter-related noise would impact residents in the area or identify adequate mitigation for these impacts.

**PUB84-23
cont.**

8. SUMMARY

At the end of the project description in section 3.4 on page 3-28 the requirements for permits and approvals are delineated, this explanation includes the following:

“The community development director shall find that the proposed development would not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the project site, and that the development would be consistent with the Tuolumne County General Plan.”

Based on this flawed document, from miscalculations, to omissions to lack of consistency with the general plan, it would be difficult to assert that this project is not detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the project site and that the development would be consistent with the Tuolumne County General Plan. Such a finding would be irresponsible on the County’s part. This DEIR is not sound enough and does not make the case that the risks the project proposes are worth the reward.

PUB84-24

Project alternatives have not been seriously considered or vetted. While they are mentioned at the end, their viability is not addressed in earnest. Project alternatives must be fully considered in a more serious way than they are in this DEIR.

Overall, the DEIR does not adequately make the case for this project; without further environmental review this DEIR should not be finalized and this project should not move forward.

Thank you,

Mary Beth Campbell
30350 Sawmill Mountain Road
Groveland, CA 95321

COMMENT LETTER # PUB85

From: Alicia Cask <acask@yahoo.com>
Sent: Thursday, July 30, 2020 2:15 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Cc: matthewchapman8@gmail.com; Alicia Cask <acask@yahoo.com>
Subject: Sawmill Mountain Road-Hardin Flats -Tualumne County- New Resorts pending

To whom it may concern,

Our Family has owned the Paden Family Property since the early 1940's, when purchased by our Grandfather Haskell Paden. It is located at 11311 Sawmill Mountain Road- Groveland Ca-Hwy 120-Tualumne County.

We have just today been made aware of several large, pending resort developments that will be located directly right next door and across the street to our property line.

These Resorts will be clearly seen from every inch and acre of our family property. The Resorts will be built right up to our property line, all on this previously quiet country cul de sac, private road.

Our little one lane windy mountain road is very clearly not equipped for the influx of people and cars, that will result from allowing these resorts to be built. The masses will be speeding down this winding dirt road to our gorgeous river, for a quick day trip to find the next spot to post on social media, and inundate our paradise with trash and human waste.

The trout fishing will just disappear from the result of all the humans trashing it, and the wild life and natural plants and fruits will all but be gone from human abuse and disregard.

The animals and land are just now bouncing back and recovering from the devastating Rim Fire over 6 years ago, that cruelly took our treasured 70 year old family cabin. Our family would just be heartbroken all over again to see humans destroy the beautiful nature around it completely.

In the last two days, We have seen in our little neighborhood, a Mama Bear and her two Cubs, a Bobcat, Mountain Quail, Mountain Stellar Blue Jays, Red headed Wood Peckers, Tree and Ground Squirrels, Rainbow Trout, and Deer.

These many endangered species will quickly disappear if multiple, unnecessary resorts are just blindly approved for nearby Hardin Flats and the Sawmill Mountain Area for mass population, or for any public vacation housing.

These plans cannot move forward without any further consideration or input from the local neighborhood landowners who are all Stewards to our gorgeous Forests.

In depth geological, traffic, sewage, and water studies are absolutely required and needed, on the impacts to the local endangered wildlife, and what the impact to our local wells and ground water tables that will be drained by these mega resorts, that is happening already to similar resorts right up the road from us now.

Please reconsider your approval for ANY FUTURE DEVELOPMENT PLANS going forward in the SAWMILL MOUNTAIN AREA AND HARDIN FLATS AREA ON HIGHWAY 120 TUOLUMNE COUNTY without multiple in

PUB85-01

depth studies, to the impact on the natural flora, fauna, wild life, and water resources, and to not APPROVE ANY PERMITS to build anymore mega resorts that will endanger our beautiful area.

We would like to request to be notified timely, by email or mail on any future public or private meetings, or hearings on this matter.

Sincerely,

Douglas and Alicia Cask
11311 Sawmill Mountain Road
Groveland, Ca.

201 Rochex Ave
Salinas, Ca. 93906

831-449-6543
831-578-0083

**PUB85-01
cont.**

COMMENT LETTER # PUB86

From: Pat Cervelli <patcervelli43@gmail.com>
Sent: Thursday, July 30, 2020 4:26 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra VI project

Dear Quincy Yaley,

I am writing to oppose the project Terra VI. It is located in a very high fire danger zone. With capacity for about 500 guests plus a large number of staff, there is a great likelihood of human-caused fire in this extremely dry environment.

In addition, there is no access to public water, only well water which we know can dry up in drought conditions. Mountain Springs Golf Course was built on the promise of well water. Didn't those wells dry up soon after construction of the golf course?

I live on the Tuolumne River canyon and have experienced two major fires here: the 1987 Complex Fire and the 2013 Rim Fire. We, my neighbors and I who have recently established a Firewise Community, dread anything like this Terra VI development which will only increase fire danger to many in our County.

I hope you will recommend against building this development.

Pat Cervelli
209-928-2393

PUB86-01

PUB86-02

PUB86-03

Tuolumne County Co. Development Dept.
2 South Green St.
Sonora, CA 95370

July 30, 2020

Submitted Via Email

RE: Terra Vi DEIR Comments

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

I will preface my comments with expressing my frustration at not having adequate time to thoroughly read and analyze the 1,866 page Terra Vi DEIR, given its massive size and the fact it was released within days of the 1,263 page Yosemite Under Canvas DEIR. The Terra Vi DEIR contains voluminous amounts of technical data and various consultant reports. It is utterly impossible for me to adequately access and provide meaningful comments on all the issues and my concerns without having an extension of time beyond the minimum 45 days.

It is a great disappointment that the County Community Development Department and Board of Supervisors denied the request for a time extension to comment on the two massive documents. I will repeat that the severe time constraint of understanding two concurrent major development projects is a great burden to community members wishing to provide meaningful comments. There was not a reasonable amount of time provided for me and others to fully research the technical aspects of this project. During the COVID crisis, we are limited in our ability to contact the appropriate experts to help us understand such things as the well testing/hydrology reports, and wastewater treatment systems. The message of denial seems to indicate a lack of genuine interest by the County on hearing what the community has to say. This project, if approved, will result in major, long lasting changes for that region and community.

As a Tuolumne County resident and a member of the Tuolumne River Trust Board of Directors, I am submitting the following comments on the Terra Vi Draft Environmental Impact Report.

These comments are not at all my comprehensive comments, but only a selection of some of the major issues.

The Terra Vi DEIR seriously understates the impacts without sufficient documented support. The DEIR fails by avoiding complete and balanced treatment of the various impacts or by dismissing the effects as less than significant. The DEIR does not adequately evaluate the environmental impacts of the proposed project nor the very real cumulative effects with neighboring proposed developments. It also lacks comprehensive, realistic mitigation measures which need to be required for those impacts.

PUB87-01

PUB87-02

Water Supply/Hydrology

The DEIR fails to adequately address the requirement for sufficiently available water supplies to serve the project during normal, dry and multiple dry years.

The water testing performed at the project site to date has been the bare minimum for such a pivotal requirement of a reliable water supply. Testing was done only for the minimum 10-day period, in a year (2019) which had higher than average precipitation (Geoscience Report, Figure 8). In fact, 3 out of the last 5 years had above average precipitation, while 4 out of the last 10 years had below average precipitation, with 3 of those years severely below average. It is well known by now that California has very cyclical water year types ranging from critically dry (drought) to extremely wet. The risk of a lack of water has not been adequately studied or addressed. There is no back-up plan in the case of well failure.

PUB87-03

The DEIR states that water supply for the proposed project would be from onsite groundwater wells and the groundwater at the site occurs in weathered bedrock. These two wells were developed for the project in 2019 and are new, less than 2 years old, without any substantial or robust performance record. It is unknown at this point how the wells will respond to a dry water year or multiple, consecutive dry years

PUB87-04

The proposed development directly across the highway, YUC, which is also depending on the bedrock water source, discussed in its DEIR:

- “It is extremely difficult to predict sustainable yield and storage capacity for fractured bedrock aquifers, which are the sole source of groundwater for the project. The lack of regional information on the fractured bedrock aquifers, the absence of readily available well hydrographs for the area, and a reliable data base of groundwater conditions in this area, all contribute to reducing effective estimates of sustainability from groundwater sources.” (YUC DEIR, p. G-32)

PUB87-05

The hydrologist’s report for Terra Vi fails to consider this uncertainty of water supply sourced from fractured/weathered bedrock.

The DEIR states that the wells would supply the proposed project with 16,636 gallons per day (gpd) that the project is estimated to demand. While the source this project is given as Shamim Engineering Consultants which used “table A, Chapter 4 of the Los Angeles Plumbing code with standard CALGreen reductions based on minimum efficiency fixtures.” (p 568), the final DEIR should provide additional information on how these projections were calculated. The methodology for the projection of water use needs to be furnished to support this figure in a transparent manner to support realistic projections.

PUB87-06

The DEIR fails to adequately address concerns regarding impacts to groundwater supply of existing water supply wells in the vicinity of the project site.

The Terra Vi DEIR states:

- “Pump testing on the project site was conducted during the period when the Yosemite Under Canvas wells were also being tested to ensure that the source capacity assessment would include the potential long-term influences of nearby off-site wells operating at the same time” (p 296)

The Terra Vi 10 day well test was conducted between October 23-November 2, 2019 (p 578 Terra Vi DEIR, Volume 2). The testing period for the YUC Well #2 occurred between October 25-November 4th, 2019 and the YUC Well #1 was tested during November 8-November 18, 2019 (pG-28 YUC DEIR).

Given these dates, Terra Vi tested its two wells while only YUC’s Well #2 was undergoing its 10-day test. The statement above implies that both Terra Vi’s wells and both of YUC’s wells were undergoing the 10-day testing over the same time period which is not true. **Only the effect of YUC’s Well 2 was observed on Terra Vi’s wells. Terra Vi’s DEIR overstates the amount of simultaneous well testing of the two projects.**

In addition, only three of the neighboring residential wells were tested in conjunction with Terra Vi’s two wells. There is no mention of how many residential wells are in the area and could potentially be affected by the project’s pumping. The omission of consideration of at least the number of other wells in the area needs to be addressed in the final DEIR.

The Terra Vi DEIR has a conflict with the YUC DEIR when it comes to influence detected between their respective wells:

- “The water levels in the on-site Terra Vi wells showed no impact during the pump testing of the Yosemite Under Canvas wells to the south. Therefore, simultaneous pumping from wells on the Terra Vi property or the Yosemite Under Canvas property would not impact the other property. The two properties are on different sides of a watershed boundary and likely are accessing different fracture zones”.(p 393)

The YUC DEIR reports that their hydrologists found some connection between YUC Well #1 and the Terra Vi wells.

The developer should perform additional well testing analysis to determine the level of influence more accurately between the wells since there was only one testing period conducted for each well. The cumulative impacts of all the newly drilling wells must be fully and adequately studied and evaluated. There clearly is not enough information for assessment of groundwater reliability for these new developments as well as the existing wells in the area. Since these two large proposed projects are undergoing environmental analysis concurrently, it is essential that their cumulative impacts are assessed.

PUB87-07

PUB87-08

PUB87-09

The final EIR must take a more diligent and robust analysis of the water supply of these newly drilled wells. The water supply availability is a pivotable issue and the risk of adversely affecting the wells of existing residents and the long-term sustainability of the water supply requires additional testing, research and analysis, including sufficient documentation.

PUB87-09
cont.

The DEIR does not consider a “worst-case” scenario for water. There is no contingency plan in the event of an insufficient water supply.

Availability for a reliable water supply for this project as well as the adjacent YUC project has been a top critical concern in public comments to date.

Omission of considering a worst-case scenario in the DEIR is extremely dismissive of the very real consequences of a well becoming less productive or going dry.

The Natural Environmental Science Center at Chinquapin (Nature Bridge Campus) in Yosemite National Park experienced the occurrence of a worst-case scenario. The initial well testing yielded good water availability which disappeared a few years later. The multi-million-dollar complex still has not resolved its water supply problem and remains vacant.

PUB87-10

As reported by the National Park Service:

“The existing Chinquapin water system currently uses one well as a water source to provide water service to the Chinquapin Restroom, the Chinquapin Residence, and the Nature Bridge Campus and Henness Ridge. The existing well has seen a substantial decrease in productivity; the initial capacity test in 2006 indicated the well-produced water at a rate of 27-29 gallons per minute while the most recent capacity test performed in July of 2017 indicated that the well production has decreased to about 4.5 gallons per minute. This current rate is insufficient for the system's water demand needs”.¹

Wastewater System

The DEIR fails to fully explain how the wastewater system will not contaminate the groundwater and the neighboring residential wells. There is also concern for contaminating a spring located just 300 feet to the north which ultimately flows into the Middle Fork Tuolumne River.

PUB87-11

The wastewater plan relies heavily on just meeting County regulations. It also mentions vaguely a Drainage Plan will be developed which sounds like checking a bureaucratic box; no details are

PUB87-12

¹ <https://parkplanning.nps.gov/projectHome.cfm?projectID=67690>

provided on that plan. The project developers appear to take a hands-off approach in the responsibility of wastewater system impacts.

In past public comments, there have been major concerns with potential contamination of the groundwater by wastewater. There is no analysis or discussion of details as to how the system will meet minimum requirements. There is no discussion how this large wastewater system and the water supply system will be designed and operated to ensure there will be no contamination of the groundwater. There should be some integrated explanation and analysis of how the two systems will be working together to ensure water quality, avoidance of contamination of the Tuolumne River and avoidance of septic treatment failure. The DEIR should include identification and consideration of any likely impediments to installation and operation of the wastewater system. The discussion should be site-specific. There is no discussion of the maintenance and monitoring of the system.

**PUB87-12
cont.**

Fire Risk & Public Safety

The DEIR fails to realistically assess the impacts of fire risk to the project and the surrounding area. The mitigation measures are severely inadequate to meet the increased fire risk introduced to the area by the project.

The project site is designated as a Very High Fire Hazard Severity Zone and that designation is unlikely to change.

The recently released Tuolumne Grand Jury Fire Safety Report (June, 2020)² wrote:

“To survive a truly disastrous event, fire protection and fire readiness must be a continued priority for visitors and residents of Tuolumne County and these priorities need to be at the forefront of the agendas of all elected officials.” (p. 2)

“Tuolumne County faces unprecedented danger to life and property from wildfire” (p.2)

PUB87-13

The DEIR refers to this report and is therefore well aware of current lack of adequate fire protection within Tuolumne County:

- “Due to ongoing concerns within Tuolumne County regarding the adequacy of fire protection and emergency medical (EMS) the [County] commissioned a countywide First Responder and EMS Study, to review existing services, evaluate current needs... The study, completed by Matrix Consulting group in February of 2019, identified significant challenges to the ongoing provision of fire and EMS services within the unincorporated areas of Tuolumne County. These include declining participation of volunteer emergency response personnel and a commensurate increase in need for paid emergency response personnel, combined with a constrained ability of the funding mechanisms available to

² <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/14793/Tuolumne-County-Fire-Safety-Report>

pay for the operational and capital costs of fire and EMS services to keep up with the increased costs to provide these services Further, the study found that a review of finances was needed for department and district lacking proper funding”. (p 345)

The mitigation measures that the project proposes to meet the demand for fire protection services to the project site are woefully inadequate in the case of a rapidly exploding, fast moving wildfire (which has already burned through area). Having two emergency staff plus a few more Terra Vi employees trained as volunteer fire fighters is not a solution for the need to protect guests and staff from fire in a very remote area.

The DEIR simply acknowledges the lack of sufficient fire protection services currently, but only proposes to train a few employees to deal with life-threatening wildfire dangers as a mitigation measure.

The DEIR states:

- “In a worst-case scenario in which early evacuation is not feasible, the expectation is that the guests and employees would remain on-site in the event that a wildland fire nears the project”. (p. 76)

In the worst case scenario of people not being able to evacuate in the face of a approaching wildfire, it does not make any sense to have an expectation to keep terrified people on site unless there is an underground bunker in the development plan. This is an exceedingly vague statement without any thought to the reality of what happened in the Camp Fire when people could not safety evacuate the area.

The suppression systems and site hydrants that the project proposes to use (a combination of reclaimed, treated greywater, and potable water storage) are not fully explained and seems like a vague plan. How is the hydrant system going to be designed and approved? What is the capacity of the firefighting water tank and will it have enough pressure to work with the fire hoses?

The project’s evacuation plan is relying on “early” notice to minimize peak traffic fleeing a wild fire:

- “Based on monitoring of both weather conditions and nearby incidents, guests would be notified to evacuate early to minimize peak traffic on Highway 120 in the event of an incident that requires evacuation. Pre-fire evacuation plans would identify triggers for evacuation in terms of proximity of wildfires, and winds” (p 76)

Believing that early warning is enough to avoid the gigantic, chaotic traffic influx onto Highway 120 in the face of a wildfire, given the size of this resort, plus the cumulative traffic from the RV Park (with large bulky vehicles), the Berkeley Camp, the Sawmill Mountain Residents and the Yosemite Under Canvas guests, Hardin Flat Road residents and potentially other evacuees from

**PUB87-13
cont.**

PUB87-14

PUB87-15

PUB87-65

the eastern direction of Highway 120 is really ludicrous. The evacuation plan is more than weak to deal with the reality of the potential worst-case scenario of a fast-moving wildfire in this Very High Fire Hazard Severity Zone

PUB87-16
cont.

The DEIR fails to realistically assess the adequacy of firefighting resources and availability.

As has been reiterated in past public comments, the project is very remote from the safety services for fire, police and ambulance service. The nearest Tuolumne County Fire Department (TCFD) firefighting resources are in Groveland, about 17 miles west of the project site on Highway 120. There is a significant amount of travel time required to get from Groveland to the project site. When a wildfire occurs, the firefighting resources may not be readily available because they are deployed elsewhere. In addition, the project's DEIR incorrectly states that GCSD and TCFD operate under a mutual aid agreement.

The conclusion that fire protection services can be provided to the project with current resources and by adequately mitigating by training some employees to be volunteer firefighters is not valid. The DEIR dismisses the fact that their resort will increased need for additional personnel or new or physically altered fire protection facilities in order to maintain acceptable service ratios and response times. Terra Vi will add as many as 400 guests plus employees at risk from wildfire danger and Yosemite Under Canvas will add over 250 people. The assertion that adding more demands on the fire and emergency system without significant impacts or the need to expand these county services is unacceptable.

PUB87-17

The Tuolumne Grand Jury Fire Safety Report (June, 2020) reports:

“Most of the fire engines and equipment in the county are old and becoming obsolete. There are no comprehensive plans or consistent budget allocations for replacement.”
(p.9)

At the recent July 15, 2020 County Board of Supervisors Meeting, an agenda item was an overview and discussion of the dire situation of providing adequate firefighting services. The Board is already struggling with budget problems and an underfunded firefighting system.³ Clearly, the firefighting resources are aging and already spread thin. It makes no sense adding more demands on the fire and emergency system without more funding and expansion, and the County is currently in no position to do so. The project cannot just punt on the responsibility for helping to fund this increased critical need.

Traffic

The DEIR does not adequately consider traffic safety and congestion due to the dramatically increased vehicle flow and entries/exits along Highway 120 with the Terra Vi, the proposed Yosemite Under Canvas development, expansion of the Yosemite Lakes RV park and the

PUB87-18

³ https://tuolumneco.granicus.com/MediaPlayer.php?view_id=5&clip_id=433

re-opening of the Berkeley Camp. Traffic impacts to the Hardin Flat Road are lacking in the DEIR.

A more robust traffic study must be included in the final EIR to analyze all impacts of the increased number of cars from visitors, employees of the developments and the increased amount of daily delivery trucks/maintenance vehicles to service the developments. (There is no mention of all the increased service vehicles which will be going to the resort and the cumulative impact of those vehicles going to YUC. The addition of multiple entrances and exits to the new proposed developments and the need for widening Highway 120 for safety reasons must be evaluated. The proposed use of the Sawmill Mountain Road, a Forest Service Road, is inappropriate for this project. The approach to the Yosemite Park entrance already becomes significantly congested in the high season, with cars backed up literally for miles to get into the park.

**PUB87-18
cont.**

The claim of reducing traffic on Highway 120 with a YARTS stop is questionable and not meaningful.

The DEIR seeks to check the box in stating that guests will use YARTs for transportation to the Park in lieu of using their cars. The YUC project also is hoping its guests will use YARTs. There are currently only three YARTS runs a day to Yosemite National Park and back. It is extremely doubtful the current YARTS system can absorb the increase in potential ridership. Proposing that YARTS is the answer to reducing traffic just checks a box and is not a real solution. The project should evaluate contributing to the expanded support of YARTS service or provide its own shuttle transport to the Park, perhaps in partnership with YUC.

PUB87-19

Recreational Impacts to Tuolumne River Watershed

The DEIR omits analysis of the recreational impact by Terri Vi to the surrounding Tuolumne River Watershed.

Visitors to Terra Vi are very likely to visit many local sites within Stanislaus National forest, including the Middle Fork of the Tuolumne, Rainbow Pools and other locations on the South Fork of the Tuolumne, as well as the main Tuolumne River itself. This could cause significant additional crowding of popular areas that are already highly impacted with day use. With every new lodging development, guests are directed to the same few easy access points of the river, such as the Carlon Falls trail. In recent years, these places have become crowded and very hard used in the high summer season, In particular, the number of cars parked to access these sites has risen dramatically which introduces major safety concerns. For instance, the parking lot at Rainbow pools is small and visitors park all along Highway 120 and run across the busy highway to get down to the river. Also, increased visitors usually result in increased trash left behind in the popular sections of the river.

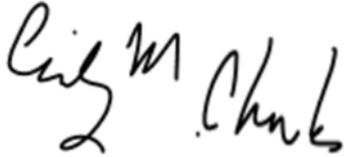
PUB87-20

The final EIS must describe the anticipated change to current recreational use levels at nearby recreational resources on such as Rainbow Pools, the Tuolumne River and its tributaries, and

other readily accessible locations within the watershed. We need to understand the impacts on recreational use and if mitigation may be required.

**PUB87-20
cont.**

Respectfully submitted,

A handwritten signature in black ink that reads "Cindy Charles". The signature is written in a cursive style with a large "C" and "H".

Cindy Charles

19745 Cherokee Trail Road
Groveland, CA

July 30, 2020

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

RE: Terra Vi Lodge Project DEIR

Dear Ms. Yaley,

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

PUB88-01

Property Access:

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

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

PUB88-02

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

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

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

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

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

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

Evacuation:

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

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

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

**PUB88-02
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PUB88-03

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

PUB88-03
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Many people died in the Camp Fire in Paradise last year as they were trying to evacuate their homes. They only had one road in and out of the area; the residents of Sawmill Mountain and Hardin Flat are in the same terrible predicament. Why would the County knowingly place a highly hazardous property use such as Terra Vi and Under Canvas in a Very High Fire Hazard Severity Zone without contemplating safe exits and evacuation?

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

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

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

According to this contract, the participant (Mr. Manly) certifies that the parcel of forestland will not be developed for uses incompatible with forest resources management within 10 years following recordation date. The property has undergone reforestation efforts and CalFire has been monitoring the forest improvement work. The DEIR asserts that the CFIP has now been annulled but there is no evidence of this statement.

PUB88-04

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

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

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

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

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

Transportation, Traffic

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

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

PUB88-05

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

Circulation:

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

PUB88-06

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

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

PUB88-06
cont.

Aesthetics

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

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

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

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

PUB88-07

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

As currently designed, the scenic views from my property as well as my neighbors on Forest Route 1S03 will be substantially impacted. New artificial lighting will further deteriorate views of the night sky. The DEIR provides information about lighting at the helipad that cannot be shielded; this is unacceptable. The artificial lighting is noted under Aesthetics but also impacts Biological Resources which could disrupt many wildlife species including the vulnerable riparian habitat in this ecologically sensitive area. Many animals are cued by nightfall for feeding, mating, foraging; these normal patterns are at risk for interruption and harm to sensitive wildlife and plant species. There is no mitigation noted for these impacts other than “complying with building codes.”

Cultural and Tribal Cultural Resources

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

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

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

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

PUB88-08

Hazards

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

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

PUB88-09

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

PUB88-10

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

PUB88-11

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

PUB88-12

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

PUB88-13

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

PUB88-14

Hydrology and Water Quality

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

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

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

PUB88-15

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

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

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

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

PUB88-16

As mentioned in previous letters regarding Biological Resources, any watercourse disturbance affects the riparian habitat and threatens a variety of plant and wildlife species. Many animals depend on riparian habitat, and utilize this habitat for foraging, water, shelter, and migration. The project could substantially affect riparian habitats by resulting in further destruction or loss of these vulnerable habitat types. This past Spring, my meadow as well as my neighbor's adjoining meadow were brimming with wildlife activity, particularly the Pacific Chorus Frog, the Arboreal Salamander, and California Newt, a species of special concern in California.

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

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

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

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

Alternatives

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

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

PUB88-16
cont.

PUB88-17

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

PUB88-18

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

PUB88-19

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

PUB88-20

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

PUB88-21

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

PUB88-22

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

PUB88-23

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

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

PUB88-24

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

Conclusion

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

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

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

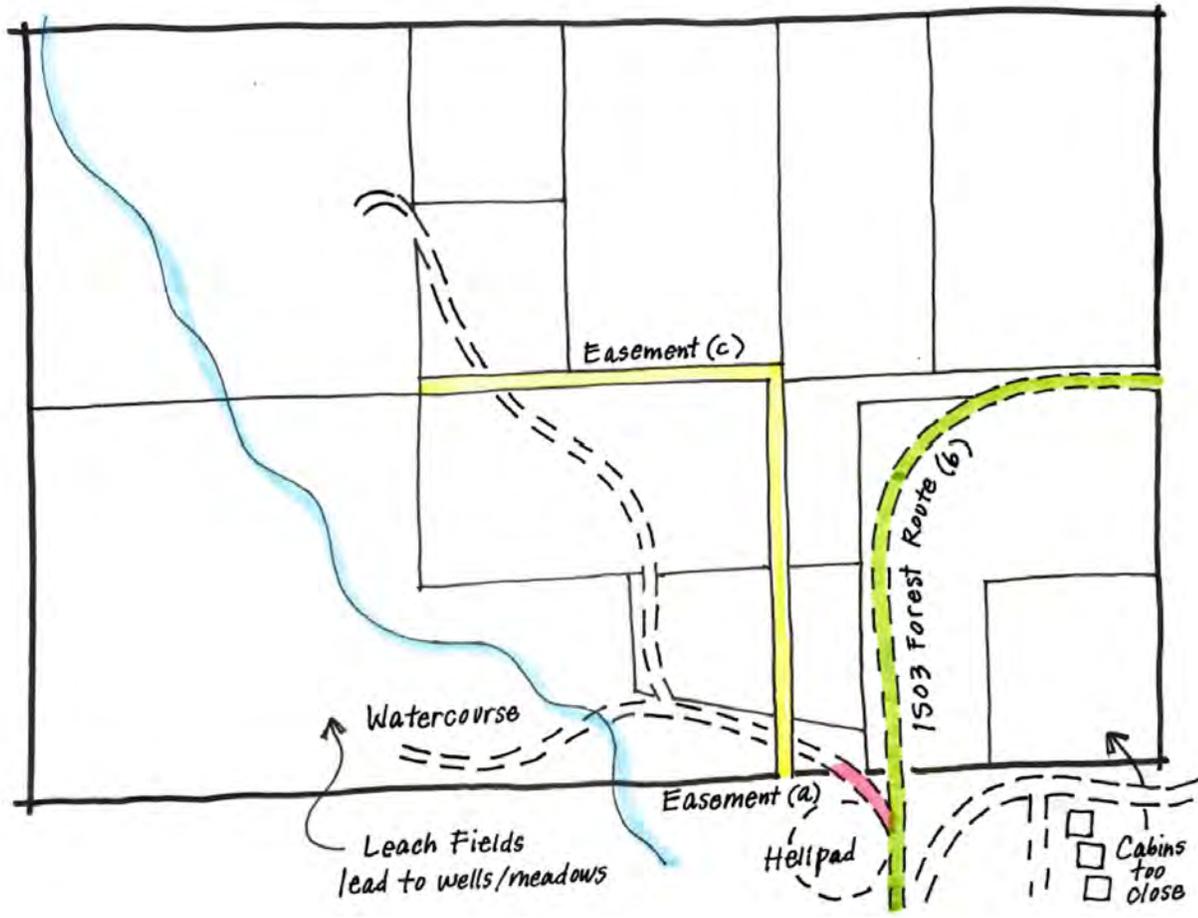
In conclusion, there are many categories that require an objective, thorough review and revision of the DEIR that require recirculation for public comment. I have outlined just some of the key areas that are concerning while there are many more that must be considered by the appropriate agencies.

Sincerely,

Nancy Constantino

PUB88-25

Sawmill Easements



PUB88-26

COMMENT LETTER # PUB89

From: Priscilla Cornell <heidiho@gosnc.com>
Sent: Thursday, July 30, 2020 1:53 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Proposed resort

This is the first I have heard of this proposed resort.
OMG, speaking as a long time--30 year plus--resident of Groveland, that is the LAST thing we need .
I say NO, NO, NO!
This little town can not handle anymore tourists coming through then we already have to deal with.
Especially in these medically challenging times.
I already feel like --tourists go home--the thoughts of hundreds more--please no!
I hope whatever panel is deciding this will take that into consideration.
Thank you for the chance to express my concerns and opinion.

PUB89-01

Priscilla Cornell
heidiho@gosnc.com

COMMENT LETTER # PUB90

From: dan@excaliburre.com <dan@excaliburre.com>

Sent: Thursday, July 30, 2020 12:46 PM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>;
Natalie Rizzi <NRizzi@co.tuolumne.ca.us>

Subject: RE: [spam] Automatic reply: Comment Letter - YUC

Hello Quincy, Natalie and Taryn,

I'm just checking in to see if the request for extension on comments to the Terra Vi DEIR has been accepted?

Sincerely,
Dan

|
| **PUB90-01** |
|

From: Suzanne Ctibor <yosemitesu@gmail.com>
Sent: Thursday, July 30, 2020 2:59 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi Lodge

Hello,

I am writing you again to express my opinion of Terra Vi Lodge, proposed for Highway 120 and Sawmill Mt. road.

I sincerely hope that this project is rejected. It, like Rush Creek and Evergreen, will bring more problems than an 'extra' million dollars in tax revenue for Tuolumne County will NOT be enough for all the traffic, and all the problems this large of a project will incur. It will bring more emergency services, the incidents of fire, and the Sherrifs department having to investigate thefts, and other problems 300 or more people per day will bring. Think, more traffic, more accidents, more dead wildlife! Not to mention the aesthetic value of the forest. If any of you have ever driven 120 during the height of tourist season, you would be subject to people that don't know how to drive on mountain roads. They have no regard for double yellows, no passing signs, and certainly not speed limit signs!! I have been passed on double yellows with blind corners more times than I can even count. I have been passed on the RIGHT WHILE CHILDREN WERE IN THE CROSSWALK at Tenaya Elementary, because the driver behind me was in too much of a hurry. I couldn't even catch up to him so I could get his license plate number to call CHP. Highway 120 was not built with the thought of the amount of traffic there would be on it in the future!

Again, an 'estimated' one million dollars in tax revenue, as far as I'm concerned, will not offset the cost of the services provided by the County and GCSD that this project will incur.

The effect on local businesses, especially the 'mom and pop' businesses, like many of our local hotels, B&B's, AirB&B's, and more will also be effected by this project.

There are very few places to rent in this area, it's almost impossible for even locals to find a place to rent, as many of the rentals in Pine Mountain Lake are now AirB&B's and not rentable on a monthly basis. Outside employees may not be able to find housing for long term. Where will they be housed?

Please reconsider this proposal. A 3 story hotel would be a huge eyesore in our beautiful area, especially if it looks like a hotel/motel that you see off of Highway 99 in Stockton.

Thank you for your consideration of our concerns.

Respectfully,

Suzanne Ctibor and family,
Second and Third generation Tuolumne County residents.

PUB91-01

From: Patricia Elliott <pellott3648@gmail.com>
Sent: Thursday, July 30, 2020 3:31 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Terra Vi

To Ms. Quincy Yaley,

The Terra Vi development is a massive project that threatens the future of Yosemite National Park. Tuolumne County has a sacred obligation to protect the Park from the abuse, greed and self interest of big city developers.

We know that the Park is on the verge of overuse already. Why would you approve a project that will only add to the traffic congestion, increase the risk of fire and threaten the water supply on Sawmill Mountain? A few tax dollars will not solve the county's financial problems. Terra Vi will have it's own restaurant and store so the town of Groveland will not benefit from this development. Please protect Yosemite National Park for future generations.

Sincerely, Patricia Elliott, PhD
Groveland, Ca.

PUB92-01

COMMENT LETTER # PUB93

From: Elizabeth Erickson <elizerickson@gmail.com>

Sent: Thursday, July 30, 2020 10:38 AM

To: Quincy Yaley <QYaley@co.tuolumne.ca.us>; Natalie Rizzi <NRizzi@co.tuolumne.ca.us>; kathleenhaff2020@gmail.com; Tracie Riggs <TRiggs@co.tuolumne.ca.us>; BOS Members <bosm@co.tuolumne.ca.us>

Subject: Terra Vi DEIR - Opposition Letter

Please find attached my opposition/comment letter in regards to the Terra Vi DEIR.

Please take into consideration that this project has a huge impact on our small community in Sawmill Mt. Road. Also, our family has been property owners since the early 1940's and my grandfather just passed away (he and his father built our cabin when he was in college) this is a legacy to pass on to others to enjoy the wilderness. There has to be other options that cause less impact and distress on the people and environment around.

PUB93-01

Please provide receipt of this email and letter attached.

Thank you,
Elizabeth Erickon

July 30, 2020

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

Quincy Yaley: qyaley@co.tuolumne.ca.us
Natalie Rizzi: nrizzi@co.tuolumne.ca.us
Tracy Riggs: triggs@co.tuolumne.ca.us
Kathleen Haff: kathleenhaff2020@gmail.com
Board of Supervisors: bosm@co.tuolumne.ca.us

RE: Comments in response to TERRA VI DEIR

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

Our family has owned a parcel adjacent to the proposed development since the mid-1940's. We have a family cabin that my Great-Grandfather and Grandfather built. Our family has been enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for five generations.

PUB93-02

This letter is in response to the "Terra Vi DEIR," which included extensive appendices, well test reports, site plans, and past comments. This document dismisses items that are considered relevant to the safety and well-being of the neighboring communities and the general public that frequent the Highway 120 corridor in Tuolumne County.

The First Issue to address is the Parcel and Zoning Questions:

This DEIR is doing a report on a parcel that was never legally subdivided in compliance with the Tuolumne County Ordinance. As a property within the community of the Manly property we would like the County to follow the proper procedure and notification for a divide and rezoning.

PUB93-03

The Second Issue to address is the Timberland Conversion:

The matter of conversion of the site from commercial forest use to a non-forest use. The DEIR notes that the project could have a significant impact on the environment if it results in the conversion of forest land to non-forest use.

PUB93-04

The DEIR text clearly acknowledges that the project would result in a conversion of the project site from a focus on timber management to a focus on recreation.

Over past decades, when projects affecting forest lands have been reviewed, Tuolumne County planning commissioners and county supervisors have historically strongly advocated for strict and thorough review of the impact of converting commercial timberlands to other uses.

**PUB93-04
cont.**

Third Issue is Fire Risk:

The Grand Jury published a report on June 3, 2020 a Tuolumne County Fire Safety Report. (which can be found on the County’s website: <https://www.tuolumnecounty.ca.gov/1294/2020-Grand-Jury-Report>) The report states “Of the 20 most destructive Fires in California’s History, 10 have happened within the last four years....Recent wildfires events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days..” it continues to state that “A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road.”

PUB93-05

Adding a 250+ room hotel, employees, and general public along with the properties already there, this project would cause a massive potential for disaster with hundreds of guests and employees attempting to evacuate along with the owners of properties adjacent to the proposed project..

The Fourth Issues is Water Supply:

All properties currently get their water supply from wells. Terra Vi’s well testing failed. With the indicated required draw on the water table, the project could and probably would leave the Sawmill Community with no water. There is no documented mitigation for this.

PUB93-06

The DEIR finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development. All the other local, large hotels that are also in granite sub-strata have struggled to provide sufficient water.

The DEIR does not appropriately state that the water flow testing showed that the pump test was a failure in providing the appropriate water that would meet the demand of such a project. There is no mitigation for depriving the surrounding properties of their water supply.

The Fifth issue is Forest Service Road:

Terra Vi is assuming they would have access from the Sawmill Mountain Road (Forest Route IS03). Their main circulation, access and egress is all planned for using this route. However, a Forest Route, such as IS03, is for forest administration and forest access. Also Forest Route IS03 is the only access that the 15 cabins in the 80 acre homestead have.

PUB93-07

Considering that the planned site for Terra Vi has an alternative access approved by CalTrans 200 yards east along Highway 120, the alternative would be the most appropriate access to such a planned project.

The Sixth issue is Waste Water:

The DEIR does not address the potential for system failure of the waste water treatment system. The failure of the system would result in contaminating the water supply for the 15 resident cabins, the Middle Fork of the Tuolumne River and also could be in violation of the clean water act. The DEIR completely overlooks the negative impact of a waste water treatment failure.

The USGS Ascension Mountain quad map (photo-inspected 1992) shows a spring located outside the project boundaries, 300± feet to the north (the same off-site aquatic feature shown in the NWI map). On the quad map, the spring flows into an unnamed perennial channel that flows northwest into the Middle Tuolumne River and, based on topography, EC-01 also would be expected to flow into the same off-site perennial channel 300± feet north of the project boundaries and subsequently to the Middle Fork Tuolumne River. What does this tell us?

These concerns address only a few of the issues; as this DEIR is over 1,200 plus pages with a short time granted to review not only the Terra Vi DEIR but also the Under Canvas DEIR, the county is limiting the community's ability to adequately respond to all the misinformation and lack of facts this DEIR provides.

Elizabeth Erickson

PUB93-08

Ms. Yaley
July 30, 2020

July 30, 2020

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

Natalie Rizzi: nrizzi@co.tuolumne.ca.us
Quincy Yaley: qyaley@co.tuolumne.ca.us
Tracy Riggs: triggs@co.tuolumne.ca.us
Kathleen Haff: kathleenhaff2020@gmail.com
Board of Supervisors: bosm@co.tuolumne.ca.us

Regarding: The TERRA VI DEIR

Dear Ms. Yaley, County Planning Commissioners, and the Board of Supervisors:

My grandfather and father purchased a parcel adjacent to the proposed development in the 1940's and built a cabin on it. It is a one-room cabin intended to be a sanctuary and retreat. It remains essentially as it was built and is not rented out or used by anyone other than family. It is a very, very special place with memorials for my sister, grandfather and, just recently, my father on-site. Five generations of my family have enjoyed the peaceful beauty of this little piece of Tuolumne County. As the Finance Director of a small town, I recognize the temptation of the taxes and fees from this project. However, outside of the clear and obvious errors and omissions in the DEIR, I implore you to consider the devastating impact that what is essentially a hotel will have on the surrounding area and the peaceful enjoyment of our land.

That said, this letter is in response to the "Terra Vi DEIR," which included extensive appendices, well test reports, site plans, and past comments. There was very little time to read and absorb the large document and my responses will reflect the lack of time allowed to do so. In my town, a development of this nature would be subject to extensive public outreach and education to be sure the community was fully versed in the risks and rewards and could provide input.

However, even with the limited time available, it is clear that this document overlooks and dismisses items that are considered relevant to the safety and well-being of the neighboring communities and the general public that frequent the Highway 120 corridor in Tuolumne County.

1. Illegal subdivision. This DEIR is a report on a parcel that was never legally subdivided in compliance with Tuolumne County Ordinance. As a property within the community of the Manly property we would like the County to follow the proper procedure for such a divide and rezoning. This illegal subdivision has been brought to the County several

PUB94-01

PUB94-02

times and there has been no response whatsoever.

2. Timberland Conversion. The matter of conversion of the site from commercial forest use to a non-forest use. The DEIR notes that the project could have a significant impact on the environment if it results in the conversion of forest land to non-forest use.

The DEIR text clearly acknowledges that the project would result in a conversion of the project site from a focus on timber management to a focus on recreation.

Over past decades, when projects affecting forest lands have been reviewed, Tuolumne County planning commissioners and county supervisors have historically strongly advocated for strict and thorough review of the impact of converting commercial timberlands to other uses.

3. Fire and Emergency Services. The Grand Jury published a report on June 3, 2020 a Tuolumne County Fire Safety Report. (which can be found on the County's website: <https://www.tuolumnecounty.ca.gov/1294/2020-Grand-Jury-Report>) The report states "Of the 20 most destructive Fires in California's History, 10 have happened within the last four years....Recent wildfires events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days.." it continues to state that "A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road."

The area to be developed into Terra VI was classified in 2007 as Very High Fire Hazard Severity Zone by CAL FIRE (see DEIR). The catastrophic Rim Fire of 2013 clearly demonstrated this classification is appropriate. It actually burned part of the site.

The likelihood of having any open fires on the site during high fire season cannot help but worsen the fire risk. Any conclusion that this would be a Less Than Significant fire risk his seriously flawed. The DERI is silent on providing adequate and dedicated firefighting water. There must be one or more tanks of dedicated fire water as there is no other source to fight fires. Further, the site must be plumbed with hydrants to distribute the water.

Adding a 250+ room hotel, employees, and general public along with the properties already there, this project would cause a massive potential for disaster with hundreds of guests and employees attempting to evacuate along with the owners of properties adjacent to the proposed project.

4. Water Supply. All properties currently get their water supply from wells. Terra Vi's well testing failed. With the indicated required draw on the water table, the project could and probably would leave the Sawmill Community with no water. There is no documented mitigation for this. The DEIR finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development. All the other local, large hotels that are also in granite sub-strata have struggled to provide sufficient water.

PUB94-02
cont.

PUB94-03

PUB94-04

PUB94-05

Ms. Yaley
July 30, 2020

The DEIR does not appropriately state that the water flow testing showed that the pump test was a failure in providing the appropriate water that would meet the demand of such a project. There is no mitigation for depriving the surrounding properties of their water supply.

**PUB94-05
cont.**

5. Waste water. The DEIR does not address the potential for system failure of the waste water treatment system. The failure of the system would result in contaminating the water supply for the 15 resident cabins, the Middle Fork of the Tuolumne River and also could be in violation of the clean water act. The DEIR completely overlooks the negative impact of a waste water treatment failure. Additionally, the DEIR provides no explanation of how groundwater contamination was to be prevented from its septic systems during high water years with substantial runoff. In that there are many others downstream from these projects using Tuolumne River water, groundwater contamination further research during very wet years is critical

PUB94-06

I am deeply disappointed, that the consultant that prepared this DEIR and the Tuolumne County Planning Department have allowed so many blatant errors and omissions. It is also disappointing that Tuolumne County released two very lengthy DEIRs at almost the same time, during summer months when many residents are unavailable, and during the Covid crisis. It would be easy to conclude that the County was trying to minimize resident review and comment and rush approval. This is not my experience in my local government and certainly should not be how Tuolumne County to act as guardians of the integrity of developments within our County.

PUB94-037

Sincerely,



Eric R. Erickson
30300 Highway 120
Groveland, CA 95321

July 30, 2020

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

Quincy Yaley: qyaley@co.tuolumne.ca.us
Natalie Rizzi: nrizzi@co.tuolumne.ca.us
Tracy Riggs: triggs@co.tuolumne.ca.us
Kathleen Haff: kathleenhaff2020@gmail.com
Board of Supervisors: bosm@co.tuolumne.ca.us

RE: Comments in response to TERRA VI DEIR

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

Our family has owned a parcel adjacent to the proposed development since the mid-1940’s. Our family and friends have been enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for five generations.

PUB95-01

This letter is in response to the “Terra Vi DEIR,” which included extensive appendices, well test reports, site plans, and past comments. This document dismisses items that are considered relevant to the safety and well-being of the neighboring communities and the general public that frequent the Highway 120 corridor in Tuolumne County.

PUB95-02

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PUB95-03

The Second Issue to address is the Timberland Conversion:

The matter of conversion of the site from commercial forest use to a non-forest use. The DEIR notes that the project could have a significant impact on the environment if it results in the conversion of forest land to non-forest use.

PUB95-04

The DEIR text clearly acknowledges that the project would result in a conversion of the project site from a focus on timber management to a focus on recreation.

Over past decades, when projects affecting forest lands have been reviewed, Tuolumne County planning commissioners and county supervisors have historically strongly advocated for strict and thorough review of the impact of converting commercial timberlands to other uses.

Third Issue is Fire Risk:

The Grand Jury published a report on June 3, 2020 a Tuolumne County Fire Safety Report. (which can be found on the County’s website: <https://www.tuolumnecounty.ca.gov/1294/2020-Grand-Jury-Report>) The report states “Of the 20 most destructive Fires in California’s History, 10 have happened within the last four years...Recent wildfires events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days..” it continues to state that “A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road.”

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The DEIR finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development. All the other local, large hotels that are also in granite sub-strata have struggled to provide sufficient water.

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Considering that the planned site for Terra Vi has an alternative access approved by CalTrans 200 yards east along Highway 120, the alternative would be the most appropriate access to such a planned project.

PUB95-04
cont.

PUB95-05

PUB95-06

PUB95-07

The Sixth issue is Waste Water:

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These concerns address only a few of the issues; as this DEIR is over 1,200 plus pages with a short time granted to review not only the Terra Vi DEIR but also the Under Canvas DEIR, the county is limiting the community's ability to adequately respond to all the misinformation and lack of facts this DEIR provides.

Signed:

Ingrid and Jeffrey

Erickson Family

30300 Highway 120

Groveland

PUB95-08

PUB95-09

July 30, 2020

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

Quincy Yaley: qyaley@co.tuolumne.ca.us
Natalie Rizzi: nrizzi@co.tuolumne.ca.us
Tracy Riggs: triggs@co.tuolumne.ca.us
Kathleen Haff: kathleenhaff2020@gmail.com
Board of Supervisors: bosm@co.tuolumne.ca.us

RE: Comments in response to TERRA VI DEIR

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

Our family has owned a parcel adjacent to the proposed development since the mid-1940's. Our family and friends have been enjoying the South Fork, Middle Fork, Sawmill Mountain and the Groveland community for five generations.

This letter is in response to the "Terra Vi DEIR," which included extensive appendices, well test reports, site plans, and past comments. This document dismisses items that are considered relevant to the safety and well-being of the neighboring communities and the general public that frequent the Highway 120 corridor in Tuolumne County.

The First Issue to address is the Parcel and Zoning Questions:

This DEIR is doing a report on a parcel that was never legally subdivided in compliance with the Tuolumne County Ordinance. As a property within the community of the Manly property we would like the County to follow the proper procedure and notification for a divide and rezoning.

The Second Issue to address is the Timberland Conversion:

The matter of conversion of the site from commercial forest use to a non-forest use. The DEIR notes that the project could have a significant impact on the environment if it results in the conversion of forest land to non-forest use.

The DEIR text clearly acknowledges that the project would result in a conversion of the project site from a focus on timber management to a focus on recreation.

PUB96-01

PUB96-02

PUB96-03

Over past decades, when projects affecting forest lands have been reviewed, Tuolumne County planning commissioners and county supervisors have historically strongly advocated for strict and thorough review of the impact of converting commercial timberlands to other uses.

PUB96-03
cont.

Third Issue is Fire Risk:

The Grand Jury published a report on June 3, 2020 a Tuolumne County Fire Safety Report. (which can be found on the County's website: <https://www.tuolumnecounty.ca.gov/1294/2020-Grand-Jury-Report>) The report states "Of the 20 most destructive Fires in California's History, 10 have happened within the last four years...Recent wildfires events in Tuolumne County include the 2013 Rim Fire that burned more than 257,000 acres over 68 days.." it continues to state that "A mass evacuation will always be difficult on neighborhood roads that are two lanes, winding and easily blocked by one fallen tree, power poles, or abandoned vehicles across a road."

PUB96-04

Adding a 250+ room hotel, employees, and general public along with the properties already there, this project would cause a massive potential for disaster with hundreds of guests and employees attempting to evacuate along with the owners of properties adjacent to the proposed project..

The Fourth Issues is Water Supply:

All properties currently get their water supply from wells. Terra Vi's well testing failed. With the indicated required draw on the water table, the project could and probably would leave the Sawmill Community with no water. There is no documented mitigation for this.

The DEIR finding of Less Than Significant is based on just the minimum required tests that in no way confirm that any of the onsite wells have sufficient volume of recharge to be a permanent water source for the large scale of this development. All the other local, large hotels that are also in granite sub-strata have struggled to provide sufficient water.

The DEIR does not appropriately state that the water flow testing showed that the pump test was a failure in providing the appropriate water that would meet the demand of such a project. There is no mitigation for depriving the surrounding properties of their water supply.

PUB96-05

The Fifth issue is Forest Service Road:

Terra Vi is assuming they would have access from the Sawmill Mountain Road (Forest Route IS03). Their main circulation, access and egress is all planned for using this route. However, a Forest Route, such as IS03, is for forest administration and forest access. Also Forest Route IS03 is the only access that the 15 cabins in the 80 acre homestead have.

PUB96-06

Considering that the planned site for Terra Vi has an alternative access approved by CalTrans 200 yards east along Highway 120, the alternative would be the most appropriate access to such a planned project.

The Sixth issue is Waste Water:

The DEIR does not address the potential for system failure of the waste water treatment system. The failure of the system would result in contaminating the water supply for the 15 resident cabins, the Middle Fork of the Tuolumne River and also could be in violation of the clean water act. The DEIR completely overlooks the negative impact of a waste water treatment failure.

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Erickson Family
30300 Highway 120
Groveland

PUB96-07

July 30, 2020

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

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PUB97-01

PUB97-02

PUB97-03

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**PUB97-03
cont.**

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PUB97-04

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PUB97-06

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Erickson Family
30300 Highway 120
Groveland

PUB97-07

July 30, 2020

Quincy Yaley
Director, Community Development Dept.
Tuolumne County
2 S. Green Street
Sonora, CA 95370
qyaley@co.tuolumne.ca.us

RE: Draft Environmental Impact Report for the Terra Vi Lodge Yosemite Project

Dear Ms. Yaley,

I have several concerns after reviewing this report. This is a massive development directly adjacent to 15 residences. One of which has been in my family since 1972. We rely on an honest and thorough assessment of the environmental impacts of the proposed project. And from what I understand, there are numerous aspects of this report that fall far short of what is required.

PUB98-01

Cultural Resources Assessment Contradicts Tuolumne County General Plan

This project does not adhere to the Tuolumne County General Plan. There are cultural resources identified within the Project area. The Applicant proposes installing a fence to protect these resources during construction but once construction is complete the resource is open to trampling and damage by the owners and guests of Terra VI lodge.

PUB98-02

This project is also in violation of AB52 consultation laws as evidenced by the following direct correspondence with Tuolumne Band of Me-Wuk Indians Tribal Council.

PUB98-03

The Tuolumne Band of Me-Wuk Indians Tribal Council was not consulted by the Lead Agency during the AB52 process, and relied on residents to provide updates on the Initial Study and DEIR process.

PUB98-04

The significance of the cultural resources identified within the project area was not adequately addressed. Archaeological assessment of a resource does not determine the Tribal cultural value of a resource. The lack of AB52 consultation which enables the Lead Agency to determine the Tribal significance of a resource indicates the 2018 General Plan Cultural Resource Element for this project has not been met.

PUB98-05

The mitigation measures offered with regards to ground disturbing activities is wholly inadequate once you've identified cultural resources within the site.

PUB98-06

CULT-1a of the DEIR advises that only cultural resource training is required for construction personnel within a known archaeological resource. This is akin to the fox guarding the henhouse and provides no professional oversight to the ground disturbance of the proposed Project. Opportunities to hide, obfuscate, or remove archaeological or tribal cultural resources from the Project Area to prevent project delays are highly likely under the proposed mitigation measures.

PUB98-07

CULT-1b is also inadequate. It advises that the Project retain a qualified archaeologist to prepare a data recovery plan **only** after a resource has been impacted by the Project. This does not conform to the General Plan, or to CEQA guidelines under AB52 protecting Tribal Cultural Resources (TCR). Archaeological firms are not qualified to determine what is a significant Tribal Cultural Resource. The Tuolumne Band of Me-Wuk Indians were not adequately consulted in this review process, and therefore the review process should be considered incomplete.

PUB98-08

Once it is admitted that the project may cause "a substantial adverse change in the significance of a Tribal Cultural Resource" (i.e. CULT-4) -- what are the mitigation strategies offered?

- one-time access for a tribal representative to remove and transplant native plants.
- one-time access for a tribal representative to remove firewood
- a 50 foot buffer on the most remote, unusable land for the purpose of reflection of *its own guests (not tribal representatives)*

PUB98-09

This is unacceptable. The county must re-engage with tribal representatives to find a more acceptable mitigation strategy.

Conforming with the County's General Plan

The stated goal of Natural Resources in the County's general plan is sited in 16.A.1:

"Recognize that agricultural and timberlands have historically defined the rural character and scenic beauty of Tuolumne County."

PUB98-10

A brand new hotel, market, swimming pool and yoga studio is in direct conflict with this mission statement.

In the following section 16.A.2 of the General Plan:

“Conserve the natural scenic quality and rural character along designated scenic routes in the County.”

As of right now, this area of HWY 120 is not officially designated scenic. But with greater awareness as to what is happening and the global climate awareness that is upon us, it is clear that given enough time, there would be plenty of votes to designate this area scenic. As is stated as a possibility in 16.A.c:

“The designation of additional local or state Scenic Routes shall only be approved by the Board of Supervisors after consent of the owners of a minimum of 51% of the property area and 51% of the owners of the property adjacent to the proposed Scenic Route. The determination of the consent of the property owners for the designation of a Scenic Route shall be based upon each parcel having one vote.”

There are 15 residences immediately adjacent to these two parcels up for development. One parcel == one vote.

Sincerely,

Ben Gardella
11220 Sawmill Mountain Rd.
Groveland, CA 95321

PUB98-11

Laura T. George

July 30, 2020

Ms. Quincy Yaley
Tuolumne County Community Development Department
2 South Green Street
Sonora, CA 95370

RE: Draft EIR for Terra Vi Lodge

Dear Ms. Yaley,

Thank you for allowing the opportunity to comment on the Draft EIR for Terra Vi Lodge. Following are my primary concerns, although there are so many inadequacies in the DEIR that need to be addressed, it would be impossible to comment on everything in this letter.

PUB99-01

It makes no sense to develop an area that has been proven to carry an extremely high fire risk. The Rim Fire of 2013 is only one example of the devastation that can occur due to a perfect storm of human negligence, drought conditions, and fuel filled forests. The impact of Terra Vi must always take into consideration the cumulative effects of the nearby proposed Yosemite Under Canvas project. Developing this well-known fire risk land will create a death trap for local residents in the event of evacuation. The closest emergency services can take at least 30-45 minutes for their one ambulance or two fire trucks to arrive.

PUB99-02

The DEIR fails to assess fire risk and evacuation mitigation procedures adequately. Highway 120 eastbound leads to Yosemite, and westbound, leads to Old and New Priest Grade roads, which, as you know are steep (up to 17% grade) winding roads not for the faint of heart, nor for naïve visitors in rental cars who are unfamiliar with the dangers of these tortuous mountain roads. One can only imagine the mayhem in the event of mass fire evacuation down the only artery out of the area.

The DEIR fails to adequately address the issue of water supply and septic contamination to residential wells. Terra Vi has not adequately assessed their water needs, nor have they confirmed that their leach fields won't contaminate neighboring wells. I understand that nearby Rush Creek has had to truck water in during drought years. Developing a large hotel to accommodate 550 guests will place a great strain on the water table, in addition to creating waste hazard for neighboring homes. Are they willing to pay to have water trucked in for the current residents in the area during drought years to make up for the water they are essentially taking from neighboring residents' wells?

PUB99-03

The DEIR fails to adequately address the issue and mitigation of noise pollution. Noise generated by the hotel operation will frighten wildlife that we have admired and lived with harmoniously for years. The combination of increased traffic, helipad operations, and lodge guests visits and events/parties will undoubtedly put an end to the serenity that our family has enjoyed on Sawmill Mountain for over 60 years.

PUB99-04

It is a shame that the County has to choose between creating more tax revenue and protecting its residents and land. Please see that a comprehensive and accurate EIR is created prior to moving forward. Bottom line is that this development has no place being built in this area for all of the aforementioned reasons and many more that have been covered by my family and neighbors. Truly, there are far more important things in life than money and I sincerely hope that Tuolumne County, the developers, and the Terra Vi proposed site land owners rise above their greed and do the right thing. The earth, the animals, and we, depend on your decision for the future of the planet and for preserving our peaceful treasured mountain. Thank you for your consideration.

PUB99-05

Sincerely,



Laura George