

KIDDER CREEK ORCHARD CAMP ZONE CHANGE (Z-14-01) AND USE PERMIT (UP-11-15)

PUBLIC COMMENT RECEIVED AFTER THE IS-MND
AND BEFORE THE NOTICE OF PREPARATION OF THE DRAFT EIR

RECEIVED MAR 19 2018

Fire Letter: Feb 2018

To the Siskiyou County Board of Supervisors, Siskiyou County Community Development Department, Cal Fire, and Editor of the Siskiyou Daily News,

My name is Murry A. Taylor and I've lived in Quartz Valley for 42 years. From 1959 until 2000 I spent 33 years fighting wildfire; six as a regular firefighter with engines, helicopters, and ground crews; twenty-seven as a smokejumper. As a smokejumper I parachuted to fires in eight Western states, Alaska, and Canada's Yukon Territory. After writing my book, "Jumping Fire," I was invited to Washington, D.C. at the behest of American Lands to speak to various committees (and some congressmen and aides) about the federal government's handling of large wildfires in the West. I retired in 2000 with an extensive background in fire, all of it on the fireline where the actual learning takes place. Since retiring I've spent sixteen years as a lookout for Cal Fire on Duzel Rock, just east of the valley.

Given my background in fire, I feel compelled to write you (again) about the proposed expansion of both JH Ranch and the Kidder Creek Orchard camps. It's clear to me that only a handful of people actually have a clear understanding of the serious dangers involved with such expansions. I believe Cal Fire does; Supervisor Ray Haupt likely does as well. The old retired fire dogs who still live in the area make up the rest of the handful. On the other hand, after having attended meetings with the people from the two camps, I'm absolutely convinced that these--otherwise responsible and caring individuals--don't have a clue. Ditto for their lawyers.

This is what people need to think about:

In 1925 a fire started on a hot, east-wind day out in the valley at a creamery in Cheeseville. Three men, Orel Lewis, Julius Perierra, and Bill Miles (all deceased) told me stories of this fire. By nightfall it had burned a big part of the valley and up into the Marble Mts. clear to Big Meadows. I'm guessing that that took ten hours, quite likely less. It burned from Cheeseville into Greenview, burned down some houses and outbuildings there, then on towards Quartz Valley. When it hit the ridge between Quartz Valley and Greenview, it blew up into a giant pyro-cumuluous cloud. Orel Lewis (then about 20 years old) was

in a caravan of Model T's and other old rigs as they cleared the summit between Oro Fino Valley and Mugginsville. At that point they could see multiple spotfires scattered all across the south end of Quartz Valley. The fire burned up a dozen houses in what was then called The Pinnery. Also a sawmill and a brick kiln and several other outbuildings that served as support for the Gold Reef Mine. It burned so catastrophically (by that I mean hot) on my land that it killed Douglas-firs three-foot in diameter. It burned around Mugginsville (not sure what was lost there) and on over into the area of Dangel Lane where it burned down the Perierra family home, barn, outbuildings, and killed their team of draft horses, who after being set free, panicked and ran back into the barn just before it collapsed.

In these last few years we've seen a record number of days with extreme fire danger. Some of the worst I've ever seen. Record low humidity and fuel moistures. One was the day that the fire in Weed burned up part of that town. In the last five years we've had 3PM Indices of over 180 many times. Ninety is considered VERY HIGH and has a high dispatch level attached to it. The Faye Fire last year was caught during fairly high but not at all extreme conditions--the wind being the main spread component. Had it been burning on a day like the one in 1925, it's my opinion that things would have been a whole lot different. While it's true that we now have more fire crews, equipment, road access, etc, it's also true that on those extreme days, nothing much can be done but get people out of the way.

Last year we saw fires burn right into cities (Santa Rosa), and all around others (St. Helena, Ojai, Santa Paula, Carpinteria, Santa Barbara). Thousands of homes were burned. People died in record numbers. Due to what are likely continued trends towards drought and huge fire danger in the years to come, it seems grossly irresponsible to allow any increase in the occupancy of these camps. Cal Fire is asking for a wider road in French Creek, and a better alternate escape route in S. Kidder Creek. But a wider road and better alternative routes WILL NOT matter if they are burned over and thus impassible. What's important to remember here is that we're not talking about a normal bad fire day. We're talking about that day when nothing can be done to halt the fires' immediate spread. Nothing! On a day like they had back in 1925 such mitigations would likely have little or no effect on the ultimate outcome.

To be clear, I've been in urban situations where fire resulted in chaos. Horses on lead ropes reared up, broke away, kids screamed, cried, and ran in all directions. Cars jammed the roads and blocked fire trucks. Spot fires sprang up far in front of the head. Smoke prevented helicopters from dropping water. Firemen were exposed to much greater hazard because their concern for people became greater than their concern for their own safety. On some of those fires people died.

Letters like this one have been sent to Boards of Supervisors and Planning Departments since the early '60's. For decades, fire officials have tried to warn governing bodies about the error of locating subdivisions and density population areas up inaccessible canyons and other remote areas. Almost without exception, they didn't listen. What you saw this last year in California was the direct result of that. After our last few summers in Scott Valley if anyone still thinks that we can't have such a fire then they're flat wrong. Last summer with fire to the west of us, all the way from Kidder Cr. to Etna Summit, all it would have taken would have been a big wind event. Fire would have blown down out of the mountains and out across the valley. In all that dry grass, it would have been spotting way out in front. I saw it in Montana in '88 as fire blew out of the Scapegoat Wilderness, engulfed the town of Augusta, then swept out across the farmland with farmers desperately plowing lines around their homes and such. We just got lucky; the wind didn't come.

For these camps to pursue expanding to greater numbers is to play a dangerous game with something they know little about. To the Board and the Planning Department, I say, Do the right thing. Act on behalf of public safety. In the long run I believe it will save lives. Thanks for your attention to this matter. Feel free to contact me any time. I'm in the phone book.

Sincerely,
Murry A. Taylor
Quartz Valley

KIDDER CREEK ORCHARD CAMP ZONE CHANGE (Z-14-01) AND USE PERMIT (UP-11-15)

NOTICE OF PREPARATION - DRAFT ENVIRONMENTAL IMPACT REPORT
PUBLIC COMMENTS AGAINST

From: [Debra Schroeder](#)
To: [Christy Cummings Dawson](#)
Cc: [Vurl Trytten](#)
Subject: Need for SisCo to stop approving developments that rely on groundwater
Date: Monday, July 09, 2018 1:39:06 PM

Please see below.

Debra A. Schroeder
Planning Technician
Siskiyou County Community Development
806 S. Main Street, Yreka, CA 96097
dschroeder@co.siskiyou.ca.us
Ph: (530) 841-2148

From: Felice Pace [mailto:unofelice@gmail.com]
Sent: Monday, July 09, 2018 12:09 PM
To: Planning
Cc: Ray Haupt; Matt Parker; Elizabeth Nielsen; Annie Marsh; Melinda Field; Betsy Stapleton
Subject: Fwd: Need for SisCo to stop approving developments that rely on groundwater

Dear Planning Department,

Please add this message and my message below to Ray Haupt to the file on the proposed expansion of the Kidder Creek Camp and consider it a comment on that proposed project. In addition:

- the EIR must assess the impact of proposed groundwater extraction on flows in Kidder Creek, Kidder Creek water rights, groundwater levels, groundwater storage and other "undesirable results" as defined in the Sustainable Groundwater Management Act. Cumulative impacts of the proposed extraction and other proposals for increased groundwater use must be assessed and disclosed.
- In assessing the individual and cumulative impact of proposed groundwater extraction - including impacts to those homeowners and landowners in the area now using

or who have a right to use groundwater for domestic purposes - the EIR must use the best available scientific information, including [DFW's Scott Flow Assessments](#).

Thank you.

Felice Pace
Klamath, CA 95548
707-954-6588

"Be concerned not with obedience but with benefit."

The Way of Life, Lao Tzu

----- Forwarded message -----

From: **Felice Pace** <unofelice@gmail.com>
Date: Mon, Jul 9, 2018 at 10:54 AM
Subject: Need for SisCo to stop approving developments that rely on groundwater
To: Matt Parker <mparker@co.siskiyou.ca.us>, Ray Haupt <howp@sisqtel.net>
Cc: Elizabeth Nielsen_SisCo ResourceAdvisor <enielsen@co.siskiyou.ca.us>, Patricia Vellines_DWR SGMA contact_Scott&Shasta <Patricia.Vellines@water.ca.gov>, "Ehorn, Bill@DWR-GSA contacts supervisor" <Bill.Ehorn@water.ca.gov>, Annie Marsh <annie_marshall@hotmail.com>, Michael Stapleton <frenchcreek@gmail.com>, Betsy Stapleton <5104stapleton@gmail.com>, Melinda Field <truemelinda@gmail.com>, Roy O'Connor <ROconnor@waterboards.ca.gov>

Dear Ray,

I write to you today in your capacity as chair of the SCFCWC District which serves as GSA for the Shasta, Scott and Butte Valley Groundwater Basins and as chair of the Siskiyou County Board of Supervisors.

The County of Siskiyou is currently considering proposed developments (for example, expansion of the Kidder Creek Camp) that would rely on new extraction of substantial

amounts of groundwater. The SGMA requires that groundwater extraction after 1/1/2015 which results in undesirable results, including to surface flows and surface water right holders, be ended. The Kidder Camp proposed expansion would extract a significant additional amount of groundwater that is connected to surface flows in Kidder Creek and to flows in the Jenner Kidder Creek Ditch. Therefore, that extraction would have to be curtailed via a SGMA compliant groundwater management plan.

The county should not be granting groundwater extraction rights which it will likely later have to curtail. Therefore, a moratorium on all developments within the Scott, Shasta and Butte Valley Groundwater Basins is needed to avoid a future train wreck. If the BOS is not willing to put on a broad moratorium, a moratorium on approving developments that rely on groundwater that is interconnected with surface flows is the minimal that should be enacted.

Please bring this issue to the Board's and SCFCWCD's attention and please let me know by return email if you will support a moratorium on new developments that rely on new extraction of groundwater.

Felice Pace

PS: Those proposing developments deserve to know that any groundwater extraction approved may be later curtailed.

Felice Pace
Klamath, CA 95548
707-954-6588

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The Way of Life, Lao Tzu

Betsy Stapleton
5104 French Creek Rd.
Etna, Ca. 96027

July 9, 2018

Board of Supervisors
Siskiyou County
510 North Main Street
Yreka, CA 96097

VIA EMAIL TO BOARD CLERK

RE: July 10, 2018 Agenda Item 5A – Contract with ECORP Consulting to Prepare the Environmental Impact Report for Kidder Creek Orchard Camp

Dear Supervisors:

I am opposed to approval of the Contract with ECORP Consulting (ECORP), as it is currently written, to prepare the Environmental Impact Report (EIR) for Kidder Creek Orchard Camp (KCOC) for the reasons I will summarize in this letter.

I have several reasons for my opposition to the contract as written, though I strongly concur with the need for further environmental analysis to the existing mitigated negative declaration to fully understand the impact of the proposed project, and for the County to make informed and appropriate environmental and land use decisions. I will comment on those portions of the contract that I find most concerning.

The first is ECORP's proposal to make the project's cumulative impact analysis "limited in scope" without describing those limitations. Scott Valley is experiencing substantive develop pressures on multiple fronts- KCPC, JH, Scott River Lodge, and multiple Agri-tourism ventures (some of which are quite large in scope). These, in total, have the potential to incrementally and substantially change the rural character of Scott Valley, impact air and water quality, and have cumulative impacts on traffic. In addition, many of the development entities are a "non-profit" business structure, and as such, their cumulative impact on County tax revenues and the County's ability to deliver services to the community may well be significant. The intention of Scott Valley's guiding land use planning document, the Scott Valley Area Plan, is to preserve Scott Valley's rural character and economy, and evaluating this project's impact, in total with other prosed development, is essential

ECORP appears to be proposing to limit the cumulative impact analysis based on the CEQA guideline 15355 (b) that states "... the incremental impact of the project when added closely related past, present or reasonably foreseeable future projects". Scott Valley is a community and ecological unit that functions in entirety, and all projects and

actions in this stand-alone portion of the County incrementally and cumulatively affect each other. Traffic, backcountry usage, air-pollution, ground and surface water usage, sewage all have incremental and cumulative impacts.

The incremental and cumulative impact of the Valley's currently proposed developments (not to mention those yet to come) must be evaluated in order to understand their impacts to the Scott Valley Area Plan. This proposal, alone, is to increase occupancy at Kidder Camp from 165 to 844. The project's new occupancy would exceed that of Fort Jones (686) or Etna (714), the other proposed developments also exceed the population of the existing developed areas, and all are proposed outside of the Scott Valley Area Plan's defined development areas. All the proposals alone have the potential to alter the rural character of the Valley, and incrementally and cumulatively convert our agricultural community to a designation resort. These impacts must be considered.

The second area of concern is what appears to be an overall intention in the proposal to limit the publics' and public trust agencies' ability to participate in commenting on the project and environmental analysis. The following portions of the proposed process appear to display this intention:

1. The suggestion that the submitted comments from the original project proposal be accepted as sufficient for a newly rewritten project description. How can the previous comments be considered as adequate for a project for which the public and agencies have not had an opportunity to review the project description? What will the new description contain? This is unknown and the public and trust agencies must have time to evaluate and comment on the new description. Additionally, the original project description was circulated two years ago. What if there are new residents to make comments, or new court rulings or regulations to take under consideration? A newly written project proposal requires an entirely new public scoping process.
2. The option of having the only public meeting be that of a "neighborhood meeting". What does this mean? Will those who live in the Valley, but not in the "neighborhood" (what is the definition of neighborhood?) not be invited to attend? I would posit that the entire Scott valley is the neighborhood, and this needs to be explicitly acknowledged.
3. The "Exhibit A" statement that ECORP will that "...help ensure that the effort meets with the County's and applicant's needs..." There is no indication that the effort will be designed to meet the public or community needs.
4. The lack of notice to the many parties who did comment on the original project proposal about this contract.

On a positive note, I was pleased to see Task 7, and the explicit intention to develop a mitigation monitoring and enforcement plan. As experience with the multiple unpermitted developments that are currently proceeding in Scott Valley, having clearly spelled out mitigations with funded, enforceable mitigation plans with sufficient embedded penalties to act as a deterrent to violating then is an essential component of land use planning.

I ask the County to require a rewritten contract that ensures that incremental and cumulative impacts are fully evaluated and that a transparent and public process is undertaken.

Thank you for consideration of my comments,

Betsy Stapleton

From: [Debra Schroeder](#)
To: [Christy Cummings Dawson](#)
Cc: [Vurl Trytten](#)
Subject: Kidder Creek expansion
Date: Tuesday, October 23, 2018 10:40:49 AM

Please take a look at the email below....

Debra A. Schroeder
Planning Technician
Siskiyou County Community Development
806 S. Main Street, Yreka, CA 96097
dschroeder@co.siskiyou.ca.us
Ph: (530) 841-2148

From: Melinda Perlman [mailto:truemelinda@gmail.com]
Sent: Tuesday, October 23, 2018 10:37 AM
To: Planning
Subject: Kidder Creek expansion

Submitted on Tuesday, October 23, 2018 - 10:37am

Submitted by user: anonymous

Submitted values are:

Directed to Department:
Planning

Issue Being Addressed:
Kidder Creek expansion

Full Name:
Melinda Perlman

e-Mail Address:
truemelinda@gmail.com

Mailing Address:
Po Box 117
Greenview CA
96037

Phone Number:
5304673278

Issue Description:

I am a resident on S. Kidder Creek Rd. The expansion of Kidder Creek Orchard Camp will greatly affect my home and the other 200 or so residents in the area. It has come to my attention that the camp hosted approximately 1,000 people for their fall festival in September. The fire danger was extremely high at that time. When I confronted them they told me they still did not have a deeded alternative fire exit. Does their current use permit allow for these

numbers? My main question is, has CalFire submitted a comment in the NOP? This is a dangerous and dire situation. People here are at great risk. Please let me know and thank you for your time.

Melinda Field Perlman

From: [Felice Pace](#)
To: [Annie Marsh](#); [Betsy Stapleton](#); [Bob Wagner](#); [Che'usa](#); [Christy Cummings Dawson](#); [Dee Jones Kidder resident](#); [Greg Roath Yreka CalFirePrevention](#); [Melinda Field](#); [Michael Stapleton](#); [Vurl Trytten](#)
Subject: Well drilling permits and CEQA
Date: Monday, December 3, 2018 3:33:55 PM

Hi Folks,

Check this out: <https://www.jdsupra.com/legalnews/california-supreme-court-set-to-review-14015/>

Some of us may have to challenge county approval of the KCOC proposed expansion or, if they decide to drill new wells in the interim, we should challenge those under CEQA.

Do any of you know whether there is any notice or way for us to find out if KCOC decides to drill a new well?

F

Felice Pace
Klamath, CA 95548
707-954-6588

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The Way of Life, Lao Tzu

KIDDER CREEK ORCHARD CAMP ZONE CHANGE (Z-14-01) AND USE PERMIT (UP-11-15)

DRAFT ENVIRONMENTAL IMPACT REPORT

AGENCY COMMENTS



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMOND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 25, 2018

Christy Cummings Dawson
Planning Director
County of Siskiyou
Community Development - Planning
806 South Main Street
Yreka, CA 96097

Subject: Review of the Notice of Preparation of a Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project, State Clearinghouse Number 2016092016, Siskiyou County, California

Dear Ms. Cummings Dawson:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Kidder Creek Orchard Camp project (Project), dated August 31, 2018. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

As a Trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat necessary for biologically sustainable populations of those species (Fish and Game Code (FGC) sections 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents, and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines, sections 15096 and 15381). The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (FGC section 1600 et. seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC section 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by

Conserving California's Wildlife Since 1870

the Lead Agency to make a finding and decide whether to issue the permit or agreement. It is important that the Lead Agency's Environmental Impact Report (EIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines, section 15096 (g) (2)). Under certain conditions, the Department may be required to assume the role of the Lead Agency (see CEQA Guidelines, section 15052) during the course of issuing a permit or agreement.

Project Description and Location

The Proposed Project includes a request to expand the use of the site and requires a new use permit (UP-11-15). The use permit application requests the increase of allowable occupancy at the camp from 165 guests to a total occupancy of 844 (guests, staff, and volunteers), increase the physical size of the camp from 333 acres to 580 acres, and add a number of structures, recreation features, including a second pond and ancillary facilities.

The Project also includes a request for a zone change (Z-14-01) to rezone approximately 170 acres from Timber Production Zone (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40).

The Project includes four major facilities to be constructed and several minor facilities such as those associated with the High Adventure Camps, and Basecamps. Major facilities include:

- 1. Welcome Center and Dining – this building would create new office space, dining hall, and restroom.*
- 2. Equestrian Center – this building would provide new horse facilities for Ranch Camp.*
- 3. Cabins for Pines/Ranch Camp – these are new winterized buildings.*
- 4. Staff housing/ Adult Retreat Centers – these buildings are being proposed, but further study will be needed to determine if Kidder Creek will move forward with these plans. This EIR assumes that these structures will be built."*

The Project site is located at the west end of South Kidder Creek Road, approximately 2 miles west of State Highway 3, south of the community of Greenview, in Siskiyou County.

Consultation History

The Department provided comments during early consultation and during the

circulation of the previous Draft Initial Study/Mitigated Negative Declaration in letters dated August 29, 2014, and October 5, 2016, respectively (see attached). Subsequent to those comments, Department staff visited the Project site on February 9, 2015, March 24, 2015, May 23, 2018, and August 2, 2018. The Department has also reviewed and commented on the biological surveys conducted for this Project and the placement of multiple facilities.

Comments and Recommendations

To enable Department staff to adequately review and comment on the proposed Project, we recommend the following information be included in the draft Environmental Impact Report, as applicable.

1. A complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species. This assessment should also address locally unique species, rare natural communities, and wetlands. The assessment area for the Project should be large enough to encompass areas potentially subject to both direct and indirect Project affects. Both the Project footprint and the assessment area (if different) should be clearly defined and mapped in the draft EIR. Previous surveys were conducted for the Project during the preparation of the Draft Initial Study/Mitigated Negative Declaration. These surveys should be updated with the following information:
 - a. The Department's California Natural Diversity Data Base (CNDDDB) should be searched to obtain current information on previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the FGC. In order to provide an adequate assessment of special-status species potentially occurring within the Project vicinity, the search area for CNDDDB occurrences should include all U.S.G.S 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. The draft EIR should discuss how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. As a reminder, the Department cannot and does not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of its users. Likewise, your contribution of data to the CNDDDB is equally important to the maintenance of the CNDDDB. Whenever possible, we request that data be submitted using our online field survey form along with a map with the rare populations or stands indicated.

- b. In addition to the CNDDDB, other electronic databases such as the California Native Plant Society and U.S. Fish and Wildlife Service (USFWS) should be queried.**
- c. A complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species should be presented in the draft EIR. Rare, threatened, and endangered species to be addressed shall include all those which meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the USFWS. Links to some survey procedures are provided on the Department's website at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.**
- d. Species of Special Concern status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. Species of Special Concern (SSC) should be considered during the environmental review process (see CEQA Guidelines, section 15380 and CEQA Guidelines Appendix G (IV)(a)). Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.**

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSC. Project-level impacts to listed (rare, threatened, or endangered) species are generally considered significant thus requiring lead agencies to prepare an Environmental Impact Report to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- e. Fully Protected animals may not be taken or possessed at any time and the Department is not authorized to issue permits or licenses for their incidental take¹. Fully Protected animals should be considered during the environmental review process and all Project-related take must be avoided.**

¹ Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact the Department for more information.

- f. A thorough assessment of rare plants and rare natural communities should be conducted, following the Department's updated March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.
 - g. A detailed vegetation map should be prepared, preferably overlaid on an aerial photograph. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities, and show Project impacts relative to each community type. The Department's preferred vegetation classification system should be used to name the polygons; however, the vegetation classification ultimately used should be described in detail. Additional information for vegetation mapping can be found on the Department's website at:
<https://www.wildlife.ca.gov/Data/VegCAMP>. Special Status natural communities should be specifically noted on the map.
 - h. The draft EIR should include survey methods, dates, and results; and should list all plant and animal species (with scientific names) detected within the Project study area. Special emphasis should be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. All necessary biological surveys should be conducted in advance of the draft EIR circulation, and should not be deferred until after Project approval.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.
- a. The draft EIR should present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect (CEQA Guidelines 15064.7).
 - b. CEQA Guidelines, section 15125 (a-e), direct that knowledge of environmental conditions at both the local and regional levels is critical to an assessment of environmental impacts and that special emphasis shall be placed on resources that are rare or unique to the region.
 - c. Impacts associated with initial Project implementation as well as long-term operation and maintenance of the Project should be addressed in the draft EIR pursuant to CEQA Guidelines 15126.2 (a).
 - d. In evaluating the significance of the environmental effect of the Project,

the Lead Agency should consider direct physical changes in the environment, which may be caused by the Project, and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project. Expected impacts should be quantified (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, etc. to the extent feasible).

- e. Project impacts should be analyzed relative to their effects on off-site habitats and species. Specifically, this may include public lands, open space, downstream aquatic habitats, areas of groundwater depletion, or any other natural habitat or species that could be affected by the Project (CEQA Guidelines Appendix G (IV and IX)).
- f. Impacts to and maintenance of wildlife corridor/movement areas and other key seasonal use areas should be fully evaluated and provided (CEQA Guidelines Appendix G (IV), FGC section 450).
- g. A discussion of impacts associated with increased lighting, noise, human activity, impacts of free-roaming domestic animals including dogs and cats, changes in drainage patterns, changes in water volume, velocity, quantity, and quality, soil erosion, and/or sedimentation in streams and watercourses on or near the Project site should be included in the draft EIR.

The Department recognizes the adverse effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution.

- h. A cumulative effects analysis shall be developed for species and habitats potentially affected by the Project. This analysis shall be conducted as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts to species and habitats.
3. A range of Project alternatives shall be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated. Alternatives which avoid or otherwise minimize impacts to sensitive biological resources shall be identified.
- a. If the Project will result in any impacts described under the Mandatory

Findings of Significance (CEQA Guidelines, section 15065) the impacts must be analyzed in depth in the draft EIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation measures or Project changes are found to be feasible, such measures should be incorporated into the Project to lessen or avoid significant effects.

- 4. Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity should be addressed.**
 - a. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for most impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful. If considered, these types of mitigation measures must be discussed with the Department prior to release of the draft EIR.**
 - b. Areas reserved as mitigation for Project impacts shall be legally protected from future direct and indirect development impacts. Potential issues to be considered include public access, conservation easements, species monitoring and management programs, water pollution, and fire management.**
 - c. Plans for restoration and revegetation should be prepared by persons with expertise in northern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.**
- 5. Please include fuel modification impacts on vegetation in the biological resources section of the draft EIR. All impacts, including future maintenance, should be quantified and described.**

6. Take of species of plants or animals listed as endangered or threatened under CESA is unlawful unless authorized by the Department. FGC section 86, defines "take" as means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill. FGC section 2081(b) (also known as an Incidental Take Permit) allows the Department to authorize incidental take during Project construction or over the life of the Project. The draft EIR must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. Information on how to obtain an Incidental Take Permit is available through the Department's website at:
<https://www.wildlife.ca.gov/Conservation/CESA/Incidental-Take-Permits>.

The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's Environmental Impact Report for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit.

To expedite the CESA permitting process, the Department recommends that the draft EIR address the following CESA Permit requirements:

- a. The impacts of the authorized take are minimized and fully mitigated;
 - b. The measures required to minimize and fully mitigate the impacts of the authorized take: (1) are roughly proportional in extent to the impact of the taking on the species; (2) maintain the applicant's objectives to the greatest extent possible, and (3) are capable of successful implementation;
 - c. Adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and
 - d. Issuance of the permit will not jeopardize the continued existence of a State-listed species.
7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands of conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a

minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. If applicable, the EIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage.

- a. The Project site has the potential to support aquatic, riparian, or wetland habitat; therefore an updated delineation of lakes, streams, and associated riparian habitats potentially affected by the Project should be provided for agency and public review. This report should include a preliminary jurisdictional delineation including wetlands identification pursuant to the USFWS wetland definition² as adopted by the Department³. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should also include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project. In addition to "federally protected wetlands" (see CEQA Appendix G), the Department considers impacts to any wetlands (as defined by the Department) as potentially significant.
8. Consistent with our previous letters, the Department recommends consultation with the State Water Resources Control Board (SWRCB) regarding water rights that were previously proposed to fill the new pond. The SWRCB Division of Water Rights may require permits or an amendment of the existing decree to allow for the previously proposed use of upstream water to fill the new pond. The Department requests to be copied on water right applications for new permits and amendments as well as final authorizations.
9. The project may require notification to the Department pursuant to FGC section 1602 prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) Environmental Impact Report for the Project. To minimize additional requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian

² Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

³ California Fish and Game Commission Policies: Wetlands Resources Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Strategy; Amended 1994

resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A Streambed Alteration Agreement notification package may be obtained through the Department's website at <https://www.wildlife.ca.gov/Conservation/LSA>.

10. CEQA requires that information developed in EIRs and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, section 21003, subd. (e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. Alternately, an online field survey form is also available at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524419-online-field-survey-form>. The types of information reported to CNDDDB can be found at: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

- a. Previous biological surveys on the Kidder Creek Orchard Camp property have detected special status species, including Shasta chaenactis (*Chaenactis suffrutescens*), Pacific fisher (*Pekania pennanti*), and an active osprey (*Pandion haliaetus*) nest. No record currently exists that these detections were submitted to the CNDDDB as requested in 2016 in our Draft IS/MND letter. The Department again requests submission of these detections to the CNDDDB using one of the above referenced methods. Please also submit these detections to the CDFW Northern Region office, Attn: CEQA Program, with copies of the CNDDDB forms and survey maps.

If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Adam McKannay
Interior Cannabis and LSA Permitting Supervisor

Attachment

ec: Page 11

Christy Cummings Dawson
cdawson@co.siskiyou.ca.us
Siskiyou County Community Development Department

Matthew McCarthy
Matthew.McCarthy@waterboards.ca.gov
State Water Resources Control Board, Water Rights Division

State Clearinghouse
State.clearinghouse@opr.ca.gov

Kristin Hubbard; Janae Scruggs
California Department of Fish and Wildlife
Kristin.Hubbard@wildlife.ca.gov; Janae.Scruggs@wildlife.ca.gov

From: [Wildlife R1 Correspondence](#)
To: [Planning; McCarthy, Matthew@Waterboards; Sweat, Alexander@Waterboards; Shannon, Jacob J.@Waterboards; State Clearinghouse \(state.clearinghouse@opr.ca.gov\); Croteau, Joe@Wildlife; Hubbard, Kristin@Wildlife; Scruggs, Janae@Wildlife](#)
Subject: Review of the Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project, State Clearinghouse Number 2016092016, Siskiyou County, California
Date: Thursday, September 19, 2019 4:06:46 PM
Attachments: [CEQA-2014-0205 SIS KidderCreekOrchardCamp DEIR Itr FINAL.pdf](#)

Hello,

Please see attached.

All distribution completed electronically.

Thank you,

Amanda Bartlett-Querio
Office Technician- Correspondence
Department of Fish and Wildlife
(530) 225-2125



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 19, 2019

Rachel Jereb
Associate Planner
County of Siskiyou
Community Development - Planning
806 South Main Street
Yreka, CA 96097

Subject: Review of the Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project, State Clearinghouse Number 2016092016, Siskiyou County, California

Dear Ms. Jereb:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the Kidder Creek Orchard Camp project (Project), dated August 2019. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

As a Trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat necessary for biologically sustainable populations of those species (Fish & G. Code § 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines, sections 15096 and 15381). The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration (LSA) Agreement (Fish & G. Code § 1600 et. seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (Fish & G. Code § 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue the

permit or agreement. It is important that the Lead Agency's Environmental Impact Report (EIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines, § 15096 (g) (2)). Under certain conditions, the Department may be required to assume the role of the Lead Agency (see CEQA Guidelines, § 15052) during the course of issuing a permit or agreement.

Project Description and Location

The Proposed Project includes a request to expand the use of the Kidder Creek Orchard Camp, which requires a new use permit (UP-11-15). The use permit application requests approval to increase the allowable occupancy at the camp from 165 guests (310 including staff and volunteers) to a total occupancy of 844 (guests, staff, and volunteers), increase the physical size of the camp from 333 acres to 580 acres, and add a number of structures and recreation features. The proposed expansion is expected to occur over a twenty-year period.

The Project includes four major facilities to be constructed including the following:

- Welcome Center and Dining – this building would create new office space, dining hall, and restroom.
- Equestrian Center – existing equestrian area will move to a new location with expanded facilities.
- Cabins for Pines/Ranch Camp – these are new winterized buildings.
- Staff housing/ Adult Retreat Centers – these are new winterized buildings.

Additional proposed facilities and ancillary structures include:

- New seven-acre large pond and recreation area.
- Additional RV areas, Base Camps, and High Adventure Camps.
- Expansion of the existing small pond and recreation area to include a new snack shack, restroom, and recreation area.
- Perimeter road designed to allow all traffic to be on the perimeter of camp activities, separating pedestrian and vehicle traffic.
- Worship Pavilion.
- Recreational areas, picnic area/park, and greenbelt.
- New Maintenance Facility to include a maintenance shop with equipment and storage facilities.
- Amphitheaters.
- Relocated Sawmill/Storage Area.
- Enlargement of existing and addition of a second water storage tank.

The Project also includes a request for a zone change (Z-14-01) to rezone approximately 170 acres from Timber Production Zone (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40).

The Project site is located at the west end of South Kidder Creek Road, approximately 2 miles west of State Highway 3, south of the community of Greenview, in Siskiyou County.

Consultation History

The Department provided comments during early consultation and during the circulation of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) and Notice of Preparation in letters dated August 29, 2014; October 5, 2016; and September 25, 2018; respectively. Additionally, Department staff visited the Project site on February 9, 2015; March 24, 2015; May 23, 2018; and August 2, 2018. The Department has also reviewed and commented on the biological surveys conducted for this Project and the placement of proposed facilities.

Comments and Recommendations

The DEIR analyzes impacts to specific impact areas including agriculture, hazards, noise, traffic, and water. All other impact analysis areas defined in Appendix G of the CEQA Guidelines were analyzed in the Draft IS/MND and all previously identified mitigation measures are incorporated as mitigation in the DEIR and Mitigation Monitoring and Reporting Program.

Comments provided by the Department on the previously circulated IS/MND, including comments pertaining specifically to mitigation measures proposed for biological resources, were *not* taken into consideration in the development of the DEIR. The Department reiterates and expands upon those comments here and provides additional comments pertaining to biological resources.

Coho Salmon

The federal Endangered Species Act and CESA threatened southern Oregon northern California Coast (SONCC) Coho Salmon (*Oncorhynchus kisutch*) have been documented in Kidder Creek in the Project vicinity. The SONCC Coho Salmon is one of three salmonids found in the Kidder Creek; all having similar habitat needs within the greater Scott River watershed and all diminishing in population numbers. The Final SONCC Coho Recovery Plan in 2014 describes the Scott River population as a functionally independent population with a moderate extinction risk. It further describes the key limiting stresses are "*altered hydrologic function*" and "*degraded riparian forest conditions*." The highest priority recovery actions include but are not limited to: "*restoring natural channel form and function; increase instream flows; improve irrigation practices; and construct off-channel-ponds, alcoves, backwater habitat, and old stream oxbows*." Project activities requiring increased water usage (i.e., the creation of

additional wells and water storage) and development within the Kidder Creek floodplain may impact water volume and temperature in Kidder Creek, which would cause significant impacts to SONCC Coho Salmon, especially during drought years. The Department recommends an analysis of impacts of the proposed Project on listed salmonid species.

New Pond

The Department understands that engineering has not been completed on the currently proposed seven acre-pond design and that engineering designs will be completed upon Project approval. However, it is known that the pond will have an average depth of six feet, impound approximately 36 acre-feet of water, require the construction of a new canal to supply water to the pond and return water to the Barker Ditch, and hold water for a maximum of 30 days. Multiple considerations should go into the design including: ensuring measures are in place to decrease the likelihood of invasive bullfrog habitation; ensuring the pond is situated well outside of the 100-year flood zone and the 150-foot riparian no-disturbance buffer that was discussed during the February 9, 2015 site visit; and including measures in the design to prevent the trapping of native fish and ensure increased water temperatures from holding water in the pond do not reach Kidder Creek and impact SONCC Coho Salmon. The Department recommends further consultation during the design process.

Consistent with our previous letters, the Department recommends consultation with the State Water Resources Control Board (SWRCB) regarding water rights that are proposed to fill the new pond. The SWRCB Division of Water Rights may require permits or an amendment of the existing decree to allow for the proposed use of upstream water to fill the new pond. The Department requests to be copied on water right applications for new permits and amendments as well as final authorizations.

Kidder Creek Floodplain

The updated Project description for Kidder Creek Orchard Camps, Inc., dated October 24, 2016, states that the new seven-acre pond is within the floodplain of Kidder Creek and that the pond will be engineered to return any flood water back to Kidder Creek. However, the DEIR states that the Project site is outside of a designated floodplain. These conflicting statements make it difficult to fully analyze potential impacts of the Project on sensitive resources within Kidder Creek.

Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and recurring event in natural river systems such as Kidder Creek. The Department strongly supports the conservation and restoration of floodplain habitats. The Department is especially concerned with maintaining, if not enhancing, the floodplain and riparian habitat along Kidder Creek because of the significant biological values Kidder Creek has for numerous fish species, including State and federally listed species.

Riverine floodplains provide many ecological services, including:

- Trees and vegetation that anchor riverbanks, preventing bank erosion.
- Sustaining commercial fisheries and listed anadromous salmonid populations by providing river habitat such as shade, over-hanging banks, habitat complexity, large woody debris, insect and foliage drop contributing to the aquatic food chain, and high-flow refugia for fish during flood events.
- Vital habitat to numerous riparian-dependent wildlife species, such as reptiles, amphibians, bats, and migratory song birds.
- Natural filters absorbing nutrients and other pollutants from water, maintaining and improving water quality for supporting fish and wildlife species, as well as drinking and recreational activities.

Development in flood-prone areas disconnects rivers from their natural floodplains and displaces, fragments, and degrades important riparian habitat. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silts on valley floor soils and recharging wetlands. In addition, braided channel structure, off-channel fish habitat, and backwaters are eliminated, resulting in higher velocity flows. These changes lower habitat suitability for salmon, which need low-flow refugia to escape flood flows. Kidder Creek was identified in the Final SONCC Coho Recovery Plan, and the State of California Recovery Strategy for California Coho Salmon (2004), as having importance for the recovery of the population due to the low gradient reaches providing refugia and spawning and rearing habitat.

Structures in floodplains are vulnerable to erosion and flood damage. Once structures are built and threatened by river flooding, property owners often seek to armor riverbanks or build or raise levees to prevent future property damage. Thus, not only does development displace riparian and floodplain habitat when it is built, it also often results in further riparian habitat and floodplain loss through rock armoring and levee construction.

Floodplains also provide vital water storage capacity during flood events. Development in floodplains and levees cuts off floodplains or displaces floodplain volume and flood storage capacity, often resulting in higher flood stages and more or greater flooding downstream. Flood-damaged properties also have a high potential to result in contaminant releases into river systems.

The Department recommends that local agencies permit only vital public infrastructure in floodplains. To best protect California's riverine and riparian habitats, the Department believes it is wise to maintain and restore floodplain functions and to prevent, whenever practicable, development in areas that are not already protected by existing levee systems.

Allowing development and habitat conversion in floodplains results in degradation of riverine and riparian habitats and negatively impacts the fish and wildlife species that depend on them. The Department believes this Project, if the new pond is developed in

the floodplain, will result in the degradation of both aquatic and riparian habitat of Kidder Creek. For this reason, the Department recommends the Project be redesigned to keep the new pond out of Kidder Creek's 100-year floodplain.

Wetland and Riparian Resources

Mitigation measure MM 4.5 includes the requirement of a Stormwater Pollution Protection Plan (SWPPP) prior to land disturbance activities within 50 feet of a waterway or water body. In addition to this requirement, the Department recommends adding a no-disturbance buffer around all onsite waterways and wetlands to protect these sensitive habitats from potential significant impacts. Because SONCC Coho Salmon, a federally and State-threatened species, reside in Kidder Creek, the Department recommends the placement of a no-disturbance buffer of at least 150 feet from the edge of bank, edge of floodplain, or outer edge of the riparian dripline whichever is greater. During the February 9, 2015, site visit, the Project applicants agreed that 150-foot no-disturbance buffers would be acceptable surrounding all waterways.

The requirement of a SWPPP within 50 feet of wetland habitat may not mitigate potential impacts to wetlands to less than significant. The Department maintains responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. The Department opposes any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "*no net loss*" of either wetland habitat values or acreage. The EIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage. Additionally, requiring an application for a section 404 permit may not reduce impacts to wetlands that extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers as proposed in mitigation measure MM 4.6. Potential future impacts to wetlands should be mitigated at a ratio of no less than 3:1.

Lake or Streambed Alteration Agreement

The updated Project description for Kidder Creek Orchard Camps, Inc., dated October 24, 2016, states that the new seven-acre pond is within the floodplain of Kidder Creek, as discussed above. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require an LSA Notification, pursuant to section 1600 et seq. of the Fish and Game Code, from the applicant. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSA Notification process, please access our

website at: <https://www.wildlife.ca.gov/Conservation/LSA> or to request a notification package, contact the Lake and Streambed Alteration Program at (530) 225-2367.

Fisher

The IS/MND recognized potential impacts to the Northern California Evolutionarily Significant Unit of fisher (*Pekania pennanti*), a California Species of Special Concern, and the IS/MND and DEIR include mitigation measure MM 4.2 to reduce impacts to less than significant. This mitigation measure proposes that no vegetation removal or land disturbance activities occur within 50 feet of an active den. As stated previously, the Department recommends increasing this distance to ¼ of a mile around a natal den or 375 feet around a maternal den, consistent with Department of Forestry and Fire Protection recommendations¹.

Due to the status of Species of Special Concern, impacts to or loss of fisher due to direct or indirect effects of this Project would be considered significant by the Department. Species of Special Concern status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist.

Native Vegetation

Mitigation measures MM 3.1 and 6.1 require revegetation efforts to reduce impacts to air quality and soil erosion. The Department recommends that the vegetation utilized for these measures and for landscaping be native to the local area.

In addition, the Department recommends utilizing vegetation native to the local area in landscaping whenever possible. Benefits of utilizing native vegetation in landscaping include providing resources for native wildlife such as hummingbirds and beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society website (<https://www.cnps.org/gardening/why-natives>) includes a variety of useful information and tools to help determine native species for a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. For more information regarding the importance of using native species in landscaping, please see the *CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation* at: <https://www.cnps.org/wp-content/uploads/2018/04/landscaping.pdf>.

¹ Take Avoidance and CEQA Considerations for Plan Submitters within the Current Historic Range of Pacific Fisher, Department of Forestry and Fire Protection, March 8, 2013.

Dust Suppression Agent

Mitigation measure MM 3.1 includes the spraying of a dust suppression agent on haul roads as a dust control measure. Because Kidder Creek supports the federally and State-threatened SONCC Coho Salmon, the Department recommends against spraying dust suppression agents in any location where transmission to a waterway could occur. Many dust suppression agents are toxic to fish and wildlife and have adverse effects on the environment. If dust suppression agents will be utilized, impacts to fish, wildlife, and plant communities should be addressed and measures proposed to reduce impacts to less than significant.

Environmental Data

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

Previous biological surveys on the Kidder Creek Orchard Camp property have detected special status-species, including Shasta chaenactis (*Chaenactis suffrutescens*), fisher, and an active osprey (*Pandion haliaetus*) nest. Please ensure that these detections are submitted to the CNDDDB. Please also submit these detections to the Department's Northern Region office, Attn: CEQA Program, with copies of the CNDDDB forms and survey maps.

The Department appreciates the opportunity to comment on this DEIR to assist the Lead Agency in identifying and mitigating potentially significant impacts of the Project on biological resources. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by e-mail at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



for **Curt Babcock**
Habitat Conservation Program Manager

ec: page 9

ec: Rachel Jereb
Siskiyou County Community Development Department
Planning@co.siskiyou.ca.us

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NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department
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Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>



August 19, 2019

Christy Cummings Dawson
Siskiyou County
806 S. Main Street
Yreka, CA 96097

RE: SCH# 2016092016, Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Project, Siskiyou County

Dear Ms. Dawson:

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

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

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

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

AB 52

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

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

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse

From: [Rachel Jereb](#)
To: [Janine Rowe](#)
Subject: FW: NMFS letter to Siskiyou County, Re: Kidder Creek Orchard Camp zone change and use permit
Date: Wednesday, September 04, 2019 3:33:18 PM
Attachments: [KidderCrkOrchardCampPermitting_LtrToSiskiyouCounty_090419.pdf](#)

Comment on the KCOC project.

Rachel Jereb
Associate Planner
County of Siskiyou
806 S. Main Street
Yreka, CA 96097
530-842-8205

From: Christy Cummings Dawson
Sent: Wednesday, September 4, 2019 12:53 PM
To: Rachel Jereb
Subject: FW: NMFS letter to Siskiyou County, Re: Kidder Creek Orchard Camp zone change and use permit

From: Donald Flickinger - NOAA Federal
Sent: Wednesday, September 04, 2019 12:52:44 PM (UTC-08:00) Pacific Time (US & Canada)
To: Christy Cummings Dawson
Cc: Rick Rogers; Jim Simondet
Subject: NMFS letter to Siskiyou County, Re: Kidder Creek Orchard Camp zone change and use permit

Hello Christy Cummings Dawson,

I've attached a letter from NOAA Fisheries/NMFS to Siskiyou County with comments pertaining to the Kidder Creek Orchard Camp zone change and use permit Notice of Preparation. This letter has also been posted in the regular mail today, September 4, 2019.

In the hope of working together on this and other projects involving compliance with the CA State Groundwater Management Act (SGMA), I look forward to hearing from you.

Regards,
Don Flickinger

Don Flickinger, Ph.D.
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office: 530-841-4414
Donald.Flickinger@noaa.gov

Find us online at
<http://www.westcoast.fisheries.noaa.gov/>



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1655 Heindon Road
Arcata, California 95521-4573

AR No. 10012WCR2019AR00072

September 4, 2019

Christy Cummings Dawson
Siskiyou County
806 S. Main Street
Yreka, CA 96097

Dear Ms. Dawson:

This letter communicates the National Marine Fisheries Service's (NMFS) comments regarding the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15), contained in the Notice of Preparation (NOP) made available for public review and comment on August 2, 2019. NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), including ESA-listed southern Oregon northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) that reside within lower Kidder Creek, along which Kidder Creek Orchard Camp is located. Our comments stem from the cumulative impacts of permitted wells, surface diversions, a proposed water storage pond, and significant camp expansion (165 guests to 844 guests) that will have undetermined surface flow effects within Kidder Creek and the mainstem Scott River, both of which contain habitat important to the survival and recovery of SONCC coho salmon, and salmonids generally. Note that these concerns have previously been brought to the attention of the Siskiyou Board of Supervisors in an October 23, 2018 letter from NMFS (NMFS 2018), detailing potential adverse effects to water temperature and flow volume in SONCC coho salmon critical habitat from further water development in basins that are unsustainably managed. If not properly managed, such development may be inconsistent with future State Groundwater Management Act (SGMA) compliance, and efforts to restore Scott Basin groundwater and surface flows to sustainability.

In *Environmental Law Foundation et al. v. State Water Resources Control Board*, 34-2010-800000583, the Superior Court of Sacramento issued a narrow ruling that the public trust doctrine applies to groundwater hydrologically connected to navigable waters. The Court determined that county governments, as political subdivisions of the State, have a responsibility to consider the public trust in the issuance of well permits that could impact public trust uses, including lower Kidder Creek.

Moreover, California State Water Resources Control Board regulations require that anyone diverting surface or pumped groundwater from a known subterranean stream provide an Initial Statement followed by annual reporting of such use (https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/). This reporting helps ensure that sufficient water is available for appropriation by any new applicants, while also notifying current users of any potential water appropriations that might affect their water supplies. Diversion of surface water is currently conditioned by California Fish and Game Codes 1602 and 5937, which provide protections for instream flow volume and fish habitat by



requiring practices like summer forbearance, winter diversions, and/or fish friendly bypass flows. However, similar Fish and Game Code protections are not required by the State Water Board when wells are used for agricultural cultivation and domestic purposes. Because of this discrepancy under state law, the majority of water developments throughout the State, including in Siskiyou County, are opting for groundwater wells as water sources. We are concerned, in particular, that wells are being drilled, pumped, and water diverted and stored without appropriate analysis regarding their potential impact to surface water, especially near-stream activities that may impact groundwater/surface water dynamics and result in streamflow depletion.

NMFS encourages Siskiyou County, and the Scott River Groundwater Sustainability Agency (GSA) in particular, to consider how implementation of the proposed Kidder Creek Orchard Camp Zone Change and Use Permit will affect compliance with the SGMA in the Kidder Creek watershed and downstream.

During the 2011-2015 interval, recurring observations at and downstream from the Barker Diversion on Kidder Creek confirmed that maintaining an instream Kidder Creek flow of at least two cubic feet per second (cfs) was sufficient to maintain the five pools downstream where SONCC coho salmon routinely rear in summer (NOAA Fisheries Kidder Creek Take Statement 2012). This downstream distance from the Barker Diversion is 3,520 feet, and ends at the point where Kidder Creek surface disconnection occurs every year in late spring/summer. Based on these observations, NMFS is interested to partner with Siskiyou County, the Scott River GSA, and the project applicant in undertaking the following activities on lower Kidder Creek, activities identified as part of an initial phase of Kidder Creek restoration after resolution of the Barker Diversion take case in October 2015:

- 1) following a flow schedule, identify and then maintain late spring/summer flows in Kidder Creek to maintain rearing habitat in the five pools downstream from the Barker Diversion;
- 2) mark, photograph, and assess all riffle and pool features along the 3,520 feet of Kidder Creek, to the “point of annual disconnection;”
- 3) identify habitat elements that are deficient for each riffle and pool feature along this reach (*e.g.*, channel structure, woody debris, shade/cover, pool vegetation complexity, pool depth, etc.), how to best improve these, and then design and implement habitat improvement projects accordingly;
- 4) record baseline measurements of relevant riffle and pool characteristics, including salmonid occupancy, treat riffle and pool habitats, and then monitor these features post-treatment; and
- 5) while the above four activities are ongoing, undertake an assessment to determine the most economical ways to increase both water use efficiency and water storage/detention along Kidder Creek adjacent to the Kidder Creek Orchard Camp (NMFS 2015).

NMFS also shares the following comments and suggestions relating to creation of Siskiyou County groundwater management regulations, so that these regulations will properly condition projects like the proposed Kidder Creek Orchard Camp Zone Change and Use Permitting.

Lack of identification of existing and abandoned wells within the cumulative impact area. Incomplete consideration of existing and abandoned wells could lead to insufficient data generation when evaluating: 1) interconnections with the nearest surface water bodies and 2) pumping well interference with surrounding wells.

Creating and adhering to well pump test guidelines in Siskiyou County. Well pump tests should be conducted from July 15 to October 1 each year. This time period is referred to as the dry weather pump test period. Adhering to this requirement is critical, since the period when well pumping most impacts streamflow and stream-dwelling salmonids is summer and early fall, when streamflow is naturally lowest. The water year type during which well testing and analysis occur should also be considered, since impacts from groundwater pumping impacts are likely to be greatest during dry years.

Addressing impacts to interconnected surface waters and aquatic habitat. Siskiyou County should properly evaluate significant impacts of groundwater overdraft, surface water diversion, water storage, and potential associated changes in summer base flows. This should include analysis of daily hydrological variability during late spring (outmigration), summer and early fall.

Assessing impacts to water temperature. Groundwater discharge provides cool-water environments that protect fish from excessively warm stream temperatures during the late spring/summer. Reducing the rate of groundwater discharge to streams by unsustainably pumping hydraulically connected groundwater can warm stream temperatures during the summer and cool stream temperatures during the winter (Barlow and Leake, 2012). Siskiyou County's groundwater analysis should consider this important impact.

General comments relevant to management of ground water in Siskiyou County

Chronic lowering of Ground Water levels

Hydrogeologic analyses currently required by counties only investigate short-term groundwater dynamics and their potential influence on streamflow depletion. A common misconception is that streamflow depletion stops when pumping ceases. Streamflow depletion continues after pumping stops because it takes time for groundwater levels to recover from previous pumping stress and for the depleted aquifer defined by the cone of depression to be refilled with water (Barlow and Leake, 2012).

Without an evaluation of long-term trends in groundwater elevation, and how a negative long-term trend, if present, can exacerbate short-term fluctuations caused by well pumping, we question whether impacts to overlying streamflow can be completely assessed, and advise that a hydrogeologic report that fails to address these issues be labeled deficient per County policy.

Lack of coordination between County Well Permitting Procedures and the Sustainable Groundwater Management Act

As alluded to above, Siskiyou County does not yet appear to be considering future groundwater management required under the Sustainable Groundwater Management Act of 2014 (SGMA)

when permitting expansion/growth and associated water development and use. SGMA requires that groundwater basins that are unsustainably managed (*i.e.*, having one or more of six undesirable results caused by overdraft, of which streamflow depletion impacting beneficial uses is one) must achieve sustainability (avoiding all undesirable results) through developing and implementing a 20-year Groundwater Sustainability Plan. Currently, Siskiyou County contains four basins requiring groundwater management per the Act, including the Scott River Basin.

Generally speaking, restoring these basins back to sustainability will likely include greater groundwater recharge, less groundwater pumping, or some combination of the two. That Siskiyou County is considering permitting further Kidder Creek development/expansion and inevitable increased water use, governed under SGMA, while the Kidder Creek stream reach where SONCC coho salmon rear goes dry every summer, is of great concern. In short, adding more water extraction and use in lower Kidder Creek basin is inconsistent with restoring it to sustainability in the future. In SGMA groundwater basins, Siskiyou County should either delay permitting of more growth and increased water consumption until SGMA coordination occurs (see point 15, on page 20 of Appendix C, Kidder Creek Orchard Camp Draft EIR, 2016; https://saoprceqap001.blob.core.windows.net/89198-3/attachment/W_LsRs4irb3xAMxbJqQQMbHdq6ySDmajkAGZLiuNaQT-F72ACYFknVAIXblXk3HDoWkAKyIoJ02MSLXM0), require the use of public water supplies, or require winter pumping and storage. Moreover, continuing to expand groundwater use in over-extracted basins may exacerbate conflicts in striving to achieve sustainability amongst various users if future pumping restrictions are necessary¹.

Exclusion Watersheds

The Scott River watershed sustains a core, functionally independent population of threatened SONCC coho salmon (NMFS 2014). Unfortunately, the Scott watershed is adversely affected by summer low flow caused primarily by surface water diversion and groundwater pumping. Since continued groundwater development in this basin will likely further impair summer base flows in the future, NMFS recommends Siskiyou County limit future groundwater development there until the effects of long-term, recurring groundwater depletion and its impact on summer base flow are properly analyzed. At a minimum, NMFS suggests Siskiyou County require that future groundwater pumping be limited to winter months when streamflow impacts are muted, and that pumped water be stored for summer use (*i.e.*, no summer pumping).

NMFS appreciates the opportunity to present our concerns regarding groundwater development along lower Kidder Creek, and in Siskiyou County generally, and ways to minimize its potential impact on streamflow and ESA-listed salmonids. We look forward to working with the County in recovering salmon and steelhead populations, while simultaneously creating and enhancing economic opportunities for the future. If you have any comments or questions regarding this letter, please contact Mr. Don Flickinger of my staff at Donald.flickinger@noaa.gov or 530-841-4414.

¹ Unlike surface water, groundwater in California is not governed by the “first in time, first in right” doctrine. Instead, all property owners using groundwater have the same right to the resource regardless of when they first began using the resource, and thus may share in any future restrictions.

Sincerely,



Jim Simondet
Klamath Branch Supervisor
North California Office

cc. (via email)
Eli Scott, North Coast Regional Water Quality Control Board
(Eli.Scott@waterboards.ca.gov)
Joe Croteau, California Department of Fish and Wildlife (Joe.Croteau@wildlife.ca.gov)
David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)
Daniel Schultz, State Water Board (Daniel.Schultz@waterboards.ca.gov)

References

- Barlow, P.M., and Leake, S.A. 2012. Streamflow depletion by wells—Understanding and managing the effects of groundwater pumping on streamflow: U.S. Geological Survey Circular 1376. 84 pages. Available at: <http://pubs.usgs.gov/circ/1376/>
- Kidder Creek Orchard Camp, Inc. 2016. Updated Project Description for UP 11-15. October 25.
- National Marine Fisheries Service (NMFS)/NOAA Fisheries. 2018. NMFS letter to Siskiyou County. October 23.
- National Marine Fisheries Service (NMFS)/NOAA Fisheries. 2015. Instream and riparian habitat improvements project: an interim proposal for Kidder Creek.
- National Marine Fisheries Service (NMFS)/NOAA Fisheries. 2014. Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*). Chapter 36 – Scott River. National Marine Fisheries Service. Arcata, CA, page 36-18.
- National Marine Fisheries Service (NMFS)/NOAA Fisheries. 2012. Kidder Creek Take Statement. August 29.

From: [NorthCoast](#)
To: [Janine Rowe](#)
Cc: [NorthCoast](#)
Subject: RE: Kidder Creek Orchard Camp Zone Change (Z1401) and Use Permit (UP1115)
Date: Wednesday, August 07, 2019 8:03:35 AM

We received your electronic information submittal. Thank you for saving paper and helping us protect California's resources.

From: [Eric Olson](#)
To: [Planning](#)
Subject: KCOC DEIR Comments
Date: Friday, September 20, 2019 3:15:16 PM

Siskiyou County Community Development Planning Division,

In the Draft Environmental Impact Report of the Kidder Creek Orchard Camp project, Mitigation Measure MM 3.1 addresses dust mitigation during construction activities. What on-going measures will assure less than significant air quality impacts, specifically those originating from fugitive dust from surface soils, with potential for air-borne crystalline silica, and source of nuisance complaints due to vehicular traffic, RV's, and horseback riding over the Camp's unpaved roadways especially during peak use?
Respectfully submitted per

James E. Smith
Air Pollution Control Officer
Siskiyou County Air Pollution Control District

By
Eric Olson
Air Pollution Specialist II
Siskiyou County Air Pollution Control District

KIDDER CREEK ORCHARD CAMP ZONE CHANGE (Z-14-01) AND USE PERMIT (UP-11-15)

DRAFT ENVIRONMENTAL IMPACT REPORT

PUBLIC COMMENTS AGAINST

From: [Chris & Beulah Dokos](#)
To: [Planning](#)
Subject: kidder
Date: Friday, September 13, 2019 8:15:10 AM

COMPLEXION CHANGE

What attracts these folks to the Scott Valley and vicinity

is slowly being compromised by the expansion of these "RETREATS".

What we have now is slowly EVOLVING" into BIG city tastes and desires

of the folks running these places for "PROFIT".

As the valley expands with these operations, we lose our Identity,

and what initially attracted these operations (WILDERNESS EXPERIENCE) will slowly disappear.

Be Careful what you decide

C. Dokos
Scott Bar

From: [Carolyn Feroben](#)
To: [Planning](#)
Subject: RE: KIDDER CREEK ORCHARD CAMP, PROPOSED ZONE CHANGE (Z-14-01) AND PROPOSED USE PERMIT (UP-11-15)
Date: Tuesday, September 17, 2019 11:12:27 AM

Mount Hermon, in Santa Cruz County, has no sense of boundaries. It just gets bigger, louder, and more congested. Those tax free dollar\$ are quite a nice incentive! Meanwhile us residential homeowners fees, assessments and taxes keep going up to cover the needed maintenance and upkeep to deal with the ever growing crowds on the grounds. Our once quiet surroundings are full of cars parked along the roadways, screams (those zip lines), the facilities crowded and congested road ways. We have been property owners in Mt. Hermon almost 100 years. Quiet enjoyment should be a benefit of home ownership- not so any more. They once said that only registered campers would be able to use the facilities. Now individuals and groups schedule those zip lines on a regular basis. They certainly changed their ways about that. Mt. Hermon has lost their way from their original intent and focus. WHY do they strive to be an adventure facility??? You know the answer to that. Resist! It won't be pretty when they keep creeping and intruding and growing and misrepresenting themselves! I hope your planning commission is focused on the needs of your beautiful community. If members of your planning department would visit Mt. Hermon, Santa Cruz, they could see and hear for themselves the congestion, the sounds, the intrusion into the woods, the trees removed, etc.....

This past weekend, one thing that was totally amazing was the hundreds of people on the lawn for some soccer tournament- a men's league. I see that they are using the field for public league play now. They just won't stop with the money making , crowds, congestion, etc! The roadway was filled with cars, and people- they were only there for soccer. Not for the things Mt. Hermon is supposed to be about.

One thing that really bugged me is that our porch would require a permit if we were to build it more than a foot of the ground (or something like that). I am not going to go look that up , but that is close enough. However, Mt, Hermon built platforms in the redwood trees at least twenty feet up and they did not get permits! I went through all this with the planning department years ago.....somehow Mt. Hermon has an in with those guys

I would encourage the planning department to actually go see what the heck is going on in our neck of the woods.

When we were leaving I saw a skinny long trailer marked "Kidder Creek"- parked near the entrance to the zip lines!!!

Respectfully,
Carolyn Feroben

Sent from [Mail](#) for Windows 10

From: [Dan Gerson](#)
To: [Planning](#)
Cc: [Ray Haupt](#)
Subject: Kidder Creek Orchard Camp
Date: Tuesday, August 13, 2019 11:11:04 AM

Cindy Dawson
Siskiyou County Planning

Dear Ms. Dawson:

I understand you will be deciding on whether to allow KCOC to go forward with its plans to expand to a year round facility with 844 people at a time allowed, a 500 per cent increase.

I am strongly against this expansion, and frankly can't understand how you have allowed the proposal to get this far. South Kidder Creek road has blind curves and is single lane in some spots. Adding so many vehicles is too dangerous. And of course in the horrible event of a fire sweeping over that ridge, many lives would be lost, and Siskiyou County would be liable. Adding that many people to a small pristine valley will degrade the quality of life for the residents with increased traffic, air and water pollution, and large crowds of people despoiling recreation opportunities at places like Shackleford Falls and Meek's Meadow. You are supposed to represent the people of Siskiyou County. Please do just that and shut down this travesty.

Sincerely,

Dan Gerson

From: [Tarrah Harnden](#)
To: [Planning](#)
Subject: Letter in Response to the DEIR about the KCOC project
Date: Sunday, September 15, 2019 9:08:03 PM
Attachments: [September 15.pdf](#)

Dear County of Siskiyou Planning Department,

Please consider this letter in response the recently released DEIR about the KCOC Project.

Thank you,
Tarrah S.D. Harnden
626.622.2899

Sent from [Mail](#) for Windows 10

September 15, 2019

County of Siskiyou Planning Department
c/o KCOC DEIR
806 S. Main St.
Yreka, CA86097

Dear Planning Department,

I am writing this letter in response to the recently released Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project. I was born and raised in Etna and am now raising my family here. KCOC holds a special place in my heart (now known as Mount Herman Christian Camps). I started going there as a day camper and went every summer as a camper in their various camps until I could be a counselor in training and then a counselor. I would even say that KCOC was the reason I fell in love with my now husband.


I recently went back and spent the night in Spring of 2019 with Etna High School for a retreat for high school students. I surprised to see much of the Ranch Camp sleeping facilities are almost identical to when I was there. Including the bathroom and mattresses – which were not great 20-30 years ago.

So, here's my response to the DEIR: increasing occupancy of 534 over 20 years (to a total of over quadruple of current occupancy) seems so extreme to me. I also don't know why the DEIR refers to KCOC. Why is it not referring to Mount Herman? This is not a small-town Scott Valley operated 'KCOC' camp anymore. It seems obvious that this expansion will be more harmful to the neighborhood and cause extreme risk/fire danger.

I am not an expert on the SVAP, but I understand that this Project is not in compliance with this plan. Why would Mount Herman not focus on quality of the current camp facilities (such as mattresses, bathrooms, cabins). Bigger is not better. That is the mantra of cooperate America and fueled by greed. If this is really a Christ loving organization, why would the goal be more money?

I would please urge you to not approve this Project or even the Alternative Project. Mount Herman can find other places to expand.

Sincerely,

A handwritten signature in black ink that reads "Tarrah S. D. Harnden". The signature is written in a cursive, flowing style.

Tarrah S. D. Harnden

From: [Dee Jones](#)
To: [Planning](#)
Subject: KCOC DEIR Comment Letter
Date: Friday, September 20, 2019 8:27:41 AM
Attachments: [DEIR Comment Ltr.pdf](#)

Elizabeth DeEtte Jones
PO Box 191
Greenview, CA 96037

September 18, 2019

Planning Department
County of Siskiyou
806 South Main Street
Yreka, CA 96097

**RE: DEIR & Mt.Hermon/Kidder Creek Orchard Camp
Zone Change Z-14-01 and Use Permit UP 11-15**

Dear Planning Department:

South Kidder Creek Road bisects my 64 acres, which are located approximately one mile east of Kidder Creek Orchard Camp. I am very concerned about the gross inadequacies in the DEIR and its appropriateness as a decision-making tool for our Supervisors in Mt. Hermon/KCOC's proposed expansion.

The idea of an industrial recreational development of a size and scope larger than either of our valley cities of Fort Jones or Etna is simply inconceivable. The DEIR does not adequately answer questions about waste-water treatment for an occupancy level of 844 people or how their proposed 38,000 gallons of water use each day will affect our water table.

Additionally, the Traffic Study used as the scoping document for the DEIR is flawed as to traffic count, the width of South Kidder Creek Road and regard for its ability to handle emergency evacuations in the inevitable event of wildland fires.

Most importantly, I believe that the scale of the expansion is inconsistent with the Scott Valley Area Plan and with our rural lifestyle. The SVAP was voted in by referendum and I challenge the County to uphold its purpose and intent and protect us from this expansion.

Please take a closer look at their plan and its impact before you recommend it be adopted.

Sincerely,



Dee Jones

From: [D. La Forest](#)
To: [Planning](#)
Subject: Kidder Creek Orchard Camp DEIR Comments - NOISE IMPACTS
Date: Monday, September 23, 2019 6:49:43 AM
Attachments: [DLA comments - Noise Impacts - Kidder Creek DEIR - 9-20-2019 -...pdf](#)

Dear Siskiyou County Planning Department:

Attached are public comments about this Project's significant noise impacts and the Project's Draft EIR. Thank you for considering this detailed comment letter.

Please let me know if you have any questions.

Dale La Forest

Dale La Forest & Associates
Design & Environmental Planning
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Planning Department and Planning Commissioners
County of Siskiyou
806 South Main Street
Yreka, CA 96097

planning@co.siskiyou.ca.us

Kidder Creek Orchard Camp Draft EIR Comments
SIGNIFICANT NOISE IMPACTS

Dear Planners,

Sept. 20, 2019

On behalf of neighbors to this Kidder Creek Orchard Camp Project, I submit this comment letter regarding the Project's Draft EIR ("DEIR") and its analysis of the Project's noise impacts. I am also referencing the Oct. 24, 2017 *Environmental Noise Assessment* ("noise study"). I previously submitted comments on this Project's noise study on Sept. 29, 2018. Those comments are still relevant and are incorporated by reference in this comment letter. It is disappointing that the DEIR fails to address many of those previously submitted comments about the Project's noise impacts.

Inadequate Ambient Noise Level Measurements

One obviously shortcoming of the DEIR is that it fails to provide ambient noise level measurements at the 12 nearest homes it identifies as being potentially at risk of Project noise impacts. Without accurate ambient noise measurements each of these affected homes, the DEIR cannot determine if the Project's *increases* to those ambient noise levels will be significant. The four noise measurement locations in the *Environmental Noise Assessment* are too close to existing camp activities to accurately measure the ambient noise conditions in some cases at homes over 1,000 feet away. Those four locations would be exposed to louder existing campground noise than those 12 homes are. Therefore those measurements are not representative of the actual ambient noise levels at those homes.

It is understandable that the noise consultant might not want to leave his noise meter in an insecure location for concern about theft or tampering. But such noise level measurements are necessary if the noise study is to be meaningful. Other acoustical consultants obtain such long-term 24-hour measurements at off-site locations. To repeat an important point, that ambient noise level information is critical in complying with CEQA's mandate to evaluate if this Project will significantly *increase* ambient noise levels at neighboring properties either temporarily (during construction) or permanently (during operations). With that ambient noise data not having been collected at numerous sensitive receptor locations, the DEIR proceeds without even inquiring into whether such significant increases of noise are foreseeable and significant? Without that information that is essentially required by CEQA, this DEIR not only does not comply with CEQA, but it also does not inform County officials and the public about this Project's serious potential noise impacts.

DEIR Underestimates Project's Noise Impacts in this Quiet Rural Location Because it Fails to Adjust Predicted Project Noise Emissions Using the General Plan's Correction Factors.

The General Plan specifies additional factors from the Noise Element to consider in this Project's very rural neighborhood that restrict these amphitheaters' noise levels as proposed and mitigated.

(1) 55 dBA L_{dn}, not 60 dBA L_{dn}, is the applicable threshold of significance.

To evaluate whether a project may create a significant noise impact, an agency must first examine which noise standards or thresholds of significance might be exceeded. In this campground Project's instance, the County has inconsistently chosen the "day-night average" sound level of 60 dBA L_{dn}¹ from its General Plan as being the acceptable threshold of significance for residential noise exposure. The General Plan Noise Element, p. 12, Table A-6, (*Summary Of Noise Levels Identified As Requisite To Protect Public Health And Welfare With An Adequate Margin Of Safety*) states that **55 dBA L_{dn}** is that acceptable noise standard outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use. This stricter standard of **55 dBA L_{dn}** also must be evaluated under CEQA when compared to this Project's noise emissions.² CEQA requires the County to consider all applicable standards; so standards from the Federal Environmental Protection Agency ("EPA") as well as the County's own General Plan must be included.

(2) 10 dB Correction Factor Required for Quiet Rural Community

However, in selecting a noise standard from the General Plan, the DEIR ignores the County's requirement that the standard it chose (a maximum daily average sound level) be corrected for this Project neighborhood's quiet, rural community because it is already quiet and "remote from large cities and from industrial activity and trucking."³ Such corrections must be made according to the Noise Element's Table A-10.⁴ The Table A-10 requires a **+10 dB** correction to be added to the Project's CNEL noise level. That correction factor essentially increases by 10 dB the Project's predicted noise emissions at various locations. For example, where the DEIR predicts the amphitheater's noise to be 46 dBA L_{dn} at Residence "E", then the Noise Element correction would increase that number up to 56

¹ See: DEIR, p. 3.4-13.

² See: General Plan Noise Element, Technical Appendix, p. 12, Table A-6: "*Summary of Noise Levels Identified as Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*," for "Outdoor activity: **55 dBA L_{dn}**." Additionally, the US EPA has published research findings regarding noise levels and their effects on people, as summarized in the General Plan Noise Element Table A-6, lending credibility to the 55 dBA L_{dn} threshold of significance. Use of this 55 dBA L_{dn} threshold of significance is not infeasible either because the Project is not "adjacent to State highways, Interstate 5, the railroad, nor in urban centers." Use of the 55 dBA L_{dn} threshold would not cause severe economic hardship in this rural neighborhood. Yet the DEIR never informs the public that this stricter noise standard exists and is applicable.

³ See: General Plan Noise Element p. 53, item #1. For Table A-10, see General Plan Noise Element, Technical Appendix, Table A-10: "*Corrections to be Added to the Measured Community Noise Equivalent Level (CNEL) to Obtain Normalized CNEL*", Type of Correction: "Correction for Outdoor Residual Noise Level", Description: Quiet ... rural community (remote from large cities and from industrial activity and trucking); **Amount of Correction to be Added to Measured CNEL in dB: +10 dB**

⁴ See: General Plan Noise Element p. 53, item #1. For Table A-10, see General Plan Noise Element, Technical Appendix, Table A-10: "*Corrections to be Added to the Measured Community Noise Equivalent Level (CNEL) to Obtain Normalized CNEL*"

dBA L_{dn}. The DEIR should have used a (corrected) 56 dBA L_{dn} prediction when comparing the amphitheater noise to the 55 dBA L_{dn} standard, unless other corrections are also required to be made.

(3) 5 dB Correction Factor Required for Music Intrusion with Pure Tones or Impulsive Noise

Corrections are also required because the Project proposes adding loud amphitheater activity including music to the campground. The DEIR discloses that amplified music will be played there. In this case, Table A-10 also requires that a **+5 dB** correction be added when the noise source has some pure tones or an impulsive character.⁵ Music has pure tones. Drum beats have impulsive character. In the example of amphitheater noise levels above when heard at Residence “E”, the predicted noise level with the previous 10 dB correction must also include a 5 dB correction, raising it from 56 dBA L_{dn} to 61 dBA L_{dn}. A calculated noise level of **61 dBA L_{dn}** is slightly greater when converted to the CNEL (community noise equivalent level) metric used by the General Plan.

Example: Amphitheater Noise Will Exceed General Plan Noise Standards

Therefore, had the DEIR referenced the County’s General Plan correction factors, it should have concluded that a possible amphitheater noise level of 61 dBA L_{dn}, when so corrected, would exceed both of the General Plan’s 55 dBA L_{dn} and 60 dBA L_{dn} thresholds of significance. This is evidence that the DEIR has not adequately mitigated the Project’s amphitheater noise to a less-than-significant level. This shows existing homeowners could suffer from loud campground noise intrusions. The next section of this comment letter shows traffic noise impacts will also be significant and unmitigated.

Increased Noise From Increased Traffic Will Create Significant Noise Impacts.

One of this Project’s most significant noise impacts will be to residents living near South Kidder Creek Road during those hours or on those days when the campground’s traffic volume increases by about four times the current traffic volumes.

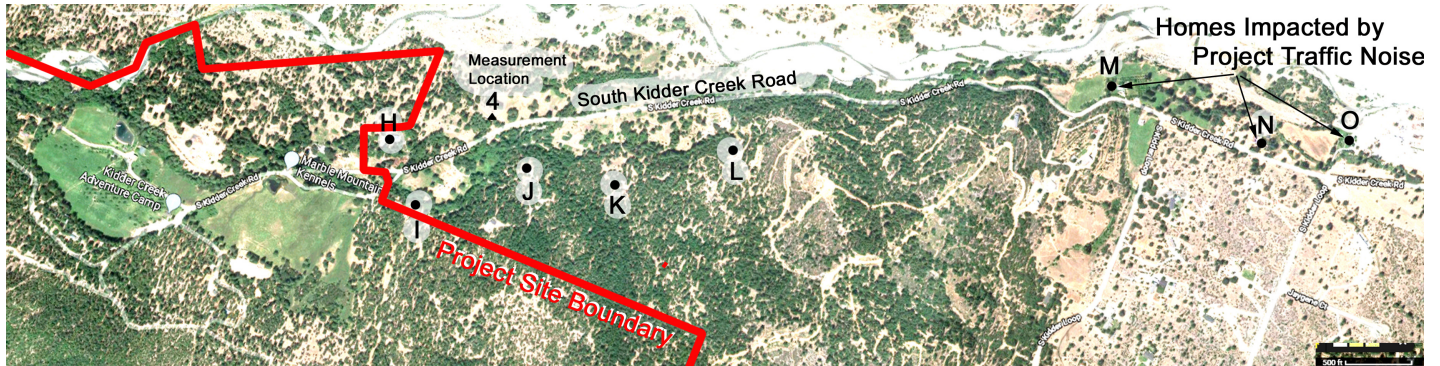
There is no substantial evidence in the DEIR to support its determination that Project traffic noise impacts will not significantly impact existing residences along South Kidder Creek Road that traffic will pass by. As I previously commented in 2018, the DEIR must provide ambient noise level measurements at other homes along South Kidder Creek Road where this Project’s vehicular traffic will pass, and not merely at Measurement location #4 used in the *Environmental Noise Assessment*.

No ambient noise level measurements were obtained at the Perlman’s house (House “M”) or the Jones’ house (“O”) or a third house in between those two homes (“N”) which is also close to this South Kidder Creek Road. (See Figure 1 below for these homes’ locations of M, N & O.)

Motorists drive about 55 mph there and slow down abruptly when they hit the sharp curves in that road. Since no noise level measurements or traffic speed measurements were taken at Home “M,” nothing in the DEIR supports its prediction of noise impacts at that home’s location.

⁵ Noise Element, Appendix, Table A-10, last type of correction on this table, “Pure Tone or Impulse”, Description: Pure tone or impulsive character present,” + 5 dB correction.

Figure 1
Homes Impacted by Project Traffic Noise



The *Environmental Noise Assessment* calculated 2017 noise levels from vehicles passing one home (“M”) at 1109 South Kidder Creek Road, 70 feet from the road, when those vehicles were evaluated as if traveling 30 mph.⁶ The DEIR’s distant noise level measurement at *Measurement Location 4* is not relevant for some other noise-sensitive homes on South Kidder Creek Road (M, N, & O). For those residences close to this road but farther to the east than the Noise Study considers, traffic goes faster, and maybe at the road’s posted speed limit of 55 mph. House “N” is also about 70 feet from this road but is not even mentioned or evaluated in the Project’s noise study. Higher speed vehicles generate higher noise levels. The 2017 *Environmental Noise Assessment* fails to account for that greater speed in its predictions of noise levels from future expanded campsite vehicle traffic increases. Its calculation in Appendix C-2 to this *Environmental Noise Assessment* shows a "speed" data input for “the closest house”, House “M”, of 30 mph. But that speed is not relevant for two homes farther to the east (“N” & “O”) where traffic speeds may be 55 mph at the road’s posted speed limit.

The Draft EIR should indicate the distances between Project noise sources and all of this Project’s affected, sensitive receptors, and not merely a vague aerial photograph with some homes with a scale as used in the Project’s October 24, 2017 *Environmental Noise Assessment*. That noise study’s vague locations of 12 nearest homes is not sufficient for informed public review. Also, insufficient locations and distances from the Project’s traffic are described for those affected homes along South Kidder Creek Road. The two homes (“N” & “O”) are never discussed in the DEIR yet they too will be significantly impacted by Project traffic noise.

⁶ See: Appendix C-1, “Data Input Sheet”, Receptor 4, Speed: 30 mph. No documentation or evidence exists in the DEIR however to indicate that traffic at this home is actually traveling as slow as 30 mph.

Figure 2

House “M” - Perlman Residence – House at 1109 South Kidder Creek Road is 70 feet from Road



Map/photo: <https://goo.gl/maps/i1Bb1yCQdp5wZuxEA>

Imagine if you lived in this home (Residence “M”) and believed the County’s General Plan Noise Element standards would protect you from excessive traffic noise increases. As discussed above, if you checked the General Plan Noise Element, you’d see that the noise standard is 55 dBA L_{dn} at this house. Then, if you read this Project’s DEIR, you might realize that increased Project traffic could increase your home’s exposure to increased noise that could total about 54 to 58 dBA L_{dn} when a noise level correction was added for your rural location, loud enough it might exceed the County’s noise standards there. You might also be concerned that the future traffic noise not only would exceed numerical standards, but also might increase by 6 dBA the existing noise levels due to this Project’s traffic being four times greater than now. That would be serious because any increase greater than 3 to 5 dB is considered to be a significant noise impact. (These calculated noise levels are discussed below.) You would likely be upset however if the DEIR failed to inform you and your neighbors of these serious noise impacts due to mistakes in its noise study’s assumptions, lack of noise measurements, incomplete mapping, and sloppy reasoning.

If vehicular traffic is slowing or accelerating near this Home “M” shown above in Figure 2 because of the sharp curve in the road just southwest of this house, then brake noise or increased engine noise

during acceleration will also be louder than the *Environmental Noise Assessment* calculated. No actual noise tests occurred at this house “M” shown in Figure 2 apparently.

To be adequate, the DEIR must be revised to provide ambient noise level measurements at these other homes along South Kidder Creek Road, and not merely at distant Measurement location #4 used in the *Environmental Noise Assessment*. That is so that the DEIR can evaluate if the Project will cause a significant increase in traffic noise at nearby homes along that road compared to existing noise levels.

Figure 3
House “O” - Jones Residence – South Kidder Creek Road



Map/photo: <https://goo.gl/maps/UXUx1ixmg7hKgxseA>

At a different home shown in Figure 3 above (House “O”) which is over 300 feet from the road, its noise exposure will be less than that at the House “M” due to being set back a greater distance from the road. But nonetheless the *increase* in traffic noise compared to the ambient conditions may still be greater than 3 to 5 dB, and thus could be significant. If road noise is at times a major source of the ambient noise at this House “O”, then whatever that road noise exposure currently is, it would be increased by about 6 dB if the road’s traffic quadrupled during a peak traffic hour.⁷ That much of a noise increase would constitute a significant noise impact because it is greater than 5 dB in this location. But one cannot tell for sure at this point because the DEIR discloses no ambient noise measurement or traffic speed at that location of House “O”.

The DEIR needs more data collected about traffic speeds near those homes on South Kidder Creek Road because the *Environmental Noise Assessment* does not provide sufficient information. Traffic speeds may not be constant on that road. Noise exposure at nearby homes varies with traffic speed.

The Noise Study does not reveal how much of a noise level increase will occur for these homes (M, N) because no noise level measurements were obtained nearby, and no prediction of traffic noise with this Project’s increased vehicular traffic was presented in the DEIR. As such, there is no substantial evidence the Project’s traffic noise impacts at these homes will not be significant. This challenge to the DEIR’s conclusions is not a dispute between experts, because the County has absolutely no evidence whatsoever regarding the Project’s potential noise impacts at two of these homes. Accordingly, the DEIR does not comply with CEQA and must be revised before this Project’s permits are approved.

DEIR Fails To Consider Project’s Significant Noise Impacts on Another House on South Kidder Creek Road.

Nowhere in the DEIR or its Noise Study is another home’s location described that is also very close to South Kidder Creek Road. This home (Home “N”) is about 1,100 feet to the east of Home “M” that, although unlabeled, the DEIR discusses being 70 feet from the road’s centerline.⁸ This Home “N” is located midway between the two South Kidder Loop streets. (See Figure 1 above.) This other home is not shown on any map in the DEIR or its noise study either. This residence is pictured below and would also be one of the homes most affected by Project traffic noise.

So it seems logical that the DEIR should have informed the readers where it is to be found. The DEIR should also have included ambient noise level measurements there at Home “N” and as well because that home is only about 70 feet from the road’s centerline, but it did not.

⁷ See below on page 9 for discussion about that likely 6 dB road noise increase due to quadrupled traffic.

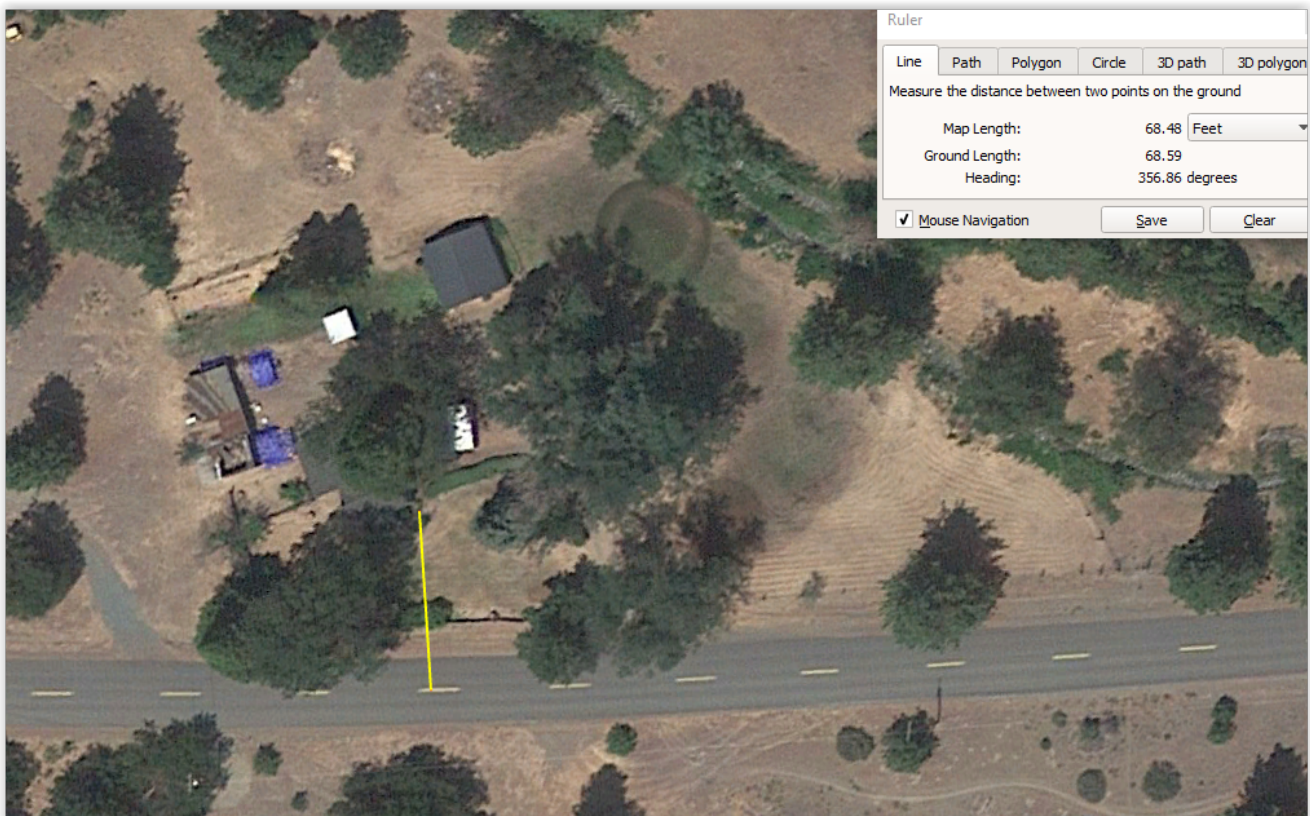
⁸ The home discussed in the DEIR is probably at 1109 South Kidder Creek Road.

Figure 4
House “N” - House that is also About 70 feet from South Kidder Creek Road



This home also appears to be roughly about 70 feet from South Kidder Creek Road. But it is not near a sharp curve in the road so Project traffic will likely be traveling at near the 55 mph speed limit when passing this home:

Figure 4
Residence – South Kidder Creek Road



The reason this other home (Home “N”) is important to this Project’s DEIR analysis is that it is located along a straight section of South Kidder Creek Road where vehicles can travel at the posted 55 mph speed limit. It would be exposed to louder Project traffic noise when those vehicles travel faster than the 30 mph assumed by the *Environmental Noise Assessment* for the Home “M” at 1109 South Kidder Creek Road. Occupants of this home may be significantly affected by the Project’s higher speed vehicles passing it because that traffic noise, when corrected per the County’s directions in its General Plan Noise Element, would exceed the threshold of significance of 55 dBA L_{dn} at this location.

Predicted Project Traffic Noise at the Nearest Home Along South Kidder Creek Road (Home “M”) is Seriously Underestimated

Not only did the DEIR fail to measure the ambient noise levels at Homes M, N or O, and failed to correctly predict what resultant noise exposure they would suffer if the Project is approved as proposed, but the DEIR also miscalculated what sparse traffic noise information it included.

The DEIR, p. 3.4-14, identifies one CEQA threshold of significance if “... *the project result(s) in the substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*” As for traffic noise increases, the DEIR (pp. 3.4-21 to -22) concludes mistakenly there will be no increase in Project traffic noise. (i.e. 52 dBA L_{dn} existing ambient noise level at the closest residence to South Kidder Creek Road, and 52 dBA L_{dn} with Project’s added traffic.) As shown in this comment letter, a 6 dBA traffic noise level increase due to traffic volume quadrupling there during a peak hour would be significant. There is no substantial evidence in the DEIR to support its conclusion of no significant noise level increase due to increased off-site vehicular traffic.

The DEIR is seriously flawed where it predicts Project traffic increases will result in traffic noise levels that will be lower than the existing traffic noise level. That decrease is impossible and is unexplained in the DEIR. Here are the facts:

There are at least two different standards for judging the significance of traffic noise increases: (1) whether the traffic noise during a peak hour represents a significant increase measured with the L_{eq} descriptor, or (2) whether the traffic noise increase during a full 24-hour day would be significant measured with the L_{dn} descriptor.

(1) Traffic Noise Increase During a Peak Hour Will be Significant

The DEIR identifies that the peak hourly traffic on South Kidder Creek Road will increase from 65 trips per hour up to about 278 trips per hour due to this Project. That represents a traffic increase of over four times. If the traffic on this road merely doubled, the traffic noise at nearby homes would increase by about 3 dB. Because traffic volume is predicted to increase by more than four times, then the traffic noise would increase by another 3 dB to about 6 dB louder. It is well known among acoustical engineers that “*doubling of the noise source produces ... a 3 dB increase in the sound pressure level.*”⁹ That means if the traffic volume during Project operations doubles, one can expect the Project’s contribution to noise levels on South Kidder Creek Road would increase by 3 dB. Or if

⁹ See: Highway Traffic Noise Analysis and Abatement Policy and Guidance; Noise Fundamentals; available online at: https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide02.cfm A copy will be made available to County officials if requested. Also see: DEIR, pl 3.3-21: “doubling the source strength increases the sound pressure by 3 dB.”

traffic quadruples, then its noise level should increase by 6 dB. To the west of this “nearest home” (Home “M”), nearly all the traffic on South Kidder Creek Road is related to this campground. (There are only homes “H, I, J, K & L” farther west along this road.) On busy days with Project traffic increasing by four times, the Project traffic noise would increase at that nearest residence from about 57 dBA L_{eq} ¹⁰ to about 63 dBA L_{eq} .¹¹ That traffic noise increase of 6 dB would be a significant noise impact that the DEIR fails to warn the public about because it is more than the DEIR’s threshold of significance of 5 dB.¹²

(2) Traffic Noise Increase During a 24-Hour Day Will Also be Significant

Traffic Noise Compared to County’s 55 dBA L_{dn} Noise Standard

The *Environmental Noise Assessment* includes measurements from 2017 with calculations for a 24-hour average noise level that show that traffic noise at 100 feet from the centerline of South Kidder Creek Road at Location 4 was as high as 52 dBA L_{dn} .¹³

At a closer distance to the road where two houses exist, that traffic noise level would of course be greater. At the closest residence discussed in the EIR at 70 feet from the road’s centerline (House “M”), that Location 4’s measurement and calculation of the existing noise level with that distance adjustment would be as high as **54.3 dBA L_{dn}** .¹⁴ This 2017 traffic noise calculation should represent the baseline noise level the DEIR uses to analyze how much of an increase in noise that residents there at that home would experience. Then when another 6 dB is added due to the Project’s additional traffic, the total of 60.3 dBA L_{dn} would be seen as a significant noise impact because it would exceed both of the County’s 60 dBA L_{dn} and 55 dBA L_{dn} noise standards.

When traffic noise is corrected per the Noise Element’s Table A-10 by adding 10 dB due to the quiet rural location at South Kidder Creek Road, that existing ambient 2017 traffic noise would be treated as if it were **64.3 dBA L_{dn}** . (54.3 + 10 = 64.3) In that case where homes are already exposed to noise levels greater than the County’s standards of 55 dBA L_{dn} or 60 dBA L_{dn} , any increase more than 3 dB in traffic noise due to this Project would be considered a significant noise impact.

On busy days with Project traffic increasing by four times, the Project traffic noise would increase at that nearest residence from that corrected measurement/calculation of about 64.3 dBA L_{dn} to about

¹⁰ The *Environmental Noise Assessment* shows peak hourly noise level measurements at Measurement Location 4 of about 56 dBA L_{eq} . See Appendix B-13, Sunday June 25, 2017, 4 p.m., 55 dBA L_{eq} . Location 4 was 100 feet from South Kidder Creek Road. So at the closer distance of 70 feet from this road’s centerline, presumably that measured noise level would be about 57 dBA L_{eq} , assuming a drop off rate coefficient of 4.5 dB per doubling of distance from a roadway.

¹¹ The sound power ratio 4 (four times the intensity) changes the sound power level by 6.02 dB. (54 + 6 = 60)
<http://www.sengpielaudio.com/calculator-levelchange.htm>

¹² See: DEIR, p. 3.4-4: “An increase of 5 dB is typically considered substantial.”

¹³ See: Environmental Noise Assessment, Appendix B-12, Tuesday June 20, 2017, L_{dn} , dB = 52; Also see p. 13, Table 3. Also see DEIR, p. 3.4-19 for that 52 dBA L_{dn} prediction.

¹⁴ This calculated value is based on an increase of 4.5 dBA for each halving of the distance between the road and the receptor. See DEIR, p. 4-6: “Sound levels attenuate at a rate of approximately 3 decibels for each doubling of distance from a line source, depending on ground surface characteristics. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or a body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), an excess ground-attenuation value of 1.5 decibels per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation for soft surfaces results in an overall attenuation rate of 4.5 decibels per doubling of distance from the source.” (emphasis added)

70.3 dBA L_{dn} .¹⁵ That is about 17.3 dB louder than the DEIR reports as being about 52 dBA L_{dn} , in part because the DEIR ignored the Noise Element's requirement for a 10 dB correction factor. That traffic noise increase of 6 dB would be a significant noise impact that the DEIR fails to warn the public about because it is more than the DEIR's threshold of significance of 3 dB for locations where ambient noise levels are greater than the County's noise standards.¹⁶

One would think that the DEIR would have disclosed that increased traffic flows will cause increased noise levels there along South Kidder Creek Road. But the 2019 DEIR shows that in spite of traffic increasing over four times due to the campground's expansion, the predicted noise level at that closest home would be **52 dBA L_{dn}** at 70 feet from the road's centerline. The DEIR does not explain how it predicts increased Project traffic will result in noise levels being 2.3 dBA less than 2017's maximum 24-hour average noise levels at this nearest home. ($54.3 - 52 = 2.3$)

This serious flaw in the DEIR significantly underestimates the Project's noise impact to those nearest residents. The DEIR apparently predicts the 2017 average existing noise level of 52 dBA L_{dn} at that 70 foot distance based on a calculation at Location 4 of 50 dBA L_{dn} at 100 feet from the road's centerline. But 50 dBA L_{dn} was not the loudest existing noise level there at 100 feet at Location 4; it was as great as 52 dBA L_{dn} as discussed above. The DEIR underestimates existing campground traffic noise levels by that 2 dB amount which is significant in this otherwise quiet neighborhood.

If this comment about flawed calculations above is not clear enough, look at the DEIR p. 3.4-21, where it states the noise level at that closest house with this Project's added traffic¹⁷ as well as the existing 2017 traffic noise level would both be 52 dBA L_{dn} .¹⁸ That makes no sense for there not to be an increase in traffic noise there at the closest home when, with this Project's operations, traffic volume there on South Kidder Creek Road would increase by four times. That one paragraph alone should make it clear that the DEIR is underestimating the Project's noise impacts at that closest residence.

DEIR Underestimates Traffic Noise by Using Incorrect Traffic Volumes and Speeds In Predicting Noise Levels

One reason the DEIR's Noise Study underestimates traffic noise is that it miscalculates the number of vehicles this Project will attract. The DEIR's 2018 traffic count and extrapolation for future conditions assumes 1,448 peak trips.¹⁹ But the Noise Study from 2017, based on outdated information or based on information for a smaller size Project (in Project Alternative 3), assumed only 1,067 trips per day.²⁰ That's a significant error in not having the Noise Study be updated with matching data input assumptions once the 2019 DEIR used a traffic count of 1,448 ADT. The *Environmental Noise Assessment's* traffic noise calculation is based on "Alternative 3: "Reduced Project Development." That noise study provides no similar calculations though for the Project as proposed by the Applicants. Thus, using incorrect assumptions, there is no support for the DEIR's conclusions about the significance of the Project's traffic noise impacts.

¹⁵ The sound power ratio 4 (four times the intensity) changes the sound power level by 6.02 dB. ($64.3 + 6 = 70.3$)
<http://www.sengpielaudio.com/calculator-levelchange.htm>

¹⁶ See: DEIR, p. 3.4-4: "In areas where the ambient noise level ranges from 60 to 65 dB, increased levels of annoyance would be anticipated at increases of 3 dB, or greater."

¹⁷ The DEIR states the FHWA traffic noise prediction modeling at 70 feet would be approximately 52 dBA L_{dn} .

¹⁸ The DEIR then states the computed ambient noise level from 2017 measurement at that closest house is also 52 dBA L_{dn} .

¹⁹ See: DEIR, p. 3.4-15.

²⁰ See: DEIR, Appendix C-1, Environmental Noise Assessment, PDF page 39, FHWA Highway traffic Noise Prediction Model, Data Input Sheet, Receptor 6 (closest home): **1,067 ADT** (average daily trips).

As mentioned above, the DEIR's calculations are also incorrect where based upon traffic moving slowly at 30 mph, when in fact near some homes on South Kidder Creek Road, many vehicles travel at the speed limit of 55 mph and create more noise than the DEIR's noise study predicts.

The DEIR's Noise Measurement Location 4 is near the western end of South Kidder Creek Road where the paved road ends and the dirt road of the campground begins. Obviously vehicles were slowing down at Location 4, explaining the use of 30 mph in the noise study's calculations. Yet for the residences to this road located farther to the east than the *Environmental Noise Assessment* considers, traffic is traveling faster, and its noise level is therefore greater. The DEIR needs to be corrected to use proper data for its noise impact predictions.

Project's Sleep-Disturbance Noise Impacts Will Be Significant

The DEIR discusses theoretical sleep-disturbance impacts caused by noise on pages 3.4-4 to -5. But nowhere in the DEIR is this specific Project's potential to cause significant sleep-disturbance impacts to existing off-site residents analyzed. I previously identified this very issue in my 2018 project Scoping letter but the DEIR ignores this comment, as if it fell upon deaf ears:

“The DEIR should evaluate this Project's sleep-disturbance impacts to neighboring residents and those living along South Kidder Creek Road. The *Environmental Noise Assessment* does not evaluate if Project noise may cause sleep-disturbance impacts, yet CEQA requires such an assessment even if Siskiyou County does not have any thresholds of significance for sleep-disturbance noise impacts.”

During some hours of the day, the increase in traffic noise of up to 6 dBA caused by this Project may significantly exceed the ambient hourly noise levels at those neighboring noise-affected homes. Increased noise during the daytime can create significant annoyance impacts. Worst yet, increased traffic noise or other campground noise during nighttime hours may create significant sleep-disturbance impacts if that increase in traffic noise is substantial. Existing noise level measurements at location #4 imply that traffic noise at nighttime occurs and can increase significantly between 3:00 a.m. – 4:00 a.m. Nearly all the graphs of ambient noise monitoring measurements in Appendices B-12 and B-13 show a spike in the maximum noise levels around 4 a.m. when people usually sleep.

The DEIR does not provide traffic counts at those nighttime hours, either for existing ambient conditions or for the Project's added traffic. But it does acknowledge there will be some nighttime Project traffic, where approximately 5% of the Project's total traffic is estimated to occur at nighttime.²¹ Therefore the DEIR does not provide substantial evidence that Project traffic will not occur in significant volumes during the night hours (10 p.m. – 7 a.m.) where it could create sleep-disturbance impacts. The DEIR provides no evidence that such nighttime “intermittent noise events” will not harm neighbors' sleep.

The DEIR uses the wrong methodology to evaluate noise from cars and trucks because that 24-hour averaging method tends to conceal brief peak noise levels that can disturb neighbors by averaging them throughout a 24-hour day. The DEIR should have evaluated this Project's “single-event noise levels” because passing vehicles are often far apart so their brief noise impact is like a single

²¹ See: DEIR's Environmental Noise Assessment, Appendix C-1, where the night traffic volume is assumed to be 5% of 1,067 average daily trips. 5% of the Project's potential 1,448 ADT would be about 73 vehicles at nighttime.

occurrence in a period of relative quiet. The analysis of single-event noise effects under CEQA can be traced to a 2001 court decision (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344. This case concerned a challenge to the proposed expansion of the Oakland Airport because the project EIR noise analysis did not include an evaluation of the effects of single-event on sleep-disturbance. The court required in that context (i.e. an airport expansion) that the EIR address single-event noise and sleep-disturbance impacts on existing residents in the City of Berkeley. The Kidder Creek Orchard Camp Project DEIR suffers from the same deficiencies as the noise analysis originally done for the Oakland Airport Master Plan EIR. But the Port of Oakland complied with the court order, did a single-event noise analysis, and issued the findings in a Supplemental EIR. This *Environmental Noise Assessment*, in contrast, contains no such analysis.

The Federal Aviation Administration (FAA) in their *Environmental Desk Reference for Airport Actions* (2007) recognizes the usefulness of a single-event analysis and recommends the SEL metric in Table 17-1 of the *Desk Reference*, included below:

“Supplemental noise analysis. FICON (1992) noted that supplemental metrics are useful in addressing various public concerns and to help the public better understand noise impacts. As a result, FAA sometimes uses supplemental noise information to describe aircraft noise impacts for specific noise-sensitive locations or situations.”

Each trip can expose the closest home located just 70 feet from the centerline of this road up to about 83 dBA of traffic noise as vehicles pass. Those quiet, "rural community" homes along South Kidder Creek Road would be significantly impacted by such traffic noise levels. Interior noise measurements in homes with open windows in summer are at most 10 dBA quieter than these 83 dBA exterior noise levels.²² A significant percentage of peoples' sleep is disturbed by such repeated though brief "single noise events" of 75 dBA sound exposure level ("SEL").²³ Will neighbors have to sleep with closed windows in the summer heat?

The *Environmental Noise Assessment's* noise calculations reveal that often at night the average noise level at 70 feet from South Kidder Creek Road at Location 4 is as low as about 52 dBA L_{eq} . Each vehicle passing that location can generate noise levels of 83 dBA L_{eq} that would be over 30 dBA louder than that background ambient noise level. Indoors, with a 10 dB reduction with open windows, sleeping residents there would also be exposed to brief vehicle noise over 30 dBA louder than the interior noise levels in their homes. Those single-event noise occurrences may awake a significant number of neighbors. But the EIR never discloses that fact or offers any analysis of sleep-disturbance impacts due to brief, repeated vehicle passings at nighttime.

Construction Noise Levels Could Exceed County's Noise Standards at Nearby Homes

This Project's construction noise could exceed two separate thresholds of significance for noise impacts at neighboring homes north of the Project site. It could exceed the County's **55 dBA L_{dn}**

²² See: Siskiyou County General Plan Noise Element for 10 dBA attenuation rate with open residential windows.

²³ The *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 CA4th 1344 court's decision overturned a project's EIR where sleeping residents were exposed to even quieter noise levels from passing airplanes. It stated: "The Draft EIS/EIR for the Oakland Development Project indicates that a single noise event with SEL 61 or higher will disturb the sleep of about 30% or more of those people exposed to such noise."

standard,²⁴ and also create a significant temporary noise level *increase* greater than the ambient noise levels at those homes without this Project's contributions.

Construction and earthmoving equipment to be used on this Project site would include haul trucks, graders, backhoes, loaders, and similar heavy equipment for grading excavation, paving, and building construction. But the public is not informed which equipment will be operating during the Project's worst case scenario for noise generation. The DEIR should describe how long various types of heavy equipment would be used, and which equipment would be used at any one time, during construction activities at each construction site.

The DEIR does not contain any condition or mitigation measure requiring the Project to comply with any specific maximum noise level. The DEIR does not even identify what maximum noise level standard the Applicant is to be held to. The County has never even adopted a noise ordinance that would otherwise restrict this Project's noise levels. And the County does not propose to even monitor this Project's noise emissions to insure they comply with any standards, whether those found in the General Plan Noise Element or in other laws. The County provides no realistically enforceable noise standards. Without such specific information in the DEIR and restrictive noise conditions, the County cannot truthfully determine that this Project's noise impacts will be less-than-significant.

The DEIR is inadequate because it fails to consider the sound levels from multiple types of equipment operating at the same time within the Project site. If some of the equipment operates at one time (i.e. loaders, excavator, and trucks), their combined noise levels at the nearest homes would exceed the County's maximum 55 dBA L_{dn} day-night averaged noise standard as calculated below.

The DEIR Table 3.4-6 assumes that maximum construction noise will be about 85 dBA L_{max} at a distance of 50 feet from each operation of a dozer, a grader, excavator, or a loader. When operated at the same time, their combined noise levels could be 91 dBA L_{max} . At a distance of 400 feet, as described in the DEIR on page 3.4-17, that noise level of 91 dBA L_{max} would attenuate to about 73 dBA L_{max} . Even using the lesser noise level used in the DEIR of approximately 70 dBA L_{max} that is unexplained and not supported by any calculations, that noise level would significantly impact neighbors.

The DEIR p. 3.4-17 fails to describe an applicable threshold of significance for such construction noise impacts. Instead, it inexplicably excuses itself from CEQA's requirements by stating that the "*County does not regulate construction noise.*" CEQA however does regulate construction noise by at least requiring the County to analyze and describe how significant it will be at neighboring residences. One threshold that CEQA identifies on page 3.4-14 is that this DEIR evaluate if this Project's temporary construction noise level increase will be significant? This is that question:

"Would the project result in the substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the project?"

²⁴ The Siskiyou County General Plan Noise Element, p. 12, Table A-6, (*Summary Of Noise Levels Identified As Requisite To Protect Public Health And Welfare With An Adequate Margin Of Safety*) states that **55 dBA L_{dn}** is that acceptable noise standard outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use.

Project Will Create a Significant Increase Above Ambient Noise Level Existing Without Project

The DEIR should provide more believable assessments of maximum construction noise levels and their impact upon neighboring residences. The *Environmental Noise Assessment* unrealistically assumes that construction noise levels will be about 80 dBA at a distance of 50 feet. Its Table 6 (“Construction Equipment Noise Emission Levels”) by comparison predicts noise levels from just a single piece of heavy construction like a grader or dozer being 85 dBA at a distance of 50 feet.

Moreover, more than one piece of heavy equipment will likely be operating at the same time when excavating for the pond and other sites. Both a grader and a dozer operating at that distance can generate a cumulative noise level of about 88 dBA. At a distance of 400 feet to nearby homes, that combined noise level would diminish by roughly 18 dB to a noise level of 70 dBA L_{eq} . But if, as the *Environmental Noise Assessment* states, existing homes are exposed now to daytime ambient noise levels of about 44 dBA,²⁵ this Project could increase noise levels at those homes by about $(70 - 44 =)$ 26 dB. That much of a construction noise increase would be significant because it is much greater than 5 dB, a typical threshold of significance for increases in noise. Curiously, the *Environmental Noise Assessment* fails to evaluate such a significant noise level increase. Instead, using incorrect information about the noise of construction equipment, that noise study only references the County’s noise limits. But CEQA requires that the significance of the increase in construction noise also be evaluated. Therefore this Project’s construction noise would create a significant noise impact at some of these homes unless better noise mitigations are implemented.

Project Construction Noise Levels Would Exceed County Noise Standards

If this heavy construction equipment were operated from 7:00 a.m. to 7:00 p.m., and the construction site was quiet for the remaining 12 hours, the "day-night average" noise level would be about 67.6 dBA L_{dn} at homes 400 feet from the equipment as shown below.

As the DEIR states: “Worst-case noise levels, either existing or future, are used as the basis for determining compliance with these standards.” The worst case for construction noise would occur if all construction equipment operates at the same time. But this example we can consider here is for just three pieces of heavy equipment operating simultaneously. It would be worst yet if more equipment is used.

To calculate the **dBA L_{dn}** day-night average in this case, a level of 70 dBA L_{eq} is assigned to each of Project operational 12 hours from 7:00 am to 7:00 pm, and a lower ambient noise level of 50 dBA was assumed for each of the remaining 12 hours. $L_{dn} = 10 * \text{LOG}[(1/24) * (15 * [10\text{EXP}(0.1 * L_d)] + 9 * [10\text{EXP}(0.1 * (L_n + 10))])]$ = 67.6 dBA L_{dn} (where * = multiplication; EXP = power function; $L_d = L_{eq}$ for the 15-hour daytime period from 7 am – 10 pm; $L_n = L_{eq}$ for the 9-hour nighttime period (10 pm – 7 am).)²⁶

This maximum construction noise level of 67.6 dBA L_{dn} by itself would be excessive at nearby homes. But when combined with noise emissions from off-site trucking, it would further exceed the "day-night average" maximum sound level standard of 55 dBA L_{dn} in the County's General Plan. That exceedance of over 12 dBA would be significant because it more than the DEIR’s identified significance standard for increases of 5 dB. Such construction noise must also be adjusted with the General Plan correction factors mentioned above. Construction noise sometimes has an impulsive character from use of heavy equipment and even hammers, thus requiring a correction of 5 dB being added to the predicted noise

²⁵ See: Environmental Noise Assessment, p. 16, Table 5.

²⁶ Hours of construction: “During project site development construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays.”

levels above. In this quiet rural neighborhood, the General Plan's 10 dB correction factor is also applicable. The DEIR's determination of construction noise being less-than-significant is simply not supported by any evidence.

Backup Alarm Noise Impacts From Heavy Equipment Operations Will Also Create Significant Noise Impacts

There is another source of annoying noise that will occur during construction that the DEIR never analyzes. Backup alarms are required on the Project's heavy equipment by OSHA. Backup alarms or beepers are a frequent source of complaints from neighbors in many communities, even when they are only activated during the daytime. Backup alarms must generate a noise level at least 5 to 10 dBA above the background noise in the vicinity of the rear of the machine where a person would be warned by the alarm. Thus, they are significantly louder than the Project's loader, bulldozer, or dump trucks. Yet the DEIR and the Noise Study fail to describe their decibel rating or place limits on their loudness. Backup alarms typically produce from 97 to 112 decibels at four feet,²⁷ which attenuates to about 75 to 90 dBA at 50 feet, and can even be heard at great distances where the nearest neighbors live north of the Project site. These backup alarms typically beep about once per second at a penetrating frequency of about 1,100 Hertz designed to be easily heard by most people.

For existing Residence "E" north of the Project's large pond that would be excavated as close as 400 feet away, the noise level of backup beepers could be significant. A backup warning beeper noise level of up to 90 dBA at 50 feet attenuates to about **72 dBA at 400 feet**, presuming a 6 dB loss for each doubling of distance between the source and the receiver. The DEIR does not include measurements of the ambient noise level at Residence "E", but it would be lower than at Measurement Location 3 of about 49 dBA L_{eq} ²⁸ because it is over 900 feet away from that measurement location. For residents of that home "E", the Project's backup alarms on heavy equipment would be clearly audible and significantly annoying. A 72 dBA beeper noise level is about 23 dB louder than the 49 dBA L_{eq} (or lower) ambient noise level at that house. That beeper noise is not constant, since it typically emits once per second for about ½ second at a time. The noise level of that beeper at Residence "E" would be reduced when averaged to about 69 dBA L_{eq} when measured.

However, with the Noise Element's Table A-10 correction factors, that backup alarm's 69 dBA L_{eq} noise level would be corrected by adding 15 dB²⁹ to 84 dBA L_{eq} . Thus, such backup alarms would effectively emit noise levels of 35 or more dB greater than the ambient noise level at that Residence "E". The use of heavy equipment with backup warning alarms represents a very significant noise impact that the DEIR never disclosed. The County should require preparation of a Revised EIR that discloses and adequately analyzes all sources of Project noise, including backup alarms that are mandated by Cal-OSHA.

Inadequate Construction Noise Mitigations

²⁷ Source of back-up alarm noise levels from alarm manufactured by Pollak, #41-761, "Manually adjustable Back-up Alarm," rated at 112, 107, 97 dB; for largest construction vehicles, graders, dumps, crawlers, tractors, belly dumps; meets State, Federal, O.S.H.A. requirements.

²⁸ See: DEIR, p. 3.4-13, Table 3.4-4, Site 4.

²⁹ That 15 dB correction represents a 10 dB correction for the quiet rural neighborhood and 5 dB correction for a pure tone noise source of about 1,000Hz for such warning alarms.

The DEIR, p. 1-10, proposes only two noise mitigations, and neither of them limits how loud construction noise, vehicular noise, maintenance noise or equipment noise during campground operations may be. But the *Environmental Noise Assessment*, p. 19, recommended more protective measures than that. It included six noise-reducing measures that unfortunately would not be enforceable or reasonably expected to be complied with so as to ensure neighbors are not adversely impacted. First, restricting construction hours to daytime hours unless conditions warrant does not include any specific noise limiting performance criterion (e.g., dBA or dBC noise level) that would constitute protection against a sufficiently negative impact or nuisance. Nor would the proposed measure about mufflers be effective when much of the actual noise from heavy equipment does not come from their exhaust systems. The other conditions are so vague and unenforceable as to offer no assurance of any noise reduction. The DEIR did not include any of those six measures. Therefore the *Environmental Noise Assessment's* attempt to reduce the potential for human annoyance during construction failed to gain traction.

The County has no noise ordinance to limit construction noise levels. The General Plan's noise standards are literally unenforceable because they are based on a complicated 24-hour weighted noise measurement process that the County has never enforced and neighbors would be unlikely to understand. Hence, noise mitigation is merely aspirational and subject to Applicant's voluntary actions. Nor does the County take a "belt and suspenders" approach by requiring the Applicant to perform noise testing upon the start of and during operations to ensure compliance with some measurable noise standard.

New Recreational Large Pond Activity Noise Impacts May Be Significant

The DEIR identifies the main noise source of concern for the Project to be the noise generated from campers playing and shouting at the proposed large pond area at the northern end of the Project site as identified on DEIR Figure 3. Existing homes located off-site to the north and near this pond are shown in the DEIR's Figure 9 as Receptors D to G. But the public is provided no reasonable way to independently evaluate these human activity noise impacts. Nor are the neighbors informed by the DEIR that campground activity noise near the large pond may increase the ambient noise levels at their homes by a significant amount. As shown below, such shouting could exceed the County's noise standards, could create a noise level *increase* that itself is significant and greater than 5 dB, and could result in significant nighttime sleep-disturbance impacts.

The DEIR, p. 3.4-13, does not describe how far these four houses (D to G) are from the nearest edges of this large pond where an activity space like a beach is being illustrated and proposed, only to the nearby smaller pond's center. Those distances are critical though for determining how loud the gathering of people at the edge of the larger pond might be because they won't all be in the center of the nearby smaller or larger ponds at one time. Without that information, the public and most importantly those neighbors cannot independently assess how severe the noise impact would be from large gatherings of campers at the "beach" at this new, larger pond when it is created nearer to some of these homes. The DEIR, p. 3.4-18, instead bases its predicted noise generation from the center of the small pond, and that fails to account for loud groups of campers nearer to these homes at the large pond. But Residence "E", the closest house, may be only about 100 feet from the campground boundary.

The public cannot interpret the poor quality maps in the DEIR for determining such critical distances. The DEIR is also inconsistent in its map scales. There is no graphic scale on the Figure 5, (Proposed

Master Site Plan). Where on another map there is a graphic scale on Figure 9 (Noise Measurement Locations), it is grossly inaccurate. There are no measurements labeled on the drawings showing those distances between noise sources and sensitive receptors anywhere. Some neighbors might be wondering how can anyone can read the DEIR and verify the distances between the Project noise sources and the sensitive receptors?

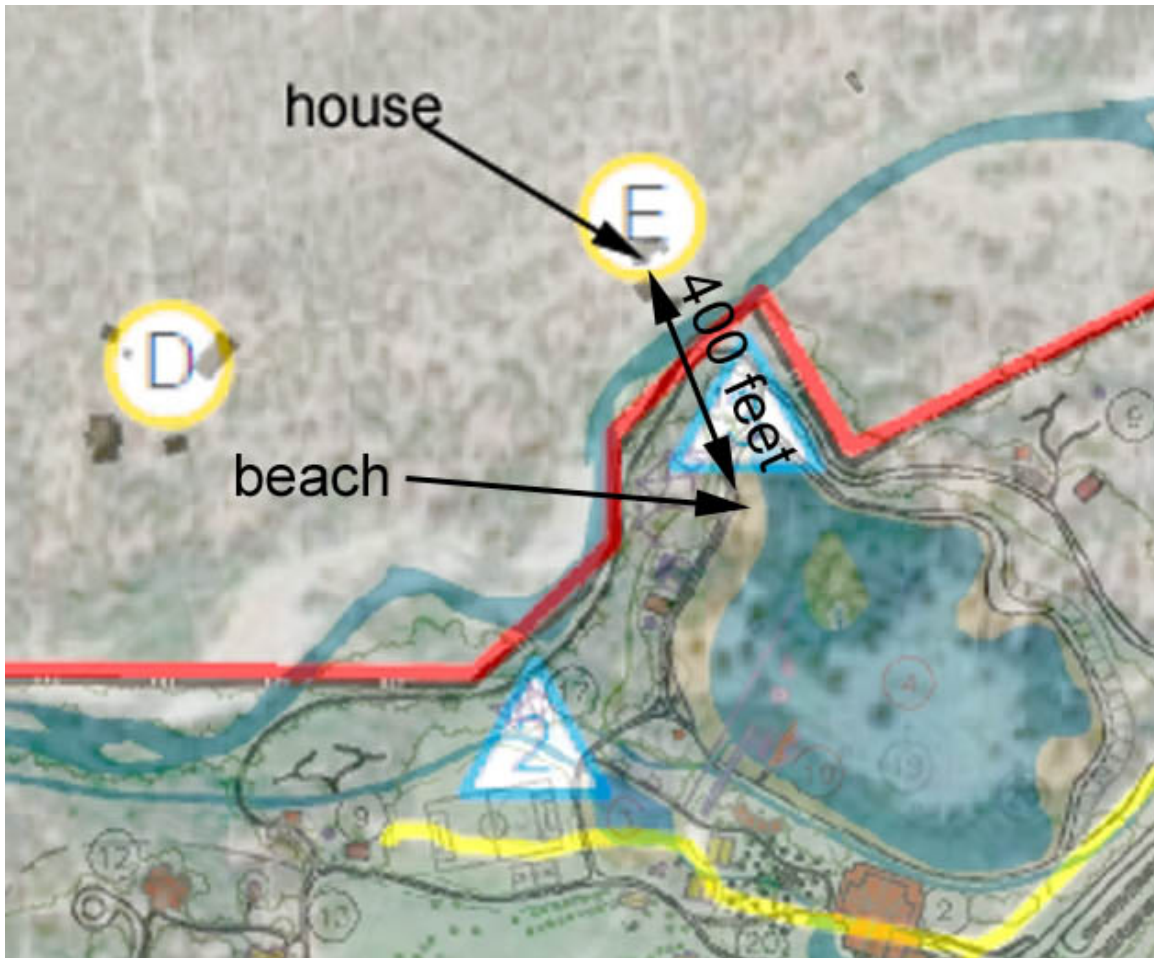
The *Environmental Noise Assessment* does not identify what the sound level of the loudest campers' activities would be when they are playing and shouting. Using, as the DEIR does, long-term ambient data at measurement Site 2 is not an accurate way to predict future campground noise. The DEIR under-estimates how loud camper noise could be because there is no indication in the DEIR of how many people were playing and shouting at any one time in 2017, if they were, or where they were located. But even with that limited data, it is apparent that crowd noise impacts will be significant.

The County has informed the public that this Project will greatly increase the campground's occupancy. This existing campground's use permit approved in 1996 was for a total occupancy of 165 people.³⁰ The Project application now seeks permission for 844 people, an increase of about five times. The large 7-acre pond would be over 20 times larger than the existing small pond. With much more water area to play in and many times more people, the DEIR's predicted increase in pond-generated noise should have been based on some credible evidence. But the DEIR offers no reasoning whatsoever for its prediction of only a 3 dB noise level increase. That would represent only a doubling of occupancy if the same activities were to occur at the same location. But the proposed Project would expand the pond significantly closer to homes to the north and would allow many more people to gather there.

The new larger pond would have what appears to be a beach area along its north and western shore. If crowds gather at that beach area which appears to be about 400 feet from the Residence "E", their shouts could be disturbing and could create a significant noise impact to that residence. (See Figure 5 on next page):

³⁰ See: DEIR p. 2-5: "As stated above, the Project proposes an increase of allowable occupancy at the camp from 165 guests to a total occupancy of 844 (includes guests, staff, and volunteers)"

Figure 5
Proximity Between Nearest Residence “E” and Large Pond’s Beach Area
(Map overlay of DEIR’s Figures 3 and 9)



The DEIR’s *Environmental Noise Assessment*, p. 15, Table 4, predicts the noise generation from activities at the large pond area as if the people will be in the middle of that pond. For example, it estimates noise levels at Residence “E” at 900 feet from the middle of that large pond. What the DEIR fails to note is that people when shouting on the large pond’s northwestern beach will be as close as 400 feet, about half that distance from Residence “E”. Thus, the DEIR underestimates how loud some foreseeable larger pond activities may be near that Residence “E” and other homes to the north.

The DEIR, p. 3.4-17, describes ambient noise level measurements between 55 to 66 dBA L_{dn} at 130 feet from the center of the small pond in 2017. If those same activities occur instead on the large pond’s northern shore which is about 400 feet from the Residence #4 to the north, their noise level would reduce due to distance increase (from 130 feet to 400 feet) to about 45 to 56 dBA L_{dn} .³¹⁻³² Then if the number of campers at one time increased proportionally until Project buildout from 165 persons up to 844 occupants, their vocal noise level could increase by over four times (i.e. adding 6 dB due to

³¹ This calculation assumes a 6 dB reduction per doubling of distance, and a change from 130 feet to 400 feet reduces the noise level by about 10 dB.

³² This calculation assumes a 6 dB reduction per doubling of distance, and a change from 130 feet to 400 feet reduces the noise level by about 10 dB.

quadrupling the noise source) to over 51 to 62 dBA L_{dn} . That noise level could exceed the County's noise standards which set a threshold of 55 dBA L_{dn} for outdoor activity areas. Then when the 10 dB correction factor is added as required by Noise Element Table A-10, that camper activity noise level would effectively be between 61 to 72 dBA L_{dn} at the campground boundary and would definitely exceed the County's threshold of significance of 55 dBA L_{dn} . Alternatively, any increase in noise levels of 6 dB due to that much of a crowd size increase of four times would also create a significant noise impact because it is more than 5 dB louder.

The noise level at this large pond could be larger yet due to what is called the Lombard Effect. In larger crowds, people tend to raise their typical speech levels so that they can be heard over the voices of others nearby. This phenomenon is known as the "Lombard effect" involving the involuntary tendency of speakers to increase their vocal effort when speaking in noisier environments to enhance the audibility of their voice. Studies confirm that broadband noise containing speech-similar frequencies "significantly increased" the intensity, duration, and frequency of adult speakers and not just a general response an increase in ambient noise.³³ Because people tend to raise their voices to be heard in crowds, the noise level of voices as heard at this large pond or its beach may be louder than if only a few people were speaking.

To demonstrate that enlarged pond activities could create significant noise impacts, recall that the County's noise standards set a threshold of 55 dBA L_{dn} or 55 dBA $L_{eq-24\text{ hrs}}$ for outdoor activity areas at neighboring homes.

At Residences "D" and "F" purportedly located at 1,500 feet from the other, smaller pond's center, that crowd noise level of 90 dBA L_{max} would be reduced by distance to about 68.8 dBA L_{max} .³⁴ That noise level would still exceed the likely ambient noise levels of 50 dBA or less at those homes by over 18 dB, still a significant noise impact. But it appears, using Google Earth's distance mapping tool, that Residence "D" is only about 1,200 feet from the center of the small pond, meaning that it will be more noise-impacted by this Project than the DEIR estimates. Residence "F" appears to be about 1,000 feet from the northern edge of the large pond, not 1,500 feet, so it too might be exposed to greater noise

³³ The Journal of the Acoustical Society of America (May 2013) Evidence That The Lombard Effect Is Frequency-Specific In Humans, PDF pp. 1, 7, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3985863/pdf/JASMAN-000134-000640_1.pdf; see also Ninth Iberian Acoustics Congress (June 2016) Analysis of The Acoustic Behavior of People in A Restaurant, p. 7 (confirming "substantial influence" of effect in 80-seat restaurant where one-third to one-half of the patrons would simultaneously talk with the Lombard effect adding up to 12 dB increase in sound levels), <http://www.sea-acustica.es/fileadmin/Oporto16/76.pdf>; Acoustical Society of America (2017) Analyses of Crowd-Sourced Sound Levels of Restaurants and Bars in New York City, PDF pp. 12-13 (noting average dBA for a New York City bars and restaurants is 78 and 81 dBA, respectively, and that a random person walking into these areas is "more likely than not to encounter a Loud or Very Loud auditory environment," which "approach levels that are known to be dangerous to hearing health." As such, local agencies should encourage public and venue employees to employ digital sound level meters to collect and report to the public recorded noise levels) <https://asa.scitation.org/doi/pdf/10.1121/2.0000674>.

³⁴ To calculate a dB level at different distances from a source given a known dB level for a known distance:

$dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$ where:

LOG = logarithm, base 10,

A = dB drop-off rate coefficient (in this Project's case, a = 2.0 for a 6.0 dB drop off rate (point source, no atmospheric absorption).)

dB_1 = dB level at know distance from source, R_1

dB_2 = dB level at another distance from source, R_2

R_1 = known distance from source for known decibel level dB_1

R_2 = second distance from source for which known decibel level estimate (dB_2) is desired

In this case, at a location 1,500' (R_2) from the large pond, where $dB_1 = 90$ dBA L_{max} at 130' (R_1) from the crowd noise source, $dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1) = 87.4 - 10 \times 2.0 \times \text{LOG}(1500'/130') = 68.8$ dBA L_{max} .

levels than the DEIR describes. In summary, this campground Project's proposed increased crowd sizes, larger pond and activity area, and other noise sources, will expose neighboring homes to severe and significant noise impacts.

The DEIR assumes there will *not* be a noise impact after 10 p.m., but it is possible that there will be loud talking, laughing and whooping it up by camp attendees after 10 p.m. when the organized things end and the fun begins. The DEIR contains no proposed noise mitigation to eliminate or even sufficiently quiet such human activity noise in this campground at nighttime.

Proposed noise mitigation MM 12.2 would presumably limit activity noise to 45 dBA L_{eq} at nighttime as measured at the campground boundaries near residences to the north.³⁵ But that mitigation would not prevent some neighboring residents from being exposed to annoying and excessive nighttime noise. For example, if campers sing or play music at nighttime that measures 45 dBA L_{eq} at the campground's northern boundary near neighboring homes -- something allowed by this mitigation measure -- the General Plan Noise Element Table A-10 would presumably require a 10 dB correction factor for the quiet rural neighborhood and possibly another correction of 5 dB for pure tones or impulsive noise like drumming. Then that mitigated noise limit of 45 dBA L_{eq} would be adjusted (corrected) to 60 dBA L_{eq} . Such a campground noise emission would greatly increase the likely nighttime ambient noise level at Residence "E" of perhaps only 40 to 45 dBA L_{eq} by more than the stated threshold of significance of an increase of 5 dBA.³⁶ A corrected campground noise level of 60 dBA L_{eq} could create a noise level increase of perhaps 20 dB at that home – representing a significant noise impact. (60 – 40 = 20)

That mitigation also is too vague to be effective because it uses the L_{eq} descriptor which "usually" represents an average sound level over one hour.³⁷ But that migration is not specific enough. It could be interpreted by neighbor-challenged campground operators or County officials to represent an average noise level over a 24-hour period as L_{eq} descriptors sometimes represent. For example, they could point to the General Plan Noise Element's Technical Appendix, Table A-10, which includes a 24-hour L_{eq} noise standard.

This mitigation will not protect neighbors to the north from excessive campground noise. If campers sitting around a campsite occasionally shouted loudly at night, their voices could create significant noise impacts at the distances involved to neighboring homes. If these shouts measured 55 dBA at the campground boundary, but the combined periods of all such shouts lasted for no more than four minutes during any hour, and no shouting occurred during the other 56 minutes of that hour, the average noise level of that mixture of quiet and occasional shouting activity over that hour would be compliant with that mitigation at **44.2 dBA $L_{eq-1 hr}$** because it would be less than the mitigation's limit of 45 dBA L_{eq} . Similar occasional hoots, screams, cheers, clapping and shouting would comply with the proposed mitigation measure MM-12.2, but it could significantly harm neighbors trying to sleep with their windows open on a warm summer evening. Each permissible shout, with an extra 10 dB correction added per Noise Element Table A-10, would be about 65 dBA at the campground boundary. If these campers are gathered on the northwest beach of the new large pond when shouting, and are about 300 feet from the nearest boundary, and that Home "E" is another 100 feet beyond that boundary, the exterior of that home could be exposed to a noise level during such shouting of about

³⁵ See: DEIR, p. 1-10 for mitigation measure MM 12.2.

³⁶ The DEIR does not describe what the ambient noise level at Residence "E" is. However in quiet rural locations, ambient noise levels at nighttime for some hours can be much less than 40 dBA L_{eq} .

³⁷ See: *Environmental Noise Assessment*, p 7.

62.5 dBA due to that increased distance beyond the boundary.³⁸ In that situation, each shout could therefore be about 22 dBA louder than the possible 40 dBA L_{eq} ambient noise level at that neighboring home. Even when ambient noise levels are as loud as measured in the *Environmental Noise Assessment*'s appendices, the amount that such shouting would exceed those ambient levels would be significant. The increase in noise from such shouting would be significant because it could be greater than 5 dB louder.

That shouting, even though it would technically comply with the proposed noise mitigation, could also create significant sleep-disturbance impacts when the neighbors' windows are open by repeated awakenings of the neighbor(s).

DEIR Fails to Use All Applicable Noise Standards to Evaluate Project Noise

The DEIR fails to comply with CEQA because it solely compares the Project's crowd noise to the County's numerical noise standards. The DEIR never analyzes how much of an *increase* in camper noise levels this Project's may likely cause compared to the ambient noise levels at neighboring homes. CEQA requires the DEIR to evaluate this increase in noise compared to ambient noise conditions that exist without this Project.

The DEIR also uses the wrong standard of 60 dBA L_{dn} for assessing crowd noise. There is confusion in interpreting the General Plan Noise Element because the General Plan also sets a 55 dBA L_{dn} and a 55 dBA $L_{eq-24\text{ hr}}$ noise standard as described elsewhere in this comment letter. Those 24-hour averaged County standards are suitable for traffic noise, but not for noise of short duration like crowd cheers and shouts. Short duration noise impacts would be unnoticed if mathematically submerged in a 24-hour long averaging like the *Environmental Noise Assessment* assumes. This Project's potential short-term shouting noise and amphitheater noise from this campground's use would be clearly audible to neighbors, and annoying at least. The DEIR has actual measurements of the hourly fluctuations of 2017 campground noise; it should have at least used those short-term averages for evaluating increases in crowd noise at the large pond and elsewhere within this campground.

DEIR Uses Wrong Open-Window Noise Attenuation Factor

In its attempt to demonstrate large pond users will not significantly impact the ambient noise conditions at the nearest existing residences, the DEIR, p. 15, assumes those homes' windows will attenuate noise by 15 dB (open) or 25 dB (closed). Not everyone has air conditioning for hot summer nights; open windows are commonly used to help cool down homes in summer. The DEIR (PDF p. 114) exaggerates how much noise is reduced with open windows, stating:

"Standard construction practices typically provide approximately 15 dBA exterior-to-interior noise reductions for building façades, with windows open, and approximately 20 to 25 dBA with windows closed."

That may be true for newer homes, but there is no evidence in the DEIR that those existing older homes have exterior wall materials and windows that would have those attenuation rates. But that value the DEIR uses for open windows of 15 dBA assumes modern homes that are more energy-efficient and air-tight (other than window openings) and have thicker 2x6 walls (for better insulation)

³⁸ Assuming a 6 dB reduction for each doubling of distance from source to receiver.

and are possibly stucco-covered. Older homes of poorer quality (maybe with 2x4 walls), with less-effective weather stripping, etc., in Siskiyou County must however be evaluated using the County's stated specifications. The Siskiyou County General Plan Noise Element on page 55 instead describes that windows will attenuate noise to a significantly smaller amount by 10 dB (open) or 20 dB (closed). Thus, the DEIR significantly underestimates by 5 dB how much Project pond activity and other recreational noise will penetrate the closest neighboring homes. This error is large enough that predicted noise levels from shouting and amphitheater activities will, with open windows at neighboring homes, exceed the applicable noise standard's threshold of significance.

Project Amphitheater Noise Impacts to Neighbors May Be Significant by Exceeding County Noise Standards

This Project proposes two amphitheaters with sound systems that may face away from the nearest residences. However that more protective orientation cannot be certain, for the DEIR does not describe what direction those sound systems will face nor mitigate their orientations for enforceable protection. With neighboring homes to the northwest, north and northeast of these amphitheaters sprawled out in a wide arc, facing the amphitheater sound system away from some homes may mean one or another speaker is nonetheless projecting loud noise levels toward other nearby homes, or toward Project buildings that Staff will occupy.

Loud noise from amphitheaters and concentrated crowds of people there can be quite disruptive in this quiet rural Project setting. Noise at an amphitheater is generated from more than just onstage performers; the audience can also be very noisy. Consider a similar outdoor event venue a few years ago that was challenged by upset neighbors and eventually litigated in court:

One resident "described hearing "pounding music, shouted announcements, celebratory screams, hoots, cheers, and clapping" during those events. Another neighbor stated that noise from the 2006 events was "quite audible in our closed house, with the hollers of the crowd soaring above and the throbbing bass notes reaching below any noise (such as the TV) we tried to employ to cover it." Other neighbors declared that during the 2006 events, "lower frequencies from the amplified music, public address system and crowd penetrated the walls and windows of our home with such intensity that we could feel the resulting vibrations while sitting in our family room . . . or lying in bed."

Keep Our Mountains Quiet v. County of Santa Clara and Wozniak (2015) 236 Cal.App.4th 714.
https://scholar.google.com/scholar_case?case=7293308011313934508

The DEIR on page 3.4-19 curiously argues that amphitheater noise levels will not exceed County noise standards. But then the DEIR suggests that a noise mitigation measure also be included. The DEIR avoids accurate analysis of the loud or amplified noise or the vocal levels from a group of participants at the amphitheaters. It instead essentially acknowledges that such noise may be significant, and then proposes the following noise mitigation measure to presumably reduce such noise impacts to a less-than-significant level.

Mitigation measure MM 12.2

The use of loud or amplified sound (i.e. music, stereo equipment, public address (PA) systems, etc.) shall be limited to 8:00 AM to 10:00 PM Monday through Saturday, and 9:00 AM to 10:00 PM Sunday and National and State-recognized holidays. Noise shall be limited to 60 dB L_{eq} at the boundaries of the project site during the hours listed above and 45 dB L_{eq} at all other times.

That mitigation suggests the *Environmental Noise Assessment*'s analysis is flawed, and the noise study preparer includes that noise mitigation instead of actually providing legally-adequate noise analysis.

What the DEIR and noise study then propose for noise mitigation measure MM 12.2 would be grossly inadequate. This mitigation measure would allow music levels from an amphitheater's use to reach **60 dBA L_{eq}** at the neighboring residential property line for 14 hours a day from 8 a.m. to 10 p.m. If no other Project noise is heard at night from 10 p.m. to 8 a.m. the next day, then the community noise level (CNEL) weighted average of that allowable noise mitigation would be **59.3 dBA CNEL**.³⁹ That noise level would be significantly louder (as shown below) than the County's threshold of significance of a **55 dBA CNEL** noise level in general, or when a correction factor is added, 45 dBA CNEL when adjusted in this Project's rural area, or even 40 dBA CNEL if additionally the amplified noise was music with pure tones or impulsive (drum) beats and another 5 dB correction needed to be adjusted. (See page 2 in this comment letter for these noise correction factors.)

Without better noise mitigation, the DEIR unreasonably suggests that these amphitheaters' sound systems each will only generate a maximum noise level of 80 dBA at 50 feet. That noise level might be an *average* maximum elsewhere for outdoor events, but it is not a maximum that youthful campers might prefer in a setting that appears to be a wilderness with few visible neighbors to restrain them. No such Project condition has been suggested to limit these sound systems to only 80 dBA at 50 feet. No condition or mitigation prevents both amphitheaters from being used at the same time, with resulting higher combined noise levels at some neighboring homes.

Without disclosing which direction they these speakers will face, the DEIR cannot support its claim of a 10 dB noise reduction in a different direction. No evidence is presented in the *Environmental Noise Assessment* that a 10 dB reduction will occur anyway. This means that the calculations and assumptions in the DEIR about amphitheater noise levels are without substantial evidence.

If just one amphitheater generates a noise level at the northern boundary of 40 dBA or louder, then with a + 10 and a + 5 correction added, it would be as if that music amounted to 55 dBA CNEL. That loudness could exceed the County's maximum acceptable 55 dBA CNEL level. (Calculations of the CNEL descriptor and the L_{dn} descriptor provide roughly equivalent noise levels.)

Yet the DEIR discloses these amphitheaters may generate noise levels louder than what the General Plan Noise Element would permit. If both amphitheaters are active at the same time, their mitigated and combined noise levels of 60 dBA L_{dn} might be interpreted as being additive and allowably louder.

Moreover, noise from amphitheaters need not be generated with electronic amplification. Live music, including drums, is sometimes not amplified and it too can be very loud. The DEIR never analyzes how loud or intrusive non-amplified music like drumming can be. Drum use is a foreseeable kind of activity at campgrounds when campers gather together even if not identified in this DEIR's Project Description section. Low frequency noise from drums can carry long distances without the presumed 6-dB attenuation per doubling of distance that the DEIR uses. Low frequency noise is particularly bothersome to neighbors because typical homes are not well suited for blocking low-frequency noise

³⁹ See: L_{dn} Calculator, at <https://www.noisemeters.com/apps/ldn-calculator/> (Definition: Day/Night Noise Level, L_{dn} – The average, 24-hour A-weighted noise level, obtained after adding 10 dB to levels measured at night (10:00 pm to 7:00 am).) The CNEL metric is slightly different, in adding 5 dB to each evening hour from 7:00 p.m. to 10:00 p.m., which can be easily done with this L_{dn} Calculator software online.

intrusion. The DEIR does not evaluate this Project's inevitable low-frequency noise impacts at neighboring homes

Even without making the General Plan's required corrections, the amphitheatres' noise levels would be significant because an allowed 60 dBA L_{eq} under mitigation measure MM 12.2 could exceed the General Plan noise standard in Table A-6 of 55 dBA $L_{eq(24)}$.⁴⁰ The DEIR must be revised to find more effective mitigation measures for this Project's significant noise impacts.

Project Amphitheater Noise Impacts to Neighbors May Be Significant by Increasing Ambient Noise Levels Substantially at their Homes.

As discussed above, this DEIR not only has to analyze noise impacts that exceed the County's specific numerical standards. It also must evaluate if the *increase* in noise from these amphitheatres at neighboring homes or outdoor yards would be significant. The *Environmental Noise Assessment* shows ambient noise levels nearby at its northern property line sometimes less than 40 dBA L_{eq} .⁴¹ Yet the DEIR would allow the Applicant to generate amphitheater noise levels of up to 60 dBA L_{eq} during any daytime hour. Thus this Project, unless this mitigation is revised, could cause significant noise level increases to existing nearby residential neighbors of as much as 20 dB. (60 – 40 = 20 dBA) Any increase of more than 5 dB would be considered significant.

The DEIR Fails to Evaluate Project's Significant Noise Impacts on its Own Guests and Staff

The DEIR must evaluate if the Project will cause interior noise levels within existing and newly proposed camp residences to exceed acceptable thresholds. In addition to numerous existing dwellings, the Project will add cabins and staff housing. If this Project generates significant noise during construction or later operations, the DEIR must evaluate what that noise would do to existing cabin users.

The *Environmental Noise Assessment*, p. 15, uses an incorrect 15 dBA noise attenuation for homes with their windows open. The Siskiyou County General Plan assumes only a 10 dBA reduction with windows open, probably because some homes are older and do not block exterior noise as well as newer homes. This factor must be used for neighboring residences as well as on-site dwellings for Project residents and guests.

The DEIR is Not Clear About Which Noise Standards to Use

As a final matter, this comment letter identifies a dispute about what constitutes a "significant" noise impact. The Kidder Creek Orchard Camp Project DEIR employs the noise standards set forth in the Siskiyou County's General Plan as the sole thresholds for significant noise exposure. The DEIR deems any increase to be insignificant so long as the absolute noise level does not exceed those standards. That approach violates CEQA because the County's long-outdated General Plan Noise Element does not protect people from all forms of harmful noise.⁴² " 'Conformity with a general plan does not

⁴⁰ See: General Plan Noise Element, Technical Appendix, p. 12, Table A-6, "Outdoor activity where people spend limited amounts of time, such as school yards, play grounds, etc." – $L_{eq(24)}$ 55 dB(A).

⁴¹ See: *Environmental Noise Assessment*, Appendices for Measurement Location 1 near northern campground boundary.

⁴² The Siskiyou County General Plan Noise Element has not been updated since 1978, which is 41 years ago. As evidence of how outdated this is, the Office of Planning and Research's 2017 General Plan Guidelines, [APPENDIX D: NOISE ELEMENT GUIDELINES](#), p. 371, states: "The noise element **should be updated and corrected every five years**, or sooner as is necessary, and, at that time, the forecasted noise exposure should be projected an additional five years."

insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects.’ ”

Citizens for Responsible & Open Government v. City of Grand Terrace (2008) 160 Cal.App.4th 1323, 1338 [General Plan noise standard], quoting *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881-882 [same];

Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs. (2001) 91 Cal.App.4th 1344, 1381 (*Berkeley Jets*) [“the fact that residential uses are considered compatible with a noise level of 65 decibels for purposes of land use planning is not determinative in setting a threshold of significance under CEQA”].)

Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359, 1416 [a project’s effects can be significant even if “they are not greater than those deemed acceptable in a general plan”]; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354 [“CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan”].)

Accordingly, this DEIR is inadequate if substantial evidence shows that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County’s General Plan. This comment letter provides such substantial evidence. The General Plan is simply not sufficient. The Siskiyou County General Plan Noise Element, because it is decades out-of-date, fails to include standards suitable as thresholds of significance for noise impacts that relate to current scientific information or recent court decisions.

This Report demonstrates that the Project will generate noise level increases that are excessive and that such noise levels will exceed applicable noise standards.

CONCLUSION:

Because the DEIR is not based on an adequate noise study, the DEIR must be revised to provide a more thorough appraisal of the Project’s increased noise impacts that surrounding residents would be exposed to. Additional noise mitigations are feasible and are required in order to comply with CEQA.

Please notify me when any future opportunities arise to review changes to this Draft EIR for this Project.

Sincerely,



Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)
Dale La Forest & Associates

Tuesday August 27 2019

To: Cindy Dawson / or person in charge - RECEIVED AUG 30 2019

I have lived in Siskiyou County for 38 years; Scott Valley since 2001 - Quartz Valley Rd since 2003.

I am horrified to learn of this expansion of Kidder Creek Orchard Camp!

Even doubling 165 occupants left alone the absurdity of 844 is dangerous for everyone who lives in the vicinity. To operate 7 days a week takes water, sewers, air quality, and safety into extreme jeopardy for all of us.

Look at one other Christian Camp and the disruption of all these folks' lives who had lived contentedly before. And not a penny of taxes to support our County. Camp is great. Of course each child pays \$2,000 + for 1 week! Really - The French Creek folks could surely tell all a thing or two about noise, pollution and extreme aggravation.

This is a terrible idea, and as the Mount Hebron Corp. has tons of money to hire highly visible lawyers, what other group will try to take over other areas of our County. We don't deserve this. And my two dear friends will have developed properties. Whether Christian, Hindu, Jewish, or any religion that could be 'not-profit', we can't afford to have this onslaught of humans who are clear of laws the rest of us must follow.

UNFAIR / UNCONSCIONABLE / MONETARILY RIDICULOUS -

No From a very concerned citizen.

Jane Lewis-Nichols
14023 Quartz Valley Rd.
Fort Jones

From: [Annie Marsh](#)
To: [Planning](#); [Rick Dean](#); [Sandy Roper](#); [Terry Barber](#); [Janine Rowe](#)
Cc: state.clearinghouse@opr.ca.gov
Subject: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Draft Environmental Impact Report - SCH Number 2016092016
Date: Friday, September 20, 2019 4:33:40 PM
Attachments: [Comment Letter KCOC - USE.docx](#)

Attached and copied below for security purposes is my comment letter on the above referenced project.

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131

Annie_marsh@hotmail.com

September 20, 2019

Community Development Department - Planning Division

608 S. Main Street

Yreka, CA 96097

VIA EMAIL – planning@co.siskiyou.ca.us

RE: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Draft Environmental Impact Report - SCH Number 2016092016

Greetings:

Thank you for accepting my comments on the above the referenced project. I am writing this comment letter not only as a private individual, but as a member of the unincorporated group Keep Scott Valley Rural (KSVR).

The Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) (Project) Draft Environmental Impact Report (DEIR) is flawed and inadequate.

FOCUSED RATHER THAN FULL EIR

The DEIR is a Focused EIR rather than a complete EIR as was promised by Christy Cummings Dawson (then Deputy Director of Planning, now no longer employed by the County) at the July 10, 2018 Board of Supervisors' meeting. Excerpt from minutes of the meeting: "*COMMUNITY DEVELOPMENT - PLANNING DIVISION - Approve contract with ECORP Consulting to prepare the Environmental Impact Report for Kidder Creek Orchard Camps, in an amount not to exceed \$40,455, for the term ending June 30, 2019. Approved. This item was pulled from the consent agenda at Supervisor Nixon's request. In response to Supervisor Nixon, Deputy Director of Planning Christy Cummings Dawson advised that the Department received letters sharing concerns regarding the need for a complete Environmental Impact Report (EIR) for the project, and that the project would entail a complete/full EIR process. In addition, Deputy County Clerk Wendy Winningham advised of the emails that were received from County residents Betsy Stapleton and Anne Marsh. It was moved by Supervisor Nixon, seconded by Supervisor Kobseff and unanimously carried to approve the contract for service with environmental consultant ECorp to prepare an Environmental Impact Report, authorize the Chair to execute the same and authorize the Auditor to establish budget.*" (Emphasis added)

Yet the DEIR states, "*As a result of comments on the Draft IS/MND, the County determined that an EIR level of analysis was required for specific impact areas. Those areas include agriculture (project and cumulative), hazards (project and cumulative), noise (project and*

cumulative), traffic (project and cumulative), and water (project and cumulative). These impact areas are the subject of this EIR. All other impact analysis areas defined in Appendix G of the CEQA Guidelines and analyzed in the 2016 Draft IS/MND will not be included in this EIR. However, all mitigation measures identified in these sections, as shown below, will be included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Program (MMRP).” (Emphasis added)

The DEIR states, “1.3 Type of Document CEQA and the CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR is for a specific development project with defined parameters. As such, this EIR is a “project” EIR. Project EIRs are defined by CEQA Guidelines (Section 15161) as: ‘The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.’”

Based on CEQA Section 15161, the DEIR for the Project is NOT a Project EIR. It is a Focused EIR as was stated in the contract between County of Siskiyou and ECORP Consulting, Inc. The DEIR is flawed and inadequate. It totally avoids areas of concern such as Greenhouse Gases (GHG), Air Quality, Aesthetics (Glare), and Land Use and Planning – Scott Valley Area Plan (SVAP) for the entire Project. The Focused EIR should be voided and a Full, Complete Project EIR required for the project.

THE FOCUSED EIR IS INADEQUATE, INCOMPLETE

The Focused EIR is inadequate and incomplete because it does not take into consideration the fact that the project description first presented in 2011 and revised in 2014 is vague, nebulous, not totally understandable by the public, and there is no requirement that any of it be followed. The Revised Project Description goes so far as to say that this is the large picture and small things may change. There are no “small things” in CEQA. The complete project must be considered. Nearly everything is left up to the imagination of the reader. The focused EIR fails to state that even though there is a proposed stated in the EIR, the entire project could be completed at any time following approval by the planning commission. In other words, there is no condition placed upon the project to require that the project follows the timeline presented in the EIR.

The focused EIR relies on maps showing where things are to be located and tables showing build out schedules occupancy rates that are to be followed. However there is no requirement within the IS/MND or in the Focused EIR that any of these things be adhered to.

These problems stem from the fact that when the project was first brought to the Planning Department there was discussion as to whether a use permit should be required or whether a planned development zoning would be better.

MOST DEVELOPMENT IS VAGUE AN UNDEFINED

From the Revised Project Description for UP 11-15 KCOC, “Development of the land use and program expansion described in this project will take place using a multi-phased approach where priority items will be determined based on available funds. A strategic planning effort by the Camp resulted in the vision for this project and the preferred prioritization described in this document. It is important to note that the location of building facilities are tentative based on the conditions of each site and approval through the building permitting process.

KCOC understands that environmental and permitting details change over time, therefore this document addresses only the large-scale environmental assessments that were performed to

ensure there are no negative impacts under a new Use Permit and related zoning change. The smaller, site specific requirements will be met at the time of design and construction of each area over the next 20 years.”

Based on that statement, the Public cannot rely on anything shown on the map or stated in the DIS/MND or DEIR. The County must put solid, enforceable parameters on this project, or else deny it.

USE PERMIT VS. PLANNED DEVELOPMENT

My October 4, 2016 comment letter on the IS/MND for the Project brought forth evidence of discussion with the Planning Department in 2009 regarding whether the Project should be done as Planned Development Zoning (following the zoning of the infamous JH Ranch) or a regular Conditional Use Permit. A Conditional Use Permit was decided on, however, the Project Description is better suited to Planned Development Zoning.

Phasing such as shown in this Project should not be applied to a Conditional Use Permit unless Planned Development Zoning has been approved for the project

CAMP AND EVENT CENTER

The three (3) existing use permits are for a camp. They do cover any of the uses stated in the DEIR as Special Events:

“Special Events In addition to routine camp activities, Kidder Creek has proposed to accommodate special events (public and private), which may include weddings, birthdays, religious functions, concerts, auctions, picnics, horse clinics, demonstrations, and training events, and similar events. Estimated attendance would be between 20 and 250 guests, average three to eight hours per event, and be held approximately once per month between the months of April and October. These special events would not occur at the same time as regular camp activities but may occur when campers are offsite. In addition to the special event, opening day registration, public events, the annual fall festival, and closing day will bring additional visitors to the Project site. Table 2-5 provides information about these events.”

These events, which are being held and have been held for years, are illegal! There is no existing use permit (which is required) for any of them. Yet the County has turned a blind eye and never even attempted to enforce its own laws. Estimates, averages and approximates should not be acceptable. The term “similar events” must be removed from the project. There is enough controversy over the Zoning laws of Siskiyou County because they use such ambiguous phrases. All “Special Events” must be clearly stated to let the public know exactly what is going to be allowed. The community needs to know, and CEQA requires that it be disclosed, the maximum attendance allowed; the maximum frequency allowed; and the maximum hours per event. Otherwise we will be stuck with one more unenforceable project which so negatively affects the neighbors and the entire Scott Valley community.

NOISE

The DEIR relies on the Environmental Noise Assessment by Bollard Acoustical Consultants, Inc. dated October 24, 2017. The Noise Assessment is flawed, inadequate, and inaccurate.

This statement in the Assessment shows how far out of touch with reality the preparers of that Assessment are: *“Many of the activities occurring within the KCOC boundaries are not substantive noise sources. Examples of relatively quiet activities include equestrian activities, base camp area activities (with most campers using these areas for eating and sleeping while not engaged in off-site activities such as rafting, hiking, backpacking, etc.), archery, RV parking (generators are not used), ropes course, crafts, etc.”*

No matter what the age – child, teen or adult – humans in groups will make noise when involved in equestrian activities, eating, on the rope course or zip line, while doing crafts and of course in the pond while swimming and playing. This noise cannot be discounted by a blanket statement such as this.

Page 3.4-16 of the DEIR: “*At the nearest residence, located approximately 400 feet away, maximum noise levels from construction activities would attenuate to approximately 70 dBA Lmax. The County does not regulate construction noise. Therefore, the Project would result in noise levels beyond County standards and the impact is less than significant.*”

Since this EIR, of whatever type, is supposed to inform the public and decision makers, noise levels beyond county standards cannot be ignored.

Unfortunately, the proposed project placed a new road, pond/lake, and an existing recreation area at the closest noise sensitive receptor. However, there is no modeling showing how this would impact that nearest noise receptor. Page 3.16 of the DEIR, “*Ambient noise levels measured at Site 2 ranged from 55 to 66 dB Ldn (average of 59 dB Ldn) at a distance of approximately 130 feet from the center of the existing small pond area...” Measurement from the center of the existing small pond creates a false baseline which is applied to the large pond. Noise should be measured from the edge of the proposed large pond which includes a recreation area and a road. The noise level at the nearest sensitive receptor based on measurement from the nearest edge of the large pond and factoring in the noise of traffic on the proposed new road and the recreation area must be computed and considered.*

MITIGATION MEASURES

Mitigation Measures – Well this one is laughable, since KCOB built new cabins to increase occupancy and installed water tanks in 2018 with building permits but without project approval. Also the wording of the Mitigation Measure should be corrected to make enough sense that it can be enforced.

*MM 8.1 **Prior to the initiation of construction inhabitable structures** for the Proposed Project, the emergency access road will be developed by the Project and approved as to form and function by the California Department of Forest and Fire Protection and the Siskiyou County Public Works Department. This access roadway shall be maintained by the Project and reapproved on an annual basis or as the County and CAL FIRE determines necessary. (Emphasis added).*

Timing/Implementation: Prior to the initiation of construction inhabitable structures.

Monitoring/Enforcement: County of Siskiyou Public Works and CAL FIRE 3

For a proposed 20-year time frame for build-out of the Project, the Public would think that the reapproval of the emergency access road should be done on some type of schedule such as annually or bi-annually. Approval at the whim of Cal Fire or the County could lead to deterioration of the road to the point that exit from the Camp during a wildland fire is impossible with catastrophic results.

EMERGENCY ACCESS ROAD

The Focused EIR states that the emergency access road will only be used for emergencies. However, the revised project description makes a difference statement.

Regarding the Emergency Access Road, the Revised Project Description for Kidder Creek Orchard Camps, Inc. (UP-11-15) states,

“There is a current easement for access to and from the camp along the route identified with the south pointing arrow in Figure 7 (see appendix for Shared Road Easement and Easement

*Deed). This road connects to Patterson Creek Road, a partially paved, county maintained road. **This road is available for use as an ingress/egress route in the event of emergency evacuation as well as for private use by the Camp, its staff and guests.** Since 2008 (the beginning of our strategic planning effort) this road has been improved and treated for fire fuels reduction to improve access by larger emergency vehicles and to create a buffer zone for firefighters in the event of wildfire. **KCOC does not have any plans to use this road as a public entrance for its guests and has a locked gate. However, there are occasions where Camp vehicles may utilize it for entry/exit when necessary.**”*

The DEIR states, “*The secondary access point will not be used for primary ingress and egress from the site, therefore additional traffic due to the project will not affect this access. The Proposed Project will not use this road as a public entrance for its guests and will maintain a locked gate.*”

That is a false statement and not based on what is contained in the Revised Project Description which states that Camp vehicles may use it for exit/entrance when “necessary.” If the emergency access road is to be used for anything other than emergencies, then those other uses must be disclosed and quantified. Since it is apparent that the emergency access road will be used by KCOC for other reasons, a traffic study should be on required for Patterson Creek Road to show exactly how that road and its residents will be affected by this use.

Based on the DEIR, it was questioned how the gate would be unlocked in case of wildfire. The statement in the Revised Project Description answers that question. Everyone in a position of authority, and perhaps others, will have a key and the emergency access road will be used by the camp for their purposes and most likely for deliveries, employee, and visitor access ad any other purpose they find “necessary.”

A Condition should be added to the Conditional Use Permit stating that the emergency access road will only be used in case of emergency, such as wildland fire. Otherwise, the DEIR fails in its intent and a traffic study should be required for Patterson Creek Road.

HYDROLOGY, WATER AND THE LAKE (POND)

The DEIR states, “*c. Project Description 3/0-3: “Engineering of the revised pond shape has not been completed at this time. The applicant intends to have engineered plans completed should the project be approved. “*

If the pond is 7 acres, 7 acre feet equals 2,280,960 gallons of water. That is a lot of water to be taken from other users and our aquifer to allow a non-profit, non-property tax paying entity to charge more money for the use of their site based on the use of our water.

Agencies and the Public are not able to adequately comment on the pond because engineering of the revised shape has not been completed. The shape exists only as a drawing. But that does not disclose anything about what the lining of the pond will be (plastic? Cement? Other?); how the flood gate will be kept to 6 feet to avoid being a dam and the concomitant regulatory requirements; whether the pond might be larger than 7 acres, and if so how large; what the depths of the pond will be; if the lining is plastic, how will flow of water into the ground be preventable; how will water loss from the pond affect downstream users; and how much water will be lost from the pond through evaporation. These issues must be addressed prior to approval of the Project, not in some distant future with no Public overview.

The DEIR opines that the Project will not be affected by the (Environmental Law Foundation v. State Water Resources Control Board (“ELF v. SWRCB”) (2018) 26 Cal.App.5th 844 because “*Further, while the Proposed Project involves an increase in groundwater extraction, the increase in estimated annual groundwater demand represents only .005 percent of the available groundwater in the Scott River Valley Groundwater Basin - a Basin that fluctuates and has been at its highest level in years. This very low level of increased pumping is*

determined to have a less than significant impact on groundwater recharge and supply and is therefore not expected to impair the watershed on an individual or cumulative level (DEIR, 3.3-11). Because the level of pumping will have an insignificant impact on the watershed, it will not impair or interfere with instream public trust uses or values such as recreation or fishing on an individual or a cumulative level. Indeed, the DEIR has also fully evaluated the impacts of the Proposed Project on recreation and has determined that the project's impact on recreational values will be insignificant. (DEIR, Recreation.) Therefore, the Proposed Project will not substantially impair the public's right to navigation or fishing or substantially interfere with the public trust needs or values related to the Scott River. Therefore, the potential impact on local groundwater recharge and supplies from operation of the Proposed Project would be less than significant.” (Page 3.3-12 of DEIR)

The letter from UNITED STATES DEPARTMENT OF COMMERCE, National Oceanic and Atmospheric Administration, NATIONAL MARINE FISHERIES SERVICE, Jim Simondet, Klamath Branch Supervisor, North California Office dated September 4, 2019 to Siskiyou County regarding Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) does not agree with the above statement in the DEIR, and must be considered in making any decision to approve this Project.

The DEIR states, “As discussed in Section 2.0 Project Description, an analysis of water rights to fill and store water from Barker Ditch for the new pond was completed by Alan B. Lilly, Attorney, from the Bartkiewicz, Kronick and Shanahan law firm. This analysis (see Appendix C) determined that because the water diverted from Kidder Creek, via the Barker Ditch, into the new pond would be stored in the pond for a maximum of 30 days before being conveyed down the ditch, such temporary storage would be a reasonable “Regulatory Storage” under the Scott River Adjudication decree (Siskiyou County Superior Court No. 30662). Also, because the pond would be lined to eliminate percolation losses, this storage would not reduce the amounts of water that other water users on Barker Ditch would receive.”

The so called determination by Alan B. Lilly, Attorney, from the Bartkiewicz, Kronick and Shanahan law firm is merely an opinion by an attorney. It would be challenged in a court of law. There are no specifics regarding the lining of the pond; the storage of water of this magnitude may not be legal; and a true determination from the State Water Regional Control Board, Division Water Rights should be required.

TRAFFIC

The DEIR relies on the Traffic Study by Traffic Works dated December 22, 2015 which is flawed, inadequate, and inaccurate. One of the issues is that it misstates the type of road for South Kidder Creek Road.

From Traffic Impact Study: “Roadway LOS Methodology Roadway level of service was calculated based on the procedures outlined in Chapter 15 – “Two-Lane Highways” of the Highway Capacity Manual (HCM), 2010 edition. Chapter 15 of the HCM defines Class II Two-Lane Highways as the following – “Class II two-lane highways are highways where motorists do not necessarily expect to travel at high speeds. Two-lane highways functioning as access routes to Class I facilities, serving as scenic or recreational routes (and not as primary arterials), or passing through rugged terrain (where high-speed operation would be impossible) are assigned to Class II. Class II facilities most often serve relatively short trips, the beginning or ending portions of longer trips, or trips for which sightseeing plays a significant role”. The HCM states that most collectors and local roadways are considered as Class II Highways for the purposes of capacity and LOS analysis.”

Highway 3 through Scott Valley is a Class II Two-Lane Highway. South Kidder Creek Road

is not a Class II Two-Lane Highway. It is only little more than a one-lane road in spots, especially near the tailings. The Traffic Study only analyzed two (2) sections of the 2.1 mile road (from Highway 3 to the KCOC entrance). For the Traffic Study to be viable, the entire distance of South Kidder Creek Road must be evaluated. This will reveal that the rendering in the TIS showing a nearly straight road is actually a road with many curves, some of them blind curves.

There are no shoulders along much of South Kidder Creek Road. An adequate traffic analysis must take the lack of shoulders on the road into account because that lack means a greater potential for accidents. The HCM 2010 contains a chapter on calculation procedures for roads such as South Kidder Creek Road, however Traffic Works did not use it.

The traffic study does not include data concerning the flow of onsite and off-site traffic. The project description states that traffic from current attendees will flow from the site and other traffic from new attendees will flow in to accommodate a level of occupancy concurrent with the use permit. It specifically states, *“It should be noted that significantly fewer trips would be generated by the project on weekdays and particularly during the remainder of the year (outside of summer months).”* That is not a true statement because traffic is flowing on and off-site all the time. To be adequate, the traffic study must analyze the traffic from attendees going off-site and from attendees coming onto the site and the interval at which those trips are made.

The traffic study does not include data regarding delivery vehicles. All food and supplies, including construction materials, are brought into the camp by road. The Traffic Study fails in not considering these vehicles.

The traffic study does not include correct data for cumulative impacts on traffic. It only considers a subdivision that has yet to be built out. In the vicinity of the Project, there is a large gravel mine, a gravel mine in Kidder Creek itself, and a concrete batch plant. Although none of these operations are currently active, the county of Siskiyou considers all use permits to run with the land and therefore these use permits could be reactivated at any time. The first two operations are on Highway 3 very near the intersection with South Kidder Creek Road, the second operation is on South Kidder Creek Road. The Nash/Kiewit gravel mine allows for 310 truck traffic trips per day during summer months. The Jenner gravel mine in Kidder Creek allows the operator to do the work of three (3) years within a one-year time frame. I have no information on traffic for the concrete batch plant, however such information could be provided at a future date.

The Traffic Study also failed to analyze the traffic at nexus of Highway 3 and South Kidder Creek Road that is generated by the out-of-compliance JH Ranch and Scott River Lodge. They are under the same ownership and traffic continually flows between the two.

CalTrans wrote a letter stating that should traffic from the KCOC Project affect the nexus, then improvements would be required at Highway 3 and South Kidder Creek Road. Excerpt from letter from State of California, Department of Transportation to Mark Baker, Siskiyou County dated October 26, 2011: *“It is unknown whether the proposed increase in campers, staff, and facilities phased over 20-years will change the existing traffic conditions such that the improvements will be needed. Therefore, we suggest that the use permit include conditions of approval for providing proportionate share mitigation for intersection illumination and turn lane improvements. If the project is not conditioned to contribute a proportionate share mitigation, Caltrans will expect the County to fund these improvements when needed in the future.”* This letter is a part of the 2016 DIS/MND, yet it is totally ignored in the DIS/MND and the DEIR which is based on the DIS/MND. Kidder Creek Orchard Camps should be required to pay for the cost of any necessary improvements related to the Project.

Additionally, approval is pending on a county-wide Agritourism Zoning Text Amendment (Z17-03). If approved, 2,458 parcels of land zoned Prime Agriculture, Non-Prime Agriculture and Rural Residential in Siskiyou County would be affected. Each parcel would be allowed to accommodate 1,050 guests per year by right (without requiring a land use permit). That equals 2,580,900 potential guests per year. Scott Valley, where KCOC is located, is approximately 2% the size of the county. Therefore, the traffic from 51,618 potential guests must be considered as a cumulative impact as a majority of that traffic will affect the junction of Highway 3 and South Kidder Creek Road. (*Pages 3.0-1 and 3.0-2 of the Agritourism Zoning Text Amendment (Z-17-03) County of Siskiyou Draft Initial Study/Mitigated Negative Declaration dated February 2019.*)

Because the EIR is based on a flawed and inadequate Traffic Study, the EIR is also flawed and inadequate. Therefore, a new Traffic Study should be prepared using the correct road analysis and considering and analyzing the cumulative impacts disclosed herein, and the EIR should be revised and public comment allowed on both the revised Traffic Study and revised EIR.

LAND USE AND PLANNING - SCOTT VALLEY AREA PLAN

The EIR for the project totally ignores the Scott Valley Area Plan (SVAP). The SVAP was a major concern of many of the commenters on the DIS/MND, yet the County chose to not address this issue in the EIR. So we must rely on the DIS/MND which states:

“b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

*b) Less than Significant Impact. The project site includes multiple zoning districts, as described above, and as shown on Figure 3.0-4 (Existing Zoning) and Figure 3.0-5 (Proposed Zoning). Scott Valley Area Plan Policy No. 1 (Prime Agricultural) states that only agricultural and public uses may be permitted on prime agricultural soils. A portion of the project site, mainly consisting of the flat meadow and orchard areas, is designated as Prime Agricultural Land, as shown on the Scott Valley Area Plan Natural Resources Map 3. **Kidder Creek Orchard Camp predates both the Scott Valley Area Plan and the current General Plan. The proposed expansion of the camp does not include any structures or other permanent-type uses on those areas designated as Prime Agricultural Land. This area has been used for passive recreational uses in the past and will continue to be used for similar uses. The project would not conflict with applicable plans that have jurisdiction over the project area. Consistent with the applicable County land use and Scott Valley Area Plan policies, the project is an organized camp, compatible with adjacent land uses. Further, access adequate to accommodate the immediate and cumulative traffic impacts of the proposed development would be provided, all necessary building permits would be obtained prior to development, and conformance with state Fire Safe regulations would be required. As such, the proposed project is consistent with the County General Plan, Scott Valley Area Plan, and Zoning Code.**”*

The EPA defines passive recreational use as: Passive recreation refers to recreational activities that do not require prepared facilities like sports fields or pavilions, so the statement, **“This area has been used for passive recreational uses in the past and will continue to be used for similar uses.”** may be true for some activities but not for all such as zip lines, shooting range, paint ball and others. That statement is unsustainable.

The statement, **“... the project is an organized camp, compatible with adjacent land uses”** cannot be substantiated. An organized camp, especially one that is run year around, is hardly compatible with residential use. The Project Description, Revised Project Description, DIS/MND and the DEIR all gloss over the fact that the so called “organized camp” is being

used as an Event Center. The Event Center use added to the organized camp use makes for a density and intensity that is no way compatible with the SVAP.

The project as proposed is not consistent with the SVAP. The fact that the three existing use permits are to be extinguished creates a brand new use permit for the project which moots the fact that the camp was first permitted prior to the SVAP. Therefore, the SVAP must be considered. The SVAP does not allow for such as is being presented here. The Project should be denied.

UNPERMITTED BUILD OUT

In my September 29, 2018 comment letter on the KCOC Notice of Preparation, I provided evidence that KCOC had built cabins to accommodate an increasing occupancy. They had also built the water tanks. Although the Use Permit had not been approved, the County Planning Department said that this was allowable because they had applied for and received Building Permits.

Just this summer, KCOC put in a new zip line which either replaced or added a new zip line. KCOC had no permit for the old zip line, and no application was made for the new zip line. When a verbal complaint was made to the County Planning, they played deaf, dumb and mute. Yet a person in another part of the County who followed the law and applied for a zip line is being required to follow all the regulations and may have to remove property from the Williamson Act.

For the zip line, see: <https://www.mounthermon.org/blog/kidder-creek/> (accessed 20September2019)

If KCOC cannot be held accountable by the County for any of its actions, the County has willfully created another JH Ranch scenario. There is no point in approving this Project if KCOC has been given carte blanche to do as they want to do and not be required to follow the law.

Any parent sending their child to this camp and expecting that the values of decency, honesty and integrity will be taught by the leaders of KCOC is being seriously deluded by this apparent cult.

ENVIRONMENTAL ISSUES NOT INCLUDED IN THE EIR

Glare

The public does not want, nor should it have to, anticipate what the project will or will not do in the future. There should be concrete conditions as to what can happen in the future on this project. Good luck with relying on County Code Section 10-6.5602 to ensure that potential impacts associated with light or glare would remain less than significant. Since the County has enforcement challenges, that would require costly litigation on the part of the public to try to keep the glare out of the night sky.

It is a dereliction of duty on the part of the County to do little more than require shielding which does not necessarily keep the light and glare at the property boundary. A requirement for walking path ground lighting from solar power; minimal, truly shielded lighting at buildings; and prohibition of LED or other such intensive type lighting would be a step in the right direction of allowing the residents of Scott Valley to maintain their life-style; quality of life; and their dark, star-filled skies. A light assessment should be required providing Lumens of lighting and other pertinent lighting issues.

Hazardous Conditions/Soils

From DEIR: 22. Sawmill/Storage Area – The existing sawmill and lumber storage area would be relocated to allow for the development of the new pond. (Page 2.16)

Development of the new large pond should only be allowed following a Soils Analysis. The soil to be removed to accommodate the new large pond was undoubtedly contaminated by chemicals from the saw mill. There IS a photo (which I was unable to copy, but will provide later) with the caption: Date: June 17, 2010, Aspect: East, Equipment/Disposal Yard; area designated for construction of new pond; original sawmill was in close proximity to existing shed (center of photo) The soil removed from the old saw mill site will most likely be placed elsewhere on the camp site. Our youth and other attendees of the camp must be protected. A Soils Analysis must be required.

Greenhouse Gases/Air Quality

The effect of adding over one thousand (1,000) vehicles per day utilizing South Kidder Creek Road has not been analyzed sufficiently nor mitigated. Surely the exhaust from these vehicles will have the residents of South Kidder Creek Road gasping for breath. Analyzation and appropriate mitigations should be required.

PROJECT ALTERNATIVES

The Project Alternatives, excluding the No Project Alternative, do not reflect an adequate range of alternatives. One such alternative would be no pond and no activities other than youth camp activities with a drop in camp occupancy to 400. The DEIR number for suggested lower camp occupancy was apparently plucked out of thin air by the EIR preparer and would still create an undue stress on the residents of South Kidder Creek Road. Another Project Alternative would be to keep the road system within the camp, move the new large pond to the center of the camp, and allow for a total occupancy of 450.

If these alternatives are not added, the “No Project” alternative should be selected.

THE OCCUPANCY FICTION

The DIS/MND dated September 2016 instituted the fiction that Staff and Volunteers did not have to be concluded in total occupancy of the Camp. It is just that ~ a fiction.

The DIS/MND stated, *“The 1996 use permit allows up to 165 guests. The 1996 use permit does not limit the number of staff and volunteers at the camp. Currently, the maximum daily occupancy, including guests, staff and volunteers, at the camp is 310 persons, which is used as the baseline for this environmental review as it represents the current existing condition.”*

That was the first time the 310 person occupancy was floated, perhaps to set a higher baseline figure.

The Revised Project Description of 2014 had this table:

Table 2: Proposed Incremental Occupancy Increase Implementation Period

Total Occupancy

Current 165, 5 years 265, 10 years 600, 15 years 724, 20 years 844

That table was based on “total occupancy.” Volunteers are guests. They may not be paying guests, but they provide KCOC with labor and positive publicity. Their number must be included in the total occupancy count. Additionally, the intent when the last Use Permit was approved was that the total occupancy would be 165 persons. A far better method, and much easier on the environment, would be to base occupancy on the number of camp registrants rather than camp occupants.

MITIGATION MEASURES ARE INSUFFICIENT

The mitigation measures for the project are not sufficient to adequately protect the environment, especially the Noise mitigation which allows noise up until 10 P.M. We are a

very rural setting, we sleep with our windows open during the summer for natural air conditioning. The noise should stop no later than 9 P.M.

CONCLUSION

The Project should be rejected unless the Final Environmental Impact Report (FEIR) can analyze and remedy the issues brought forward in this comment letter.

Thank you for accepting my comments.

Sincerely,

Anne Marsh

Anne Marsh

cc: state.clearinghouse@opr.ca.gov

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September 20, 2019

Community Development Department - Planning Division
608 S. Main Street
Yreka, CA 96097

VIA EMAIL – planning@co.siskiyou.ca.us

RE: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Draft Environmental Impact Report - SCH Number 2016092016

Greetings:

Thank you for accepting my comments on the above the referenced project. I am writing this comment letter not only as a private individual, but as a member of the unincorporated group Keep Scott Valley Rural (KSVR).

The Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) (Project) Draft Environmental Impact Report (DEIR) is flawed and inadequate.

FOCUSED RATHER THAN FULL EIR

The DEIR is a Focused EIR rather than a complete EIR as was promised by Christy Cummings Dawson (then Deputy Director of Planning, now no longer employed by the County) at the July 10, 2018 Board of Supervisors' meeting. Excerpt from minutes of the meeting: *"COMMUNITY DEVELOPMENT - PLANNING DIVISION - Approve contract with ECORP Consulting to prepare the Environmental Impact Report for Kidder Creek Orchard Camps, in an amount not to exceed \$40,455, for the term ending June 30, 2019. Approved. This item was pulled from the consent agenda at Supervisor Nixon's request. In response to Supervisor Nixon, Deputy Director of Planning Christy Cummings Dawson advised that the Department received letters sharing concerns regarding the need for a complete Environmental Impact Report (EIR) for the project, and that the project would entail a complete/full EIR process. In addition, Deputy County Clerk Wendy Winningham advised of the emails that were received from County residents Betsy Stapleton and Anne Marsh. It was moved by Supervisor Nixon, seconded by Supervisor Kobseff and unanimously carried to approve the contract for service with environmental consultant ECorp to prepare an Environmental Impact Report, authorize the Chair to execute the same and authorize the Auditor to establish budget."* (Emphasis added)

Yet the DEIR states, *"As a result of comments on the Draft IS/MND, the County determined that an EIR level of analysis was required for specific impact areas. Those areas include agriculture (project and cumulative), hazards (project and cumulative), noise (project and cumulative), traffic (project and cumulative), and water (project and cumulative). These impact areas are the subject of this EIR. All other*

impact analysis areas defined in Appendix G of the CEQA Guidelines and analyzed in the 2016 Draft IS/MND will not be included in this EIR. However, all mitigation measures identified in these sections, as shown below, will be included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Program (MMRP).” (Emphasis added)

The DEIR states, “1.3 Type of Document CEQA and the CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR is for a specific development project with defined parameters. As such, this EIR is a “project” EIR. Project EIRs are defined by CEQA Guidelines (Section 15161) as: ‘The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. **The EIR shall examine all phases of the project including planning, construction, and operation.**’”

Based on CEQA Section 15161, the DEIR for the Project is NOT a Project EIR. It is a Focused EIR as was stated in the contract between County of Siskiyou and ECORP Consulting, Inc. The DEIR is flawed and inadequate. It totally avoids areas of concern such as Greenhouse Gases (GHG), Air Quality, Aesthetics (Glare), and Land Use and Planning – Scott Valley Area Plan (SVAP) for the entire Project. The Focused EIR should be voided and a Full, Complete Project EIR required for the project.

THE FOCUSED EIR IS INADEQUATE, INCOMPLETE

The Focused EIR is inadequate and incomplete because it does not take into consideration the fact that the project description first presented in 2011 and revised in 2014 is vague, nebulous, not totally understandable by the public, and there is no requirement that any of it be followed. The Revised Project Description goes so far as to say that this is the large picture and small things may change. There are no “small things” in CEQA. The complete project must be considered. Nearly everything is left up to the imagination of the reader. The focused EIR fails to state that even though there is a proposed stated in the EIR, the entire project could be completed at any time following approval by the planning commission. In other words, there is no condition placed upon the project to require that the project follows the timeline presented in the EIR.

The focused EIR relies on maps showing where things are to be located and tables showing build out schedules occupancy rates that are to be followed. However there is no requirement within the IS/MND or in the Focused EIR that any of these things be adhered to.

These problems stem from the fact that when the project was first brought to the Planning Department there was discussion as to whether a use permit should be required or whether a planned development zoning would be better.

MOST DEVELOPMENT IS VAGUE AN UNDEFINED

From the Revised Project Description for UP 11-15 KCOC, “Development of the land use and program expansion described in this project will take place using a multi-phased approach where priority items will be determined based on available funds. A strategic planning effort by the Camp resulted in the vision for this project and the preferred prioritization described in this document. It is important to note that **the location of building facilities are tentative based on the conditions of each site and approval through the building permitting process.**

KCOC understands that environmental and permitting details change over time, therefore this document addresses only the large-scale environmental assessments that were performed to ensure there are no

negative impacts under a new Use Permit and related zoning change. The smaller, site specific requirements will be met at the time of design and construction of each area over the next 20 years.”

Based on that statement, the Public cannot rely on anything shown on the map or stated in the DIS/MND or DEIR. The County must put solid, enforceable parameters on this project, or else deny it.

USE PERMIT VS. PLANNED DEVELOPMENT

My October 4, 2016 comment letter on the IS/MND for the Project brought forth evidence of discussion with the Planning Department in 2009 regarding whether the Project should be done as Planned Development Zoning (following the zoning of the infamous JH Ranch) or a regular Conditional Use Permit. A Conditional Use Permit was decided on, however, the Project Description is better suited to Planned Development Zoning.

Phasing such as shown in this Project should not be applied to a Conditional Use Permit unless Planned Development Zoning has been approved for the project

CAMP AND EVENT CENTER

The three (3) existing use permits are for a camp. They do cover any of the uses stated in the DEIR as Special Events:

“Special Events In addition to routine camp activities, Kidder Creek has proposed to accommodate special events (public and private), which may include weddings, birthdays, religious functions, concerts, auctions, picnics, horse clinics, demonstrations, and training events, and similar events. Estimated attendance would be between 20 and 250 guests, average three to eight hours per event, and be held approximately once per month between the months of April and October. These special events would not occur at the same time as regular camp activities but may occur when campers are offsite. In addition to the special event, opening day registration, public events, the annual fall festival, and closing day will bring additional visitors to the Project site. Table 2-5 provides information about these events.”

These events, which are being held and have been held for years, are illegal! There is no existing use permit (which is required) for any of them. Yet the County has turned a blind eye and never even attempted to enforce its own laws. Estimates, averages and approximates should not be acceptable. The term “similar events” must be removed from the project. There is enough controversy over the Zoning laws of Siskiyou County because they use such ambiguous phrases. All “Special Events” must be clearly stated to let the public know exactly what is going to be allowed. The community needs to know, and CEQA requires that it be disclosed, the maximum attendance allowed; the maximum frequency allowed; and the maximum hours per event. Otherwise we will be stuck with one more unenforceable project which so negatively affects the neighbors and the entire Scott Valley community.

NOISE

The DEIR relies on the Environmental Noise Assessment by Bollard Acoustical Consultants, Inc. dated October 24, 2017. The Noise Assessment is flawed, inadequate, and inaccurate.

This statement in the Assessment shows how far out of touch with reality the preparers of that Assessment are: *“Many of the activities occurring within the KCOC boundaries are not substantive noise sources. Examples of relatively quiet activities include equestrian activities, base camp area activities (with most campers using these areas for eating and sleeping while not engaged in off-site activities such as rafting, hiking, backpacking, etc.), archery, RV parking (generators are not used), ropes course, crafts, etc.”*

No matter what the age – child, teen or adult – humans in groups will make noise when involved in equestrian activities, eating, on the rope course or zip line, while doing crafts and of course in the pond while swimming and playing. This noise cannot be discounted by a blanket statement such as this.

Page 3.4-16 of the DEIR: “*At the nearest residence, located approximately 400 feet away, maximum noise levels from construction activities would attenuate to approximately 70 dBA Lmax. The County does not regulate construction noise. Therefore, the Project would result in noise levels beyond County standards and the impact is less than significant.*”

Since this EIR, of whatever type, is supposed to inform the public and decision makers, noise levels beyond county standards cannot be ignored.

Unfortunately, the proposed project placed a new road, pond/lake, and an existing recreation area at the closest noise sensitive receptor. However, there is no modeling showing how this would impact that nearest noise receptor. Page 3.16 of the DEIR, “*Ambient noise levels measured at Site 2 ranged from 55 to 66 dB Ldn (average of 59 dB Ldn) at a distance of approximately 130 feet from the center of the existing small pond area...*” Measurement from the center of the existing small pond creates a false baseline which is applied to the large pond. Noise should be measured from the edge of the proposed large pond which includes a recreation area and a road. The noise level at the nearest sensitive receptor based on measurement from the nearest edge of the large pond and factoring in the noise of traffic on the proposed new road and the recreation area must be computed and considered.

MITIGATION MEASURES

Mitigation Measures – Well this one is laughable, since KCOC built new cabins to increase occupancy and installed water tanks in 2018 with building permits but without project approval. Also the wording of the Mitigation Measure should be corrected to make enough sense that it can be enforced.

MM 8.1 Prior to the initiation of construction inhabitable structures for the Proposed Project, the emergency access road will be developed by the Project and approved as to form and function by the California Department of Forest and Fire Protection and the Siskiyou County Public Works Department. This access roadway shall be maintained by the Project and reapproved on an annual basis or as the County and CAL FIRE determines necessary. (Emphasis added).

Timing/Implementation: Prior to the initiation of construction inhabitable structures.

Monitoring/Enforcement: County of Siskiyou Public Works and CAL FIRE 3

For a proposed 20-year time frame for build-out of the Project, the Public would think that the reapproval of the emergency access road should be done on some type of schedule such as annually or bi-annually. Approval at the whim of Cal Fire or the County could lead to deterioration of the road to the point that exit from the Camp during a wildland fire is impossible with catastrophic results.

EMERGENCY ACCESS ROAD

The Focused EIR states that the emergency access road will only be used for emergencies. However, the revised project description makes a difference statement.

Regarding the Emergency Access Road, the Revised Project Description for Kidder Creek Orchard Camps, Inc. (UP-11-15) states,

*“There is a current easement for access to and from the camp along the route identified with the south pointing arrow in Figure 7 (see appendix for Shared Road Easement and Easement Deed). This road connects to Patterson Creek Road, a partially paved, county maintained road. **This road is available for use as an ingress/egress route in the event of emergency evacuation as well as for private use by the Camp, its staff and guests.** Since 2008 (the beginning of our strategic planning effort) this road has been improved and treated for fire fuels reduction to improve access by larger emergency vehicles and to create a buffer zone for firefighters in the event of wildfire. **KCOC does not have any plans to use this road as a public entrance for its guests and has a locked gate. However, there are occasions where Camp vehicles may utilize it for entry/exit when necessary.**”*

The DEIR states, *“The secondary access point will not be used for primary ingress and egress from the site, therefore additional traffic due to the project will not affect this access. The Proposed Project will not use this road as a public entrance for its guests and will maintain a locked gate.”*

That is a false statement and not based on what is contained in the Revised Project Description which states that Camp vehicles may use it for exit/entrance when “necessary.” If the emergency access road is to be used for anything other than emergencies, then those other uses must be disclosed and quantified. Since it is apparent that the emergency access road will be used by KCOC for other reasons, a traffic study should be on required for Patterson Creek Road to show exactly how that road and its residents will be affected by this use.

Based on the DEIR, it was questioned how the gate would be unlocked in case of wildfire. The statement in the Revised Project Description answers that question. Everyone in a position of authority, and perhaps others, will have a key and the emergency access road will be used by the camp for their purposes and most likely for deliveries, employee, and visitor access ad any other purpose they find “necessary.”

A Condition should be added to the Conditional Use Permit stating that the emergency access road will only be used in case of emergency, such as wildland fire. Otherwise, the DEIR fails in its intent and a traffic study should be required for Patterson Creek Road.

HYDROLOGY, WATER AND THE LAKE (POND)

The DEIR states, *“c. Project Description 3/0-3: “Engineering of the revised pond shape has not been completed at this time. The applicant intends to have engineered plans completed should the project be approved. “*

If the pond is 7 acres, 7 acre feet equals 2,280,960 gallons of water. That is a lot of water to be taken from other users and our aquifer to allow a non-profit, non-property tax paying entity to charge more money for the use of their site based on the use of our water.

Agencies and the Public are not able to adequately comment on the pond because engineering of the revised shape has not been completed. The shape exists only as a drawing. But that does not disclose anything about what the lining of the pond will be (plastic? Cement? Other?); how the flood gate will be kept to 6 feet to avoid being a dam and the concomitant regulatory requirements; whether the pond might be larger than 7 acres, and if so how large; what the depths of the pond will be; if the lining is plastic, how will flow of water into the ground be preventable; how will water loss from the pond affect downstream users; and how much water will be lost from the pond through evaporation. These issues must be addressed prior to approval of the Project, not in some distant future with no Public overview.

The DEIR opines that the Project will not be affected by the (Environmental Law Foundation v. State Water Resources Control Board (“ELF v. SWRCB”) (2018) 26 Cal.App.5th 844 because *“Further, while the*

Proposed Project involves an increase in groundwater extraction, the increase in estimated annual groundwater demand represents only .005 percent of the available groundwater in the Scott River Valley Groundwater Basin - a Basin that fluctuates and has been at its highest level in years. This very low level of increased pumping is determined to have a less than significant impact on groundwater recharge and supply and is therefore not expected to impair the watershed on an individual or cumulative level (DEIR, 3.3-11). Because the level of pumping will have an insignificant impact on the watershed, it will not impair or interfere with instream public trust uses or values such as recreation or fishing on an individual or a cumulative level. Indeed, the DEIR has also fully evaluated the impacts of the Proposed Project on recreation and has determined that the project's impact on recreational values will be insignificant. (DEIR, Recreation.) Therefore, the Proposed Project will not substantially impair the public's right to navigation or fishing or substantially interfere with the public trust needs or values related to the Scott River. Therefore, the potential impact on local groundwater recharge and supplies from operation of the Proposed Project would be less than significant.” (Page 3.3-12 of DEIR)

The letter from UNITED STATES DEPARTMENT OF COMMERCE, National Oceanic and Atmospheric Administration, NATIONAL MARINE FISHERIES SERVICE, Jim Simondet, Klamath Branch Supervisor, North California Office dated September 4, 2019 to Siskiyou County regarding Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) does not agree with the above statement in the DEIR, and must be considered in making any decision to approve this Project.

The DEIR states, “As discussed in Section 2.0 Project Description, an analysis of water rights to fill and store water from Barker Ditch for the new pond was completed by Alan B. Lilly, Attorney, from the Bartkiewicz, Kronick and Shanahan law firm. This analysis (see Appendix C) determined that because the water diverted from Kidder Creek, via the Barker Ditch, into the new pond would be stored in the pond for a maximum of 30 days before being conveyed down the ditch, such temporary storage would be a reasonable “Regulatory Storage” under the Scott River Adjudication decree (Siskiyou County Superior Court No. 30662). Also, because the pond would be lined to eliminate percolation losses, this storage would not reduce the amounts of water that other water users on Barker Ditch would receive.”

The so called determination by Alan B. Lilly, Attorney, from the Bartkiewicz, Kronick and Shanahan law firm is merely an opinion by an attorney. It would be challenged in a court of law. There are no specifics regarding the lining of the pond; the storage of water of this magnitude may not be legal; and a true determination from the State Water Regional Control Board, Division Water Rights should be required.

TRAFFIC

The DEIR relies on the Traffic Study by Traffic Works dated December 22, 2015 which is flawed, inadequate, and inaccurate. One of the issues is that it misstates the type of road for South Kidder Creek Road.

From Traffic Impact Study: “Roadway LOS Methodology Roadway level of service was calculated based on the procedures outlined in Chapter 15 – “Two-Lane Highways” of the Highway Capacity Manual (HCM), 2010 edition. Chapter 15 of the HCM defines Class II Two-Lane Highways as the following – “Class II two-lane highways are highways where motorists do not necessarily expect to travel at high speeds. Two-lane highways functioning as access routes to Class I facilities, serving as scenic or recreational routes (and not as primary arterials), or passing through rugged terrain (where high-speed operation would be impossible) are assigned to Class II. Class II facilities most often serve relatively short trips, the beginning or ending portions of longer trips, or trips for which sightseeing plays a significant role”. The HCM states that most

collectors and local roadways are considered as Class II Highways for the purposes of capacity and LOS analysis.”

Highway 3 through Scott Valley is a Class II Two-Lane Highway. South Kidder Creek Road is not a Class II Two-Lane Highway. It is only little more than a one-lane road in spots, especially near the tailings. The Traffic Study only analyzed two (2) sections of the 2.1 mile road (from Highway 3 to the KCOC entrance). For the Traffic Study to be viable, the entire distance of South Kidder Creek Road must be evaluated. This will reveal that the rendering in the TIS showing a nearly straight road is actually a road with many curves, some of them blind curves.

There are no shoulders along much of South Kidder Creek Road. An adequate traffic analysis must take the lack of shoulders on the road into account because that lack means a greater potential for accidents. The HCM 2010 contains a chapter on calculation procedures for roads such as South Kidder Creek Road, however Traffic Works did not use it.

The traffic study does not include data concerning the flow of onsite and off-site traffic. The project description states that traffic from current attendees will flow from the site and other traffic from new attendees will flow in to accommodate a level of occupancy concurrent with the use permit. It specifically states, *“It should be noted that significantly fewer trips would be generated by the project on weekdays and particularly during the remainder of the year (outside of summer months).”* That is not a true statement because traffic is flowing on and off-site all the time. To be adequate, the traffic study must analyze the traffic from attendees going off-site and from attendees coming onto the site and the interval at which those trips are made.

The traffic study does not include data regarding delivery vehicles. All food and supplies, including construction materials, are brought into the camp by road. The Traffic Study fails in not considering these vehicles.

The traffic study does not include correct data for cumulative impacts on traffic. It only considers a subdivision that has yet to be built out. In the vicinity of the Project, there is a large gravel mine, a gravel mine in Kidder Creek itself, and a concrete batch plant. Although none of these operations are currently active, the county of Siskiyou considers all use permits to run with the land and therefore these use permits could be reactivated at any time. The first two operations are on Highway 3 very near the intersection with South Kidder Creek Road, the second operation is on South Kidder Creek Road. The Nash/Kiewit gravel mine allows for 310 truck traffic trips per day during summer months. The Jenner gravel mine in Kidder Creek allows the operator to do the work of three (3) years within a one-year time frame. I have no information on traffic for the concrete batch plant, however such information could be provided at a future date.

The Traffic Study also failed to analyze the traffic at nexus of Highway 3 and South Kidder Creek Road that is generated by the out-of-compliance JH Ranch and Scott River Lodge. They are under the same ownership and traffic continually flows between the two.

CalTrans wrote a letter stating that should traffic from the KCOC Project affect the nexus, then improvements would be required at Highway 3 and South Kidder Creek Road. Excerpt from letter from State of California, Department of Transportation to Mark Baker, Siskiyou County dated October 26, 2011: *“It is unknown whether the proposed increase in campers, staff, and facilities phased over 20-years will change the existing traffic conditions such that the improvements will be needed. Therefore, we suggest that the use permit include conditions of approval for providing proportionate share mitigation for intersection illumination and turn lane improvements. If the project is not conditioned to contribute a proportionate share mitigation, Caltrans will*

expect the County to fund these improvements when needed in the future.” This letter is a part of the 2016 DIS/MND, yet it is totally ignored in the DIS/MND and the DEIR which is based on the DIS/MND. Kidder Creek Orchard Camps should be required to pay for the cost of any necessary improvements related to the Project.

Additionally, approval is pending on a county-wide Agritourism Zoning Text Amendment (Z17-03). If approved, 2,458 parcels of land zoned Prime Agriculture, Non-Prime Agriculture and Rural Residential in Siskiyou County would be affected. Each parcel would be allowed to accommodate 1,050 guests per year by right (without requiring a land use permit). That equals 2,580,900 potential guests per year. Scott Valley, where KCOG is located, is approximately 2% the size of the county. Therefore, the traffic from 51,618 potential guests must be considered as a cumulative impact as a majority of that traffic will affect the junction of Highway 3 and South Kidder Creek Road. (Pages 3.0-1 and 3.0-2 of the Agritourism Zoning Text Amendment (Z-17-03) County of Siskiyou Draft Initial Study/Mitigated Negative Declaration dated February 2019.)

Because the EIR is based on a flawed and inadequate Traffic Study, the EIR is also flawed and inadequate. Therefore, a new Traffic Study should be prepared using the correct road analysis and considering and analyzing the cumulative impacts disclosed herein, and the EIR should be revised and public comment allowed on both the revised Traffic Study and revised EIR.

LAND USE AND PLANNING - SCOTT VALLEY AREA PLAN

The EIR for the project totally ignores the Scott Valley Area Plan (SVAP). The SVAP was a major concern of many of the commenters on the DIS/MND, yet the County chose to not address this issue in the EIR. So we must rely on the DIS/MND which states:

“b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

*b) Less than Significant Impact. The project site includes multiple zoning districts, as described above, and as shown on Figure 3.0-4 (Existing Zoning) and Figure 3.0-5 (Proposed Zoning). Scott Valley Area Plan Policy No. 1 (Prime Agricultural) states that only agricultural and public uses may be permitted on prime agricultural soils. A portion of the project site, mainly consisting of the flat meadow and orchard areas, is designated as Prime Agricultural Land, as shown on the Scott Valley Area Plan Natural Resources Map 3. **Kidder Creek Orchard Camp predates both the Scott Valley Area Plan and the current General Plan. The proposed expansion of the camp does not include any structures or other permanent-type uses on those areas designated as Prime Agricultural Land. This area has been used for passive recreational uses in the past and will continue to be used for similar uses. The project would not conflict with applicable plans that have jurisdiction over the project area. Consistent with the applicable County land use and Scott Valley Area Plan policies, the project is an organized camp, compatible with adjacent land uses. Further, access adequate to accommodate the immediate and cumulative traffic impacts of the proposed development would be provided, all necessary building permits would be obtained prior to development, and conformance with state Fire Safe regulations would be required. As such, the proposed project is consistent with the County General Plan, Scott Valley Area Plan, and Zoning Code.**”*

The EPA defines passive recreational use as: Passive recreation refers to recreational activities that do not require prepared facilities like sports fields or pavilions, so the statement, **“This area has been used for passive**

recreational uses in the past and will continue to be used for similar uses,” may be true for some activities but not for all such as zip lines, shooting range, paint ball and others. That statement is unsustainable.

The statement, **“... the project is an organized camp, compatible with adjacent land uses”** cannot be substantiated. An organized camp, especially one that is run year around, is hardly compatible with residential use. The Project Description, Revised Project Description, DIS/MND and the DEIR all gloss over the fact that the so called “organized camp” is being used as an Event Center. The Event Center use added to the organized camp use makes for a density and intensity that is no way compatible with the SVAP.

The project as proposed is not consistent with the SVAP. The fact that the three existing use permits are to be extinguished creates a brand new use permit for the project which moots the fact that the camp was first permitted prior to the SVAP. Therefore, the SVAP must be considered. The SVAP does not allow for such as is being presented here. The Project should be denied.

UNPERMITTED BUILD OUT

In my September 29, 2018 comment letter on the KCOC Notice of Preparation, I provided evidence that KCOC had built cabins to accommodate an increasing occupancy. They had also built the water tanks. Although the Use Permit had not been approved, the County Planning Department said that this was allowable because they had applied for and received Building Permits.

Just this summer, KCOC put in a new zip line which either replaced or added a new zip line. KCOC had no permit for the old zip line, and no application was made for the new zip line. When a verbal complaint was made to the County Planning, they played deaf, dumb and mute. Yet a person in another part of the County who followed the law and applied for a zip line is being required to follow all the regulations and may have to remove property from the Williamson Act.



ANDY WARKEN

Thank you to all of our donors and friends who helped make the “Big New Zip” a reality for our campers so they could have a “high point” experience. Your support and generosity have provided an experience that our campers will never forget.

“My favorite thing we did this week was the new zipline because it is 730 feet of awesomeness”

For the zip line, see: <https://www.mounthermon.org/blog/kidder-creek/> (accessed 20September2019)

If KCOC cannot be held accountable by the County for any of its actions, the County has willfully created another JH Ranch scenario. There is no point in approving this Project if KCOC has been given carte blanche to do as they want to do and not be required to follow the law.

Any parent sending their child to this camp and expecting that the values of decency, honesty and integrity will be taught by the leaders of KCOC is being seriously deluded by this apparent cult.

ENVIRONMENTAL ISSUES NOT INCLUDED IN THE EIR

Glare

The public does not want, nor should it have to, anticipate what the project will or will not do in the future. There should be concrete conditions as to what can happen in the future on this project. Good luck with relying on County Code Section 10-6.5602 to ensure that potential impacts associated with light or glare would remain less than significant. Since the County has enforcement challenges, that would require costly litigation on the part of the public to try to keep the glare out of the night sky.

It is a dereliction of duty on the part of the County to do little more than require shielding which does not necessarily keep the light and glare at the property boundary. A requirement for walking path ground lighting from solar power; minimal, truly shielded lighting at buildings; and prohibition of LED or other such intensive type lighting would be a step in the right direction of allowing the residents of Scott Valley to maintain their life-style; quality of life; and their dark, star-filled skies. A light assessment should be required providing Lumens of lighting and other pertinent lighting issues.

Hazardous Conditions/Soils

From DEIR: 22. Sawmill/Storage Area – The existing sawmill and lumber storage area would be relocated to allow for the development of the new pond. (Page 2.16)

Development of the new large pond should only be allowed following a Soils Analysis. The soil to be removed to accommodate the new large pond was undoubtedly contaminated by chemicals from the saw mill. There IS a photo (which I was unable to copy, but will provide later) with the caption: Date: June 17, 2010, Aspect: East, Equipment/Disposal Yard; area designated for construction of new pond; original sawmill was in close proximity to existing shed (center of photo) The soil removed from the old saw mill site will most likely be placed elsewhere on the camp site. Our youth and other attendees of the camp must be protected. A Soils Analysis must be required.

Greenhouse Gases/Air Quality

The effect of adding over one thousand (1,000) vehicles per day utilizing South Kidder Creek Road has not been analyzed sufficiently nor mitigated. Surely the exhaust from these vehicles will have the residents of South Kidder Creek Road gasping for breath. Analyzation and appropriate mitigations should be required.

PROJECT ALTERNATIVES

The Project Alternatives, excluding the No Project Alternative, do not reflect an adequate range of alternatives. One such alternative would be no pond and no activities other than youth camp activities with a drop in camp occupancy to 400. The DEIR number for suggested lower camp occupancy was apparently plucked out of thin air by the EIR preparer and would still create an undue stress on the residents of South Kidder Creek Road. Another Project Alternative would be to keep the road system within the camp, move the new large pond to the center of the camp, and allow for a total occupancy of 450.

If these alternatives are not added, the “No Project” alternative should be selected.

THE OCCUPANCY FICTION

The DIS/MND dated September 2016 instituted the fiction that Staff and Volunteers did not have to be concluded in total occupancy of the Camp. It is just that ~ a fiction.

The DIS/MND stated, *“The 1996 use permit allows up to 165 guests. The 1996 use permit does not limit the number of staff and volunteers at the camp. Currently, the maximum daily occupancy, including guests, staff and volunteers, at the camp is 310 persons, which is used as the baseline for this environmental review as it represents the current existing condition.”*

That was the first time the 310 person occupancy was floated, perhaps to set a higher baseline figure.

The Revised Project Description of 2014 had this table:

Table 2: Proposed Incremental Occupancy Increase Implementation Period

Total Occupancy

Current 165, 5 years 265, 10 years 600, 15 years 724, 20 years 844

That table was based on “total occupancy.” Volunteers are guests. They may not be paying guests, but they provide KCOC with labor and positive publicity. Their number must be included in the total occupancy count. Additionally, the intent when the last Use Permit was approved was that the total occupancy would be 165 persons. A far better method, and much easier on the environment, would be to base occupancy on the number of camp registrants rather than camp occupants.

MITIGATION MEASURES ARE INSUFFICIENT

The mitigation measures for the project are not sufficient to adequately protect the environment, especially the Noise mitigation which allows noise up until 10 P.M. We are a very rural setting, we sleep with our windows open during the summer for natural air conditioning. The noise should stop no later than 9 P.M.

CONCLUSION

The Project should be rejected unless the Final Environmental Impact Report (FEIR) can analyze and remedy the issues brought forward in this comment letter.

Thank you for accepting my comments.

Sincerely,

Anne Marsh

Anne Marsh

cc: state.clearinghouse@opr.ca.gov

From: [Don Mooney](#)
To: [Planning](#)
Cc: [Annie Marsh](#)
Subject: Kidder Creek Orchard Camp Draft EIR.
Date: Friday, September 20, 2019 4:13:11 PM
Attachments: [9-20-19 DEIR Comment Letter.pdf](#)

On behalf of Keep Scott Valley Rural I attached comments on the Draft EIR for the Kidder Creek Orchard Camp Project.

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September 20, 2019

VIA ELECTRONIC MAIL
planning@co.siskiyou.ca.us

Planning Department
County of Siskiyou
806 South Main Street
Yreka, CA 96096

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE KIDDER ORCHARD
CAMP, STATE CLEARINGHOUSE NUMBER 2016092016**

Dear Planning Department:

Keep Scott Valley Rural submits the following comments on the Draft Environmental Impact Report for the Kidder Creek Orchard Camp. Keep Scott Valley Rural objects to the Project on the grounds that the EIR fails to comply with the requirements of the California Environmental Quality Act, Public Resources Code, section 21000 *et seq.*

A. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

“CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Citation.] In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. [Citations.] CEQA is to be interpreted ‘to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’ [Citation.]” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.)

In evaluating proposed projects, a public agency must evaluate whether a possibility exists that the project may have a significant environmental effect. (Pub. Resources Code, §§ 21100(a), 21151(a).) If so, then the agency must conduct an initial threshold study. (*Id.*, § 21080.1; CEQA Guidelines, § 15063.) If the initial study reveals that the project will not have any significant effect, then the agency may complete a negative declaration that describes the reasons supporting the determination. (CEQA Guidelines, §§ 15063, 15064(f)(3), 15070(a).) If the initial study identifies potentially significant effects but the applicant agrees to revisions in the project before the initial study and negative declaration are released for public review and the revisions reduce the impact to less than significant, then a mitigated negative declaration may be prepared. (CEQA Guidelines, §§ 15063(f)(2), 15070(b).) If the initial study determines that any aspect of the project may cause a significant effect on the environment, regardless of

whether the overall effect of the project is adverse or beneficial, the agency must prepare an EIR. (*Id.*; see *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; see also *Sundstrom v. County of Mendocino* (1982) 202 Cal.App.3d 296, 304-305.)

The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision-making and to expose the decision-making process to public scrutiny. (*Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 910; citing *No Oil, Inc., supra*, 13 Cal.3d at p. 86.) The central purpose of an EIR is to identify the significant environmental effects of the proposed project, and to identify ways of avoiding or minimizing those effects through the imposition of feasible mitigation measures or the selection of feasible alternatives. (Pub. Resources Code, §§ 21002, 21002.1(a), 21061.) “An EIR provides the public and responsible government agencies with detailed information on the potential environmental consequences of an agency’s proposed decision.” (*Mountain Lion Foundation v. Fish & Game Com., supra*, 16 Cal.4th at p.113.) The EIR is “the heart of CEQA” and “an environmental alarm bell whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological point of no return.” (*Laurel Heights Improvement Ass’n v. Regents of the Univ. of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 392.) The EIR is the “primary means” of ensuring that public agencies “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” (*Id.*, quoting Pub. Resources Code, § 21001(a).) The EIR is also a “document of accountability,” intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions.” (*Laurel Heights I, supra*, 47 Cal.3d at 392 (quoting *No Oil, Inc., supra*, 13 Cal.3d at p. 86.)

B. THE DRAFT EIR IMPROPERLY TIERS OFF OF A DRAFT IS/MND.

The DEIR attempts to tier off of Draft Initial Study/Mitigated Negative Declaration that was never approved by the County. First, CEQA and the CEQA Guidelines, refer to tiered review based on a prior EIR, but do not refer to the use of a prior negative declaration. (Pub. Resources Code, § 21068.5; CEQA Guidelines, § 15385.) Moreover, in order to tier off a previous environmental impact statement (or negative declaration – assuming it was allowed), the prior environmental document must have been approved and certified by the lead agency. Otherwise it is just a draft document.

If the County does not seek to tier off of the Draft IS/MND, then attaching the Draft IS/MND as an appendix to the DEIR does not satisfy CEQA’s requirements for a complete EIR. The EIR needs to contain a discussion of potentially significant impacts and proposed mitigation measures. It is not appropriate or consistent with CEQA that the required discussion regarding impacts and mitigation measures is not included in the DEIR but buried in an appendix. Nothing in CEQA allows an agency to attach a draft document that analyzes the Project’s impacts and proposes mitigation measures as a

substitute for including the information in the DEIR. CEQA requires that information be contained in the body of the EIR.

The Draft IS/MND identifies potentially significant impacts to Air Quality (Draft IS/MND at 4.0-7); Biological Resources (*Id.*, at 4.0-13); Cultural Resources (*id.* at 4.0-21); and Geology & Soils (*id.* at 4.0-24.) The Draft IS/MND also proposes mitigation measures which the DEIR appears to have adopted. The DEIR, however, does not include the discussion regarding these areas, the potential impacts, and mitigation measures. Again, reliance on a Draft IS/MND does not comply with CEQA's streamlining provisions. (See e.g. CEQA Guidelines, § 15152 (tiering); CEQA Guidelines, § 15168(a) (program EIRs); CEQA Guidelines 15175-15179 (Master EIRs); CEQA Guidelines, § 15153 (using an EIR from an earlier project). All of these streamlining provisions require that the previous document being relied upon were certified by the lead agency.

C. THE DRAFT EIR CONTAINS AN INADEQUATE PROJECT DESCRIPTION

In order to be an informative and legally sufficient EIR, the project description must be "accurate, stable, and finite[.]" (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 738.) As stated by the court in *County of Inyo*, "[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (71 Cal.App.3d at pp. 192-193; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82 [court found project description inadequate where EIR "concealed, ignored, excluded, or simply failed to provide pertinent information" regarding a reasonably foreseeable consequence of the project].) A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at p. 197-198.)" (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656.)

The DEIR refers to the Project as expanding the use of the site. (DEIR at 2-5.) The Project expands the occupancy at the camp from 165 guests at a time to a total occupancy of 844 (guests staff, and volunteers), increasing the physical size of the camp from 333 acres to 580, including adding numerous structures and recreation features including a second pond of 7 acres. (*Id.*) The DEIR continues to refer to the Project as camp. What the DEIR fails to adequately inform the public is that the expansion is from what was generally a summer youth camp to a year round facility that expands the summer camping, but also becomes a year-round retreat center for adults and families. The DEIR needs to fully address and describe the conversion from a summer camp to a year-round facility.

The DEIR also indicates that the Project includes the construction of a 7-acre pond and that the water source for the pond will be a re-regulation of water from Barker Ditch under the Scott River Adjudication, Decree No. 30662, Siskiyou County Superior Court. The DEIR asserts that the use of the water will be consistent with the Decree as the water would only be stored in the pond for a maximum of 30-days before being conveyed down the ditch and that such regulatory storage is allowed under the Decree. First, nothing in the DEIR discusses or identifies how it will be determined that water would only be stored for a maximum of 30 days. Additionally, nothing in the DEIR indicates the capacity of the pond and correlates that with the amount of water available from Barker Ditch under the Decree.

What the Project seeks to do is to use water under the Decree for a new purpose of use of recreational which is not an authorized use of water for Barker Ditch rights, under Schedule B in the Decree. (See Decree at 8.) The Decree states that “[w]ater allotted by direct diversion for domestic, stockwatering, municipal, industrial, mining and power uses in Schedules A, B, C and D shall be for continuous use throughout each year, and for irrigation use shall be for the season from about April 1 to about October 15 of each year.” (*Id.*) Nothing in the Decree provides that water may be used for or managed for recreational uses. Moreover, nothing in the Project description identifies or discusses the change in use of water.

The DEIR contains no information regarding the agreement between the water users. In order to fully evaluate the project’s use of water and compliance with the Decree, the agreement among the water users must be included as part of the DEIR and discussed in the DEIR. Otherwise, neither the public nor the decisionmakers can properly evaluate the Project and the water available for the seven-acre pond.

D. THE EIR’S ALTERNATIVE ANALYSIS VIOLATES CEQA

The EIR contains a legally flawed alternative analysis as it fails to contain a reasonable range of feasible alternatives. (See Pub. Resources Code, §§ 21001(g); 21002.1(a); CEQA Guidelines, § 15126.6; *Goleta Valley, supra*, 52 Cal.3d at 566.) The County’s alternative analysis violates CEQA as the EIR completely lacks any semblance of the required alternative analysis. The EIR’s alternative analysis contains the required No Project Alternative (“Alternative 1”); the No Pond Alternative (Alternative 2); and the Reduced Project Alternative (“Alternative 3”). (DEIR at pp. 4-2 to 4-3.) The EIR does not contain a reasonable range of alternatives that avoid and substantially reduce the project’s significant environmental impacts.

1. CEQA REQUIRES AN EIR TO CONSIDER A REASONABLE RANGE OF FEASIBLE ALTERNATIVES

CEQA mandates that a lead agency adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project’s significant environmental

impacts. (Pub. Resources Code, § 21002; Guidelines, § 15002(a)(3); *Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 566.) For that reason, “[t]he core of an EIR is the mitigation and alternatives sections.” (*Id.* at p. 564.) “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (Pub. Resources Code, § 21002.1(a) (emphasis added); see also Pub. Resources Code, § 21061.) Thus, a lead agency must ensure “that all reasonable alternatives to proposed projects are thoroughly assessed.” (*Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; Pub. Resources Code, § 21001(g) (lead agency must “consider alternatives to proposed actions affecting the environment”); *Laurel Heights I*, *supra*, 47 Cal.3d at p. 400.)

The EIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives.” (CEQA Guidelines, § 15126.6(a).) The alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project. (*Id.*, § 15126.6(b); *Goleta Valley*, *supra*, 52 Cal.3d at p. 566 (EIR must consider alternatives that “offer substantial environmental advantages”).) The range must be sufficient “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (*San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222 (EIR that only considered two alternatives for less development was not a range of reasonable alternatives).) Although no rule governs the number of alternatives that must be considered, the range is governed by the “rule of reason.” (*Goleta Valley*, *supra*, 52 Cal.3d at p. 576; CEQA Guidelines, § 15126.6(a)(f).) *Marin Municipal Water District v. KG Land Corp.* (“*Marin*”) (1991) 235 Cal.App.3d 1652, 1664 (“CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR”).) The range of alternatives, however, must be selected and discussed in a manner that allows for meaningful public participation and informed decisionmaking. (*Id.*) The fact that CEQA does not require a specific number of alternatives does not excuse an agency’s failure to present any feasible, less environmentally damaging options to a proposed project. (See *Sierra Club v. Contra Costa County*, *supra*, 10 Cal.App.4th at 1217-18, 1222 (EIR that only considered two alternatives for less development was not a range of reasonable alternatives).)

2. THE EIR FAILED TO INCLUDE A REASONABLE RANGE OF ALTERNATIVES

Contrary to CEQA’s directive, the County failed to consider a “reasonable range” of alternatives that would reduce and avoid the Project’s significant impacts. (See Pub. Resources Code, §§ 21002 and 21002(a); Guidelines § 15126.6(b); *Goleta Valley*, 52 Cal.3d at 566 (EIR must consider alternatives that “offer substantial environmental advantages”).)

The DEIR states that the proposed Project objectives are: 1) provide improved facilities and accommodations to support and expand ministry; 2) enhance the visual perception of the camp property; 3) maximize the use and experience of water across the property; 4) separate vehicle and pedestrian traffic; and 5) create a flexible layout that accommodates phased construction. (DEIR at 2-2.)

One alternative that has been proposed by the public is an alternative that expands the summer youth camping, but does not include facilities for non-youth and non-camp uses, including retreat centers for adults, RV camping and other adult camping or other adult retreat centers. Such an alternative meets all of the project objectives. Nothing in the Project objectives requires adult retreat facilities or operating a year round facility.

E. THE PROJECT IS INCONSISTENT WITH THE SCOTT VALLEY AREA PLAN'S GOALS AND POLICIES

CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable general plans, specific plans and regional plans. (CEQA Guidelines, § 15125(d).) An applicable plan is a plan that has been adopted and legally applies to the Project. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, n. 2.) By identifying a project's inconsistencies with applicable plans means that a lead agency may be able to modify the project to avoid the inconsistencies. (See *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.) While an inconsistency with policies of applicable plans does not necessarily mean that the project will have a significant environmental impact CEQA requires that the environmental document contain the discussion and analysis. (See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903.)

Local land use and development decisions must also be consistent with the applicable general plan. (*Families Unafraid To Uphold Rural El Dorado v. County of El Dorado* ("FUTURE") (1998) 62 Cal.App.4th 1332, 1336; Gov't Code, § 65860(a).) The requirement that local land use decisions adhere to the governing General Plan is known as the "consistency doctrine." (*Leshar Communications, Inc., supra*, 9 Cal.3d at p. 541.) This doctrine is "the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." (*Ibid*, citing *deBottari v. City Council* (1985) 171 Cal.App.3d 1204, 1213.) A project is consistent with the General Plan if "it will further the objectives and policies of the General Plan and not obstruct their attainment." (*FUTURE, supra*, 62 Cal.App.4th at 1336; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 817.)

While a court accords deference to an agency's interpretation of its general plan and various elements, an abuse of discretion is established if the agency has not proceeded in a manner required by law, its decision is not supported by findings, or the

findings are not supported by substantial evidence. (See Code Civ. Proc., § 1094.5; *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A project need not be in perfect conformity with each and every General Plan policy as no project can completely satisfy every General Plan Policy. (*Sequoyah Hills Homeowners Assn v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) The County, however, cannot ignore the plans goals, policies and objectives that are by their very terms fundamental, mandatory and clear. An action, however, must be consistent with the very specific and mandatory policies of the general plan. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 785-786, 789; *FUTURE, supra*, 62 Cal.App.4th at p. 1342.) Thus, a project is inconsistent with the applicable plan, and thus cannot be approved, where it violates such a policy or policies. (*Id.*)

In the present matter, a review of the record reveals that the DEIR failed to adequately analyze, address and mitigate the Project's inconsistencies with the Scott Valley Area Plan ("SVAP"). In fact, the DEIR does not even contain a land use section to address the SVAP. The Land Use discussion is buried in the appendices. As discussed below, the proposed Project is inconsistent with the goals and policies of the SVAP.

The SVAP states that "Agriculture is the number one economy in the Scott Valley Watershed. The main resource base which makes agriculture the number one watershed economy is prime agricultural land. The SVAP states that Development Goal # 1 is:

In order to protect the number one economy of the Scott Valley Watershed prime agricultural land must be protected from non-compatible or intense development. (SVAP at p. 6.)

The DEIR identifies that 24.8 acres of the 580 acre Project site is prime agriculture based as determined by the SVAP and the Department of Conservation. (DEIR at 3.1-1.) The DEIR, however, fails to address the Project's inconsistency with Development Policy # 1.

Given the language and purpose of the SVAP, Development Goal # 1 constitutes a fundamental policy of the SVAP. The County cannot ignore an applicable plan's policies and objectives that are by their very terms fundamental, mandatory and clear. The Project must be consistent with the very specific and mandatory policies of the SVAP. (See *Endangered Habitats League, Inc. v. County of Orange, supra*, 131 Cal.App.4th at 785-786, 789; *FUTURE, supra*, 62 Cal.App.4th at 1342.) The use of 24.8 acres of prime ag land is not consistent with Development Goal # 1.

Policy 1 of the SVAP provides: "Only Agricultural and public uses may be permitted on prime agricultural soils." (SVAP at 11.) While the DEIR identifies Policy 1, it fails to discuss the Project's inconsistency with Policy 1. (See DEIR at 3.1-8.) None of the proposed uses on the 28.4 acres are agricultural or public uses. The proposed Project converts at least 28.4 acres of prime ag land to non-agricultural uses such as

buildings, recreation and other uses. Nothing in the DEIR addresses this inconsistency with Policy 1.

The Draft IS/MND relied upon for the Project states “The proposed expansion of the camp does not include any structures or other permanent-type uses on those areas designated as Prime Agricultural Land. This area has been used for passive recreational uses in the past and will continue to be used for similar uses. The project would not conflict with applicable plans that have jurisdiction over the project area.” (Draft IS/MND at 4.0-41.) This statement is inconsistent with the DEIR which states: “The Project proposed a new Welcome Center (#32 on Figure 5) and an amphitheater (#19 on Figure 5) which are located in the are identified as Prime Farmland by DOC.” (DEIR at 3.1-9.) The DEIR must address this inconsistency.

F. THE DEIR CONTAINS AN INADEQUATE IMPACT ANALYSIS

1. IMPACTS TO AGRICULTURAL LANDS

Conversion of prime ag land to other uses constitutes a significant impact under CEQA. (*Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 322-323; *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 239.) In the present matter, the DEIR found that that the Conversion of Farmland to Non-agricultural Use less than significant. (Impact 3.1.1; DEIR at 3.1-9.) While the DEIR acknowledges that the construction of numerous building would be located on prime ag land, the DEIR concludes that since the remaining area of farmland could be used as farmland in the future. (*Id.*) Nothing in the DEIR indicates the amount of remaining prime ag land or how much of the 24.8 acres will be developed as buildings, ponds, etc. Thus, neither the public nor the decisionmakers have been advised how much prime ag will be permanently impacted by the Project. Also, to suggest that the remaining prime ag land could be used in the future ignores the reality of the Project. The DEIR seems to imply that at some time in the future this remaining prime ag land could be used. Prime Ag mixed among buildings and recreational uses is not a viable option. Thus, the less than significant determination is not supported by substantial evidence and violates CEQA’s requirements regarding mitigation of impacts to prime ag land.

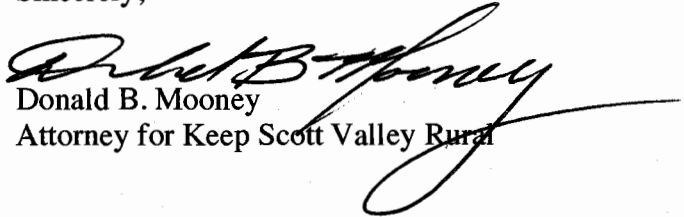
2. WATER AND HYDROLOGY

Keep Scott Valley Rural incorporates the September 4, 2019 letter from the National Marine Fisheries Service regarding the proposed Project and the impacts to groundwater and compliance with the State Groundwater Management Act.

As discussed above, the DEIR does not contain adequate information regarding the “regulation of the pond” in order to evaluate compliance with the Decree and to evaluate the Project’s potential impacts associated with water. The DEIR states that the addition of a seven-acre pond would alter the existing drainage pattern to the extent of

water that would be taken from the Barker Ditch until the pond is full. (DEIR at 3.3-13.) Nothing in the DEIR indicates how long that will take. If it takes more than 30 days, then that would violate the Decree. The DEIR also states that the removal of this water would only occur during the rainy season when water extraction would not affect downstream flow. (*Id.*) The DEIR indicates that the release of the water is not based upon 30-days, but based upon other conditions such as waiting for the rainy season and making a determination as to impact to downstream flows. If water is retained for more than 30-days, then that constitutes storage for recreational purposes and would require a modification to the water right through application to the State Water Resources Control Board and/or the Siskiyou County Superior Court pursuant to the Decree. The DEIR simply contains inadequate and contradicting information regarding water for the 7-acre pond.

Sincerely,



Donald B. Mooney
Attorney for Keep Scott Valley Rural

cc: Client

From: [Eric Olson](#)
To: [Planning](#)
Subject: DEIR KCOC Project Comments
Date: Friday, September 20, 2019 4:01:28 PM

Siskiyou Planning,

As a property owner near the proposed expansion project of the Kidder Creek Orchard Camp I am very opposed to the plan for the following reasons:

Increased Noise

Increased Traffic

Seasonal Population Increase

Increased Burden on the surrounding forest and wilderness area

Increased and Tax-free Burden on existing infrastructure and public services

This project expansion will quickly and permanently change the attributes of Scott Valley especially in the Kidder Creek area; easily obtained quiet solitude away from masses, low traffic on rural roads, clean air and water, freedom and opportunities available only when not subjected to whim of masses of people peaking their "divine" recreational experience in our backyard, forests, wilderness, and local relatively unspoiled waterways.

Perhaps their expansion could take place in their own backyard, near Santa Cruz.

The supporters' calls for their righteous need to expand with benefits to themselves and like minded with little to no concern of their existing neighbor's right to peace, comfort, health and safety screams of hypocrisy.

The proponent's traffic study conclusion of no effect, no LOS, with hundreds of additional vehicles on the local roads is absurd.

Shall the ever increasing devout campers quietly enjoy their expanded "camp" during their peak experiences? Their own support comment referred to "crazy" times during their time at the current facility. I didn't choose Kidder Creek only to be impacted by revelers crazy fun times, regardless of their religious beliefs.

Eric Olson

From: [Felice Pace](#)
To: [Planning](#)
Subject: Comment for the Record: KIDDER CREEK ORCHARD CAMP, PROPOSED ZONE CHANGE (Z-14-01) AND PROPOSED USE PERMIT (UP-11-15)
Date: Monday, September 16, 2019 12:04:44 PM
Attachments: [Felice"s Cmt on KCOOC Expansion DEIR.pdf](#)

Dear Kirk Skierski,

My comments on the proposed project DEIR are attached. Please acknowledge that they have been received and are timely filed.

Thank You.

Felice Pace
Klamath, CA 95548
707-954-6588

"Ring the bells that still can ring.
Forget your perfect offering.
There is a crack, a crack in everything,
That's how the light gets in."

Anthem, Leonard Cohen

Felice Pace

28 Maple Road Klamath, Ca. 95548 707-954-6588 Unofelice@gmail.com

Comments on the DEIR and related issues: KIDDER CREEK ORCHARD CAMP, PROPOSED ZONE CHANGE (Z-14-01) AND PROPOSED USE PERMIT (UP-11-15)

These comments are submitted on behalf of myself as a long-time Scott Valley landowner and sometime resident these days and also on behalf of the North Group Redwood Chapter of the Sierra Club. I am authorized to submit comments on behalf of the North Group because I serve as Water Chair for the organization.

As directed by Siskiyou County, these comments are submitted via email to:

Planning Department
County of Siskiyou
806 South Main Street
Yreka, CA 96097
Via Email To: planning@co.siskiyou.ca.us

DEIR Comments:

1. The project description is inaccurate.

The DEIR at ES.4 describes the Proposed Project as follows: “*the Project proposes an increase of allowable occupancy at the camp from 165 guests to a total occupancy of 844 (guests, staff, and volunteers), an increase the physical size of the camp from 333 to 580 acres, and the addition of a number of structures, recreation features, including a second pond and ancillary facilities.*” The characterization of the proposed development as a “camp” is not accurate. As careful comparison of existing and proposed facilities reveals, the proposed expansion is overwhelmingly to add to the site a year-around-capable adult recreation and retreat resort, including 26 full hook-up spaces for large Recreational Vehicles (RVs). If approved, the new adult year-around-capable uses will surround, dominate, and to some extent displace, the existing youth camp.

Because Mt. Hermon/KCOC has continued to misrepresent the proposed project in its public, print and media presentations, it appears the misrepresentation is intentional. Because it is critical that decision makers understand the true nature of the proposed project, the misrepresentation in the Executive Summary and elsewhere in the DEIS and other Project Notices, should be repaired as specified in CEQA regulations and court precedents.

2. The Project does not comply with the spirit or the letter of the Scott Valley Area Plan (SVAP).

With respect to the specifics of the non-compliance, except for wildlife impacts, I note and incorporate herein by reference the comments on this issue submitted by Michael Stapleton and separately by Betsy Stapleton as part of their comments on the DEIR. In addition:

- The Scott Valley Area Plan set zoning densities based on the use of the area surrounding Scott Valley's prime agricultural land as deer wintering areas. Zoning densities were set based on recommendations from what was then the California Department of Fish & Game and is now California Department of Fish & Wildlife. In the SVAP, deer were used as an indicator species for all wildlife. The assumption was that if deer wintering was provided for by controlling the density of development in the area surrounding the Valley's farmland center, all other wildlife would also be provided for. That means any proposal to change the density of development, including the Mt. Hermon/KCOC development proposal, must examine the individual project and cumulative impact on deer wintering, as a means to assess not only impact on deer but also on all other wildlife. Neither the DEIR, not any of the appendices, include the required analysis of impacts to deer wintering habitat. Therefore, **the DEIR is incomplete and inadequate for decision making; potential impacts to wildlife are not adequately analyzed and disclosed.**
- In addition to its function as an area plan, the Scott Valley Area Plan (SVAP) was at its inception and is now a solemn pact between the agricultural community and other residents of Scott Valley. In exchange for keeping the Valley bottom in large agricultural farms and ranches, other citizens were promised that the area where residential development is directed, the forests, woodlands and foothills surrounding Scott Valley, would remain residential and would not be developed at densities and in ways that negatively impact the quality of rural residential life. The Mt. Hermon/KCOC Proposed Development, converting a small youth camp to a year-around, all-age retreat, resort and recreation center would violate that solemn pact. The SVAP is in place to keep Scott Valley rural. Approval of the Mt. Hermon/KCOC expansion to a year-around adult and youth retreat, recreation and event center, like the proposed JH expansion, would bring Industrial Recreation into the rural Scott Valley. That violates the spirit of the SVAP; it would shatter the pact between the agriculture community and other Scott Valley residents and that would result in a cascade of effects and impacts that are not knowable at this point.

3. The proposed project would develop 24.8 acres of prime agricultural land. Prime agricultural land should stay in agricultural use. This slippery slope should be avoided.

The DEIR at 3-1-9 improperly concludes that Impact 3.1.1, Conversion of Farmland to Non-Agricultural Use, is “less than significant” because “the construction of these uses would not remove the ability to use the remaining area as farmland, if so desired in the future.”

The assertion is absurd since existing and new construction taken together, as well as construction of the seven acre pond, which is not mentioned in this section, removes significant acreage of prime agricultural land from production permanently and renders agricultural use of the remaining prime area problematic at best. The DEIR is incomplete because it does not disclose how much of the prime agricultural land has already been lost and how much additionally will be lost to newly proposed facilities, including the seven acre pond.

By their votes, the Planning Commissioners and Board of Supervisors will show the people whether or not they are willing to defend prime agricultural land from those who would develop it. Holding the line on prime agricultural land is critical to maintaining the rural character of Scott Valley.

4. The DEIR contains contradictory factual statements concerning when and how water from Kidder Creek, diverted via the Barker Ditch, will be used to fill and maintain the proposed seven acre pond, as well as about how the proposed pond will be operated. Because how the pond would be filled and operated is critical to analysis of water right, Public Trust, ESA/C-ESA and other issues and requirements, the DEIR should be withdrawn and corrected to make it clear which of the two factual statements is accurate.

The DEIR at 3.3-13 asserts that *“The addition of a seven-acre pond would alter the existing drainage pattern to the extent of water that would be taken from the Barker Ditch until the pond is full. **This removal of this water would only occur during the rainy season when water extraction would not affect downstream flow.** The Proposed Project would have a less than significant impact in these areas.”* (emphasis added).

The statement is contradicted by and inconsistent with assertions in the letter from KCOC's water layer, DEIR Appendix C2, which states in part: *“Water diverted from Kidder Creek will be stored in this new pond for a maximum of 30 days and then will be conveyed farther down the Barker Ditch for deliveries to the other Barker Ditch water users.”*

The project proponents can not have it both ways: either water is taken only during the “rainy season” in which case it is “stored” for much longer than 30 days or, as asserted in Appendix 2C and quoted above, it is taken continuously during the period the ditch has water and is passed on to downstream users within a maximum of 30 days. If water is taken continuously while the ditch is flowing, or at anytime outside the “rainy season”, there is a likelihood that Kidder Creek flows would be negatively impacted. In that case impacts to beneficial uses of Kidder Creek, including impacts to ESA and C-ESA listed Coho salmon, must be assessed and disclosed in order to comply with CEQA.

In either case, conversion of the KCOC water right from irrigation to recreational use, as well as the fact that putting the water right in the pond will increase consumptive water use under the right via increased evaporation, requires notification and approval by the Superior Court and State Water Resources Control Board pursuant to the Scott River Stream Adjudication Decree. The Superior Court/SWRCB notice and approval process includes an opportunity for public objections. Approval for the change in water right use must be obtained before Siskiyou County can legally approve the Project. At minimum, obtaining Superior Court/SWRCB approval for the change in water right use from irrigation to recreation pond, and the increase in consumptive surface water use associated with pond evaporation losses, must be made a condition of any permit for the proposed project issued by Siskiyou County. The condition must specify that Superior Court/SWRCB approval for the change in use must be secured before any ground disturbance occurs.

Furthermore, use of the term “rainy season” is ambiguous and does not allow the County or the public enough information to assess the environmental impact of removing water from Kidder

Creek to fill and maintain the pond. Therefore, the DEIR is inadequate as a means to inform decision makers of environmental impacts. For that reason, the DEIR should be withdrawn, corrected and refiled. If the new pond would, in fact, only be filled during the “rainy season”, the refiled DEIR must specify the date range during which diversions to fill the pond will occur and use flow and biological data to assess the impact to Kidder Creek and Scott River and their Public Trust Resources, including Coho salmon, of diversion during that period in the amounts needed to fill and maintain the pond given evaporation losses.

Because water issues, including hydrologic, water supply, streamflow, water right and water quality issues are critically important to determining the impacts of the proposed development, as well as related legal requirements, the contradictory statements in the body of the DEIR proper and in Appendix C2 concerning when water from Kidder Creek will be used to fill the proposed seven acre pond and/or to keep it full and when water from the pond will be allowed to flow down the Barker Ditch should cause the county to withdraw the DEIR and to resubmit it with that and other factual points clarified and consistent in both the main body of the DEIR and its appendices.

5. The DEIR does not identify which structures and other development will be located within the riparian zones of natural water bodies, including all streamcourses. As a result, riparian and water quality impacts can not be adequately assessed. Furthermore, the DEIR proposes only a 50 foot setback for structures from streamcourses and other water bodies, but contains no explanation and refers to no science indicating that a 50 foot buffer adequately protect the beneficial uses of water.

Mitigation Measure (MM) 4.5 states that “*Where structures, buildings, or other land disturbing activities are proposed to be located less than 50 feet from a naturally occurring waterway or water body, the following shall be completed:*

a) A stormwater pollution prevention plan (SWPPP), completed by a Qualified Storm Water Pollution Prevention Plan Developer (QSD), shall be submitted to the Siskiyou County Community Development Department – Planning Division for review and approval. The SWPPP shall be developed to the same standards that would be required for Construction General Permit; and

b) Stormwater associated with newly created impervious surfaces shall be retained, detained, or directed away from said waterways or water bodies.”

Because the site plan allows for identification of “*Where structures, buildings, or other land disturbing activities are proposed to be located less than 50 feet from a naturally occurring waterway or water body,*” those locations can and should have been identified in the DEIR and buffer zones should have been disclosed on the proposed project site map. The same is true for wetlands; they should have been identified in relation to proposed structures. Failure to identify where riparian setbacks would be utilized and where construction would take place in wetlands means the mitigation measures are too vague and impacts to water quality can not be adequately assessed.

In addition, the preponderance of relevant scientific studies indicates that a 50 foot buffer is not adequate to protect the beneficial uses of water and Public Trust Resources. The best available science indicates that a minimum 150 foot riparian protection zone in which no ground

disturbance is allowed is the minimum riparian protection zone adequate to protect the beneficial uses of water and other riparian functions.

Furthermore, the North Coast Basin Plan requires that all landowners within the Scott River Basin must allow natural shade to develop within all riparian zones because that is necessary to repair the Scott River's excessively high stream temperature impairment. Therefore, and to restore the Scott River, that condition should be included in any use permit issued for the property.

6. Because Mt Hermon/KCOC has not proposed phased development, the DEIR should have determined if a 401 permit will be required to implement the proposed Project. If a 401 permit is required and because the Mt. Hermon/KCOC owners did not choose a phased development, any development permit issued by Siskiyou County should specify that the 401 permit must be obtained before any ground is disturbed.

Failure to identify in the DEIR whether or not and where a 401 permit will be required makes it impossible to properly identify and assess potential impacts to riparian areas and water resources. Therefore, the DEIR is incomplete and insufficient to determine impacts; CEQA is not satisfied.

7. Section 2.2, Project Objectives is incomplete. It does not disclose at least two project objectives. These are:

- **To change operations significantly and fundamentally from a youth camp to a year-around-capable retreat, resort and recreation facility for adults and youth.**
- **To establish the equivalent of an RV Park with full hook-ups for 26 large RVs as well as several smaller RVs.**

8. Section 2.3.3, Existing Site Conditions, is incomplete and inadequate.

For example, it does not disclose the amount of water currently used for drinking/bathing and recreation (including water used to maintain the ranch camp horses) and how much water will be used for those purposes at maximum development. The failure to disclose current and proposed consumptive water use makes it impossible to adequately identify how much and in what manner water use will change if the project is approved or to determine impacts to water sources and to nearby domestic wells. Therefore, the DEIR exhibits inadequate disclosure and is inadequate to support a decision whether or not to approve the project.

9. The DEIR is incomplete and inadequate for decision making because it does not quantify or disclose the increased amount of consumptive water use via evaporation from the new seven acre pond.

The pond will clearly evaporate significantly more water than the existing ditch and the existing pond. Therefore that consumptive use must be disclosed and its impact must be considered.

10. The 26 full hook-up spaces for large RVs are not adequately described but rather are misrepresented as “parking spaces.”

The establishment of 26 spaces for large RVs with full hook-ups, which amounts to establishment of a large RV park, is not disclosed as required by CEQA. The DEIR also does not disclose how much waste will be generated by 26 large RVs, whether that waste will be disposed of on site and, if so, how that waste will be disposed of. Therefore the DEIR is inadequate.

11. Concerning 3.2.2 Wildland Fire Hazards: It is not clear that Mt Hermon/KCOC has disclosed to CalFire that events are planned that will bring up to 1250 people and up to 600 vehicles to the site for special events (see DEIR page 2-20) or that emergency evacuation could include 26 large RVs. For traffic and emergency safety, South Kidder Creek Road should be widened to two full lanes over its entire length to accommodate the increased traffic and to provide adequately for emergency evacuation.

There is a big difference between 844 total occupancy disclosed to CalFire and 1250 people, a 33% difference. Furthermore, the DEIR fails to disclose the number of vehicles that are expected on the access road during a one day event for 1200 people. In its response to comments on the DEIR, SisCo must clarify the number of vehicles that will be on the road for a 1250 person one-day event, as well as whether CalFire has approved the adequacy of site evacuation for only 844 people or for 1250 people and up to 600 vehicles.

Because safety in the event of a fast moving wildfire is of critical importance, Siskiyou County should verify that, when CalFire wrote its comment letter for the proposed project, the signing official was aware of proposed total one-day occupancy, as well as the fact that evacuation could include 26 large RVs.

Whether or not CalFire approved or approves plans for emergency evacuation, Siskiyou County decision makers should take a hard look at whether approving a development that could involve emergency evacuation of 1200 people and 600 vehicles, with at least 26 of them being large RVs, using the two proposed roads, is prudent in light of the known increased risk for fast moving wildfires. It would be prudent for Siskiyou County to insist, at minimum, that at least one of the two evacuation roads be two full lanes wide throughout the roads length.

12. The DEIR does not include an adequate range of feasible alternatives.

Specifically, an alternative should have been developed and displayed that retains the current focus which is youth camping and expands that use as proposed, while eliminating facilities intended for non-youth and non-camp uses, including retreats, adult recreation, RV camping and other adult camping , as well as adult cabin use. Public input to date indicates that the public and local residents will support a modest expansion of the youth camp but reject the addition of a year-around adult recreation resort and retreat center. Because that is the public's preference, failing to display a youth camp only alternative is clearly a failure to include a sufficient range of feasible alternatives and that violates CEQA.

13. The section on Hydrology and Water Quality and the DEIR in general with respect to impacts to hydrology and water quality are incomplete and inadequate in several respects:

- a) The DEIR does not disclose either current groundwater extraction and consumptive water use or the proposed groundwater extraction and consumptive water use associated with increasing multi-day occupancy over 5 times current occupancy and increasing single day

occupancy even more. Because existing and proposed groundwater extraction and consumptive water use are not disclosed, it is impossible to assess whether the assertion that there is “adequate groundwater within the Scott River Valley Groundwater Basin to serve the Project’s additional water demand and not affect other groundwater users” is accurate or false. There is no data and no analysis in the DEIR to support the assertion and that constitutes a violation of CEQA.

- b) In fact, there is considerable data available indicating that increasing current consumptive water use more than five times the current level via additional wells and additional groundwater extraction would be likely to negatively impact other groundwater users and in particular nearby domestic groundwater users. That data includes groundwater studies by USGS (Mack) and by California DWR which should have been consulted and used in the DEIR's impact analysis. Also, as confirmed by its UC authors, the Scott Groundwater Model could be used to evaluate impacts of the increased groundwater extraction. Furthermore, the significant impacts of current groundwater extractions are precisely why California DWR designated the Scott Valley as a “moderate” priority basin for groundwater planning and why a Groundwater Management Plan is required and is being developed for the Scott Valley pursuant to SGMA. Failure to consider readily available information that is pertinent to proposed project's impacts is a CEQA violation.
- c) The DEIR does not document consultation with DWR, the expert agency, or with any other experts, concerning whether increasing groundwater extraction to provide for a greater than 5 fold increase in total multi-day occupancy and an even greater increase in single day occupancy will impact groundwater levels and how extensive any lowering of groundwater levels would likely be in space and time. The failure to adequately assess and disclose the impacts of groundwater extraction on other groundwater users is a CEQA violation.
- d) Groundwater in the proposed project area is interconnected with the flow of Kidder Creek. However, the DEIR does not analyze or assess the likely impact of a greater than 5 fold increase in the extraction of interconnected groundwater on the magnitude or duration of flows in Kidder Creek. The duration and magnitude of flows in Kidder Creek have a direct impact on fisheries, including but not limited to when and where Kidder Creek goes underground and how many California and federal ESA listed Coho salmon are stranded and die when that surface flow recession occurs. If the five-fold increase in groundwater extraction results in Kidder Creek going underground sooner or going underground farther upstream, then the extraction will result in “take” of Coho salmon and constitute a violation of the C-ESA and federal ESA. The impact of the five fold increase in groundwater extraction, individually and cumulatively, including the impact on Coho salmon, must be assessed in order to comply with CEQA. In this regard, the DEIR comment letter from MNFS is noted and incorporated herein by reference.
- e) The impact on surface water quality and groundwater quality resulting from the use of multiple septic systems and leachfields to dispose of human and other waste for 844 people during multi-day visits and 1250 people during single day events is not assessed or disclosed. Water quality impacts are, however, both possible and likely because:
- As shown on the site plan, there are multiple surface water canals and ditches and two ponds on the property. As shown in other documents, there are also extensive wetlands in the proposed development area. However, the DEIR does not reveal where septic tanks and leachfields are located and will be located in relationship to those surface water features. The DEIR also does not assess the potential of

stormwater to enter the surface waters and does not include a stormwater plan designed to prevent polluted stormwater from entering surface waters. Because the seven acre pond is (according to the DEIR and attachments) a flow through feature, the potential for polluted stormwater and polluted pondwater to be exported off the property via the Barker Ditch or other means must be assessed and disclosed.

- A significant portion of the proposed development area contains sand and cobble substrate which is highly permeable and through which water passes easily. The presence of that substrate substantially increases the potential for contamination of groundwater from multiple septic systems and at least one alternative system. The potential for degradation of groundwater quality is not assessed or disclosed and that violates CEQA.
 - The DEIR asserts that *“The Proposed Project would have a less than significant impact to water quality with the implementation of mitigation measure MM 4.5.”* The statement can not be relied upon because it is not backed by site specific analysis. Furthermore, deferring stormwater control planning to an unspecified future time while allowing ground disturbance sooner is unnecessary and unnecessarily increases the risk of water quality degradation. California courts have held that deferral of necessary mitigation measures violates CEQA.
- f) The DEIR asserts that *“The addition of a seven-acre pond would alter the existing drainage pattern to the extent of water that would be taken from the Barker Ditch until the pond is full. This removal of this water would only occur during the rainy season when water extraction would not affect downstream flow. The Proposed Project would have a less than significant impact in these areas.”* The statement is contradicted by the inconsistent with assertions in the letter from the Mt. Hermon/KCOC's water lawyer, DEIR Appendix 2c, which states in part: *“Water diverted from Kidder Creek will be stored in this new pond for a maximum of 30 days and then will be conveyed farther down the Barker Ditch for deliveries to the other Barker Ditch water users.”*

The project proponents can not have it both ways: either water is taken only during the “rainy season” in which case it is “stored” for much longer than 30 days or, as asserted in Appendix 2C and quoted above, it is taken continuously during the period the ditch has water in it and is passed on to downstream users within a maximum of 30 days. Because the proposed seven acre pond would increase consumptive water use via increased evaporation, water taken continuously while the ditch is flowing or at anytime outside the “rainy season” is likely to negatively impact Kidder Creek flows and fisheries. That impact must be assessed and disclosed in order to comply with CEQA.

Because water issues, including hydrologic, water supply, groundwater, streamflow and water quality issues, are critically important to determining the impacts of the proposed development, the contradictory statements in the body of the DEIR proper and in Appendix C2 concerning when water from Kidder Creek will be used to fill the proposed seven acre pond and/or to keep it full and when water from the pond will be allowed to flow down the Barker Ditch (if at all) should cause the county to withdraw the DEIR and to resubmit it with that critical factual point clarified and consistent in both the main body of the DEIR and its appendices.

14. Because an entirely new dominant use is proposed, a Project DEIR; not a focused DEIR, is required and must be produced before Siskiyou County can make an informed,

legally valid decision on whether or not to approve the proposed project and grant the requested zone change.

On page 4-5 the DEIR states: *“Because the Initial Study determined that only certain impact analysis areas were to be analyzed in this EIR, each alternative is compared to the Proposed Project using the analysis presented in this EIR as well as the analysis from the Initial Study.”* The decision to focus only on certain issues and to ignore other issues which citizens have raised within the EIR context is arbitrary and a violation of law. The Initial Study is a wholly inadequate support for that decision; it does not use valid data or contain analysis that is adequate and sufficient to justify the decision that some of the issues raised by citizens are valid and require further analysis while other issues are not significant. An adequate Project DEIR will analyze and disclose all issues raised by citizens and will include analysis adequate to support a determination of which issues require in depth analysis and disclosure and which issues do not require in depth analysis and disclosure.

15. Comparing the wetland delineation map in the September 2016 NOI MND (figure 4-4.1) with the proposed site plan, it appears that several features, including structures, are planned for construction within wetlands and others within 50 feet of a naturally occurring waterways. However, it is impossible to know for sure because information in the DEIS is inadequate or missing. If construction within wetlands is proposed but not disclosed, CEQA is violated.

The DEIR admits that *“The Proposed Project would result in potential impacts to special status species, riparian habitats, wetlands, migratory species. However, as defined in the Initial Study, mitigation measures MM 4.1 through MM 4.6 would reduce these potential impacts to a less than significant level.”* Of those mitigation measures only one pertains to wetlands: *“MM 4.6 Jurisdictional Waters of the United States, as regulated by the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, shall be avoided; or If avoidance is not possible, an application for a Section 404 permit shall be approved by the USACE prior to any land disturbance activities that would result in the dredge, fill, or alteration of hydrology to any jurisdictional waters. Where avoidance is not possible measures shall be implemented to minimize unavoidable impacts, restoration procedures, and compensatory creation or enhancement to ensure no net loss of wetland extent or function.”*

The mitigation measures proposed are not adequate to mitigate the proposed project's wetland and riparian impacts. Because it appears from the proposed project's maps and documents, as described above, that construction is planned within jurisdictional wetlands and close to streamcourses, approving the proposed project while deferring obtaining an Army Corp 401 permit to some unspecified future time is unwarranted and may violate CEQA. At minimum, the county should require that Mt Hermon/KCOC consult with the Army Corp prior to project approval about whether, where and when 401 Permits will be required. That information should be included in a revised DEIR in order to assist the county and interested citizens in determining environmental impacts of the proposed project and whether proposed mitigations are adequate. Early consultation with the Army Corp is needed so that any permit issued by Siskiyou County can specify when and where 401 permits must be obtained.

16. The DEIR totally ignores Public Trust issues. That is not only improper, it is illegal.

Both diversion of the surface flow of Kidder Creek, a navigable stream, to a recreation pond that will significantly increase consumptive use of the water via evaporation and the extraction of groundwater underlying the KCOC property, which is interconnected with the surface flow of Kidder Creek, will impact Public Trust Waters and Public Trust Resources. Therefore, impacts of the proposed project on those Public Trust Waters and Resources must be analyzed and disclosed in the DEIR.

The National Audubon Mono Lake Case established that Public Trust impacts must be considered when a navigable waterway is negatively impacted by a proposed project. In National Audubon it was non-navigable tributaries that were diverted. In this case it is both surface water directly from a navigable stream and groundwater that is interconnected with surface flows; both require analysis and disclosure of Public Trust impacts.

As established in *Environmental Law Foundation v. State Water Resources Control Board* (2018) (26 Cal.App.5th 844, 859-60), what determines when Public Trust issues must be considered is the impact to the navigable waterway, not whether or not the impact is direct. In this case, both the diversion of surface flow and groundwater extraction will negatively impact a navigable waterway. Consequently, the diversion and extraction impact on the navigable Kidder Creek and on Public Trust Resources in Kidder Creek and Scott River must be analyzed and disclosed.

The DEIR is inadequate for decision making because it does not analyze and disclose impacts to Public Trust Waters and Public Trust Resources.

From: truemelinda@gmail.com
To: [Planning](#)
Subject: Kidder Creek Expansion
Date: Monday, September 16, 2019 10:45:46 AM
Attachments: [KCOC Letter.pdf](#)

Please find my comment letter here, Melinda Perlman

Sent from my iPad

Kidder Creek Orchard Camp To Become Year Round Recreational Resort

The Mount Hermon Corporation has proposed a major new development in Scott Valley at the site of the Kidder Creek Orchard Camp. Soon the Draft Environmental Impact Report for this proposed new development will be available for comments. All those concerned about fire, safety and water resources should be concerned.

Historically, Kidder Creek Orchard Camp (KCOC) has operated as a camp for children and teens in the summer months, June through August. This new proposal seeks to expand from 165 occupants to 844 single day occupants, creating along with the children's camp, a year round resort for adults with 26 sites for large RVs. This resort will operate year round, seven days a week. This proposal allows for approximately 1,100 cars, buses, horse trailers, R.V.'s and service vehicles to travel South Kidder Creek Road, which has blind curves and is one lane in places, every day. The proposal also allows for a seven acre pond (lake).

As a very close property owner, I have concerns about this expansion as do many of my approximately 300 neighbors living on North and South Kidder Creek, Patterson Creek and Kellems Lane. The impacts, including noise, degraded air quality, emergency access, water issues and roadway safety will forever change the rural lifestyle that the Scott Valley Plan seeks to preserve. The County says this will happen over a 20 year period, but if approved it can happen anytime Mount Hermon Corporation chooses.

I question if our wells will be impacted and if the septic system from such a large operation will affect us. But mostly I am concerned about fire danger. Along with South Kidder Creek Rd, Patterson Creek Rd has been added as an emergency fire exit. But if a wildfire rushes over the mountains will there be enough time for 1,500 people and their vehicles including buses, motor homes and large RVs to escape safely? Will firefighters be able to get into the area? What agency would be liable if we neighbors lose our homes or lives?

This decision is ultimately up to the Siskiyou Planning Department and the County Board of Supervisors. Please keep yourself informed, attend the meetings and write letters of concern during the public comment period which will start once the Draft Environmental Impact Review (DEIR) is issued.

The comment period is from August 7th to September 20th. Please direct your letters to planner Cindy Dawson or person in charge: planning@co.siskiyou.ca.us or 530-842-8206. If you have concerns, please also let Supervisor Ray Haupt know about them now. His email address is rhaupt@co.siskiyou.ca.us and phone number is 530-842-8013.

If this project is approved with these large numbers and without addressing the serious issues that are outlined above, it will set a precedent not just for Scott Valley but for all of Siskiyou County.

Sincerely,

Melinda Field Perlman
truemelinda@gmail.com

From: [Noah D. Perlman D.C. Chiropractic Talk](#)
To: [Planning](#)
Cc: [Ray Haupt](#)
Subject: Kidder Creek Camp Public Comment Letter!
Date: Tuesday, September 10, 2019 1:36:58 PM

Dear Siskiyou Planning Department and Board of County Supervisors:

I write to you in regards to the proposed development of Kidder Creek Camp in Scott Valley. This major development presents many concerns not only to the residents living on South Kidder Creek Road, but to our entire Scott Valley community. Important concerns that must be addressed include fire safety, traffic and road safety, water resources (wells/septic/etc.), and noise and air pollution.

The local and environmental impacts of Kidder Creek Camp's proposed expansion are numerous. If a problem or natural disaster were to occur, who is liable? Kidder Creek Camp? Local residents? The County? Do the roads into and out of Kidder Creek Camp meet all of the necessary safety requirements by Siskiyou County? Currently, does South Kidder Creek Road accommodate two way traffic of fire rescue and medical response vehicles? How much traffic is reasonably acceptable for South Kidder Creek Road? Will Kidder Creek Camp's water resource and septic/sewer needs negatively impact the local area and residents? These are all extremely important questions requiring adequate attention to ensure adherence to the Scott Valley Area Plan.

This proposed development and expansion by Kidder Creek Camp cannot be approved without considering the many safety and resource concerns. Noise and air pollution, traffic safety, fire danger, and water resources require attention before any conclusions are made. Also, the number of occupants that Kidder Creek Camp proposes will greatly impact each one of these important concerns. I strongly urge you to not overlook the critical impacts of such an expansion on the local residents. The rural life we all enjoy in Scott Valley is threatened with such a development.

I appreciate your consideration and response to these critical issues and concerns.

Thank you.

Sincerely,

Noah D. Perlman, N.D., D.C.

From: [Lori Quillen](#)
To: [Planning](#); [Ray Haupt](#)
Subject: Kidder Creek Orchard Camp Concerns
Date: Friday, August 16, 2019 9:55:06 AM

To Whom it May Concern:

As residents of North Kidder Creek Road across from the Kidder Creek Orchard Camp (our property borders theirs) for the last 20+ years, we are highly concerned on many levels about this proposed plan. We have watched as this entity has quietly bought up as much land as possible surrounding their original footprint. It was pretty clear that the next JH Ranch was on the way, and sure enough here it is.

I find it 'interesting' that because these people are listed as a non-profit organization they are not held to the same rules and regulations as we would be held to. Including not paying property taxes, school taxes, and most concerning of all the water they plan to use to fill an unnecessary gigantic pond.

Our state is in a crisis from all the drought years, with no signs of that changing any time soon, and yet they are going to be allowed to build a **7 acre** 'pond'??? Every year we watch as the water is already diverted through the camp and dumped into a cow pasture while thousands of fish are landlocked into puddles until they die. We are held to very strict laws about doing anything with the creek including diverting, working with large equipment or removing trees, even though we technically own creek property. We see more and more water disappearing and every year we hear the large equipment working in the creek at the camp. We would be looking at hefty fines and jail time if we did what they are doing at the camp. Some of us are required to save the fish while others aren't.

We are also perplexed by the fact that these people are also excluded from the Scott Valley Plan. If we tried to split our 25 acres down to smaller parcels, we would not be allowed to do that, and yet the camp thinks allowing 800 people into this area is ok? We moved here for a quality of life we see slipping away as the people with the money ruin it bit by bit, and our county allows it.

After the fire that threatened the area surrounding JH Ranch last year, we thought people would finally come to their senses about the safety concerns that have been expressed for years. The perfect storm almost happened there last year and it would have been devastating. We have been under evacuation warnings 2 of the last three years, and forest fires are something that it seems we will be facing every year. What will it take - children being killed because there is no way to evacuate 800 people in the event of an out of control wild fire? A very real scenario, as the camp was forced to close year before last due to said evacuation warning. As displayed that year, there isn't always time to give warnings. Just ask the people affected by the Klamathon, Carr, and Delta fires to name 3. That little lane and half road known as S. Kidder Creek is narrow and winding and was not built with that kind of traffic in mind. Not even without fires.

The Orchard camp originally was something we considered one of the sounds of summer. They were mostly polite neighbors who turned off the loud speakers by 9:00pm, and didn't blare them every day. We now are forced to listen to their choice of music over loud speakers, people trespassing, and the very real issue with someone getting hurt on our property and us

being held accountable. This has been give an inch and they take a mile. Clearly there is big business in God, and that's why we are betting they will get everything they are asking for.

We received the Camp Environmental Impact report, and letter from a fellow concerned neighbor and a letter from the State Water Resources Control Board all in one day. The water wars are very real over here on Kidder Creek and it looks like if Mr Batistich gets his petition approved to change the diversion point of the existing ditch, a new battle will be started with the camp. I am amused that the camp's '20-30 year adjudicated water rights' is going up against multiple people with 100+ years of adjudicated water rights.

At a time when we are all asked to cut back, conserve and share, this is just over the top gluttonous. So many people want more and more when there is less and less to be had.

Follow the money. Politics as usual. So done with it. Please bring fairness, equality, and common sense back to our county before it is too late.

Sincerely,

Lori and Rick Quillen

Concerned Property Owners

From: [Betsy Stapleton](#)
To: [Planning](#)
Subject: Comments on Kidder Creek Orchard Camp Draft EIR
Date: Friday, September 13, 2019 1:36:39 PM
Attachments: [KCOOC Comments v.2.docx](#)

Dear Planning Staff,

Please accept the my comments, attached to this email, for the Kidder Creek Orchard Camp Draft EIR. Please distribute them to the Planning Commissioners and acknowledge receipt of these comments. I request to be placed on a notification list for any further County actions in regards to Kidder Creek Orchard Camp.

Thank you,

Betsy Stapleton

Betsy Stapleton
5104 French Creek Rd.
Etna, Ca. 96027

9/9/2019

Siskiyou County Planning Commissioners
Planning Staff
Vacant Planning Director

RE: Kidder Creek Orchard Camp Project DEIR

Dear Siskiyou Planning Commissioners and County Planning Staff,

I am writing in opposition to the proposed Kidder Creek Orchard Camp (KCOC) expansion in concept, and to declare the inadequacy of both the Initial Environmental Study (IS), and the Draft Environmental Impact Report (EIR) released 8/2019. I am being this explicit about my opposition to the project because ECORP, the consultant completing the EIR, summarized my comments submitted in response to the IS as: "Stapleton, Betsy 09-05-18 Problem with the proposal of limiting in scope the cumulative analysis based on CEQA Guidelines Section 15335(b). The project description has a lack of specificity and detail. Supports permitting the KCOC with a conditional use permit with detailed permit terms." (EIR 1-10). I did not express support for the project in those comments, and start my comments about the EIR by wondering what else is inaccurate in the EIR if my previous comments are so misconstrued. I am attaching those comments, submitted to the Siskiyou County Planning Department in October 2016, to allow you to review them and also because I did not find my specific concerns about the IS addressed in the EIR and are therefore resubmitting them as relevant comments to the EIR (See Attachment 1 "My Previous Comments").

I will now address the specifics of my opposition to the project and the inadequacies of the EIR.

Section I: Compatibility with the Scott Valley Area Plan

My fundamental concern in regards to the proposed expansion of Kidder Creek Orchard Camp is that the Scott Valley Area Plan (SVAP) does not allow the density and intensity of the proposed land use. A citizen's committee, appointed by the Board of Supervisors, developed the plan after input from a series of 21 public meetings. It was taken to a vote, approved by a two to one margin, and adopted by the Board of Supervisors as the land-use planning document for Scott Valley. It represents the will of the people of Scott Valley, developed by the finest form of democracy, and must be taken as the guiding land-use planning document for the Valley. In the introduction to the Plan it says, "Many people felt that zoning was the answer to Scott Valley's growth problems; however as the years progressed the citizens of Scott Valley became increasingly concerned about the continued changes

in zoning that were being permitted by the County and subsequent developments. The citizens became concerned that their quality of life and their natural resources were being depleted” (SVAP P. 1). This project is a precise example of a zoning change that the SVAP was adopted to prevent.

The SVAP has five overarching Citizen Goals and nine Development Goals (SVAP pp. 5-9), and KCOC violates several of them. They are:

1. Major Goal 1: *“The Scott Valley Watershed’s natural resources, water quality and economic vitality shall be protected”*. The NOAA/NMFS comments recently submitted in regards to the project make it clear that these expert authorities believe that Scott Valley water quality, and the beneficial uses dependent upon it, may be jeopardized by this project. and that inadequate analysis has been undertaken to understand the impacts.
2. Major Goal 2: *“Development shall not be permitted at a density or intensity that shall subject people or property to hazardous conditions”*. Comments submitted by Michael Stapleton, retired Cal Trans engineer, clearly demonstrate that the proposed traffic on South Kidder Creek Road will subject both people and property to hazardous conditions both on Kidder Creek Road and at its intersection with Highway 3. In addition, placing 844 people at the wildland/urban interface exposes them, and the nearby residents, to risk of death in the event of wildfire (See comments Murry Taylor co.siskiyou.ca.us/sites/default/files/fileattachments/community_development/page/15325/pln_20190801_appendixa-2_p_342)
3. Major Goal 3: *“In order to minimize the cost of public services in the Scott Valley Watershed, intense development should only increase in close proximity to existing public services.”* This proposal clearly is a major development, allowing occupancy in excess of every existing town, and it is not near public services. Roads will need to be maintained, emergency services (mostly volunteer) will need to respond, and, if the proposed septic system systems fail, some sort of sewage treatment will need to be instituted in this remote location.
4. Major Goal 5: *“All uses of the land shall occur in a manner that is compatible with other existing and planned land uses”*. Other existing and planned land uses are rural residential, agricultural and timber production. The proposed commercial/recreational heavy use, including special events of up to 1250 people, is clearly not compatible with the existing uses.

In addition, there are “Development Goals” including:

1. Development Goal 6: *“All development in non-resource areas shall be of a density or intensity that is compatible with existing uses of the land”*. See comments about Major Goal 5 above.
2. Development Goal 7: *“All development in non-resource areas shall be of a density or intensity that channel all dense or intense development close to*

existing public services; the impacts of this development should not overburden existing public services nor degrade water quality". NOAA/NMFS comments express concerns over possible impacts to water quality, and this development is not being channeled close to existing public services.

3. Development Goal 8: *"In order to maintain a healthy and vibrant, diversified economy in Scott Valley Watershed, intense commercial and industrial development should be encouraged close to, or inside of the communities of Fort Jones, Etna, Callahan, Greenview"*. This project is for intense commercial, recreational development (ponds, rope courses, equestrian facility, greeting center etc- not a small, church camp) and lies outside of the existing communities. The project area lies outside of the Greenview Community Plan area.

Finally, the SVAP lays out the guiding principles for development in the "Non Resource Lands" in Chapter 3. The proposed project area lies in a "non-resource lands" area. The principle is:

1. Policy 31 *"Only agricultural, residential, open space, and small scale commercial, industrial uses, and public and private uses may be permitted"*. Again, this project constitutes a conversion of a grandfathered small-scale recreational use in non-resource lands to a NEW, large-scale (see calculations in Section II) commercial-recreational use, which is clearly prohibited by the SVAP.

When ECORP addressed compatibility with the SVAP they only addressed those Policies dealing with Prime Ag lands. These do not appear to prohibit development such as KCOC. I wonder why the consultants choose to address only those policies that do not appear to limit the proposed project, rather than the entirety of the SVAP and its policies, which clearly prohibits development of this size and nature in areas that are not in an existing community. This, in and of itself, is a fatal flaw in the EIR document.

Section II: Total and Cumulative Impacts

1. Increase in scale. The Kidder Creek Orchard Camp Draft Environmental Impact Report (EIR) includes the following table of existing approvals:
 - a. 165 guests (310 including staff and volunteers) (Other commenters will address the issue of baseline occupancy).
 - b. Maximum Annual Occupancy: 3,340 persons
 - c. Average Daily Traffic: 131 vehicles
 - d. On-Site Parking: 215 vehicles

The proposed project does not include explicit caps on annual occupancy, but the following calculations can be made based on the following table (P. 2-15)

Table 2-3. Proposed Occupancy Levels

Occupancy	Summer	Spring and Fall
Proposed Project Total	534 persons	550 persons
Existing Total	310 persons	38 persons
Proposed Occupancy Total (including existing uses)	844 persons	588 persons

844 people x 120 days (“summer”)= 101,280
 588 people x 245 days (there are no restrictions proposed to limit occupation of facilities to “spring and fall”, so the presumption must be of full use) = 144,066 people

In addition, special events must be included in annual occupancy calculations.

Table 2-5. Special Events

Type of Event	Anticipated attendance	Duration and frequency of this type of event	Overlap with regular camp session
1. Opening registration	1-400 people	2-3 hours Currently every Sunday from 3:30-6:00 PM, mid-June through August	Starting day of camp session
2. Closing Day	100-400 people	3-4 hours Currently every Friday 4:00-8:00 pm from mid-June through August.	Ending day of camp
3. Private events – Weddings, birthdays, baptisms, church events, group & family events	20-250 people	Most 3-8 hours Average of one private event/month from April to October.	Large events would not be scheduled at the same time as regular camp activity.
4. Public events – i.e. Concerts, auctions, picnics, special church services, community groups, horse clinics and demonstrations, training events	20-250 people	Most 3-8 hours Average of one public event/month from April to October.	Large events would not be scheduled at the same time as regular camp activity.
5. Annual Fall Festival – a free local event as a ‘thank you’ to the community.	1,250 people	Approximately 8 hours One day per year in September or October.	No other guest activities are scheduled for this day.

Opening day registration, 400 people x 52 weeks (again, no limitation on frequency has been placed, so maximum use is presumed)= **20,800**

Closing Day: 400 people x 52 wks= **20,080**

Private events (while the document says “average, there is no limitation placed- this will be addressed in Section III) 250 people x 12 months = 3000 people

Public events (same as above) 250 people x 12 months = 3000 people

Annual Fall Fair= 1250 people

TOTAL POSSIBLE ANNUAL OCCUPANCY= 294,190 People

In detailed reading of the EIR this total occupancy increase, **representing a 7,700% (77x) increase**, is not explicit, and takes some effort to be calculated. The full, total and cumulative impacts cannot be considered without understanding the magnitude of increased occupancy and impact

that is being proposed.

I suspect these numbers may be contested with comments like “No one would actually do that”. But it must be kept in mind that even if KCOC does not intend this occupancy, the entitlements proposed will be conveyed with the property, and should the ownership change, a new owner might very well want to expand to the maximum allowable extent.

2. Total and Cumulative Impacts: The EIR looks at cumulative impacts only in regards to the immediately adjacent lots (EIR Pp. 3.2-3.3). This is wholly inadequate, as the impacts to all of Scott Valley by adding up to 294,190 people to the Scott River Watershed, and even beyond (as the KCOC utilizes the Klamath River and other areas outside of the Valley for their program) are substantial. The NOAA/NMFS comments make it clear that the project impacts on the groundwater and surface water resources of the entire Valley have not been adequately considered. The impacts of utilization of public lands have not been considered. The costs of road impacts beyond Kidder Creek Road have not been considered.

Cumulative impacts of other proposed zoning changes and developments such as the Agritourism and JH proposals have not been considered.

Therefore, the total and cumulative impacts of the proposed development have not been analyzed and the document is fatally flawed.

Section III: Fire and 4290 Considerations.

The Project Description discusses wildfire in section 3.2.2: “A wildfire is an uncontrolled fire spreading through vegetative fuels, posing danger and causing destruction to life and property. Wildfires can occur in undeveloped areas and spread to urban areas where structures and other human development are more concentrated. According to CAL FIRE (2009), the Project site is located in an area designated as a Very High Fire Hazard Severity Zone on the 2009 Very High Fire Severity Zones in Local Responsibility Area (LRA) map.” It also contains the following discussion of fire safety and escape road provisions (P. 2.22):

In October 2018, CAL FIRE inspected the KCOC property including the viability of the secondary emergency access to the camp property. CAL FIRE identified and provided a list of requirements the camp and proposed roads/secondary access would have to meet for fire safe regulations. KCOC will comply with requirements and Fire Safe regulations as is required through the building permit process. The secondary access point will not be used for primary ingress and egress from the site, therefore additional traffic due to the project will not affect this access. The Proposed Project will not use this road as a public entrance for its guests and will maintain a locked gate.

These sections surface several points of considerable concern. Given all that has been seen in the last several years of the potential of wildfire to overrun communities and roads, is it at all reasonable to allow very large-scale development in areas that have been identified as “Very High Fire Severity Zone?” It is well known that insurers are declining to insure properties in such areas (See Attachment 2), which is a large red flag regarding their assessment of the ability to provide reasonable assurances of safety to structures and persons. Cal Fire 4290

regulations, the standard proposed to be met by the project, are minimum standards, however, the County MAY hold a higher standard of safety.

“CHAPTER 2. Hazardous Fire Areas [4251 - 4290.5] (a) The board shall adopt regulations implementing minimum (emphasis mine) fire safety standards related to defensible space that are applicable to state responsibility area lands under the authority of the department, and to lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code.”

In addition to the fundamental insanity of bringing large numbers of children and adults into a high fire severity zone, the project proposes to lock the gate through which they must pass in order to escape. In the chaos and confusion of catastrophic wildfire (which WILL occur in the area in time), how will that key be found and brought to the gate in time to allow timely exit? One presumes that the key provision was put in place to avoid the necessity of evaluating the impacts of unfettered access through the Patterson Creek Road access. This is a double bind situation for the project proponents- do they lock the gate and defer analysis of traffic impacts on a secondary open road access, or leave it unlocked and need to address them. This dilemma is not resolved in the EIR, and must be in order to understand the risks and impacts associated with the project.

The discussion of fire risks in the EIR does not address the increase in risk to local residents in the event of fire evacuation brought on by very significant numbers of people proposed to be present at KCOC. Please remember that most of the guests are unfamiliar with the rural roads in remote locations that they are expected to travel to escape. How will the children, dropped off by their parents, be evacuated? There is no discussion of ensuring adequate transportation capability within moments of evacuation notice; is the expectation that children will be running down the newly improved escape route while flames engulf them? I know that this discussion may be considered to be overly dramatic, but having now, personally, had several family members needing to flee fires in the middle of the night, only minutes after being notified of danger, consider these comments and questions to be realistic.

The EIR does not include a description of what the exact 4290 standards that will be applied consist of, and therefore does not offer the public the opportunity to understand and comment on them. The map for the proposed route (unmarked page), is not of a scale sufficient for the community to review with comprehension, and should be scaled the same as, and contiguous with, the project map (Figure 5), so that an accurate understanding of what is being proposed can be understood.

The mitigation measure proposed to deal with the above fire safety issues above states (P 3.2-4): “MM 8.1 Prior to the initiation of construction inhabitable structures for the Proposed Project, the emergency access road will be developed by the Project and approved as to form and function by the California Department of Forest and Fire Protection and the Siskiyou County Public Works Department. This access roadway shall be maintained by the Project and reapproved on an annual basis or as the County and CAL FIRE determines necessary. Timing/Implementation: Prior to the initiation of

construction inhabitable structures. Monitoring/Enforcement: County of Siskiyou Public Works and CAL FIRE". The EIR goes on to conclude (P. 3.2-4) "3.2.6 Residual Impacts After Mitigation Implementation of mitigation measure MM 8.1 would ensure the Project site is appropriately investigated and mitigated to minimize risks associated with the potential for hazards related to wildfires and emergency access. Therefore, with implementation of mitigation measure MM 8.1, this impact would be less than significant." This conclusion is completely unwarranted based on the discussion above, and the proposed mitigation allows very significant remaining hazards. This issue alone, with its insufficient analysis and proposed mitigations, should require the project to be denied by the Planning Commission.

Section IV: Vague and Completely Enforceable Project Language:

I addressed the vague and unenforceable language contained in the IS project description in my comments on it of October 2016 (See Attachment 1). This problem persists in the EIR. There is a representative sample of such statements below. Bold face will highlight problematic wording, with my comments in parenthesis after each:

2. The Base Camp approach is to allow visitors of the Project to enjoy the access to wilderness, river and natural adventure areas. The **majority (95 percent)** (95% of what?) of these groups will be at the base camps from June to September.
3. High Adventure Camps are similar; **except they are occupied by KCOC programs and the campers are offsite** (What if off-site locations- public lands- do not absorb the new demand?) **about 50 percent** "About 50%- (about is a completely unenforceable term) of the time. **Ninety-five percent** (95% of what?) of these groups attend the camp from June to September
4. Three RV areas are designated under the Proposed Project. These areas are not open to the public and would be used by individuals or groups working at the camp, and individuals or groups **helping with or involved in a program** (Helping with or involved could mean anyone- staff, guests, campers, volunteers). One RV area is currently in existence, and the other two are proposed. It is **estimated that these would be used 50 percent** (estimated means what in terms of enforcement? 50% of what time) of the time from March to October, while **a minimal number of people** (What is a minimal number of people?) will assist the camp during the winter months. The **average stay of users** is one to three weeks, **though some choose to stay for only a few days** (Please define what this means in terms of people actually using the facility).
5. During the spring and fall these structures would be used for adult retreat housing, **usually** (What about unusually? How does this provide an enforceable term?) **on weekends** (Does this preclude weekday use?). **Average use would be 60- 80 percent of the facility's capacity** (same comments). Summer staff would stay **about** (same comments), three months.
6. They would be used during the spring, summer and fall seasons to accommodate guests staying **two to six days. Their average use** (same comments), is anticipated to be about **50-70 percent of occupancy**(same comments), based on **averages within the** (same comments), industry. These would be introduced in 15-20 years. Estimated attendance would be **between 20 and 250 guests** (same comments), average **three to eight hours per event**(same comments), and be held **approximately** (same comments) once per month between the months of April and October.

This is only a small sample of this type of language, which is laced throughout the document. The result is a completely unenforceable document. In conjunction with the absence of a limit on total annual occupancy, it would allow usage actually in excess of the 294,190 People number I mention in Section II of these comments because that number was based on several “averages” (average monthly public events, etc.) while the actual number could be many times a month.

The citizens of Scott Valley, as well as County administration, have struggled with the perceived lack of enforceability of the JH permit and project description based on these types of inexact wording. One wonders if Kidder has watched that struggle, and set themselves up to have similar loopholes. Hopefully the County Planning Staff, Commissioners, and Supervisors have also learned from the JH experience and will require exact, enforceable language should KCOC chose to resubmit a new development proposal after this one is denied based on its many flaws.

Section V: Water and Water Rights.

NOAA/NMFS have submitted extensive comments regarding water quantity and quality issues, and I defer to them in terms of a technical discussion. However, I have additional questions on several issues.

The first is a discussion of water rights. The EIR states (P3.3-12) “An analysis of water rights to fill and store water from Barker Ditch for the new pond was completed by Alan B. Lilly, Attorney, from the Bartkiewicz, Kronick and Shanahan law firm. This analysis (see Appendix C) determined that because the water diverted from Kidder Creek, via the Baker Ditch, into the new pond would be stored in the pond for a maximum of 30 days before being conveyed down the ditch, such temporary storage would be a reasonable “Regulatory Storage” under the Scott River Adjudication decree (Siskiyou County Superior Court No. 30662). Also, because the pond would be lined to eliminate percolation losses, this storage would not reduce the amounts of water that other water users on Baker Ditch would receive. The Proposed Project applicant has made arrangements with the other users on Baker Ditch to temporarily store water in the new pond from the ditch.” Why was a private attorney consulted rather than the California Department of Water Rights (DWR)? While an attorney may have an opinion as to the legality of the proposed use of adjudicated water, it is DWR who has authority. Without DWR agreement as to the appropriateness of the use of the appropriated water there is room for litigation over the issue. This places the project proponent, and the County, at risk for costly legal battles, which could be averted by consulting the appropriate authority. It appears that ECORP sought a “hired gun”, possibly to give them the opinion they were seeking.

The project proponents indicate that there will be no loss of water to percolation due to the lining of the pond, but there is no discussion of evaporative losses, which could be significant based on the size of the pond. Finally, the pond is planned to be filled at high flow, presumably in the winter; I don't believe that winter diversion, especially for a recreational use, is allowed under the Scott River Adjudication (Scott River Adjudication P. 8 Section 26 “Season of Use”).

The California Department of Fish and Wildlife commented on the IS by saying: "If applicable, the EIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage, consultation with the State Water Resources Control Board (SWRCB) regarding water rights that were previously proposed to fill the new pond, and the document should fully identify the potential impacts to the lake, stream or riparian resources". These requests are not fulfilled in the EIR, rendering the document inadequate.

Section V: Sewage:

The EIR states (P. 1.3) "While many of the comments did not raise concerns with the adequacy of the environmental analysis, there were a number that raised environmental concerns." It is perplexing that ECORP did not identify sewage management for untold gallons of effluent from significantly more people than inhabitant the towns of Ft. Jones or Etna as an environmental concern, in spite of identifying it as such in the summary of comments by Jones, Wend, Marsh, Stapleton, Sierra Club, Wagner, and Wildearth (pp.1-20-1-13). As a matter fact, a word search of the EIR document for the words "sewage" and "waste treatment" does not show any discussion of these issues at all.

Presumably, this means that the discussion of waste treatment found in the IS stands. My comments regarding the inadequacies of the plan to manage 1,000's of gallons of effluent therefore remain unchanged.

They are:

1. " CEQA Checklist 4.9 Hydrology and Water Quality. There is no plan to monitor water quality from the addition of significant amounts of new effluent. This is an area of completely inadequate analysis. The proposal states:

"Less Than Significant Impact. The proposed rezone and improvements and uses associated with the use permit would not impact water quality standards and/or waste discharge requirements. As the improvements are developed, adequate wastewater disposal systems would be required prior to issuance of a building permit for a specific improvement. If average daily flows exceed 1,500 gallons, the applicant would need to obtain approval of a Waste Discharge Permit from the North Coast Regional Water Quality Control Board."

How is the determination made that water quality will not be impacted? How will it be determined when 1,500 gallons/day of effluent is reached? I see no monitoring provisions in place. How does the total effluent produced conform to the basin water quality plan?"

It is preposterous to propose development of this size, larger than Etna and Ft Jones, to be serviced by septic fields and have no provisions for monitoring quantity of effluent, and the treatment thereof.

Section VII Mitigation

Many significant areas of impact remain with absent or ineffective minimization measures (MM). Some on these are discussed in my comments above, but I will enumerate them here. They include:

1. No MM for sewage impacts
2. Inadequate MM for fire risk
3. No MM for traffic impacts (see letter M. Stapleton)
4. Inadequate MM for noise (not discussed in my comments)

In addition, the EIS states “1.6.8 Mitigation Monitoring and Reporting Program CEQA Section 21081.6(a) requires lead agencies to adopt an MMRP to describe measures that will be adopted and made a condition of Project approval in order to mitigate or avoid significant effects on the environment. The specific reporting or monitoring program required by CEQA is not required to be included in the EIR; however, it must be presented to the Board of Supervisors for adoption. Throughout the EIR, mitigation measures have been clearly identified and presented in language that will facilitate establishment of an MMRP. Any mitigation measures adopted by the County as conditions for approval of the project will be included in an MMRP to ensure enforceability and verify compliance.” Without full explication of what MMRPs will ultimately be brought forward to the Board of Supervisors, project reviewers, including Agencies, the public, and Planning Commissioners can not make an intelligent assessment of what the project impacts will be. To reiterate the point of my comments in Section IV, the EIR is so vague and lacking in specificity that clarifies what the actual project consists of and what MMs are being proposed, it is impossible to determine whether it is possible to mitigate the project impacts to a less than significant.

In conclusion, I request the Planning Commission reject the proposal outright on basis of an inadequate, vague and incomplete environmental analysis. If the commission believes the environmental analysis to be sufficient, I request that the no project alternative be selected as significant impacts, most importantly that of the threat of death to campers and community in the event of fire, can not be sufficiently mitigated to be less than significant.

Sincerely,

Betsy Stapleton

Attachment 1 “My Previous Comments”

October 2016

Brett Walker
Sr. Planner
Planning Division
Siskiyou County Community Development Dept.
806 S. Main Street Yreka,

RE: Kidder Creek Orchard Camp Z-14-01 and UP-11-15

Dear Mr. Walker

I am writing in regards to the Kidder Orchard Camps proposed expansion. I have multiple concerns about the proposal. Kidder Camp does have a long history of service to the Community, and holds a special and beloved place in many community members heart. The materials Kidder Camp/Mt Hebron sent to community residents asking them to support their expansion proposal play on this sentiment, but this proposal is generated not from the local community, but from the large organization that bought the Kidder Camp of the past. It must be considered for what it is, an expansion proposal from an out of the are organization with a business plan that requires sufficient units of production (camper days) to support the organization’s payroll and overheads, without consideration of the impact on the surrounding community.

In addition to many technical problems, the proposal is filled with a lack of specificity and detail. This lack of specificity is the exact reason the County has been unable to enforce JH Ranch’s existing use permit, and, if approved in this form, will open the County to another unenforceable, aggressively growth oriented organization’s ability to expand without regulation. Some examples of the vague wording are below:

- a. Project description 3.0-2: “Kidder Creek has proposed to accommodate special events (public and private), which may include weddings, birthdays, religious functions, concerts,

auctions, picnics, horse clinics, demonstrations, and training events, and similar events. **Estimated** attendance would be 20 – 250 guests, **average 3 – 8** hours per event, and be held **approximately once** per month between the months of April and October. These special events would not occur at the same time as regular camp activities, but **may occur** when campers are off-site. “

- b. Project Description 3.0-2: “It is **anticipated** that the expansion would occur over a twenty year period.
- c. Project Description 3/0-3: “Engineering of the revised pond shape has not been completed at this time. The applicant **intends** to have engineered plans completed should the project be approved. “
- d. There is no detailed site plan or schedule of proposed changes that show details of the planned facilities, including their floor plans and footprints.
- e. It is clear that the business plan includes a significant expansion of season of use, which will cause an increase in the total number of user days in a year that far exceeds that of the bed space increase alone. This impact is not addressed or analyzed.
- f. I do not see even a minimal description of what the “dining prep facility, welcome center and equestrian facility” will consist of.
- g. There is no description of the off-site activities and the traffic and other impacts generated by them.

Some specific concerns are:

1. CEQA checklist 3.6 Relationship of Project to Other Plans. The project description does not delineate the total increase in square footage of the proposed construction. In evaluating the proposal, it appears as if this increase is very substantial, perhaps on the order of 20,000+ square feet, without inclusion of the undefined welcome center, dining prep facility or equestrian facility. An increase of this size is substantial in the context of the overall amount of commercial building in Scott Valley, and it’s placement outside of the currently developed commercial areas of Green view, Ft Jones, Etna and Callahan is clearly precluded by the Scott Valley Area Plan.
2. CEQA checklist item 4.2 (a) and (d) Agricultural and Forestry Resources. The conversation of TPZ parcels to Rural Residential with the subsequent issuing of a conditional use permit for a commercial use is an extremely detrimental precedent to set. The County Supervisors have taken strong stands to support the resource based economy of the County, and allowing this conversion of both prime ag-land and TPZ properties to a commercial use in a rural zone will start the inevitable destruction of the ability to farm and produce timber in our community. Allowing this to happen will undermine the rural character of this unincorporated area of the County. The geographic area in this proposal lies within the Scott Valley Area Plan, whose intent is clearly to prevent exactly this sort of development. In

addition, these parcels will almost certainly be placed into a non-profit holding company's ownership, which will entirely remove them from the tax rolls. This conversion will clearly have significant impacts by the precedent setting nature of allowing this to go forward, and the proposed mitigations do nothing to alleviate this impact. If this parcel is rezoned it will never be in timber production again, any tress growing there will merely be backdrop for the commercial recreational use.

5. CEQA Checklist section 4.4 "Biological resources". I see no evaluation or discussion of potential impacts to coho even though Kidder Creek and seasonal wetlands are part of the project area.
6. CEQA Checklist 4.9 Hydrology and Water Quality. There is no plan to monitor water quality from the addition of significant amounts of new effluent. This is an area of completely inadequate analysis. The proposal states:

"Less Than Significant Impact. The proposed rezone and improvements and uses associated with the use permit would not impact water quality standards and/or waste discharge requirements. As the improvements are developed, adequate wastewater disposal systems would be required prior to issuance of a building permit for a specific improvement. If average daily flows exceed 1,500 gallons, the applicant would need to obtain approval of a Waste Discharge Permit from the North Coast Regional Water Quality Control Board."

How is the determination made that water quality will not be impacted? How will it be determined when 1,500 gallons/day of effluent is reached? I see no monitoring provisions in place. How does the total effluent produced conform to the basin water quality plan?

I see no discussion on where the water for the proposed new pond is to be obtained. Is it from adjudicated water rights? If so, is a recreational pond a permitted usage? Is it from pumped ground water? If so, is the amount accounted for in the projected ground water pumping figures?

7. CEQA Checklist 4.10 Land Use and Planning. It is inconceivable that a "no impact" determination was made for this category. Allowing this expansion, with its timberland and prime agricultural land conversation, to take place is in contradiction to the intent of the Scott Valley Area plan and would set the precedent to completely undermine the ability to preserve Scott valley's rural and agricultural way of life.
8. CEQA Checklist 4.4 Biological Resources. I do not see any survey or evaluation for potential impacts on the listed species of coho salmon in spite of Kidder creek passing through the property and delineated wetlands. Do the wetlands have the seasonal use by salmon? Has the proposed groundwater well and water use been evaluated for potential interconnection to surface water flows?
9. CEQA Checklist 4.10 Land Use and Planning. See discussion of Section 3.6 above.
10. CEQA Checklist 4.12 (c) Noise, and CEQA Checklist 4.16 Traffic. The description below misleading:

c) Less Than Significant Impact. The project would result in an increase in ambient noise levels associated with the addition of camp guests and staff. This is considered less than significant as the project site is adjacent to a large subdivision, and is compatible with that use.

The “large subdivision”, presumably “South Kidder Loop”, is a group of approximately 10 homes on 5-10 acre parcels. The residents on the private loop have placed a 15-mile an hour speed limit on themselves to control traffic noise and dust impacts. Saying that the traffic noise generated from a large-scale commercial operation such as that proposed by this development would be unnoticeable to the residents of this development is completely unfounded. Residents on South Kidder Road already complain about traffic noise and impacts. Kidder Camp has reportedly approach residents in the Patterson Creek subdivision asking for a right-a-way for secondary access. In these discussions, Kidder Camp personnel have reportedly indicated that they intend for staff to use the secondary access roads in order to reduce traffic impacts on South Kidder Creek Road. This indicates awareness that traffic already presents a problem to residents and other road users.

11. CEQA Checklist 4.15 Recreation. Kidder Camp utilizes Forest Lands for recreation. The Klamath National forest does not have a capacity study to understand the significantly increasing demands on the Forest for Recreational use. Until this study is completed it is not possible to determine if the expansion of use of these public recreational facility by Kidder Camp and other commercial groups will have a negative impact. In addition, there is ot a description of activities that is detailed enough to understand what the intended utilization of public and private recreational opportunities are. What are the bike trips, back-country horse and hiking, road travel for off-site recreational activities? The analysis on this item is insufficient to make a determination

12. CEQA Checklist 4.16 Traffic (e). The IS incudes this statement:

e) No Impact. The project does not propose any changes that would negatively affect emergency access. In April of 2014, Cal Fire inspected the KCOC property including the viability of a secondary access to the camp property. Cal Fire identified and provided a list of requirements the camp and proposed roads/secondary access would have to meet for fire safe regulations. KCOC will comply with requirements and Fire Safe regulations as is required through the building permit process. A recommended condition of approval will require that the emergency access route(s) meet Cal Fire standards. The secondary access point will not be used for primary ingress and egress from the site, therefore additional traffic due to the project will not affect this access. The current main access road was found to be compliant with the Fire Safe Regulations.

Where in the proposal is the description of the secondary access? Does the Camp currently have access, or is it speculative? How will the secondary access cross Kidder Creek? Camp personnel have reportedly told community members that they intend to use a secondary access to reduce traffic impacts on Kidder Creek

Road. If this proposal is accepted how will monitoring and enforcement of the Camp's stated intention to only use the secondary road for emergency access be enforced?

13. CEQA Checklist 4.17 Utilities and Service Systems (a, d, e). This document does not include any analysis of the ability of the soils to absorb a dramatic and significant increase in effluent production. No formal monitoring program identified for the monitoring of waste produced by more people than the town of Etna. The only trigger for a more formal waste management system than that required for a normal household is the production of more than 1,500 gallons of effluent a day, but there is no mechanism to determine when that threshold is reached. There is no discussion on how this increase in effluent, particularly as a cumulative impact with JH Ranch's proposed increases, will affect the Basin Plan Water Quality standards. . In the discussion of water usage there is no estimation or evaluation of consumptive uses beyond personal use- how many square footage of lawn and other landscaping? Where is the water for the new pond to come from? If surface water- is it a permitted use under an adjudication?
14. CEQA Checklist 4.18 Mandatory Findings of Significance. The proposed cumulative impacts of this project, the proposed JH Ranch expansion and the Scott River Lodge must be taken into account. All of those organizations are currently putting more "guests" than there are residents into the communities in which they are located, and they want to triple their current impacts. They put very large cars on the road (which many County residents can attest cause significant impacts even without the proposed increases), they consume precious water, place thousands of gallons of effluent into the ground adjacent to coho bearing streams and rivers, utilize public roads and emergency services while removing property from the tax roles that support these services, and they disrupt the quiet of our rural life. The cumulative impact of these activities is dramatic and significant and the proposed mitigations are not capable of reducing the impacts below the level of significance. The community suffers from the impact of the organizations as they exist now and tripling occupancy and expanding to year around use will make our Valley a resort community instead a place where people live, farm, log and raise families.

This document lacks specificity that allows adequate environmental analysis, and, if allowed to proceed as is, provides no framework for enforcement for any conditions of a use permit. The County has been down a long and painful road with a similar permit for JH Ranch and one would hope that we have collectively learned that detailed, enforceable and adequately financed monitoring and enforcement are the only way to ensure future compliance with a use permit. This Initial Study has serious defects. It continues the trend of removing tax-producing lands from the tax roles for the benefit of private (non-profit) organizations, while simultaneously increasing the demand on the public services for emergency, monitoring, enforcement and road maintenance activities. If approved, a use permit developed from this these documents will be unenforceable and lead to decades long problems similar to what has been experienced to what residents and the County has experienced with JH Ranch. I strongly encourage the Planning Department, Planning Commissioners and Board of Supervisors to carefully consider the precedent that

approving this proposal would set for the County, and to deny it as incompatible with the existing land use document, the Scott Valley Area Plan, that is to guide future growth in the Valley.

Sincerely Yours,

Betsy Stapleton

July 9, 2018

The first is ECORP's proposal to make the project's cumulative impact analysis "limited in scope" without describing those limitations. Scott Valley is experiencing substantive development pressures on multiple fronts- KCPC, JH, Scott River Lodge, and multiple Agri-tourism ventures (some of which are quite large in scope). These, in total, have the potential to incrementally and substantially change the rural character of Scott Valley, impact air and water quality, and have cumulative impacts on traffic. In addition, many of the development entities are a "non-profit" business structure, and as such, their cumulative impact on County tax revenues and the County's ability to deliver services to the community may well be significant. The intention of Scott Valley's guiding land use planning document, the Scott Valley Area Plan, is to preserve Scott Valley's rural character and economy, and evaluating this project's impact, in total with other proposed development, is essential

ECORP appears to be proposing to limit the cumulative impact analysis based on the CEQA guideline 15355 (b) that states "... the incremental impact of the project when added closely related past, present or reasonably foreseeable future projects". Scott Valley is a community and ecological unit that functions in entirety, and all projects and actions in this stand-alone portion of the County incrementally and cumulatively affect each other. Traffic, backcountry usage, air-pollution, ground and surface water usage, sewage all have incremental and cumulative impacts.

The incremental and cumulative impact of the Valley's currently proposed developments (not to mention those yet to come) must be evaluated in order to understand their impacts to the Scott Valley Area Plan. This proposal, alone, is to increase occupancy at Kidder Camp from 165 to 844. The project's new occupancy would exceed that of Fort Jones (686) or Etna (714), the other proposed developments also exceed the population of the existing developed areas, and all are proposed outside of the Scott Valley Area Plan's defined development areas. All the proposals alone have the potential to alter the rural character of the Valley, and incrementally and cumulatively convert our agricultural community to a designation resort. These impacts must be considered.

Attachment 2: Fire Insurance Cancelation Notice

NATIONWIDE AGRIBUSINESS INSURANCE COMPANY
3820 109TH ST DEPT 5866
DES MOINES IA 50391-5866

NOTICE OF NONRENEWAL OF INSURANCE

Named Insured & Mailing Address:

Producer: 07718

ELIZABETH STAPLETON
5104 FRENCH CREEK RD
ETNA CA 96027-9775

GEORGE PETERSEN INS-REDDING
PO BOX 3539
SANTA ROSA CA 95402-3539

Policy No.: [REDACTED]
Type of Policy: FARM PACKAGE INCLUDING AUTO
Date of Expiration: 11/16/2019; 12:01 A.M. Local Time at the mailing address of the Named Insured.

We will not renew this policy when it expires. Your insurance will cease on the Expiration Date shown above.

The reason for nonrenewal is due to having building(s) located within ineligible wildfire exposure areas as determined by the risk model we use to assess risk of damage or destruction as a result of wildfire.

If you have questions regarding your policies, please contact your agent, 800-236-9046, for assistance with this matter.

This policy provides fire and extended coverage insurance on your property. You should contact your agent concerning coverage through another insurer, or your eligibility for coverage through the California Fair Plan, P.O. Box 76924, Los Angeles, CA 90076, Phone: (800) 339-4099 or www.cfpnet.com.

Named Insured

ELIZABETH STAPLETON
5104 FRENCH CREEK RD
ETNA CA 96027-9775

Date Mailed:
4th day of September, 2019

Farm Underwriting Department

AUTHORIZED REPRESENTATIVE

FORM# CN969701CA112017
00EN 3.0.19.06a

Copy for Named Insured

CACN36NONE APP
09042019MYNY
Page 1 of 1

August 25, 2019

Rachel Jereb
Planning Division
Siskiyou County Community Development Department
806 S. Main Street, Yreka,

**RE: Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)
Draft Environmental Impact Report -SCH Number 2016092016**

Dear Ms. Jereb:

I have several concerns about the proposed expansion of the Kidder Orchard Camp. I am a retired civil engineer from the California Department of Transportation with 28 years of experience in the field of highway engineering and have owned a small cattle and horse ranch in French Creek in Scott Valley since 2000. Below is a list of my concerns:

1. **Conflict with the Scott Valley Area Plan** – as you know the Scott Valley Area Plan (SWAP) is a Siskiyou County planning document for managing growth and protecting the natural resources for the Scott Valley Watershed.
 - It was generated because “the citizens of Scott Valley became increasingly concerned about the continued changes in zoning that were being permitted by the County and subsequent developments. The citizens became concerned about their quality of life and their natural resources being depleted”. (SVAP page1). Many residents of Scott Valley purchased rural property in Scott Valley on the premise that the SVAP would protect Scott Valley from large scale development. How can this expansion of Kidder Camp by its owner, Mt. Hermon, not be considered large scale development? It will generate a development larger than the largest community (Etna) in Scott Valley. Why does Scott Valley have to entertain large numbers “out of the area” guests at the expense of the quality of life of the residents of Scott Valley?
 - “A major premise of the planning approach is that if development is only allowed in a manner that will not deplete natural resources critical to the valley’s economy and quality of life, and if the natural physical forces are not disrupted, a rural lifestyle will be maintained, and adequate, less costly growth from the standpoint of providing public services will be accommodated.” (SVAP page1)
 - For Greenview and Callahan Community Plans: **“POLICY 22-** Heavy and light industrial and commercial uses shall only be allowed in the areas designated as heavy commercial/industrial, provided adequate sewer and water facilities are available.” (SVAP page 19)
 - “Intensive development is precluded from the mountainous confines and much of the floor of the Scott Valley Watershed, and therefore channeled into existing urban areas which are more suited to accommodate intense growth.” (SVAP page 21)
 - **“POLICY 31-** Only agricultural, residential, open spaces, and **small scale commercial, industrial, recreation uses**, and public or

- quasi-public uses may be permitted.” (SVAP page 21)
- **“POLICY 32 – Residential, small scale commercial, industrial, recreational uses,** and public and quasi-public uses may only be permitted when they are clearly compatible with the surrounding and planned uses of the land.” (SVAP page 21)
- How can the proposed recreational camp of 884 guests and staff which will be larger than all the existing urban centers in Scott Valley be allowed by the Scott Valley Area Plan? I believe that this level of development is considered Industrial Recreation and certainly would not be considered to be small scale. How can this level of development be “compatible with the surrounding and planned uses of the land” when it nears a rural residential neighborhood which was developed before implementation of the Scott Valley Area Plan? It is appropriate in a locality such as that of the “R Ranch” off Interstate 5 but not in the rural South Kidder Creek neighborhood. With all the staff and guest traffic plus service vehicles, buses, construction vehicles, in addition to waste disposal, water usage, and noise; this level of development is certainly major commercial industrialized recreation. This level of development is clearly not **SMALL SCALE**, nor is it in the confines of an established urban area and is not allowed by the Scott Valley Area Plan.

2. **Traffic on South Kidder Creek Road** - discrepancies found in the Traffic Impact Study for Kidder Creek Orchard Camp dated December 22, 2015 are as follows:

- The average speed on South Kidder Creek Road is not 55 mph as stated. Much of the road is curvilinear in the last mile of its two mile length. The true existing speed is the 85th percentile of existing traffic speeds recorded in a traffic study required to be completed by the Siskiyou County Public Works Department.
- The Traffic Impact Study uses peak summer weekend traffic volumes as the existing traffic volumes in which to establish a “baseline” whereas the true “baseline” traffic volume including winter traffic levels would be much lower.
- The General Plan Circulation Element (GPCE) requires that the traffic elements of wildlife, pedestrians, and bicycles must be considered and were not accounted for in the Traffic Impact Study. (GPCE page 6)
- The General Plan Circulation Element recommends that rural roads such as South Kidder Creek Road have a Level of Service B or better. (GPCE page 6 & 7)
- The Traffic Impact Study gives no formulas with associated variables in determining the Level of Service (LOS) but rather just tables with the end results which makes evaluation very difficult if not impossible. The Traffic Impact Study **Roadway LOS Methodology** of Pages 2-3) classifying South Kidder Creek Road as a Class II Highway and using Percent Time Spent Following (PTSF) to determine the

Level of Service(LOS) is very simplistic and should not be considered appropriate for determining the traffic impacts of this large scale development project.

- The Traffic Impact Study states that South Kidder Creek Road has a capacity of 2,000 VPH? That seems incorrect. In comparison, on pages 8 and 9 of the General Plan Circulation Element, an example calculation for service volumes for Level of Service A, C, and E for a rural road with 10' lanes gives the following results:

LOS A – 169 VPH or 1,408 ADT

LOS C- 538 VPH or 4, 482 ADT

LOS E- 1261 VPH or 10,513 ADT

How can this South Kidder Creek Road have a capacity of 2,000 Vehicles Per Hour for an allowable Level of Service of B or better as stated in the Traffic Impact Study (Page 5) when compared to these calculations in the General Plan Circulation Element? One hour has 60 min / hr x 60 seconds / min = 3600 seconds per hour. 3600 sec/ hour divided by 2000 vehicles / hour = a vehicle capacity of a vehicle every 1.8 seconds for the 10' wide 2 lane South Kidder Creek Rd? This is total nonsense.

- I performed calculations for ADT for South Kidder Creek Road for Level of Service(LOS) “B” and using Chapter 8 of the 1985 Highway Capacity Manual and the GPCE as reference and they are as follows:

Service Flow Rate = X,XXX * (V/C) * Fd * Fw * Fhv

The variables that I used calculate the upper limit of the Level of Service “B” for South Kidder Creek Road:

X,XXX = 2,000 (per GPCE page 6) x 0.92 (Peak Hour Factor per Table 8-3 HCM) = 1840

(V/C) = 0.19, assumes 60% no passing lanes and level terrain conditions. (Table 8-1 HCM)

Fd = 0.83, assumes a 80/20 directional split. (Table 8-4 HCM)

Fw = 0.58- this was the narrowest lane configuration (10 foot lanes) with 0 foot usable shoulders. (Table 8-5 HCM)

$F_{hv} = 1 / [1 + 0.05(2.2-1) + 0.05(2.5-1) + 0.20(2.0-1)] = 0.74$, assumes 5% heavy trucks / 5% RV's / 20% buses in the traffic stream (EQ. 8-2 HDM)

$1,840 * 0.19 * 0.83 * 0.58 * 0.74 = 124$ Vehicles per Hour (VPH)

(Much different than 2,000 VPH stated in the Kidder Creek Traffic Impact Study)

VPH (vehicles per hour) which per the General Plan Circulation Element, page 8, is assumed to be 12 percent of ADT.

$VPH / 0.12 = ADT$ allowed at LOS "B"

$124 / 0.12 = 1033$ ADT allowed at LOS "B"

In conclusion, 124 Vehicles Per hour (VPH) and 1033 Average Daily Traffic (ADT) are the limits to achieve a Level of Service "B" for South Kidder Creek Road. Traffic disruptions from numerous driveways and two connector roads were not taken into account in the calculations. This is much lower than the 2,000 vehicles per hour (capacity) and the projected daily volume of 1,524 vehicles as stated in the Traffic Impact Study dated December 22, 2015. How can these traffic impacts be less than significant?

3. **Personal experience living on French Creek** - A professional grade traffic counter was installed by on French Creek Road in 2015 (see attached traffic count summary) and shows a maximum ADT of 475 vehicles and a maximum of 50 vehicles per hour as a result of increased from the JH Ranch summer traffic in 2015. At these levels, the residents of French Creek Road cannot safely walk, ride a horse, ride a bike, or even safely pull out of their driveways on French Creek Road. The traffic is almost unbearable at times. At night it is difficult to sleep as the traffic continues at all hours. It is dangerous to run an agricultural operation with this level of traffic. It is treacherous for wildlife to try and cross French Creek Road. The guests and staff at the JH Ranch do not just stay at the JH compound but spend much time driving up and down French Creek Road. At times there are large convoys of cars disrupting the residents of French Creek Road that live here because of the desired rural lifestyle. They do not want to live downstream (pollution) or down road (disruption) of a large destination resort as the JH Ranch would like to expand to, just as the residents of Kidder Creek do not want this to happen to them. If Kidder Camp expansion is approved, it will be harder for the County to not approve the JH Ranch proposed expansion.
4. **Rezoning** - Rezoning of Timber Production Zone and Prime Agricultural land to residential and commercial use is in violation of the Scott Valley Area Plan. The document was generated to protect both agricultural and natural

resource lands in Scott Valley. Allowing this rezoning could set a precedent to further allow development of these types of zoned land. This level of development is not wanted in Scott Valley.

5. **Noise-** Table 3.4-4. Summary of Measured Ambient Noise Levels states that the average existing noise level for residences along South Kidder Rd. (Site 4) is 50dB (page 3.4-13) and then on Page 3.4-19 it is stated that the predicted after project traffic noise levels would only be 52dB. How can increasing the ADT from 414 to 1524, an increase of almost 4 times, only increase the traffic noise by 2db. **The total cumulative decibels from traffic running much longer periods of the day and night would give a much better indicator of noise impacts.**
6. **Alternative 3** - who determined the occupancy levels in Alternative 3? **Would not an expansion of 50% over the existing current permitted level be more than adequate without having such negative impacts on Scott Valley?** Mt. Hermon needs to remember that Scott Valley is not Santa Cruz.

Please take these comments into consideration in the Final Environmental Impact Report. Please notify me of any opportunity to further comment on the Project. Thank you.

Sincerely,

Michael Stapleton, PE
5104 French Creek Road,
Etna, CA 96027
(530) 598-6164

From: [bobw412](#)
To: [Planning](#)
Subject: KIDDER CREEK ORCHARD CAMP EXPANSION (UP-11-15)
Date: Wednesday, September 18, 2019 4:12:24 PM
Attachments: [KIDDER CREEK ORCHARD CAMP EXPANSION .docx](#)

Sent from my iPad

To Siskiyou County Planning Department

MY COMMENTS REGARDING KIDDER CREEK ORCHARD CAMP EXPANSION (UP-11-15)

As a homeowner living on South Kidder Loop who will be significantly impacted in many negative ways by the proposed expansion and zone change I want to express my strong opposition to the plan as currently proposed. Additionally as a long time resident of Scott Valley I believe the expansion will have severe negative valley-wide impacts.

Although the county has received many letters praising the good work done in the past by the camp, none of that is germane to the real issues about the expansion which include non-compliance with Scott Valley Area Plan, numerous unmitigated environmental impacts, a vague and non-specific plan full of potential loop-holes making future enforcement impossible, changing S. Kidder Creek Rd into an unpleasant and hazardous highway, and creating a dangerous and deadly firetrap for all those caught on S. Kidder and Patterson Creek Roads whenever a catastrophic wildfire races through there, as will eventually happen. These are some of the issues and concerns on which to base a decision.

Having lived for many years on French Creek Rd, and watching the extremely disruptive, unpleasant, and hazardous impacts of the JH Ranch's illegal expansion which the county seemed powerless to curtail, I am dumbfounded to think that the county is on the cusp of allowing a JH clone. If this expansion is approved it will set a precedent for others to emulate thus removing more land from the tax base while simultaneously requiring more services.

Others have written their concerns with great detail and specificity (See letters by Felice Pace, Annie Marsh, Betsy Stapleton, Michael Stapleton), and while I fully support and endorse their comments, I wish to add a few of my own concerns below.

SCOTT VALLEY AREA PLAN:

This proposed expansion and zone change is the type of development that the SVAP specifically is designed to prevent. There are numerous references throughout the 44 pages that prohibit this expansion, but I particularly want to call your attention to Policy 42 and Policy 43 that "...shall apply to all lands within the Scott Valley Watershed." Policy 42 states that "It is the policy intent of this plan to channel heavy commercial and industrial land uses into areas that have good, existing access, away from residential areas, and into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." Certainly a commercial activity, industrialized recreation including 844 people, meets the definition of "heavy commercial and industrial."

Policy 43 states that "It is the intent of this plan to channel all high density residential development into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." If this proposed expansion does not meet the definition of heavy commercial and industrial than surely it can be defined as high density residential development since it is proposing entire year occupancy by a greater population than

either Etna or Fort Jones. In terms of impact, it matters not whether the population is transient or permanent. The impact is the same, or worse.

FIRE SAFETY:

Given the recent catastrophic and explosive wildfires and the high likelihood that this will be the new normal due to climate change, it is incredible that anyone is in favor of 844 people stuck at the end of a dead-end road surrounded by heavy dry fuel and without adequate vehicles on site for an emergency evacuation. Additionally it is unlikely that Cal Fire will approve this proposal unless there is a secondary access road that meets standard requirements. Furthermore the proposed increased camp population creates a dangerous condition for the residents of South Kidder Creek Road, and South Kidder Loop in the event of an emergency evacuation.

WATER:

It does not appear that KCOC has deeded water rights from either Kidder Creek or from adjacent groundwater to support the increased demand and need. Additionally because of the size of the population increase the State Water Board will probably demand a public water system for which there are no plans in the current proposal. Furthermore there has been no study to evaluate the impact of the increased usage on the aquifer that will impact the wells and springs of the local residents. Because of the prolonged drought and projected diminishing snowpack an EIR should be required to evaluate the impact this proposed expansion will have on groundwater. I am concerned that the increased heavy demand on the aquifer will negatively impact my well.

WASTEWATER:

Both cities of Etna and Fort Jones are required to have wastewater treatment plants. This proposed expansion will create a population greater than either city, and in a flood plain. The proposed septic systems are totally inadequate. I am very concerned that the inadequate sewage and waste disposal systems will contaminate my well.

CUMULATIVE IMPACT:

This proposal should not be looked at in isolation, but instead viewed as an addition to the already existing and illegally operating resorts of JH Ranch and Scott River Lodge. The valley wide impact will be huge in terms of traffic and disruption of the rural life style that the Scott Valley Area Plan is designed to protect. The county has shown itself to be totally inept and incompetent at forcing compliance of existing codes and regulations by the JH Ranch, and to a lesser extent by Scott River Lodge. It seems absurd that the county would willingly add another large corporate owned entity emulating JH Ranch. Additionally allowing this kind of expansion sets a precedent for other future non-profit developments that will remove more land from the county's tax base.

As a long time resident of Scott Valley, and recent homeowner on South Kidder Loop I urge you not to approve this proposed expansion and zone change that will have extremely negative consequences for local residents, and the entire Scott Valley.

Signed,
Albert Wagner
5415 S Kidder Loop
POB 518
Etna, CA 96027

From: [bobw412](#)
To: [Planning](#)
Subject: KCOG EXPANSION COMMENTS
Date: Thursday, September 19, 2019 10:25:43 PM
Attachments: [KCOG EXPANSION COMMENTS.docx](#)

Sent from my iPad

COMMENTS REGARDING KIDDER ORCHARD CREEK CAMP
PROPOSED ZONE CHANGE 2-14-0 and USE PERMIT UP 11-15

SCOTT VALLEY AREA PLAN

As a long time resident of Scott Valley I believe the proposal violates the intent, goals, and guidelines set forth in the Scott Valley Area Plan. The approval of the planned permit will violate the trust of the residents who overwhelmingly voted for the SVAP, and establish a dangerous precedent opening the floodgates to future development and exploitation.

Although not specifically worded in the SVAP, the intent as expressed by some of the original developers of the Plan was to treat both JH Ranch and KCOC (and a few other businesses) as pre-existing non-conforming uses that could continue to operate, but not expand. I believe this is confirmed in statements to you by Murray Taylor and Dan Deppen, both individuals having served on the committee that developed the SVAP.

Additionally, the stated goals of the SVAP were to direct and limit intense development, large population, and industrial growth to the existing spheres of influence of the towns Ft Jones, Greenview, Callahan, and Etna. Although all large scale industrial and commercial uses were not defined it can be inferred from the document itself by looking at the existing populations of Ft Jones (527) and Etna (720) in 1980 to see that the KCOC proposal of 844 exceeds the definition of large scale. Furthermore when looking at the large scale industries that were exempt--timber products, agricultural production, and mining--there is no mention of large scale industrial recreation being exempt from the SVAP. When one considers the impact of traffic, the consumption of water, production of waste material, impact on wildlife, and increased population density, there is no doubt that such an expansion qualifies as large scale, and is prohibited by the SVAP.

The first of five major goals in the SVAP is to protect prime agricultural land and it states: "prime agricultural land must be protected from non-compatible or intense development." The map accompanying the SVAP shows that much of KCOC is located in prime agricultural land. This is one more reason that the planned expansion is prohibited by the SVAP.

The second major goal is to protect critical deer wintering range. Although Kidder Creek is not identified on the map as deer wintering range, it provides a critical and essential migration corridor for many species of birds and mammals both during the spring and fall. It is one of the few migratory corridors from the Marble Mountains to Scott Valley. I believe that the wildlife survey attached to the planned proposal was totally inadequate in time and area surveyed.

If this planned development is approved it will seriously weaken the SVAP and set a precedent for further development and exploitation of the resources and rural lifestyle that the SVAP was created to protect. Additionally it will set in motion a process where other tax exempt organizations can buy land and remove a significant source of revenue to the county.

TRAFFIC IMPACT

South Kidder Creek Road is a lightly traveled dead-end road that has a significant amount of pedestrian usage. Even the USFS uses the road to test fitness of firefighters by carrying a weighted vest in a time trial. Because of the light amount of traffic many people use the road for exercise walking, and numerous residents of the adjacent subdivision make a daily loop walk encompassing South Kidder Loop and a portion of South Kidder Creek Rd.

The west section of South Kidder Loop Road has a very dangerous intersection with South Kidder Creek Rd where a rock wall and vegetation growth obliterate visibility of oncoming traffic unless pulling out into the flow of oncoming traffic. There are several other blind intersections of private driveways entering the road that are potential hazards with projected increased traffic. And finally there are many homes along South Kidder Creek Road whose owners would be subjected to unimaginable misery due to the huge projected traffic increase.

WILDFIRES

Cal Fire requires a secondary access road that meets minimum standards. It is unclear from the proposal whether KCOC actually has a deeded easement to such a road, and whether it has been brought up to the required standards. The proposal is to use an existing road that goes up over the divide and descends into Patterson Creek Road. Regardless of what position Cal Fire takes about the suitability of the road, I have to seriously question the wisdom of trying to escape an engulfing fire by ascending a divide or ridge. Most wildfires start by lightning strikes on a ridge or hill and then descend. To attempt escaping by ascending is like the proverbial leap from the frying pan to the fire. Also it is common knowledge that a fire will usually run uphill faster than downhill.

Because of the prolonged state-wide drought wildfires now behave very differently than in the past, and spread with explosive rapidity. One need only look at how quickly the Weed fire engulfed that town a couple of years ago, or the more recent fire at the north end of Yreka, or some of the catastrophic fires in the southern part of the state this year. KCOC is in a firetrap surrounded by fuel at the end of a dead-end road with no quick escape because part of the road is narrow, very curved, and with much fuel right to road's edge. The only feasible escape route would be a bridge over Kidder Creek. Even if Cal Fire approves the secondary road, the planning department and the supervisors have the ultimate responsibility for the protection of residents and visitors to our county.

EFFLUENT WASTE

The planned expansion proposes that, with the exception of the dining room, all human wastes of 844 people will be handled by a series of septic systems. No doubt the North Coast Regional Water Quality Control Board will express strong disapproval of such a plan. Imagine if the town of Etna made such a proposal.

TOTALITY OF IMPACT

This plan should not be looked at in isolation, but be considered in light of the cumulative effect of three similar operations (JH, Scott River Lodge, and KCOC) dumping over a thousand people a day all year long on our roads, rivers, streams, mountains, and valley--under proposed permits. This tax-free, commercial exploitation will expand exponentially if the KCOC permit is approved.

Thank you for giving consideration to my comments. I urge you to reject this proposal, and help safeguard this precious, unique place called Scott Valley.

Signed-- A. J. "Bob" Wagner, POB 518, Etna, CA

Sept 12, 2019

RECEIVED SEP 16 2019

Planning Dept.

RE: Kidder Creek Expansion

I am Marcia Waldow
4550 S. Kidder Loop
Etna, Ca. 96027

I would like to express my opinion on the expansion of Kidder Creek Camp.

I do not like the idea of increased traffic on South Kidder Creek for 2 reasons (1) my house is close to it and (2) I worry about the animals that cross the street on a daily basis. I witness many people speeding.

I don't think lower speed limit signs are enough. Can you put in speed bumps? I do not want to witness dead Deer, Quail, rabbits, squirrels, skunks, fox, etc.

Thank you
Marcia Waldow

From: [Freda Walker](#)
To: [Planning](#)
Subject: Kidder Creek Orchard Camp Z-14-01 and UP-11-15 Comment Letter
Date: Thursday, September 19, 2019 10:25:41 PM
Attachments: [9-18-2019_WalkerLetter_ToPlanningDept_OpposingKCOC_Expansion.docx](#)

Attached are my comments in a word document. Please confirm my comments have been received. Thank-you, Freda Walker

Freda Walker
Walker Consulting
Box 468
Etna, CA 96027
530-598-5767 c
fredawalkerw@gmail.com

September 18, 2019

To: Siskiyou County Planning Commissioners and
Siskiyou County Community Development Department Staff
806 S. Main Street Yreka, CA 96097

From: Freda Walker, Box 468, Etna CA, 96027

RE: Kidder Creek Orchard Camp Z-14-01 and UP-11-15

I am a property owner on South Kidder Loop located off South Kidder Creek Road and I am opposed to the Mt. Hermon's Kidder Creek Orchard Camp Expansion and Zoning change. I have concerns regarding the application, the EIR and the DEIR.

Issues:

1. Scott Valley Area Plan:
 - a. The proposal is in violation of the Scott Valley Area Plan. This plan is the guiding foundation for population growth and development that has and will protect natural resources, water quality and the watershed.
 - b. The SVAP states policies shall apply to all lands within the Scott Valley Watershed and that: "It is the policy intent of this plan to channel heavy commercial and industrial land uses into areas that have good, existing access, away from residential areas, and into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." The operations of Mt Hermon KCOC qualify as heavy commercial and industrial land use. Why would the county allow an operation to have more people than the town of Etna or Ft. Jones, the two largest towns in the valley?
2. Fire threat and safety:
 - a. Three years in a row there have been fires in the Kidder Creek area. In the summer of 2016 and 2017 there were wildfires within 5-6 miles of my home. The camp is just over the hill from my home. Is it reasonable to allow 844 people to be at the end of the road without transportation for each person? Then to expect buses and cars to quickly escape down a narrow road, with all the private property homeowners at the same time that emergency and fire vehicles are using the same road?
 - b. When will CAL FIRE make a determination regarding 4290? This needs to be done before the county department and commissioners approve any application.
 - c. Will the camp be responsible to pay for emergency and fire fighting services or other damages caused by the congestion and confusion? Or will it be the Siskiyou County taxpayers? How will Mt Hermon, a

nonprofit contribute to paying a fair share of county expenses when a nonprofit has certain tax exemptions?

3. Road and Traffic Issues:

- a. How can a traffic study suggest that the road can accommodate 1,000 plus cars an hour, especially at the pinch point where the road becomes narrow and curves? Is the study valid? Have the conditions been tested for emergency escape, using 1,000 vehicles?
- b. Has the increased traffic on Highway 3 been determined and has the impact been evaluated.
- c. Will Kidder Creek Rd be a safe road for those of us who stroll along the road or walk our dogs, ride our bikes or horses on the road? Will wildlife be safe? Will there be more accidents? Where I turn onto Kidder Creek Rd. from South Kidder Loop is a blind spot. I must creep into the road very slowly before I can see if a vehicle is coming from the west. I have noted that those that live on Kidder Creek Rd drive that stretch more slowly than those that are going in and out to KCOC. Once I had a big bus's bumper in my rear view mirror, which was all I could see, because it was so close to my car. Yesterday there was a big long RV behind me on Kidder Creek. The expansion includes more RV sites. Have many more RV's will I meet on this "country" road?
- d. Will the camp be responsible to pay for road maintenance? Or will it be the Siskiyou County taxpayers? How will Mt Hermon, a nonprofit contribute to paying a fair share of county expenses when a nonprofit has certain tax exemptions?

4. Water consumption and wastewater:

- a. 844 persons a day will use lots of water. Will the camps consumption effect water wells in the Kidder Creek area? Does the camp have a right to all the water that will be used? Will my well continue to provide the water I need? Will the water quality remain good?
- b. 844 persons a day create lots of waste and wastewater. The camp is in a flood plain, so what happens when there is a flood? What will happen to water wells downstream?
- c. The addition of multiple septic systems is not the way to handle waste from 844 people. A water treatment plant is needed and the camp plan does not describe one or how it will be monitored.
- d. Has the Water Quality Board completed an assessment of the impact of this expansion? Does the board recommend approval?
- e. Will the camp be responsible to pay for damages related to water quantity or quality? Or will it be the Siskiyou County taxpayers? How will Mt Hermon, a nonprofit contribute to paying a fair share of county expenses when a nonprofit has certain tax exemptions?

5. Noise and Lights:
 - a. The current participant numbers create noise that is disturbing to neighbors living across the creek and close to the camp. Not only during the day but also during the night. Try to imagine the noise 844 persons will make. Who will monitor the noise levels?
 - b. We will lose the night sky to increased illumination from lights. The night sky is one of the natural beauties of the Scott Valley.

6. Impact:
 - a. There is no information about the impact this expansion will have on the whole Scott Valley or the increased use of recreational sites including lakes, rivers and the mountain trails.
 - b. The application does not include research and evaluation of the cumulative impact of this kind of mega operation. Currently there are many impacts on Scott Valley natural resources and services by KCOC, JH Resort and the Scott River Lodge. All nonprofits that take property off the tax rolls. Will approval of expanding KCOC open the doors to others large corporation to locate in Scott Valley. It will be known that is will be easy to do and that there will be limited regulations and monitoring.

7. Public Comments: I have read and heard local folks provide comments that this is a local camp and it is doing good work. The expansion approval is not about being local or doing good work. In fact the KCOC is not locally owned or operated, although it started that way and is located in Scott Valley.

There are so many unanswered questions related to how the expansion will impact the Kidder Creek area, the entire Scott Valley and for those of us who own property near by.

Imagining the future is a skill that can provide better decision-making by individuals, organizations and government agencies. There is a way Siskiyou county decision makers could increase imagining the impact of an expansion of KCOC. Simply visit or go on-line or talk to land owners next to Mt. Hermon camps in the two other areas in California. Listen to their stories. See how the geography has changed. Inquire from other county staff about the increase in traffic, road maintenance and other county and local services. Are our local and county agencies in a position to take on the increased responsibilities and liabilities? As a taxpayer, I am not.

Do not approve the KCOC expansion. Thanks for your consideration. Freda Walker

From: [Etna Whelans](#)
To: [Planning](#)
Subject: KCOG DEIR
Date: Thursday, September 12, 2019 9:15:13 PM

Dear Sirs/Madam,

I am writing to object to the expansion of Kidder Creek Camp. The increased traffic in the area and on the narrow road leading into the camp would be impossible to mitigate and place an additional burden on public resources. The issue is not about religion, it is a business and should be treated as such.

Sincerely, James Whelan 4425 Pine Cone Dr. Etna Ca

From: [Kirk Skierski](#)
To: [Janine Rowe](#)
Subject: FW: Kidder Creek expansion
Date: Wednesday, September 11, 2019 7:11:29 AM
Attachments: [Set To Expand-2014.pdf](#)

Could you please add this to Che'usa's public comment for Kidder Creek, thank you.

From: Cheeseville Mayor Emeritus Eb Whipple - 1st Lady Che'usa Wend [mailto:cheeseville@sisqtel.net]
Sent: Tuesday, September 10, 2019 11:20 PM
To: Kirk Skierski
Subject: Kidder Creek expansion

Kirk,

In going back through old files, I found this piece that was in the Siskiyou Daily News in 2014 just after Andy Warken took over KCOG as director, titled '*Kidder Creek Camp set to expand*'.

"The expansion would include a few new cabins and campsites along with the addition of winterized cabins and cafeteria. These additions would elongate Kidder Creek's availability for interested parties."

Here we are 5 years later and NOW we are being led to believe (with all the RV spots they have/are putting in) that they will NOT be a year round camp.

If there is one thing we have learned in the past decades of dealing with JH Ranch and now with Mount Hermon-Kidder Creek Camp, we can't trust much of what they say or what is written in their 'Plans'.

Please add this letter to Public Comments for their latest rendition of their EIR.

Thank you.

Che'usa Wend
Eb Whipple

Published in Siskiyou Daily News: **July 29, 2014 9:49AM** By Amanda Hinds Doyle

Kidder Creek Camp set to expand

ETNA – After nearly 38 years, Kidder Creek Camp in Scott Valley, an outdoor spiritual recreation camp, is looking to expand. Since it's inception in 1976, the camp has been providing exciting outdoor adventures to kids in the surrounding areas.

These adventures include ranch camp, whitewater rafting, timberline camp, backpacking, high ropes course and peak ascent. New camp director Warken said the camp is community oriented.

In its beginning years, 99 percent of attendees were Siskiyou County residents. In an average year, the camp caters to approximately 850 people, with another 400 different groups utilizing various aspects of the camp, said Warken.

The expansion would include a few new cabins and campsites along with the addition of winterized cabins and cafeteria. These additions would elongate Kidder Creek's availability for interested parties.

Warken said the goal is to expand the influence of the camp, and "get more people up here to experience this great place." Even with the targeted draw from Redding and Medford, Warken said the camp will not lose the Siskiyou County aspect. "It's about community," said Warken.

Warken said that Siskiyou County residents will always receive a 25 percent discount.

While awaiting the hopeful expansion, the camp is looking to its Fall Festival, October 11, 2014. The family event will feature apple picking, hayrides, crafts, dancing and food.

From: [Cheeseville Mayor Emeritus Eb Whipple - 1st Lady Che"usa Wend](#)
To: [Ray Haupt](#); [Lisa Nixon](#); [Michael Kobseff](#); [District 2 Supervisor](#); [Brandon Criss](#); [Terry Barber](#); [Rick Dean](#); [Kirk Skierski](#); [Planning](#); [Planning](#); [William Carroll](#)
Subject: MT. HERMON and KIDDER CREEK ORCHARD CAMP
Date: Tuesday, September 17, 2019 12:40:42 PM

Planning Dept., Planning Commissioners, Supervisors and County Counsel,

About 4 years ago, Carolyn Feroben, whose family has owned property in Santa Cruz for many generations, found my Postings on *Grandma Used to Say* word-press site and wrote to me.

She expressed her concern that since Mt. Hermon was somehow becoming involved in Kidder Creek Orchard Camp, that the same expansion/explosion down there would happen up here.

She couldn't have been more correct.

I had written for a number of years my research about JH Ranch on Grandma's site before beginning to write about what was happening quietly and off the radar at Kidder Creek.

However, after 2 years of being lambasted by 'vested interest' folks here whose mindset viewed/views KCOC as a '*hometown Christian Church Camp*' where their children and grandchildren attended, I deleted all the KCOC posts. They refused to admit that Mt. Hermon was really the corporate and industrial-sized non-profit running the show, contending '*the Mt. Hermon people only sit in on Board meetings*'.

Carolyn has continued to watch what is happening here and wrote me yesterday saying she had posted a comment (bottom of this email) on this Scott Valley News Facebook article posted by [Mount Hermon | Kidder Creek Camp September 12 at 7:41 PM](#):

"For decades Kidder Creek has used outdoor adventures
to introduce campers to Jesus
and inspire them to live a rugged faith.
The problem today is that we're often forced to turn away campers
because our current use permit limits our overnight occupancy.
For the last 9 years we've been engaged in a process to update our Master Site Plan so we can:

Add to our overnight occupancy
Develop multi-season housing
Provide new adventure facilities

WE NEED YOUR HELP!

We've reached a critical moment in the process: our Environmental Impact Report is now in the public comment phase where all letters of support are officially added to the public record and will help our project win approval. You can help now by writing a personal letter to the planning commission expressing your support of the project, the ministry of Kidder Creek and it's impact on the lives of campers and families.

Please address letters to:
County of Siskiyou Planning Department

EXHIBIT F - COMMENTS

c/o: KCOC DEIR
806 S. Main St.
Yreka, CA 86097

Or email:
planning@co.siskiyou.ca.us
and put KCOC DEIR in your subject line

Thank you for your support of Kidder Creek
and thank you for helping make the Master Site Plan a reality.
We can't do it without you.

THAT post, written by Mt. Hermon-Kidder Creek Camp, pretty well spells out WHAT they are about:

- ~ MORE campers
- ~ MULTI-SEASON housing
- ~ MORE 'Adventure' facilities (in addition to their already installed zip lines, mountain biking)

It would be nice, after the years of change in Planning Dept. personnel, if someone took all this serious and looked at these expansions within the lens and framework of our Scott Valley Area Plan, rather than pushing yet another Economic Development scheme with the Sound-Bite of: *'other jurisdictions allow this'* mindset that has taken over that Department as well as become *'standard operating procedure'* of the *'accessory experts'* the County hires to push these projects through.

Thank you. Che'usa Wend and Eb Whipple

+++++

This is what Carolyn Feroben wrote:

Mount Hermon, in Santa Cruz County, has no sense of boundaries. It just gets bigger, louder, and more congested. Those tax free dollar\$ are quite a nice incentive! Meanwhile us residential homeowners fees, assessments and taxes keep going up to cover the needed maintenance and upkeep to deal with the ever growing crowds on the grounds. Our once quiet surroundings are full of cars parked along the roadways, screams (those zip lines), the facilities crowded and congested road ways. We have been property owners in Mt. Hermon almost 100 years. Quiet enjoyment should be a benefit of home ownership- not so any more. They once said that only registered campers would be able to use the facilities. Now individuals and groups schedule those zip lines on a regular basis. They certainly changed their ways about that. Mt. Hermon has lost their way from their original intent and focus. WHY do they strive to be an adventure facility??? You know the answer to that. Resist! It won't be pretty when they keep creeping and intruding and growing and misrepresenting themselves! I hope your planning commission is focused on the needs of your beautiful community. If members of your planning department would visit Mt. Hermon, Santa Cruz, they could see and hear for themselves the congestion, the sounds, the intrusion into the woods, the trees removed, etc.....

This past weekend, one thing that was totally amazing was the hundreds of people on the

lawn for some soccer tournament- a men's league. I see that they are using the field for public league play now. They just won't stop with the money making , crowds, congestion, etc! The roadway was filled with cars, and people- they were only there for soccer. Not for the things Mt. Hermon is supposed to be about.

One thing that really bugged me is that our porch would require a permit if we were to build it more than a foot of the ground (or something like that). I am not going to go look that up , but that is close enough. However, Mt, Hermon built platforms in the redwood trees at least twenty feet up and they did not get permits! I went through all this with the planning department years ago.....somehow Mt. Hermon has an in with those guys

I would encourage the planning department to actually go see what the heck is going on in our neck of the woods.

When we were leaving I saw a skinny long trailer marked "Kidder Creek"- parked near the entrance to the zip lines!!!

Respectfully, Carolyn Feroben

LAW OFFICES

OF

McNEIL, SILVEIRA, RICE & WILEY

AN ASSOCIATION INCLUDING PROFESSIONAL CORPORATIONS

RONALD A. SILVEIRA

PATRICK J. McNEIL
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SCOTT VALLEY OFFICE

1948-2000

MARK J. RICE
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P.O. BOX 38

GREENVIEW, CALIFORNIA 96037

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NEIL W. WILEY

WWW.MSRWLAW.COM

September 17, 2019

Kidder Creek Orchard Camp Project
Siskiyou County Planning Department
806 South Main Street
Yreka, CA 96097

Re: Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)
Draft Environmental Impact Report dated August 2019

Dear Sir or Ma'am:

This letter is in response to the Draft Environmental Impact Report for the Kidder Creek Orchard Camp Zone Change and Use Permit applications referenced above.

My wife and I reside at 1224 South Kidder Creek Road. While we are generally in support of the activities of Kidder Creek Orchard Camp, including their application for a zoning change and use permit, we feel an unsafe roadway condition currently exists on South Kidder Creek Road and that the condition would become increasingly unsafe with the traffic increase attendant with the requested zoning change and use permit. We feel the draft report contains certain inaccurate information and unjustified conclusions which are pertinent to this unsafe condition, and that the condition needs to be in some way eliminated or mitigated prior to approval of the requested zoning change and use permit.

My comments below are those of a layman in the areas of environmental impact reports and traffic studies. They are based on my life experiences including 50+ years as a driver during which I have never had a reportable accident.

1.6.3 Notice of Preparation (page 1-11)

The summary of comments in the draft EIR regarding our (Neil and Donna Wiley) letter of September 5, 2018 states "Concerns about traffic and traffic safety regarding a visually obstructed left turn from their driveway onto South Kidder Creek Road." That summary is erroneous and misleading. As clearly indicated in our letters of 6 October 2016 and 5 September 2018 (copies of which are attached) the issue of concern is a visually obstructed left turn off of westbound South Kidder Creek Road onto the shared driveway serving 1216, 1224 and 1325 South Kidder Creek Road. The view when exiting the shared driveway onto South Kidder Creek Road is adequate irrespective of whether turning either left or right.

3.5.1 Environmental Setting – Existing Roadway Level of Service (page 3.5-4)

The report indicates that in accordance with procedures outlined in the 2010 Highway Capacity Manual the two-way capacity of South Kidder Creek Road is estimated to be 2,000 vehicles per hour. 2,000 vehicles per hour is equivalent to a continuous stream of vehicles traveling in one direction or the other, one every 1.8 seconds. While I am unfamiliar with the referenced manual, I don't see how the capacity of the western portion of South Kidder Creek Road, the narrow curvy portion immediately to the west of the western intersection of South Kidder Creek Loop and South Kidder Creek Road (approximately mile post 1.0 to 1.2), could realistically be one vehicle every 1.8 seconds.

3.5.3 Environmental Impacts – Impact 3.5.1 Substantial Increase in Traffic Volume (pages 3.5-10 to 11)

The traffic impact study determined the existing daily traffic volume on the west end of South Kidder Creek Road to be 338 vehicles and projects a "project plus" daily traffic volume of 1,448 vehicles. That represents an increase of 328%. The study projects that with the camp at full occupancy (with the resulting 328% traffic increase) the peak hour traffic volumes would be approximately 14% of the roadway's capacity. The EIR then concludes that "the Proposed Project would not cause an increase in traffic that is substantial in relation to the existing traffic load . . . and would have a *less than significant* impact in this area (emphasis in EIR)." How can a traffic increase of 328% possibly be classified as not substantial and *less than significant*?

To a layman resident of Scott Valley the statements that the two-way capacity of South Kidder Creek Road is 2,000 vehicles per hour, that a traffic increase of 328% is not substantial and *less than significant*, and that following the anticipated 328% increase the peak hour traffic volumes would be only 14% of the roadway's capacity seem like bureaucratic nonsense which is void of reality.

3.5.3 Environmental Impacts – Impact 3.5.3 Increase Roadway Hazards Due to a Design Feature (pages 3.5-14 to 15)

The traffic impact study appears to specifically addresses the area of our concern as expressed in our prior letters, as follows

"Stopping Sight Distance (SSD) is the viewable distance required for a driver to see an object in the roadway, react, and make a complete stop in the event of an unanticipated hazard. SSD is made up of two components: braking distance and perception-reaction time. . . ."

"The curvilinear segment of South Kidder Creek Road (approximately mile post 1.0 to 1.5) has a posted advisory speed of 20 miles per hour. The SSD for 20-mph travel speed is 115 feet. The shortest measured sight line on the tightest curve identified along South Kidder Creek Road is 125 feet, which provides at least the minimum SSD. . . ."

“A driving road safety assessment was also performed by Traffic Works’ Principal Engineer . . . The reviewer’s only notable finding was that vegetation along the sides of the roadway should be regularly cut back from the edge of the pavement. This was noted as an ongoing roadway maintenance item that would be the responsibility of Siskiyou County. . . .”

“Because the Proposed Project does not include any changes to South Kidder Creek Road, the roadway meets County roadway width standards, and there appear to be no existing inherent dangerous design features on South Kidder Creek road, the Project would have *no impact* in this area (emphasis in EIR).”

Thus, according to this assessment if a westbound vehicle is turning onto the shared driveway serving 1216, 1224 and 1325 South Kidder Creek Road and there is opposing eastbound traffic, provided both drivers are solely attentive to their driving duties and the westbound driver is not exceeding the advisory speed of 20 miles per hour, there is a 10 foot margin of safety to avoid a collision.

The corollary would seem to be that if either driver is momentarily distracted, or if the westbound driver even slightly exceeded the advisory speed of 20 miles per hour, there would be a collision. The 10 foot margin of safety represents only 8% of the measured sight line of 125 feet. With only an 8% margin of safety, how can a 328% increase in traffic be deemed to have *no impact*?

The problem is particularly acute on sunny days in late afternoon and early evening when the sun is in the west but still above the mountains. It is always difficult to determine if there is oncoming traffic when turning left onto our shared driveway, but it is particularly so when the sun is in your eyes. I am semi-retired and generally have the flexibility of driving at times when traffic is not heavy and the sun is not low in the sky to the west, but the male residents at both 1216 and 1325 work full-time and generally return home in the late afternoon or early evening. My wife and I also have the option to access our home via the longer route of South Kidder Loop and our south driveway, but the only access available to 1216 and 1325 is via the shared driveway.

Mitigation

Page 13 of the Traffic Impact Study states “The reviewer’s only notable finding was that vegetation along the sides of the roadway should be regularly cut back from the edge of the pavement. This was noted as an on-going roadway maintenance item that would likely be addressed by Siskiyou County.”

As I write this letter the vegetation is significantly overgrown on the northern side of South Kidder Creek Road across from our shared driveway, making it very difficult to see oncoming eastbound traffic when turning left onto the driveway. Given the financial constraints faced by Siskiyou County it appears unrealistic to think they will routinely cut back the vegetation. Siskiyou County has been on notice of the issue at least since our letter of October 2016, but during each spring, summer and fall the vegetation remains a visual obstruction. In the event of a serious accident I question whether the county might have some liability for failure to alleviate an unsafe roadway condition, particularly if it is

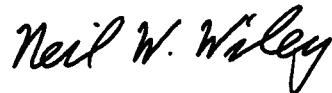
approves the requested zoning change and use permit which will significantly increase traffic, unless they in some way mitigate the unsafe condition.

To a layman it seems a permanent solution would be to straighten the roadway such that oncoming eastbound traffic could be observed for a reasonable distance. I appreciate that would require acquisition of title to, or a right-of-way over, private property and moving both the existing water ditch and roadway. While that would be a permanent solution, it would no doubt be expensive. A less expensive, and thus more practical, solution might be to permanently remove the vegetation on the north side of the roadway such that routine trimming would not be necessary.

It also might be helpful to reduce the speed limit to 20 miles per hour, as opposed to the current advisory speed of 20 miles per hour, on the portion of South Kidder Creek Road to the west of the western intersection of South Kidder Creek Loop and South Kidder Creek Road. The roads in Greenview, which are generally less visually obstructed than the western portion of South Kidder Creek Road, have a speed limit of 25 miles per hour. Why doesn't the western portion of South Kidder Creek Road have a lower speed limit? It does not seem realistic to have a 55 mile-per-hour speed limit on this portion of the roadway. Additionally, it might be helpful to install "Hidden Driveway" signs in appropriate locations.

As mentioned above, while my wife and I are generally supportive of the activities of Kidder Creek Orchard Camp, including their application for a zoning change and use permit, we feel it is incumbent upon the county to in some way eliminate or mitigate the existing unsafe roadway condition prior to approving an application which would potentially result in a 328% increase in roadway traffic.

Sincerely,



Neil W. Wiley
of
McNeil, Silveira, Rice & Wiley

Enclosures

Copy to: Kidder Creek Orchard Camp (2700 South Kidder Creek Road)
Kyler and Rachel Forbes (1216 South Kidder Creek Road)
Buzz and Fran Lawson (1325 South Kidder Creek Road)
Melinda Field Perlman (1109 South Kidder Creek Road)

**Neil & Donna Wiley
1224 South Kidder Creek Road
P. O. Box 38
Greenview, CA 96037
(530) 467-3959**

COPY

5 September 2018

Kidder Creek Orchard Camp Project
Christy Cummings Dawson, Deputy Director
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

Re: Kidder Creek Orchard Camp Project
Application Nos. Z-14-1 and UP-11-15

Dear Ms. Dawson:

Enclosed for your consideration during the preparation of the environmental impact report for the above-referenced project is a copy of our prior letter of 6 October 2016 addressing traffic issues. We request that the EIR address the impact of the proposed project on this issue.

The visually obstructed left turn off of South Kidder Creek Road onto the shared driveway for the residences at 1216, 1224, and 1325 South Kidder Creek Road mentioned in our prior letter remains an issue. We have alternate access available to our residence via South Kidder Loop and a south driveway, but the residences at 1216 and 1325 have no alternate access available.

Sincerely,

Neil W. Wiley

Donna M. Wiley

**Neil & Donna Wiley
1224 South Kidder Creek Road
P. O. Box 38
Greenview, CA 96037
(530) 467-3959**

6 October 2016

Bill Navarre, Interim Director
Community Development Department
County of Siskiyou
806 South Main Street
Yreka, CA 96097

Via fax (530-841-4076) and U. S. Mail

Re: Kidder Creek Orchard Camp
Zone Change (Z-14-1) and Use Permit (UP-11-15)

Dear Mr. Navarre:

We are submitting the below comments regarding the above-referenced applications for rezoning and modifications to an existing use permit.

We reside at 1224 South Kidder Creek Road, which is located on the south side of South Kidder Creek Road approximately one mile east of Kidder Creek Orchard Camp. Primary access to our property is from South Kidder Creek Road. A shared driveway on the south side of South Kidder Creek Road, approximately one mile west of Highway 3, serves three residences, 1216, 1224 and 1325. When traveling westbound on South Kidder Creek Road access to these three residences requires a left turn off of South Kidder Creek Road onto the shared driveway at a point where South Kidder Creek Road makes a long, fairly sharp right turn.

During approximately eight months of the year while there is foliage on the trees and shrubs located on the north side of South Kidder Creek Road it is very difficult to see if there is any oncoming eastbound traffic prior to making a left turn onto the shared driveway. In our opinion as the road is currently configured the existing left turn is only marginally safe during this period. During the winter months when there is little foliage the view of oncoming traffic is relatively clear.

It is our understanding the use permit application filed by Kidder Creek Orchard Camp requests an increase in allowable total occupancy of over 400%, presumably increasing traffic on South Kidder Creek Road by a comparable amount. It seems reasonable to assume that most of the increased usage would be during the summer months when there is foliage on the north side of South Kidder Creek Road in the vicinity of our shared driveway, and when a left is already only marginally safe. In our opinion, without modification to the existing roadway or removal of the

trees and shrubs on the north side, the proposed increased traffic would be a serious safety issue to anyone turning left onto our shared driveway, as well as to those traveling eastbound from Kidder Creek Orchard Camp.

We have no personal objection to the proposed zoning and requested use permit change provided a condition of approval is either 1) realignment of the existing road such that westbound traffic can see oncoming eastbound traffic for a reasonable distance during all seasons of the year or 2) removal of the trees and shrubs on the north side of the road in the vicinity of the shared driveway.

Sincerely,

Neil W. Wiley

Donna M. Wiley

P. S. We have no knowledge of the notification requirements to local landowners and residents when considering zoning changes and use permits. However, as a practical matter your notification in this case has been defective. The only reason we are aware of the matter is a chance encounter with Mike Alexander a few days ago. We have owned this property for over ten years. Every year Siskiyou County mails a property tax bill to our P. O. Box in Greenview. Why wasn't written notification of this matter mailed to our P. O. Box so that we had timely notice?

Copy to: Kidder Creek Orchard Camp
Mark and Sherry Crawford (owners of 1216 South Kidder Creek Road)
Buzz and Fran Lawson (owners of 1325 South Kidder Creek Road)
Mike Alexander

From: [Marc Williams](#)
To: [Planning](#)
Cc: [Marc Williams](#)
Subject: comments on the Kidder Creek Orchard Camp DEIR
Date: Thursday, September 05, 2019 9:14:46 PM
Attachments: [Kidder Creek Comments.docx](#)

Rachel: Please see my attached comments for this project. Please send receipt and notices of future events in this matter. Thank you, Marc

Rachel Jereb

Planning Division

Siskiyou County Community Development Department

806 South Main, Yreka

Comments regarding the Kidder Creek Orchard Camp Expansion and Draft Environmental Impact Report:

1. Violation of the Scott Valley Area Plan (SVAP): Many years ago residents of our valley put in place, through a democratic vote, a guiding document which regulates zoning and the corresponding development. It has proven to be indispensable in providing for development while protecting open space in an organized manner. As per the Plan, development over a certain size is restricted to areas surrounding existing towns. County and state resources such as road maintenance and protection from wildfire can then be focused on already populated areas, saving us all tax dollars. This Plan has been largely supported by the County since its inception and certainly the vast majority of residents. Now the County is poised to make an exception and create a precedence that will be hard to reverse in the future, and could cause undesirable and unintended consequences for the Valley.

There is no question the Kidder Creek Camp expansion is in violation of the SVAP; any fair-minded individual can see this. An EIR with mitigation measures are needed to try to limit impacts and attempt to align with the SVAP. However this attempt is not enough as the basic premise of the SVAP will not be met: too many people, too much activity and development in the wrong place. The fact the Camp wants to more than double the number of people and nearly double the camp size acreage is evidence the Plan will not be followed. How can an 'encampment' of more people than the population of either Fort Jones and Etna be permitted under the SVAP? This proposal is not compatible with the surrounding uses, as the Plan requires, hence the need for mitigations to try to ameliorate the negative impacts. The mitigations are not enough to ensure compliance with the Plan. Policies #22, 31 and 32 of the SVAP speak to these issues. .

The DEIR states the camp expansion is "compatible with adjacent land uses". How was this conclusion reached? On what basis? No convincing analysis or discussion is given to prove this point. Were adjacent land owners interviewed and did they concur with this finding? Ask the land owners on French Creek the same question about the JH Ranch expansion to see if they agree. The people who live on Kidder Creek have a much better idea of compatibility than someone writing the DEIR.

2. Mitigating measures of the EIR:

A.Fire-There are no mitigations that can successfully reduce the potentially terrible consequences of allowing over 800 people to stay in an area surrounded by dry forest in a high risk area all summer, where fire starts have occurred and will occur again. Under extreme weather conditions a catastrophic fire could easily destroy the camp. Have we learned nothing from the Carr or Camp fires of 2018? Over a thousand homes were burned in Redding despite the heroic efforts by an army of firefighters and equipment. Frankly, it is irresponsible to allow this sort of development in this locale on this issue alone. I guess the County is betting on the idea that "it can't happen here" philosophy. Will the County be held liable if there is loss of life while knowing full well the hazard it is ignoring? Having a secondary escape route for vehicles is a false hope. What if this route is cut off by the fire? Or left unmaintained and a tree has fallen across it? Who will ensure maintenance on the secondary escape route? Have there been any studies done to determine how long it would take to evacuate the camp and get everyone safely down to the Valley bottom-one hour, two hours? What about all the current residents trying to get out at the same time? Why should their lives be potentially jeopardized by an ill-advised increase in campers? The risk of wildfire to the camp is hardly mentioned in the DEIR.

In the Draft EIR, in the discussion on Public Services and Fire Protection the designation of "less than significant" is given for the effects of the camp expansion on the fire protection agencies. How can this be, this is totally illogical! So if Etna doubles in size it can maintain the same level of fire protection and all will be fine?

B.Traffic and Noise-The draft EIR discusses noise only in regards to that caused by the new construction at the camp, which will only affect a few close neighbors. There is no discussion, that I could find, that addresses the increase in noise, congestion, and safety concerns due to an increase of 1100 trips daily (DEIR figures) in vehicular traffic. Again, this document understates the issue and glosses over the effects of the real situation. Not only will there be a big increase in car traffic, but also service trucks, maintenance vehicles, camp buses, and deliveries of food and other necessary supplies on a regular basis. This will affect the peace and quiet of those who live along this rural road. The danger to residents will increase with significant additional traffic driven by those unfamiliar with the road. And driving at 55 mph as the DEIR says can be done. We all know that urban people (ie: camp users) drive much faster, are more impatient, tailgate, and use the whole road. Ask any long term resident of French Creek. I, personally, have been forced to drive into the ditch twice because of camp users (JH) taking the whole road and cutting corners.

That concludes my comments on the DEIR at this time. Generally, I feel the document is lacking in convincing the reader there will be no significant impacts from the expansion. It seems the County is going to abandon the SVAP in order to allow the project to move forward. It feels like a "done deal".

Thank you for the opportunity to comment.

Marc Williams

PO Box 481