

Letter 37

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MAR 16 2012

Charlene Moule

25198 Rodeo Flat Rd., Auburn, CA. 95602
Ph: 530-269-1996
e-mail: mike7@gmail.com

Nevada County Community
Development Agency

March 5, 2012

Mr. Brian Foss, Principal Planner
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, California 95959

Ref: EIR10-001 Response to Rincon Del Rio DEIR

Dear Mr. Foss:

Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the Rincon del Rio project and the adequacy of the Draft EIR and should be included as part of the Nevada County's administrative process in the event a court action occurs.

My father-in-law supported his family of 12 children with his own business, Moule's Paint and Glass since 1949. My husband and I also have raised our family in Nevada Co. with a business in Auburn, Moule's Foothill Glass. Our families have survived well because of growth in Nevada and Placer Counties. **I am pro-growth and I have no opposition to a CCRC provided it conforms to the General Plan and zoning, and is a SAFE situation for the surrounding neighborhoods and community in general.** Mike and I have posed no opposition to any previous Nevada County Projects. I have reviewed each section of the DEIR and am left with many concerns and questions for lack of adequate information. ***I must take issue with how all reported possible significant impacts are made benign with mitigation even though the General Plan must be changed many times to accommodate this privately-owned project that will infringe and endanger it's neighbors and even its own residents.** It seems our neighborhoods are being sacrificed for the unsecured revenues of this project. The developer has confidently built an incredibly large clubhouse with a vocalized assuredness this project is going through whether we like it or not, and has advertized over a million dollars as though the buildings already exist. Where does such arrogance come from? Can our defenders of the General Plan be objective? Please "hear" us.

***Mitigation:** With all respect, the Planning Dept. and the Board of Supervisors will re-evaluate this project through a lens of each being one of the bordering neighbors to this Project. Dare to not only visit the project, but drive our roads for yourselves and "see" what will be the impact to all areas of concern. I am requesting that each member will demand thoroughness and quality reporting and surveying from each of the Sections of the Draft and Final Environmental Impact Reports.

Page1

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*** Project is Inconsistent with Nevada County General Plan Policy 2.1 & 2.2**

Nevada County General Plan:

Policy 2.1: The County shall establish an economic advisory body to assist the county in the development of an economic development strategy for the County.

Policy 2.2: With the assistance of the economic advisory body, develop and implement a County Economic Policy that focuses relevant elements of the County's administrative, regulatory, financial and planning resources and powers in an integrated framework, as a vehicle for retention and expansion of existing businesses as well as the attraction of new businesses to provide a sustainable economic base for the County.

Potential Impact: Significant Violation of General Plan.

Mitigation Requested: Require Nevada County's compliancy with its own General Plan. Nevada County shall be required to fulfill Policy 2.1 & 2.2 of the General Plan. The County shall establish an economic advisory body and objectively evaluate the project for consistency with the County's Economic Development Strategy, not to be confused or infused with the goals and visions of Nevada County Economic Resource Council.

37-1

Project is Inconsistent with Nevada County General Plan 2.9

Nevada County General Plan

Objective 2.4

Encourage economic development which favors high economic multiplier effect

Directive Policy 2.9

In support of the County Economic Policy, develop and implement an ongoing, aggressive business recruitment and marketing program featuring the County's strengths in areas such as education and quality of life. Target the program to prospective types of business (particularly those that are entrepreneur-oriented that are best suited to provide significant long-term job opportunities in industries such as biotechnology, electronics and communications, and energy related products.

Rincon del Rio, a CCRC, does not favor a high economic multiplier effect as determined by the County's own guidelines. It appears there is no Nevada County Economic Policy and the means to evaluate this project as it relates to the policy, which is a serious violation of the General Plan. This is overall significant and disregarding of the designated process stated.

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Potential Impact: Significant Violation of General Plan

Mitigation Requested: Require Nevada County's compliancy with its own General Plan. The County shall then evaluate the project and its impact per directive Policy 2.9

37-1
cont.

*** Skilled Nursing Care not defined per CEQA 15124**

CEQA 15124: 15124 (b) A statement of objectives sought by a proposed project. A clearly written statement of objectives that will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

A Continuing Care Retirement Community, must provide, use and store many chemicals, drugs, and other controlled substances and supplies to provide "Nursing Care. Medical waste and it's management and disposal pose a Significant Environmental Impact. Please review UN 2814, UN 3373 and UN 3291

Category A, UN 2814- Infectious substances affecting humans and animals: An infectious substance in a form capable of causing permanent disability or life-threatening or fatal disease in otherwise healthy humans or animals when exposure to it occurs.

Category B, UN 3373- Biological substance transported for diagnostic or investigative purposes.

37-2

UN 3291, Regulated Medical Waste - Waste or reusable material derived from medical treatment of an animal or human, or from biomedical research, which includes the production and testing of biological products

The Rincon Del Rio CCRC geriatric community with a median age of 83 is significantly more susceptible to Biohazard Levels (1) one thru (4) four regarding Bacteria and Viruses.

Mitigation Requested: A detailed report listing (but not limited to) the duties, activities, equipment & limitations of Nursing Staff shall be submitted as a requirement to approval. Specific Policies and Procedures shall be provided regarding drugs to be used at the CCRC as well as their storage and transportation. A plan shall be submitted by the developer for containment and control in case of an infectious epidemic outbreak. Medical Waste Handling Policies (including radioactive materials) and procedures shall be considered vital to the report. The report will provide what agency will be monitoring the medical, nursing, and maintenance practices, adherence to all regulations, and how often reviews will be done.

Potential Impact: Significant injury/loss of life due to uncontrolled Drugs, Medical Waste or Epidemic Outbreak.

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*** Wildlife and Vegetation Inconsistent with General Plan Goal 13.1**

An inadequate Site Survey and very vague terms indicate a Significant Environmental Impact.

Nevada County General Plan

Objective 13.1 Discourage intrusion and encroachment by incompatible land uses in significant and sensitive habitats.

The middle corridor of the Bear River is rich with wildlife, some though are endangered and have been known to be in the vicinity of this project. This project site has not been sufficiently studied to proceed with this project.

The "Site and Survey Information" (Biologist: Adrian Juncosa, Ph.D. Report date March 3, 2009) and its recommendations used for the Rincon Del Rio DEIR is incomplete and inconsistent with the California Native Plant Society Conservation Policies, Positions and Guidelines. Ref:

<http://www.cnps.org/cnps/conservation/policies>.

Additionally, the report is incomplete & inconsistent with the findings in reference to the Red-Legged Frog by the U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-Legged Frog. U.S. Fish and Wildlife Service, Portland, Or. Viii + 173 ref:

<http://www.fws.gov/arcata/es/amphibians/crlf/documents/020528.pdf>

Additionally, the report is incomplete in not listing the American Bald Eagle.

"bald eagle was added to the Federal list of endangered species in 1967, and to the California list of endangered species in 1971. The Fish and Wildlife Service removed the bald eagle from the list of threatened and endangered species in August 8, 2007, but remains endangered in California." as stated by Dept. of Fish and Game,

"http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/bald_eagle

The Site Survey Report sites (3) three specific Survey Dates: December 20, 2008, February 21 and 28, 2009. (Frogs hibernate, or become dormant in winter) These are clearly inconsistent with the determination of the status/presence of any form of life due to a single season, winter being used as a basis for investigation.

The report uses in its finding the vague terms: "Unknown" "Uncertain" "Possibly" and "Unlikely" The inability of the Biologist to conclusively report findings due to an incomplete seasonal evaluation reduces much of the report to speculation.

I must add my personal observation to the wildlife that I and many others know are living in this community. There are at least one or two pair of American Bald Eagles and Osprey wintering at Lake of the Pines for several years, and the eagles have been seen as far south recently as Dry Creek Rd. in Auburn, per Auburn Journal article. The owners of the Wild Bird Station have pictures of the eagles

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at Lake of the Pines on his counter for viewing. Both species are fishers with large ranges and Bear River is less than one half mile from the Lake of the Pines.

To quote **Doug Johnson, original report, Spring 2002, “The ecology of the Bear River is understudied.** The Yuba River to the north and the American River to the south have been given more attention, partly because they have larger, more diverse watersheds, and **partly because Bear River habitat is so heavily impacted by human activities, both current and historic. ...**

More is understood about the upper and very lower reaches of the Bear than about the reaches in between. The headwaters of the Bear River down to the first impoundment at the Drum afterbay are relatively unimpaired, and serve as the River’s only remaining high-quality coldwater aquatic habitat. The lower reach of the river, downstream of the dam at Camp Far West, still offers the potential for fall-run Chinook salmon. **The reaches in between the Drum afterbay and the dam at Camp Far West—constituting most of the Bear River—are heavily impacted by water imports and diversions, barriers, gravel mining, municipal and residential effluent, and other factors and offer far less quality habitat than was available under pre-development conditions.**

Amphibian species are used as indicator species by the California Department of Fish & Game to gauge the health of aquatic habitat. **In the elevational range of the middle Bear River reach, the Foothill yellow-legged frog (*Rana boylei*), a California Species of Concern, is the principal indicator species (Lehr 2002).**

The Western pond turtle (*Clemmys marmorata*), which existed in the Sierra watersheds historically, is a California Species of Concern (Jennings and Hayes 1994). (Jennings and Hayes 1994). ” <http://www.bearriver.us/docs/ecology.pdf> A personal note: Lake of the Pines has a healthy population of Pond Turtles about one half mile away and can easily access Bear River through the smaller drainages and into the developer’s pond.

“The osprey is listed by the California Board of Forestry as a “Listed species” and “Sensitive Species”. It is also designated as a “Sensitive Species” by the U.S. Forest Service. Department of Fish and Game listed the osprey as a second priority Species of Special Concern in 1978. A second priority species category indicates a “definite decline in a large portion of the species range, but their populations are substantial enough that danger is not immediate”.

<https://r1.dfg.ca.gov/Portal/TimberlandConservationProgram/Wildlife/WildlifeSpecies/Birds/Osprey/tabid/620/Default.aspx>

*With two Endangered species and two of California Species of Concern, and a Second Priority and with so little study done on this stretch of the middle portion of Bear River, this DEIR is incomplete and inadequate. **This is what the General Plan and Environmental Impact Reports were created for—to protect our rural areas rich in wildlife and plantlife from disappearing because of noise, air, people and traffic pollution?** There needs to be a Bear River Restoration effort on the part of Nevada County to protect this habitat from any more human impact to preserve an intact beautiful canyon section of the river. Rincon Del Rio CCRC will have a very big impact.

37-3
cont.

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There are bear, mountain lion, bobcat, coyote, fox that have visited my property from that river canyon in the 26 years we've lived here. My property is near the end of Rodeo Flat Rd. This project will inhibit wildlife, pushing them into a tighter, denser, smaller, pressured area to exist. This corridor needs to be protected, quiet and open.

Mitigation Requested: A new **on-site thorough** Biological Inventory & Study is required. The Survey shall be conducted in **all 4 seasons** for the presence of flora & fauna, **as well as addressing the noise impacts from explosives for grading and other construction noise, traffic noise, outside entertainment events and air quality on the flora and fauna.**

Special Detail is requested for "Special Status" plants:

Jepson's onion April – August
Oval-leaved viburnum May - June
Brandegee's clarkia May – July
Sierra blue grass April – June
Brownish beaked-rush July – August
Finger rush May – June

Endangered Species

Special Detail is requested for investigation for presence of the Red-Legged Frog placed on the endangered species list 1994. The EIR calls for mitigation MM 3.4.2c, MM 3.4.2d which is relocation if found. These mitigation measures are inappropriate as the population and presence of the species per the report is "Unknown". If presence is detected, a USFWS approved Biologist shall determine the potential for relocation, if any.

A **special Detail** is requested for a riparian investigative study in all four seasons for the presence of **the American Bald Eagle which is a California Endangered Species**. If presence is detected in this riparian corridor, a USFWS approved Biologist shall determine course of action, if any. One or two pairs of bald eagle have been wintering in Lake of the Pines for several years and have been sited over the Bear River at the Hwy. 49 Bridge by many local people. Auburn Journal featured eagle on post at Dry Creek and Hwy 49 two weeks ago.
If presence is detected, a USFWS approved Biologist shall determine course of action, if any.

A **special Detail** is requested for investigation for presence of the Foothill Yellow-Legged Frog which is a California Species of Concern, the principal indicator species. If presence is detected, a USFWS approved Biologist shall determine the potential for relocation, if any.

A **special Detail** is requested for investigation for presence of the Pond Turtle which is a California Species of Concern. If presence is detected, a USFWS approved Biologist shall determine the potential for relocation, if any.

Page 6

37-3
cont.

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Lake of the Pines, California

*Post card purchased at Lake of Pines Admin Office
3/9/12*

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“The osprey is listed by the California Board of Forestry as a “Listed species” and “Sensitive Species”. It is also designated as a “Sensitive Species” by the U.S. Forest Service. Department of Fish and Game listed the osprey as a second priority Species of Special Concern in 1978.

A special detail is requested for investigation for the presence of the osprey.

If presence is detected in this riparian corridor, a USFWS approved Biologist shall determine course of action, if any.

The presence of these listed species is a significant sign that the biology may be restoring its natural health for the area. This environment needs to be protected and preserved from negative environmental impacts, specifically air quality - trash burning, traffic emissions and noise pollution.

Potential Impact: Significant loss of or negative impact of rare and/or endangered species.

3.6 Cultural and Paleontological Resources: I believe the 2011 survey by Cogstone Resource Management to be inadequate based on its own verbiage of the 2011 Survey indicating a minimal effort to survey the majority of land do to thick vegetation. There might be thick vegetation along the river. But I am a neighbor to this property and have seen the majority of the RDR underbrush cleared out prior to 2011 when the report was done. This was viewed from the canal at the back of the property where there is a rather large expansive view and my perspective is that it would not have been difficult to survey other than some slope. A hard-toothed rake would have been very helpful in viewing the ground. That aspect of the report appears very poorly attempted. And where there is mention of previous finds without being specific as to what was found where in 2006, it appears there was not a thorough or adequate search done in the shrub areas.

Mitigation: Another aggressive survey to the thick vegetation areas.

Grayson Coney, Cultural Director of the Tsi-Akim Maidu, indicated there are sites in the area and that the potential for the discovery of isolates is high. All correspondence and a tracking log are provided in Appendix 3.6-A."

1. The Appendix was not provided online to the public and that in itself makes this section inadequate in providing full disclosure and information. Significant to mention is that this was the only one with any concern that got swept away from view in an Appendix that was not made public online.
2. The DEIR does not provide to the public the Tsi-Akim Maidu Council's Grayson Coney's position, approval or otherwise, within the same statement as the other three agencies on page 3.6-8, top paragraph.

Mitigation: Provide the Draft EIR Appendix online for public viewing. The other three native agencies positions were in the report. The Tsi-Akim Maidu's position needs to be included as well.

Potential impact: Significant loss/destruction to possible historical, cultural artifacts, and middens.

37-3
cont.

37-4

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Geology 3.07

I contend, as per Suzanne Smith of your own department addressed, there was no mention of blasting impacts, EDU availability and calculation issues, 120,000 sq ft of commercial space but no reference in regard to impacts, deficient bridge, run off to the river, flooding, project is way too big, changing the general plan, project specifically defeats purpose of general plan: rural area should stay rural, there's a clear line between city center and rural for a reason.

37-5

Mitigation request: A new thorough and complete survey to be done by a different company, and that survey to be reviewed thoroughly and completely by your department holding it to the standards of CEQA and the General Plan.

Potential impact: Significant impact from noise and blasting may cause structural damage to surrounding homes, detrimental disturbances to the wildlife, erosion and runoff to river, flooding impacts.

* Traffic Study 3.14.3 Impacts & Mitigations Inaccurate and Lacking

Traffic Study is Grossly Flawed at Multiple Levels causing considerable Negative Environmental Impact.

37-6

3.14.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

* Lack of Requirement for Performance Bonds

Although the requirement for Performance Bonds would not be normally considered within an EIR, it notes discussion. Nevada County has had (2) two massive project failures in recent years. Dark Horse and Winds Aloft which both resulted in bankruptcy. Due to the failure of the County to require Performance Bonds in later stages on the approval process the Citizens of Nevada County have been left with pending Lawsuits and ravaged landscapes.

37-7

Mitigation Requested: Full Project Value Performance Bonds should be required for all 10 phases of the project as part of the EIR.

Potential Impact: More bulldozed-scarred landscapes similar to Winds Aloft and potential lawsuits as with Dark Horse.

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*** Nevada County Ordinance Requires Un-locked Fire Gates**

Nevada County Code now requires Un-Locked Fire Gates. This recent Nevada County policy change requiring Fire Gates to be “un-locked” presents a major concern as to the EIR as it pertains to the Traffic Study.

An un-locked gate is an uncontrolled roadway and therefore a thoroughfare. With the Fire Gate un-locked, a new traffic study is required considering all **thru traffic** for both ingress and egress from Hwy 49 & Rincon (but not limited to) to Dark Horse, Combie Estates, Forrest Lake Christian School, Lake of the Pines and Lake of the Pines Ranchos.

Mitigation Requested: New Traffic Study considering all thru traffic or Provide controlled Gate Access. No one except for the Fire Department should have access to the locked gate.

There is a better solution to provide for locked gates. The Knox box system at this web site <http://www.knoxbox.com/index.php/knox-rapid-entry-system/fire-departments>

Potential Impact: Significant injury/ loss of life due to unregulated traffic on non-county compliant private roadways.

*** Traffic Study 3.14.3 Impacts & Mitigations Incomplete and Flawed**

The project states there will be a Gate House to control access to the CCRC. The Draft EIR does not state if this guard gate is to be manned or automated. A Gate House, unless equipped with a Gate Card Entry Mechanism, does not control traffic unless manned. An un-manned Gate House (commonly seen in higher end local communities such as Granite Bay due to budget cuts) creates a condition for thru traffic. Should the Gate House be un-manned and the Fire Gate un-locked, the Rincon Rodeo Flat Roadway will be a thoroughfare, particularly before and after school.

Potential Impact: Significant injury/ loss of life due to unregulated traffic on non-county compliant roadways.

Mitigation Requested: A new Traffic Study is required representing the uncontrolled thru traffic from Hwy 49 & Rincon thru Rodeo Flat & Timber Ridge Dr...**OR**... An entry Guard Station (temporary quarters) should be on duty 24/7 from the first day of construction. The permanent Gate House shall be manned 24/7 to control through traffic.

This lends to another very serious situation for the Rincon and Rodeo Flat Rd. residents. Because of the developer’s “public friendly” approach, Rincon Del Rio will become the new closest river access to the schools, **regardless of signs or gates.** Youth will be parking at the end of Rodeo Flat Rd walking and smoking around the back property line on RDR’s nicely manicured hill to go up the river canyon for privacy to drink, smoke, and party creating a whole new fire threat concern for our neighborhoods as well as the residents of the CCRC. If a fire starts in that canyon Rodeo Flat as well as RDR, Table Meadow,

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fast drafting all the way to Combie Lake and Lake of the Pines will go up in flames before RDR residents could get their 400-500 gridlocked cars out to Hwy 49. This will not only put our neighborhoods at a higher risk of fire, but also for theft, incident, inconvenience and possible drowning; not to mention the trashing of the river. How do you stop that, and why should we have to endure such? **This project is in the wrong place.**

Potential Impact: Significant injury/ loss of life due to unregulated traffic on non-county compliant roadways.

Mitigation: Reconsider the placement of this project. Secondly, a second manned 24/7 guardhouse at the unlocked gate to protect our neighborhood at the end of Rodeo Flat Rd. That would then require lighting which would be a great intrusion to those of us at the end of the road. There is no positive solution to this problem because this urban-type project brings too many problems to this unique river property and surrounding rural neighborhoods.

Potential Impact: Significant injury/ loss of life due to unregulated traffic on non-county compliant roadways.

Potential significant impact to surrounding neighborhoods for fire, theft, drowning, and nuisance.

Potential significant impact to Bear River and canyon ecosystem.

MM 3.8.7 states: The project applicant shall prepare an emergency evacuation plan for the project site. The plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an emergency, including but not limited to vanpooling, transport of residents under nursing care, and identification of an emergency meeting location.

This Mitigation Measure is grievously inadequate, and is a “perfect storm” waiting to happen not only for RDR but for all surrounding neighborhoods.

What good is an evacuation plan for this project when there is no evacuation plan for the surrounding neighborhoods they will be escaping to? Rodeo Flat Rd. is too steep and winding. In the event of a wildfire or chemical hazard Rodeo Flat Rd. will be gridlocked because of all of the Combie Lake, Table Meadow, Dark Horse, possibly Lake of the Pines traffic not able to get through the Combie and Combie intersection and the Hwy 49 and Combie intersection for all the other residents of LOP, the schools, and north side of Combie residents. NOW add to that all the Rincon Del Rio traffic. AND now you have firefighting engines trying to come up the hill against gridlock traffic. We are doomed! This is inadequate as a mitigation measure, and is completely insufficient as a course for evacuation.

“ I hereby state and contend that should Nevada County NOT require a Master Evacuation Plan for South County, that the County itself should be held liable for whatever consequences of a fire or emergency impacted roadway (Rincon Way, Rodeo Flat and Timber Ridge Dr.) due to no Master Evacuation Plan. For the County to “spread the word” of a new fire gate and to not require a Master Evacuation Plan appears to be willfully or grossly negligent.” Per Mark Mills, and I second that statement.

Mitigation Requested: A Master South County Evacuation Plan including but not limited to Rincon Way Residents, Rincon Del Rio, Lake of the Pines, Lake of the Pines Ranchos, Combie Lake Estates and

Letter 37 Continued

DarkHorse shall be developed by, and at the cost of, the developer. This plan shall be in accordance with and approved by Higgins Fire, CDF and all other relevant regulatory agencies. There is an NID access road, unpaved, but 50 feet wide at the back of Table Meadow to consider, less steep and winding, there's Hwy 49 frontage property that could be part of the answer.

37-8
cont.

Potential Impact: Significant injury/ loss of life due to lack of Master Emergency Evacuation Plan.

LIABILITY

The usage of Ingress and Egress of Privately Owned or Maintained Roadways as well as Fire Roads creates a significant liability.

The liability normally associated with plan requirements would typically be passed within the county itself by the use of County Roadways. In the case of Rincon Del Rio, **NO NEVADA COUNTY OWNED ROADWAYS** are utilized for ingress, egress or fire roads. Rincon Way is a Private Road. It has not been accepted by the County for Public Use. Road maintenance and associated road liability is by the homeowners themselves. It is implied that the liability associated for roadway use is for Residents, Guests of Residents and Contractors of Residents.

The Lake of the Pines Ranchos CSD contains roadways that were dedicated to the County for "Public Use" however the County Specifically Notes:

By accepting the rights of way offered for dedication, the County of Nevada shall assume no obligation for maintenance of such rights of way, unless said rights-of-way are improved by owner or owners of adjacent frontage conformance with County standards in effect at time of improvement.

Even though the developer has obtained ingress & egress for a 72 home project, the new plan for a CCRC increases residency and traffic counts far greater than the original plan by an incredible amount.

37-9

Rincon Way and Lake of the Pines Ranchos Roadways were not built to County Road Standards.

The developer's request to use LOPR CSD Roadways for Emergency and Rincon Way for daily Ingress/Egress passes a significant increase in liability to the residents of Rincon Way and all of the LOPR CSD Residents as the approximate 172 homes within LOPR act under a Community Service District.

This liability simply cannot be passed to neighboring communities by an outside, **FOR PROFIT** development.

Mitigation Requested:

- 1) County to state specific code and/or policy that allows Nevada County to pass private and privately maintained roadway liability of a "For Profit Project" to those of surrounding communities.

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- 2) Impunity to all the residents and/or Boards of Rincon Way and LOPR CSD for any and all occurrences of roadway usage required by the County shall be required as part of the approval process.
- 3) Evaluate a separate Private Main Entrance (located by Linnet Lane) for Rincon del Rio as alternate ingress/egress/fire road way should be required. Vacant property adjacent to the project site aka "RIVER-ESTATES.com 530-268-5515" is available, and for sale with roadway frontage to Highway 49 provide. The purchase of a "lot line adjustment" for a Main Entrance Roadway or outright purchase of the property itself resolves multiple Traffic Study, Fire and Liability concerns. Rincon way could then be utilized as a fire gate.

37-9
cont.

To close:

There are far too many issues not adequately addressed, or sufficiently reported on to consider this Draft EIR worthy of passing on to the Final Draft stage. I am in agreement that a Peer Review is necessary. This project has merit, but it is NOT in the right place. I appreciate the fact that the county is in great need of revenues, but the integrity of the General Plan must be kept intact for the preservation of our county's great beauty and heritage, and its peoples' rights.

37-10

I thank the Planning Dept. for its time and ask that you give serious consideration to our concerns for this project will greatly diminish the quality of our rural area and way of life, not to mention the additional risk without a master evacuation plan.

Sincerely,

Charlene Moule

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 37 – Charlene Moule

- Response 37-1:** The comment repeats Comment 35-2. See Response 35-2.
- Response 37-2:** The comment repeats Comment 35-4. See Response 35-4.
- Response 37-3:** The comment repeats Comment 35-5. See Response 35-5. The additional information regarding species is not specific to the proposed project site and does not indicate any inadequacies of the Draft EIR.
- Response 37-4:** The comment states that the cultural resources survey prepared for the project is inadequate because the surveyors did not clear brush to determine the presence of resources. As discussed on page 20 in the Cultural Resources Assessment Update Report for the Rincon del Rio Project, the survey consisted of transects spaced 10 to 15 feet apart, which is typical for a pedestrian survey. Surveys of all areas of a project site or clearing of brush are not required. Regarding the comment about the high potential for discovery of isolates, the Draft EIR considered this possibility. Section 3.6, Cultural and Paleontological Resources, page 3.6-17, acknowledges that potential "inadvertent discoveries" require special treatment. Mitigation measures MM 3.6.2a and MM 3.6.2b require monitoring by a qualified archaeologist during construction and treatment based upon consultation with the County and Native American tribal representative, if relevant, to reduce impacts on these resources. Consequently, the position discussed in the comment has been addressed in the Draft EIR.
- Response 37-5:** The comment states blasting is not addressed in the Draft EIR. See Response 3-18.
- Response 37-6:** The comment states the traffic analysis is flawed, but provides no specific details or technical analysis to counter the Draft EIR's detailed traffic analysis or modeling. County staff considers the Draft EIR traffic analysis technically accurate for identifying potential impacts of project operations.
- Response 37-7:** The comment repeats Comment 35-9. See Response 35-9.
- Response 37-8:** The comment requests a locked gate at Rodeo Flat Road. The comment is noted and forwarded to the decision-makers for their consideration. The comment also states the gate at Rincon Way should be manned to ensure there would be no through traffic at the Rodeo Flat Road gate. As discussed in Master Response 1, the front gate would be controlled by staff or closed-circuit television. See Master Response 2 for a discussion of a Master South County Evacuation Plan.
- Response 37-9:** The comment repeats Comment 35-13. See Response 35-13.
- Response 37-10:** The commenter states the Draft EIR is not adequate, but no specifics are provided in this comment. See responses to the previous comments. The comment also states the project has merit, but the location is wrong. The comment is noted and forwarded to the decision-makers for their consideration.

Letter 38

Charlene Moule

25198 Rodeo Flat Rd., Auburn, CA. 95602

Ph: 530-269-1996

e-mail: mike7@gmail.com

March 15, 2012

Mr. Brian Foss, Principal Planner
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, California 95959

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Dear Mr. Foss:

Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the Rincon del Rio project and the adequacy of the Draft EIR and should be included as part of the Nevada County's administrative process in the event a court action occurs.

My father-in-law supported his family of 12 children with his own business, Moule's Paint and Glass since 1949. My husband and I also have raised our family in Nevada Co. with a business in Auburn, Moule's Foothill Glass. Our families have survived well because of growth in Nevada and Placer Counties. **I am pro-growth and I have no opposition to a CCRC provided it conforms to the General Plan and zoning, and is a SAFE situation for the surrounding neighborhoods and community in general.** Mike and I have posed no opposition to any previous Nevada County Projects. I have reviewed each section of the DEIR and am left with many concerns and questions for lack of adequate information. ***I must take issue with how all reported possible significant impacts are made benign with mitigation even though the General Plan must be changed many times to accommodate this privately-owned project that will infringe and endanger it's neighbors and even its own residents.** It seems our neighborhoods are being sacrificed for the unsecured revenues of this project. The developer has confidently built an incredibly large clubhouse with a vocalized assuredness this project is going through whether we like it or not, and has advertized over a million dollars as though the buildings already exist. Where does such arrogance come from? Can our defenders of the General Plan be objective? Please "hear" us.

Letter 38 Continued

Page 2

***Mitigation:** With all respect, the Planning Dept. and the Board of Supervisors will re-evaluate this project through a lens of each being one of the bordering neighbors to this Project, who you represent. Dare to not only visit the project, but drive our roads for yourselves and “see” what will be the impact to all areas of concern. I am requesting that each member will demand thoroughness and quality reporting and surveying from each of the Sections of the Draft and Final Environmental Impact Reports.

3.04 Biology

*** Wildlife and Vegetation Inconsistent with General Plan Goal 13.1**

An inadequate Site Survey and very vague terms indicate a Significant Environmental Impact.

Nevada County General Plan

Objective 13.1 Discourage intrusion and encroachment by incompatible land uses in significant and sensitive habitats.

COMMENT: I must add my personal observation to the wildlife that I and many others know are living in this community. WE WANT TO KEEP IT THIS WAY. The pair of eagles that winter have been seen as far south recently as Dry Creek Rd. in Auburn, per Auburn Journal article. Osprey also reside at Lake of the Pines for several years. Both species are fishers with large ranges and Bear River is less than one half mile from the Lake of the Pines as the EAGLE flies. My family has seen black bears on Rodeo Flat Rd dumping over garbage cans, we’ve had several sighting of mountain lions within Lake of the Pines and Rodeo Flat Rd, a bobcat comes through our property. It all comes out of that canyon this development is going to encroach on. The middle corridor of the Bear River is rich with wildlife some are endangered and have been known to be in the vicinity of this project. This project site has not been sufficiently studied to proceed with this project.

38-1

My finding: The “Site and Survey Information” (Biologist: Adrian Juncosa, Ph.D. Report date March 3, 2009) and its recommendations used for the Rincon Del Rio DEIR is incomplete and lacking.

1. The report was done in one season-winter.
2. There was no specific acknowledgement of any endangered plant life.
3. Addressed only one endangered animal species very poorly.
4. Omitted the endangered national bird, the American Bald Eagle, and other species of concern.
5. Reports were formed using data from “like areas” rather than a thorough complete survey of the actual land.
6. there was no consideration given to upstream/downstream impacts from project development on sensitive species.

Letter 38 Continued

Page 3

Missing from the report:

1, 5. The inability of the Biologist to conclusively report findings due to an incomplete seasonal evaluation reduces much of the report to speculation. The survey was done in December and in February 2009 when many species are dormant or in hibernation, and plants are dormant and/or without vegetation making detection very less likely.) It is inadequate and biased reporting to make a determination of the status/presence of any form of life due to a single season, winter being used as a basis for investigation. Guidelines from other sources for “like areas” was used in determining what “might” be there in the least active time of the year. This can hardly be called a survey. Birds nest in spring. Fall mating activity for mammals make them much easier to find. There was not an adequate studying of the biology in active seasons.

38-2

2. Report was without a complete listing of potential endangered plant life for the area:

Endangered or Special Status Plants:

- Jepson’s onion April – August
- Oval-leaved viburnum May - June
- Brandegee’s clarkia May – July
- Sierra blue grass April – June
- Brownish beaked-rush July – August
- Finger rush May – June

38-3

3. **Red-legged Frog: Habitat Requirements:** The California red-legged frog requires a variety of habitat elements with aquatic breeding areas embedded within a matrix of riparian and upland dispersal habitats. Breeding sites of the California red-legged frog are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frogs frequently breed in artificial impoundments such as stock ponds. http://ecos.fws.gov/docs/recovery_plan/020528.pdf pg 4

There is a stock pond and drainages on the property and little was said in reference to potential habitat for the red-legged frog or the Foothill Yellow-legged Frog. From all indications from the Draft EIR and it’s Appendixes, the one season (winter) biological survey conducted prior was a preliminary assumption of what might live in such an area AND regardless of any future findings it will be “mitigated” and moved if found upon groundbreaking and construction. (This is not the perfect world, and we all know if anyone employed/invested in this project were to find any frog, more so a red-legged frog at any stage, they’d just step on it and make it go away to keep project going and a weekly paycheck coming!) Is not the whole purpose for the Draft EIR to discover and be transparent to the public with complete and accurate surveys and studies at this stage to determine IF the project can proceed under the State law, CEQA and County General Plan, in order to protect the land and people?

38-4

Letter 38 Continued

Page 4

4. **The American Bald Eagle**, wintering pair in neighboring Lake of the Pines possibly starting a nest (I observed today 3/22/12). Although not nesting on Young Enterprise property, Eagles need large areas to forage, especially with young. This canyon property is part of their habitat and have been seen fishing the river. Please see locally-labeled postcard picture of them. They've been here several years and many people are aware of them.

"The American Bald Eagle was added to the Federal list of endangered species in 1967, and to the California list of endangered species in 1971. The Fish and Wildlife Service removed the bald eagle from the list of threatened and endangered species in August 8, 2007, but remains endangered in California, as stated by Dept. of Fish and Game, Jan, 2011. www.dfg.ca.gov/biogeodata/cnddb/pdfs/TEAnimals.pdf

The Western pond turtle (*Clemmys marmorata*), which existed in the Sierra watersheds historically, is a California Species of Concern (Jennings and Hayes 1994). (Jennings and Hayes 1994). " <http://www.bearriver.us/docs/ccology.pdf> A personal note: Lake of the Pines has a healthy population of Pond Turtles about one half mile away and can easily access Bear River through the smaller drainages and into the developer's stock pond.

"The Osprey is listed by the California Board of Forestry as a "Listed species" and "Sensitive Species". It is also designated as a "Sensitive Species" by the U.S. Forest Service. Department of Fish and Game listed the osprey as a second priority Species of Special Concern in 1978. A second priority species category indicates a "definite decline in a large portion of the species range, but their populations are substantial enough that danger is not immediate". <https://r1.dfg.ca.gov/Portal/TimberlandConservationProgram/Wildlife/WildlifeSpecies/Birds/Osprey/tabid/620/Default.aspx>

The Foothill Yellow-legged Frog In the elevational range of the middle Bear River reach, the Foothill yellow-legged frog (*Rana boylei*), a California Species of Concern, is the principal indicator species (Lehr 2002)".

To quote **Doug Johnson, original report, Spring 2002, "The ecology of the Bear River is understudied.** The Yuba River to the north and the American River to the south have been given more attention, partly because they have larger, more diverse watersheds, and **partly because Bear River habitat is so heavily impacted by human activities, both current and historic. ...** More is understood about the upper and very lower reaches of the Bear than about the reaches in between. The headwaters of the Bear River down to the first impoundment at the Drum afterbay are relatively unimpaired, and serve as the River's only remaining high-quality coldwater aquatic habitat. The lower reach of the river, downstream of the dam at Camp Far West, still offers the potential for fall-run Chinook salmon. **The reaches in between the Drum afterbay and the dam at Camp Far West—constituting most of the Bear River—are heavily impacted by water**

38-5

Letter 38 Continued

Page 5

imports and diversions, barriers, gravel mining, municipal and residential effluent, and other factors and offer far less quality habitat than was available under pre-development conditions.

Amphibian species are used as indicator species by the California Department of Fish & Game to gauge the health of aquatic habitat. **In the elevational range of the middle Bear River reach, the Foothill yellow-legged frog (*Rana boylei*), a California Species of Concern, is the principal indicator species (Lehr 2002)**".

6. (including indirect effects of upstream/downstream land uses):" From Recovery Criteria for the Red-legged Frog above.

COMMENT:The DEIR is inadequate and incomplete in that the study of the property was not only poorly done, but also there was no study of potential indirect effects upstream/downstream to flora and fauna regarding construction or built activities on the river in regard to the two Endangered species red-legged frog and American Bald Eagle, two of California Species of Concern –Foothill Yellow-legged Frog and Western Pond Turtle, and a Second Priority – the Osprey.

This is what the General Plan and Environmental Impact Reports were created for—to protect our rural areas rich in wildlife and plantlife from disappearing because of noise, air, people and traffic pollution. There needs to be a Bear River Restoration effort on the part of Nevada County to protect this habitat from any more human impact to preserve an intact beautiful canyon section of the river. Rincon Del Rio CCRC will have a very big urban impact on the rural and wild eco system of the Bear River with regard to noise pollution, light pollution and especially water run-off from over 40 acres of **impervious surfaces created** within the proposed development.

There are bear, mountain lion, bobcat, coyote, fox that have visited my property from that river canyon in the 26 years we've lived here. My property is near the end of Rodeo Flat Rd. This project will inhibit and pressure wildlife, pushing them into a tighter, denser, smaller area to exist, forcing some out of the area. This corridor needs to be protected, and kept quiet and rural.

Mitigation Requested: A new **on-site thorough** Biological Inventory & Study by an unbiased firm is required. The Survey shall be conducted in **all 4 seasons** for the presence of following flora & fauna, **as well as addressing the noise impacts from explosives for grading and other construction noise, traffic noise, outside entertainment events and air quality on the flora and fauna:**

A **special Detail** for each species listed is requested for a four season investigation before the Final EIR is formed:

38-5
cont.

Letter 38 Continued

Page 6

Endangered or Special Status Plants:

Jepson's onion April – August
Oval-leaved viburnum May – June
Brandegge's clarkia May – July
Sierra blue grass April – June
Brownish beaked-rush July – August
Finger rush May – June

Endangered Animal Species:

Red-Legged Frog placed on the endangered species list 1994. The EIR calls for mitigation MM 3.4.2c, MM 3.4.2d which is relocation if found. These mitigation measures are inappropriate as the population and presence of the species per the report is "Unknown". A USFWS approved Biologist should determine in a four-season study if the before the Final EIR is formed. And strict adherence to the Recovery Plan for the red-legged frog created by U.S. Fish and Wildlife:

Recovery Objective: The objective of this plan is to reduce threats and improve the population status of the California red-legged frog sufficiently to warrant delisting.

Recovery Priority Number: 6C, per criteria published by Federal Register Notice (48 FR 43098; September 21, 1983). This number indicates a subspecies with high threats and low recovery potential, in conflict with development projects.
http://ecos.fws.gov/docs/recovery_plan/020528.pdf pg 4

A special Detail is requested for a riparian investigative study for all raptors in all four seasons, before the EIR is Finalized, particularly for the presence of the American Bald Eagle which is a California Endangered Species. If presence is detected in this riparian corridor, a USFWS approved Biologist shall determine course of action, if any. One or two pairs of bald eagle have been wintering in Lake of the Pines for several years and have been sited over the Bear River at the Hwy. 49 Bridge by many local people. Auburn Journal featured eagle on post at Dry Creek and Hwy 49 two weeks ago. See following local picture.

Foothill Yellow-Legged Frog which is a California Species of Concern, the principal indicator species. If presence is detected, a USFWS approved Biologist shall determine the potential for relocation, if any.

In the elevational range of the middle Bear River reach, the Foothill yellow-legged frog (*Rana boylei*), a California Species of Concern, is the principal indicator species (Lehr 2002)".

Western Pond Turtle which is a California Species of Concern. If presence is detected, a USFWS approved Biologist shall determine the potential for relocation, if any.

38-5
cont.

Letter 38 Continued

Page 7

Osprey. If presence is detected in this riparian corridor, a USFWS approved Biologist shall determine course of action, if any. **"The osprey is listed by the California Board of Forestry as a "Listed species" and "Sensitive Species". It is also designated as a "Sensitive Species" by the U.S. Forest Service. Department of Fish and Game listed the osprey as a second priority Species of Special Concern in 1978.**

The presence of these listed species and the many others is a significant sign that the biology may be restoring it's natural health for the area. This environment needs to be protected and preserved from negative environmental impacts, specifically air quality - trash burning, traffic emissions and noise pollution. This environment is a significant and sensitive habitat.

Nevada County General Plan

Objective 13.1 Discourage intrusion and encroachment by incompatible land uses in significant and sensitive habitats.

Potential Impact: Significant loss of or negative impact of rare and/or endangered species.

3.06 Cultural and Paleontological Resources: I believe the 2011 survey by Cogstone Resource Management to be inadequate based on its own verbiage of the 2011 Survey indicating a minimal effort to survey the majority of land do to thick vegetation. There might be thick vegetation along the river. But I am a neighbor to this property and have seen the majority of the RDR underbrush recently cleared out prior to 2011 when the report was done. This was viewed from the canal at the back of the property where there is a rather large expansive view and my perspective is that it would not have been difficult to survey other than some slope. A hard-toothed rake would have been very helpful in viewing the ground. That aspect of the report appears very poorly attempted. And where there is mention of previous finds without being specific as to what was found where in 2006, it appears there was not a thorough or adequate search done in the shrub areas.

Mitigation: Another aggressive survey to the thick vegetation areas and presentation of any findings of significance resulting from said survey.

Grayson Coney, Cultural Director of the Tsi-Akim Maidu, indicated there are sites in the area and that the potential for the discovery of isolates is high. All correspondence and a tracking log are provided in Appendix 3.6-A."

1. The Appendix was not provided online to the public and that in itself makes this section inadequate in providing full disclosure and information
2. The DEIR does not provide to the public the Tsi-Akim Maidu Council's Grayson Coney's position to further investigate or to approve proceeding development within the same statement as the other three agencies on page 3.6-8, top paragraph.

38-5
cont.

38-6

Letter 38 Continued

Page 8

Mitigation: Provide the Draft EIR Appendix online for public viewing. The other three native agencies positions were in the report. The Tsi-Akim Maidu's position needs to be included as well.

38-6
cont.

Potential impact: Significant loss/destruction to possible historical, cultural artifacts, and midens.

Geology 3.07

On March 8, the planning department addressed the writers of DEIR that there was no mention of blasting impacts, EDU availability and calculation issues, 120,000 sq ft of commercial space but no reference in regard to impacts, deficient bridge/dam, subsequent run off to the river, flooding.

Mitigation request: Peer Review of DEIR or a new thorough and complete survey to be done by a different company, and that survey to be reviewed thoroughly and completely by your department holding it to the standards of CEQA and the General Plan.

38-7

Potential impact: Significant impact from noise and blasting may cause structural damage to surrounding homes, detrimental disturbances to the wildlife, erosion and runoff to river, flooding impacts.

5.0 Alternatives: The proposed CCRC will bring far too many change requirements to the General Plan and zoning, far too much risk to life within and surrounding the project in the event of a wildfire or other catastrophe evacuation because of the traffic numbers and lack of a general evacuation plan, far too much impact to the ecology and the Green movement inspite of their claims. **The alternative plan #2 is the most fitting for this 215 acres is already zoned for, 70 - 3 acre parcels with private single family residences more like the surrounding rural neighborhoods.** This would be less impacting for the natural ecology, and the surrounding neighborhoods the water treatment plant. The county and developers would still be making good revenues without the risk of life and limb on Hwy 49 so great, or the likely daily traffic gridlock and especially in the event of evacuation.

38-8

Letter 38 Continued

Page 9

To close:

There are far too many issues not adequately addressed, or sufficiently reported on to consider this Draft EIR worthy of passing on to the Final Draft stage. I am in agreement that a Peer Review is necessary. This project has merit, but it is NOT in the right place. I appreciate the fact that the county is in great need of revenues, but the integrity of the General Plan must be kept intact for the preservation of our county's great beauty and heritage, and its peoples' rights.

38-9

I thank the Planning Dept. for its time and ask that you give serious consideration to our concerns not only for this project which will greatly diminish the quality of our rural area and way of life, but for the precedence that will be set for our entire county.

Sincerely,

Charlene Moule

Letter 38 – Charlene Moule

Response 38-1: The comment questions the biological analyses in the Draft EIR but does not provide additional data or analyses for evaluation. In response to finding (1) “the report was done in one season-winter”, please refer to Response 38-2 below. In response to finding (2) “there was no specific acknowledgement of any endangered plant life”, please refer to MM 3.4.1 in the Draft EIR for measures to be implemented to reduce impacts to a less than significant level for special-status plant species that may be directly or indirectly impacted by the proposed project. A list of special-status plant species known to occur in the project vicinity, and their associated blooming periods can also be found under MM 3.4.1 in the Draft EIR. Finding (3) states the EcoSynthesis report “addressed only one endangered animal species very poorly”. The Biological Inventory report provided by EcoSynthesis was combined with data collected from a reconnaissance-level survey conducted by PMC, and available literature from federal, state, and local agencies to develop the Draft EIR. The impacts addressed in the Draft EIR include but are not limited to sensitive and special-status plant species, the California red-legged frog, the foothill yellow-legged frog, the western pond turtle, migratory birds and raptors (includes osprey/bald eagle), migratory corridors, and light pollution. Finding (4) states that the Draft EIR “omitted the endangered national bird, the American Bald Eagle, and other species of concern”. Please refer to Response 38-5 below for information regarding the bald eagle and other sensitive wildlife species considered. In response to finding (5), “reports were formed using data from ‘like areas’ rather than a thorough complete survey of the actual land”, please refer to Response 38-2 below. In response to finding (6) “there was no consideration given to upstream/downstream impacts from project development on sensitive species, please refer to Response 38-2 and 38-5 below for mitigation measures implemented to reduce impacts to sensitive species to a less than significant level, as well as Impact 3.4.5 in the DEIR for consideration given to migratory corridors.

Response 38-2: The comment questions the adequacy and timing of the biological surveys. Reconnaissance-level surveys, combined with collection of data from reliable sources (e.g., CDFG, USFWS, CNPS, etc.) on species occurrence and range, are considered viable methodologies to evaluate the potential for onsite habitats to support sensitive plants and wildlife for purposes of determining impacts under CEQA. These methodologies are utilized for the purpose of identifying listed and special-status species that are likely to be impacted by the proposed project. See Appendix 3.4-A for the databases and reference materials used in determining which species may occur on site. Additionally, reconnaissance-level surveys of the project site were conducted during two (2) distinct seasons winter (Dec-Feb 2009 EcoSynthesis), and spring (May 2011 PMC). Please see response to comments 38-3, 38-4, and 38-5 below for additional details regarding mitigation measures to be implemented to reduce potential impacts to listed and special-status species to less than significant.

Response 38-3: The comments request surveys for six plant species. As demonstrated in the Draft EIR's analysis of Impact 3.4.1, the Draft EIR concluded that the project

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

could have a potential impact on each of the plant species identified in the comment and thus requires mitigation for such impacts. Surveys for these species will be conducted during implementation of mitigation measure MM 3.4.1, which requires rare plant surveys to be conducted in proposed impact areas in accordance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities. The comment does not suggest any inadequacy in the identified mitigation measures.

Response 38-4: The comment questions whether mitigation for California red-legged frogs will be employed. The California red-legged frog mitigation measures identified in the Draft EIR will be adopted as part of project approval and would be required to be implemented by the project applicant. The County is responsible to ensure mitigation measures are implemented. In addition, the mitigation measure for red-legged frog ensures no net loss of habitat.

Response 38-5: The comment provides information on California red-legged frog, foothill yellow-legged frog, bald eagle, osprey, and western pond turtle and states that the project will result in significant impacts to rare and/or endangered species. The Draft EIR agrees with the findings. Potentially significant impacts to the California red-legged frog and foothill yellow-legged frog will be mitigated to a less than significant level through the implementation of mitigation measure MM 3.4.2a through MM 3.4.2d. Potentially significant impacts to both the bald eagle and osprey will be mitigated to a less than significant level through the implementation of mitigation measure MM 3.4.3b. Potentially significant impacts to the western pond turtle will be mitigated to a less than significant level through the implementation of mitigation measure MM 3.4.3a.

Response 38-6: The comment repeats Comment 37-4. See Response 37-4.

Response 38-7: The comment repeats Comment 37-5. See Response 37-5.

Response 38-8: The comment expresses a preference for Alternative 2. The comment is noted and forwarded to the decision-makers for their consideration.

Response 38-9: The comment repeats Comment 37-10. See Response 37-10.

Letter 39

My name is Mike Moule. I have lived in the LOP area for 25 years traveling Hwy 49, 6 days a week from Combie Rd. to Edgewood Rd. I have a large variety of concerns about the Draft EIR for Rincon Del Rio project. I will address just a few of the issues.

ON PAGE 3.14-17, INTERSECTION LOS (STANDARDS OF SIGNIFICANCE 1 AND 2)

IMPACT 3.14.2

FOLLOWING IMPLEMENTATION OF THE PROPOSED PROJECT, THE SR 49/RINCON WAY INTERSECTION WOULD MEET LEVEL OF SERVICE STANDARDS AND WOULD NOT MEET THE PEAK HOUR SIGNAL WARRANT. THEREFORE THE IMPACT WOULD BE LESS THAN SIGNIFICANT.

THIS STATEMENT IS NOT CONSIDERING THE FUTURE INCREASE IN TRAFFIC FLOW ALONG THE HWY. 49 CORRIDOR. The reports were taken from "the Higgins Marketplace traffic study completed in 2009" under "background Traffic Volume Forecast" page 3.14-9. One must remember 2009 was a recession year, and considering the unemployment level to be at least 12%. The Draft EIR does not consider the future increase in traffic in 2-4 years after the economy picks up and the project is fully built out its 10 phases. The ERA should have studied 2007 traffic rates when flow would be considered more to normal.

"IMPACT 3.14.1"

The statement "This impact is considered less than significant" is stated throughout. The Draft EIR does not address the speed limit of traffic on HWY. 49. The current condition allows for a speed of 65 MPH. THE AMOUNT OF TIME IT WILL TAKE TO MERGE INTO ONCOMING TRAFFIC IS NOT ADDRESS. By the nature of the project, home for the elderly, the reaction time of individuals over the age of 55 is reduced from that of a person the age of 45. To merge into HW49 traffic, regardless of what direction, will require intense concentration of the drivers. North bound is the safest scenario, considering the direction of travel will go with traffic. If traveling south bound, which 62% of expected traffic will flow according to traffic flow study (see table 3.14-4 "Project Trip Distribution" page 3-14-11. The traffic will need to cross over the two north bound lanes and try to merge into middle lane to get up to speed to merge into south bound lane, making an effort to accelerate to the speed of 65mph. I know we have all done this maneuver and are aware of the danger of the process. South bound, making a left turn on Rincon Rd. one must cross over two lanes of traffic to enter Rincon way which will be backed up with traffic making an attempt to turn south. The question of right-of-way will come into play, expressly with south turning traffic losing patience waiting at the intersection. If you add the age factor of the project's drivers, I find the statement "impact is therefore considered less than significant", **unconscionable** and cavalier.

In addition, the Draft EIR does not address the future of the project concerning phase 2, or phase 3, and so on. If total build out of project as proposed in RDR web site, what will be the totals of projected traffic or trips on Rincon and Hw 49?

39-1

39-2

39-3

Letter 39 Continued

In addition concerning Rincon Road not needing widening as stated on page 3.14-21 under ADEQUATE EMERGENCY ACCESS IMPACT 3.14.5 IRA reads as follows.

CONSISTENT WITH THE COUNTY GENERAL PLAN AND EMERGENCY OPERATIONS PLAN, PRIMARY EMERGENCY ACCESS TO THE PROJECT SITE WOULD BE PROVIDED VIA STATE ROUTE 49 ACCESSED BY RINCON WAY. THE PROPOSED PROJECT INCLUDES A PETITION FOR EXCEPTIONS FOR THE RINCON WAY EASEMENT AS THE EXISTING 30-FOOT -WIDE ROAD WIDTH DOES NOT MEET THE COUNTY'S 50 FOOT EASEMENT STANDARD; THE PURPOSED EXCEPTION WOULD NOT AFFECT THE ABILITY OF EMERGENCY VEHICLES TO ACCESS THE PROJECT SITE IN THE EVENT OF AN EMERGENCY.

39-4

I find these statements quite outrageous. When you add 1000 vehicles per day, in consideration, 1 out of 6 will be a commercial truck, including large semi-truck and trailers making deliveries, considering the commercial scope of the project, not requiring the project to improve or widening the road will create a hazard to not only the new occupants but to the existing residents.

Along the same line of thought about Rincon Road, page 3.14-21 paragraphs that reads "IT SHOULD BE NOTED THAT VISIBILITY -ETC.", and in the next sentence it reads: "FURTHERMORE, THE MANAGEMENT OF ROADSIDE VEGETATION WITHIN THE RIGHT-OF-WAY IS THE RESPONSIBILITY OF THE VICINITY PROPERTY OWNERS AS HIDDEN RANCH ROAD AND RINCON WAY ARE PRIVATE ROADS."

I question this statement, as I am sure the county will require the roads to become public changing the general plan, rezoning lot size to multiple-use commercial. Even if the roads remain private, I question whether the adjacent property owners are aware of the imposed responsibility to keep the right of way clear. Keeping the 30' wide inadequate road clear **will not resolve the fact that the road is not 50'wide** to county general plan specifications.

I question they are willing to accept the liability of an additional 500 to 1000 trips a day added to their homeowner's insurance coverage. Will one thousand trips a day impact the private homeowner's insurance? **This was not addressed.** If this project proceeds, the county should at least make sure the developer brings the road up to code in width of 50' and maintain the road's visibility, carrying all liability in regard to the road.

Mitigation: I believe because of the imposition and amount of profit to be made by developers, the roads should be the developer's responsibility and should be brought up to the county's General Plan requirements of a 50' wide road, and all liability insurance requirements should be the responsibility of the developers.

39-5

Sincerely

Mike Moule

Letter 39 – Mike Moule

- Response 39-1:** The comment notes that Impact 3.14.2 (see Draft EIR Section 3.14, Traffic and Circulation, page 3.14-17) does not consider the future increase of traffic along SR 49. The comment is correct; Impact 3.14.2 analyzes the Existing Plus Project scenario. The commenter is referred to Impact 3.14.8 on page 3.14-27 for a discussion of the project plus cumulative conditions, which includes future traffic on SR 49.
- Response 39-2:** The comment states the traffic analysis does not consider the age of drivers from the project. Age is not taken into consideration when assessing intersection operation. However, the traffic analysis assumes that all drivers would be licensed drivers and would therefore be competent to pass a California driving test.
- Response 39-3:** The comment states the Draft EIR does not address future phases on the project. The Draft EIR addresses buildout of the project, including all phases of the project.
- Response 39-4:** The comment expresses concern that keeping 30 feet of right-of-way clear on Rincon Road does not resolve the fact that it is not a 50-foot-wide road. The Board of Supervisors will consider the approval of a road standard exception to allow for a 30-foot easement on Rincon Way. The comment is forwarded to the decision-makers for their consideration.
- Response 39-5:** The comment states the impact on homeowner's insurance is not addressed in the Draft EIR. The Draft EIR addresses the physical impacts of the project. Changes to homeowner's insurance rates are not physical impacts. As discussed on Draft EIR page 2.0-65 (see Section 2.0, Project Description), the project would include a Road Maintenance Agreement between the applicant and the County that will provide a legal description of all properties that have the right to use Rincon Way (and Rodeo Flat Road), the way that responsibility for repairs is to be shared by the parties, how the costs for repairs will be incurred by the parties, and the consequences for non-participation in the maintenance.

Letter 40

Brian Foss

From: Sherry Moura [sherrym10@sbcglobal.net]
Sent: Monday, March 19, 2012 3:51 PM
To: Brian Foss
Subject: Rincon Del Rio
Attachments: --static--liam_party_bottomright.jpg

Dear Mr. Foss:

I live on Hidden Ranch Road or as I call it "a lovely little spot in the road". Personally I like Jim Young very much. He has been so gracious letting several of us ride our horses on his property and it is Heaven for us. I feel bad that he built his big beautiful house and now with the way the economy is, he is unable to sell it.

We have lived here for 19 years and now my husband is dying of lung cancer. I hope to be able to stay here because the people on this road for the most part are all good neighbors and friends. Obviously we all picked this road due to location, location, location. I know many people who looked at my house and didn't buy because the access to Hwy.49 back then could be tricky at best and did cause the death of a neighbor. The turnout lanes helped tremendously. Imagine selling your house with a small city at the end of Rincon and we will have to become gated at our expense.

Rincon del Rio is a wonderful concept but not here. I have read all the info. pro and con and so forth just as you have and you are well aware of all reasons the citizens object to disrupting our way of life. The bottom line is our peaceful little road will no longer be Home Sweet Home and it will affect the sale of our homes no question. The biggest concern is safety for all concerned which has been outlined in great detail. Even if it passed, people looking to live at Rincon del Rio will look at the access to Hwy. 49 as a big consideration especially for older drivers. Before the turn-outs you could wait 15 minutes trying to make a left turn and you can't have a lot of cars going up to Gautier to make a U-Turn because cars just travel too fast to have it back up on 49 against the on coming traffic.

I just hope that this whole affair will be treated as fairly as possible and that the Board of Directors will keep in mind their responsibility to us to uphold the Nevada County General Plan established for the greater good as Mrs. Young likes to say. I realize money does not talk it screams, but I would like to think we were not just considered collateral damage.

Thank you for your time Mr. Foss.

Sincerely,

Sherry Moura

40-1



Letter 40 – Sherry Moura

Response 40-1: The comment expresses concern about the difficulty of turning left from Rincon Way onto SR 49. The comment is noted. The analysis of the operation of the SR 49/Rincon Way intersection is provided on Draft EIR pages 3.14-17 through -20 and -27 through -36.

Letter 41

Brian Foss

From: Kevin and Stephanie O'Callaghan [knsocallaghan@att.net]
Sent: Thursday, March 08, 2012 9:46 AM
To: Brian Foss
Subject: STOP RINCON DEL RIO

*Kevin and Stephanie O'Callaghan
22883 Beaver Court
Auburn Ca, 95602*

Response to Rincon Del Rio Draft EIR.

To the Planning Dept.

We Strongly oppose the Rincon Del Rio Development. We are relatively new residents in Nevada County and chose to relocate our family here, and specifically to our neighborhood, because we needed a more rural life. We chose a life that is quiet, safe, and not congested. Our neighborhood is a beautiful area that residents of all ages enjoy walking and riding bikes and horses in. Also, Hwy 49 and Rincon is a bus stop for a number of neighborhood school children. We fear that the excessive increase in traffic will compromise the safety of the neighborhood. The current Land Use for the adjacent property is 3 acres. We feel there should be no zoning change. It should stay a residential family neighborhood. Rezoning the adjacent property to Urban would not be consistent with the General Plan.

41-1

41-2

Thank-you

Kevin and Stephanie O'Callaghan

Letter 41 – Kevin & Stephanie O’Callaghan

Response 41-1: The comment expresses concern that increased traffic will affect safety in the neighborhood. Traffic safety is discussed in Draft EIR Section 3.14, Traffic and Circulation, pages 3.14-3 through -4.

Response 41-2: The commenter states “[r]ezoning the property to Urban would not be consistent with the General Plan.” The proposed project includes a request to rezone the site from RA-3-PD (Residential Agricultural, 3-acre, Planned Development) to PD-CCRC (Planned Development, Continuing Care Retirement Community). The rezone would be required to be consistent with the proposed General Plan designation proposed for the site. See Master Response 3.

Letter 42

Brian Foss

From: Renee O'Callaghan [reneecallaghan@yahoo.com]
Sent: Wednesday, March 07, 2012 10:11 PM
To: Brian Foss
Cc: Ed Scofield
Subject: Rincon del Rio Draft EIR, public response

March 6, 2012

Dear Mr. Foss and The Planning Department Staff:

Please add this correspondence as part of the public and administrative record related to the Rincon Del Rio project. This correspondence addresses serious issues and concerns regarding the RDR project.

"FIRST, DO NO HARM"

No, you're not doctors; you're planners and politicians and fellow citizens. However, as a motto for any profession, "First, do no harm" is a good one, don't you agree?

The proposed Rincon del Rio project would do harm. Those of you in a position to make a decision on this project must be made well-aware of this fact.

This project would endanger our children, pets, livestock and change our area from a rural, quiet, established family neighborhood to a city-like place with bars, restaurants, shops, etc. This quacks like a duck and walks like a duck (city), yet is being sold as "country living". This is simply due to magical thinking, political spin, and financial greed.

Currently, my ten-year-old son (and the 18 other children on our street alone!) can safely walk to and from the school bus stop at Hwy. 49 and Rincon Way. Can you imagine the difference if Rincon del Rio were to exist?! It's an appalling thought.

Noise, pollution, traffic, increased fire-danger...All these reasons (spelled out in detail in other letters you have on file) are why this proposed project should be rejected. The cost is too high. This project is dangerous and not appropriate to our part of Nevada County. Our zoning should remain as is.

Thank you.

Sincerely yours,
Renee O'Callaghan
22929 Hidden Ranch Rd.
Auburn, California 95602
(Nevada County)

42-1

42-2

42-3

Letter 42 – Renee O’Callaghan

Response 42-1: The comment characterizes the proposed project as “city-like” and states it would endanger children, pets, and livestock. This is not a comment on the adequacy of the Draft EIR, but on the merits of the project. The comment is noted and forwarded to the decision-makers for their consideration.

Response 42-2: The comment expresses concern for safety of schoolchildren walking on Rincon Way. County road standards do not require sidewalks, and the project does not propose sidewalks on Rincon Way. However, the project would improve Rincon Way from its current condition and would include a 2-foot shoulder that would provide improved conditions for pedestrians and vehicles.

Response 42-3: The comment notes noise, pollution, traffic, and increased fire danger as reasons the commenter believes the project should not be approved. These environmental issue areas are addressed in Sections (3.3, Air Quality, 3.9, Hazardous Materials and Human Health, and 3.14, Traffic and Circulation) of the Draft EIR. The comment is noted and forwarded to the decision-makers for their consideration.

Letter 43

Brian Foss

From: Tom O'Callaghan [auburnace@earthlink.net]
Sent: Wednesday, March 07, 2012 10:44 PM
To: Brian Foss
Cc: Ed Scofield
Subject: Rincon del Rio Draft EIR

March 6, 2012

Dear Mr. Foss:

Please add this correspondence as part of the public and administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the RDR project.

Simply put, this proposed project is not supported by logic and devotion to safety. Our neighborhood is the absolutely wrong place for any development of this type.

Fire! During the building process and ongoing maintenance, think of the combination of medical oxygen and welders' torches. This is just one example of increased fire danger. I'm also hugely concerned about traffic, noise and air pollution, and human congestion. I moved from Hayward, California. I then carefully considered Nevada County's zoning, which protects the quiet life we appreciate now.

43-1

43-2

My family and I have lived here for 14 years- longer that the developers, the Youngs. They are trying to turn a profit. We, their neighbors, are trying to preserve our zoning in an effort to keep our families safe, our air clean and our roads near-empty. We purchased our property and pay our taxes with an expectation of clear-thinking support of Nevada County's standards.

Please do not be swayed by glossy brochures put out by developers. And, please be sure to register my concerns and vehement opposition to this proposed project.

Thank you.

Sincerely yours,
Thomas O'Callaghan
22929 Hidden Ranch Rd.
Auburn, CA 95602 (Nevada County)

Letter 43 – Tom O’Callaghan

Response 43-1: The comment appears to link welding during construction with medical oxygen. While not addressed specifically in the Draft EIR, there would not be medical oxygen on site until construction is complete and the project occupied. During maintenance, appropriate safeguards would be used to ensure there would be no danger related to welding near stored oxygen.

Response 43-2: The comment expresses concern about “traffic, noise and air pollution, and human congestion.” These environmental issue areas are addressed in Sections (3.3, Air Quality, 3.9, Hazardous Materials and Human Health, and 3.14, Traffic and Circulation) of the Draft EIR. The comment is noted and forwarded to the decision-makers for their consideration.

Letter 44

Brian Foss

From: Jim & Helen [hjp2quadz@suddenlink.net]
Sent: Friday, February 10, 2012 8:11 AM
To: Brian Foss
Subject: Rincon Del Rio

Mr. Foss, as 36 year residents of Lake of the Pines Ranchos we are completely opposed to this project. With the growth from 5 local schools, several preschools, and many new businesses traffic in the area is already at grid lock many hours of the day. Presently, in the event of a major fire quick access out of the area would be virtually impossible. Also the environmental impact in this rural area would be detrimental to preserving the natural habitat for wild animals, birds, etc. This type of project is ideally suited for Auburn or Grass Valley where there are already existing businesses (grocery stores, K Mart etc.) and facilities (such as doctors and Sutter hospital) to accommodate the specific needs of these residents. Plus both of these towns have adequate traffic lights that are very important to insure safe driving conditions. Sincerely, Jim and Helen Pachaud

44-1
44-2

Letter 44 – Jim & Helen Pachaud

Response 44-1: The comment states quick access out of the area would be impossible during a fire. See Master Response 2.

Response 44-2: The comment states the project would be detrimental to preserving natural habitat. As discussed in Draft EIR Section 3.4, Biological Resources, there were no significant unavoidable impacts of the project on wildlife or habitat.

Letter 45

March 16, 2012

Cindy Peterson
25748 Table Meadow Road
Auburn, CA 95602

To: Mr. Brian Foss
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

RE: Response to Rincon Del Rio Draft EIR

*Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the Rincon del Rio project and the adequacy of the Draft EIR and should be included as part of Nevada County's administrative process in the event a court action occurs.

To Mr. Foss and Nevada County Planning Department:

I have lived in the area for over 12 yrs, and specifically on Table Meadow Rd. for 4 yrs. I have to express my concerns in regards to the proposed Rincon Del Rio Project and its recent DEIR. This DEIR is so inadequate as far as what it covers (or doesn't cover) in regards to the proposed project and ha so many contradictive statements in the same paragraph it is amazing to me. That being said, I want to express my strong opposition to this project. The various studies and factual descriptions that have already been presented to the Planning Department, over and over again, explaining why development of this project should not be allowed to continue at its proposed location.. You evidently have reviewed this DEIR thoroughly with access to all the technical information. It must be obvious that this project should not continue after reading this report.

45-1

Research clearly indicates that the proposed location of Rincon Del Rio will not have sufficient evacuation routes should there be a fire. This is a huge public safety issues that will result by this unsafe fire exit at Rodeo Flat Road which will direct all of Lake of the Pines, the Ranchos and Darkhorse thru the project and out Rincon Way, resulting in catastrophic traffic congestion during an emergency. The roads, elevation of the steep mountains behind it will not be safe for exits, the likelihood of ongoing flooding problems continue to exist.

45-2

The entrance on Hwy 49 will cause great problems to traffic and probably more unnecessary deaths.

45-3

The DEIR stated we will need new water facilities. In addition, it stated that the fire dept. will need more firemen to support this project. Where will the funds come from to support this additional financial burden? The EIR does not sufficiently address this issue.

45-4

We know that Nevada County needs income. However, the question is; does this justify selling out the citizens of Nevada County? I believe your job is to work for the people.

45-5

Letter 45 Continued

This Project lacks consistency with the Nevada County General Plan's land use guidelines and zoning codes...especially with regard to rural lands. The extensive amendments to the Nevada County General Plan being "assumed" by this developer will affect any and all rural areas of our County.

45-6

You will be breaking a promise made to the citizens of Nevada County that was established many years ago with the creation of the Nevada County General Plan, a plan that was created and agreed upon for the protection of our lifestyle in this county. Approval of Rincon Del Rio will destroy the protective aspects of the General Plan and create unwanted major changes to the rural complexion of all parts of Nevada County. My understanding is that the General Plan was put in place to protect us from

45-7

This plan is additionally attempting to change current zoning in order to increase unit and population counts much higher than what is currently allowed within rural areas throughout the County. Specifically, this project is attempting to increase the unit count by five times the current zoning limitation.

I urge you to deny approval the development of Rincon Del Rio at its proposed location.

Sincerely,

Cindy Peterson

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 45 – Cindy Peterson

- Response 45-1:** The comment refers to multiple errors in the Draft EIR, but does not provide specifics. County staff considers the Draft EIR adequate for the purposes of evaluating physical environmental impacts of the project under CEQA. No further response is possible.
- Response 45-2:** The comment states, “[r]esearch clearly indicates the proposed location of Rincon del Rio will not have sufficient evacuation routes should there be a fire.” The comment includes the commenter’s opinion regarding impacts, but no documentation of this research. See also Master Response 2.
- Response 45-3:** The comment states there will be traffic problems and deaths at the entrance to SR 49, but provides no evidence to support such a statement. Please see Draft EIR pages 3.14-12 and 3.14-20 regarding accidents at the Rincon Way/SR 49 intersection as well as Draft EIR pages 4.13-17 through -20.
- Response 45-4:** The comment states the project does not address the issue of funding for fire department staff. The Draft EIR is not required to address economic issues. It should be noted, however, that fire department staff is funded through tax revenue and mitigation fees from new development. The County would collect tax revenue from the proposed project.
- Response 45-5:** The comment states opposition to the project. The commenter’s opposition to the project is noted and forwarded to the decision-makers for their consideration.
- Response 45-6:** The comment states the proposed project is not consistent with the General Plan. See Master Response 3.
- Response 45-7:** The comment expresses opposition to the project and the increases in population density. The comment is noted and forwarded to the decision-makers for their consideration.

Letter 46

Elfriede Prestel
10204 Rincon Way
Auburn, Ca 95602
530.269.1081

March 7, 2012

Mr. Brian Foss
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Re: Rincon Del Rio Project (Young Enterprises, Developer)

Dear Mr. Foss,

The project, Rincon del Rio a Continuing Care Retirement Center requires too many mitigating factors to allow development on the proposed rural property.

The Nevada County General Plan is specific in its wording regarding rural lands, and the proposed project does not fit any of these parameters. As the developer of the second phase for the Hidden Ranch Development (adjacent to the proposed property) I was aware of the zoning for the area when the property was purchased; I and my family worked within the tenets of the Nevada County General Plan; the goal of the development was to embrace the rural aesthetic with thoughtful planning, placing of lots, wells, septic systems and ensure the rural aesthetic was kept. I believe we did just that. The development looks the same today as it did when it was first completed, and is still rural.

The aesthetic proposed with RDR, a Continuing Care Retirement Center is an urban aesthetic; with this comes the urbanization of the area. RDR is a perfect example of a commercial enterprise attempting to disguise itself as an altruistic endeavor; clearly the proposed project is a desperate attempt by Jim and Carol Young to reap as much profit by violating the rural landscape and attempting to stomp on the civil rights of private property owners. If Jim and Carol Young, are responsible developers, and do in fact have a deep abiding love of the rural aesthetic they will move forward, reign in their project as proposed and work within the doctrine of the Nevada County General Plan. I welcome Alternative #1, as offered by the DEIR. The addition of 3 homes on the proposed property is a perfect fit for the General Plan the rural aesthetic.

46-1

Thank you,
Elfriede Prestel

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 46 – Elfriede Prestel

Response 46-1: The comment expresses support for Alternative 1, No Project Alternative. The comment is noted and forwarded to the decision-makers for their consideration.

Letter 47

March 7, 2012

Nevada County Planning Department
Brian Foss
Nevada County Board of Supervisors

Re: Rincon Del Rio DEIR

Dear Brian,

Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon Del Rio project. This correspondence addresses serious issues and concerns regarding the RDR project and the adequacy of the DRAFT EIR and should be included as part of Nevada County's administrative process in the event a court action occurs.

Below please find our response to the DEIR for the above proposed project.

AESTHETICS

In the above section of Aesthetics the DEIR states the proposed project does not fall under the California Scenic Highway Program (CSHP) because the project cannot be seen from the street. We contend to Mitigate that once the intersection at SR49/Rincon Way is completed the proposed improvements will radically change the existing intersection into a major intersection/destination and drastically change the scenic rural setting to an urban one and no longer fall under the purview of the CSHP. The DEIR needs to address this issue.

47-1

LIGHTING

We contend to Mitigate any lighting on Rincon Way resulting from the proposed RDR project. Lit country lanes are not pursuant to a rural setting.

47-2

Impact 3.1.3

We contend to Mitigate that the glare from vehicles will have "less than significant impact". Residing on Rincon Way exposes us to the glare and annoyance of all the vehicles coming and going to the proposed project 24/7 365. We also contend to mitigate the light from the project will interfere with the night sky and radically change the scenic rural area 24/7 365.

47-3

We believe neither of the above is "less than significant".

Letter 47 Continued

TRANSPORTATION

The DEIR states many facts and figures regarding the projected traffic on Rincon Way but does not address a solution to the impact the traffic will have. The traffic will change the entire area from a rural to an urban setting. The DEIR has not addressed the issue of medical emergency vehicles responding to a project like this and the impact the noise from said vehicles has on surrounding residents, and wildlife.

47-4

Personal Response:

The beautiful rural area is beautiful because the General Plan keeps it that way. RDR will change the rural landscape forever; **their traffic, sirens, service vehicles, street lights, buses, special events all contribute to urban existence.** Street Lights, Sidewalks, buses, service vehicles all belong in the city limits. We choose to live in the unincorporated area for a reason...it is unincorporated. What guarantee can the County give that the proposed project RDR will be completed as presented? None. We believe in growth. We have no objections to the property being developed; it is the type of development we object to. This area has zoning of 5 acre parcels; let them build homes on 5 acre parcels.

47-5

The proposed emergency gate connecting Rodeo Flat with Rincon Way is of great concern to us. We firmly believe the use of this road will be taken advantage of and the thru traffic from the yet undeveloped Dark Horse subdivision and any others wanting a quick way to SR49 will be quickly found. This will turn Rincon Way into a major thoroughfare. What guarantee will the county give this will not happen? None. Residents along Rincon Way will have to deal with the constant barrage of vehicle noises with no respite, and never experiencing the sound of silence.

47-6

The intersection of SR49/Rincon Way is also of great concern to us. Because of the targeted age and the difficulty navigating the intersection, we are concerned about accidents which will prompt Cal Trans to deny left hand turns onto SR49 South from Rincon Way. At that point we will be forced to drive out of our way in order to turn around. It makes no sense.

47-7

We believe the project Rincon Del Rio as presented needs to be denied. Development in Nevada County certainly needs to progress, but it needs to be intelligent. Development

47-8

Letter 47-8

needs to fit the area and RDR does not. The project and its scope belong closer to services that will be easier to access for the population targeted.

47-8

We understand there will be revenue collected from this project, but we firmly believe Nevada County Planning Department and the Nevada County Board of Supervisors need to deny this project. The project is too ambitious for the area, and the time needed to complete the project is unacceptable.

Thank you,

Wally and Billie Prestel
10210 Rincon Way
Auburn, Ca 95602
530.269.1235

Elfriede Prestel
10204 Rincon Way
Auburn, Ca 95602
530.269.1235

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 47 – Wally & Billie Prestel; Elfriede Prestel

- Response 47-1:** The comment appears to imply that the changes to the intersection of Rincon Way and SR 49 under the proposed project would make SR 49 ineligible for designation under the California Scenic Highway program. As SR 49 currently traverses developed areas and intersections, it is unlikely that any improvements would render SR 49 ineligible for the California Scenic Highway program. As identified in Draft EIR mitigation measure MM 3.14.4a, re-striping of Rincon Way would be only improvement at the intersection.
- Response 47-2:** The comment appears to oppose lighting on Rincon Way. The project does not propose lighting on Rincon Way.
- Response 47-3:** The comment disagrees with the conclusion in the Draft EIR (Section 3.1, Aesthetics, page 3.1-17) that glare from vehicles would be less than significant, but provides no reasons or countering analysis for the disagreement. The Draft EIR analysis of project lighting and glare impacts is based on detailed review of the project facilities and site conditions by technical staff and experts and is considered an accurate analysis of this impact. Draft EIR page 3.1-17 specifically notes that light fixtures to be used are those approved by the International Dark-Sky Association.
- Response 47-4:** The comment expresses the opinion that the project traffic would change the area from rural to urban. The commenter's opinion is noted. The comment also expresses concern about sirens from emergency vehicles. As shown in Draft EIR Section 3.12, Population, Housing, and Employment, page 3.12-4, approximately 25 percent (104 residents) would be in assisted living or nursing care, and the proposed project would provide medical personnel to treat those who are ill. Because of the medical personnel on site, it is not anticipated that the project would require a sizeable number of emergency vehicles that would substantially increase noise.
- Response 47-5:** The comment states the project would increase traffic, noise, and lighting in the area, so the commenter prefers an alternative that allows homes on 5-acre parcels (Alternative 2).
- Response 47-6:** The comment expresses concern that the emergency gate on Rodeo Flat Road would create through traffic on Rodeo Flat Road. See Master Response 1.
- Response 47-7:** The comment expresses concern that Caltrans would prohibit left-hand turns from Rincon Way onto SR 49. The project does not propose such a restriction nor is the County aware that Caltrans is considering such a restriction and did not identify such a restriction in their comments on the Draft EIR (see Comment Letter C).
- Response 47-8:** The comment expresses opposition to the project, stating it would be better placed near services. The comment is noted and forwarded to the decision-makers for their consideration.