

**Kidder Creek Orchard Camp
Draft Environmental Impact Report
APPENDICES**

APPENDIX B

EIR Notice of Preparation and Scoping Comments

August 31, 2018

**Notice of Preparation
of a Draft Environmental Impact Report
for the Kidder Creek Orchard Camp Project**

Application No. Z-14-01 and UP-11-15

The Proposed Project includes a request to expand the use of the site and requires a new use permit (UP-11-15). The Project also includes a request for a zone change (Z-14-01) to rezone approximately 170 acres from Timberland Production District (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40). The expanded use permit would allow an increase of allowable occupancy at the camp from 310 to a total occupancy of 844 (guests, staff, and volunteers), an increase the physical size of the camp from 333 acres to 580 acres, and the addition of a number of structures and recreation features, including a second pond and ancillary facilities. The project would be developed over a 20-year period.

Section 15063(b) of the State Guidelines for the California Environmental Quality Act (CEQA) requires that, if during the Initial Study analysis, the lead agency determines that there is substantial evidence that any aspect of the project may cause a significant effect on the environment, the lead agency shall prepare an EIR. As a result of comments received by the County on the Draft Initial Study completed for the Proposed Project, the County determined that an EIR level of analysis was required by specific impact areas. Those areas include agriculture, hazards, noise, traffic, and water.

The County is inviting public comments regarding the scope and content of the environmental information to be included in the EIR. Any comment from a public agency shall address the scope and content of environmental information that is relevant to the agency's statutory responsibilities, as required by Section 15082(b) of the CEQA Guidelines.

Written comments may be submitted at any time during the public notice period, **beginning on August 31, 2018 and ending at 5:00 PM on September 29, 2018**. Please address all comments to:

Kidder Creek Orchard Camp Project
Attn: Christy Cummings Dawson, Deputy Director
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

Or email to: cdawson@co.siskiyou.ca.us – please include a subject heading such as “Kidder Creek Orchard Camp EIR NOP comments”. It is not necessary to comment more than once. All comments will be considered during the preparation of the EIR.

In addition, a **Scoping Meeting** to hear comments will be held on **Thursday, September 13, 2018, from 4:00 PM to 6:00 PM**

The Scoping Meeting will be held at:

Town of Fort Jones
Town hall
11969 East Street,
Fort Jones, CA 96032

(If you have questions or concerns regarding the Scoping Session, please email cdawson@co.siskiyou.ca.us or telephone at (530) 842-8206.)

Project Information

Project Name

Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)

Project Location

The Project site is located on 580-acres at the west end of South Kidder Creek Road, approximately 2 miles west of State Hwy 3, south of the community of Greenview in the Scott Valley, (Assessor Parcel Numbers (APNs) 025-370-040 and 380; 024-440-140, 150, 310, 320 and 330; 024-450-390, 400 and 590).

Project Description

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

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

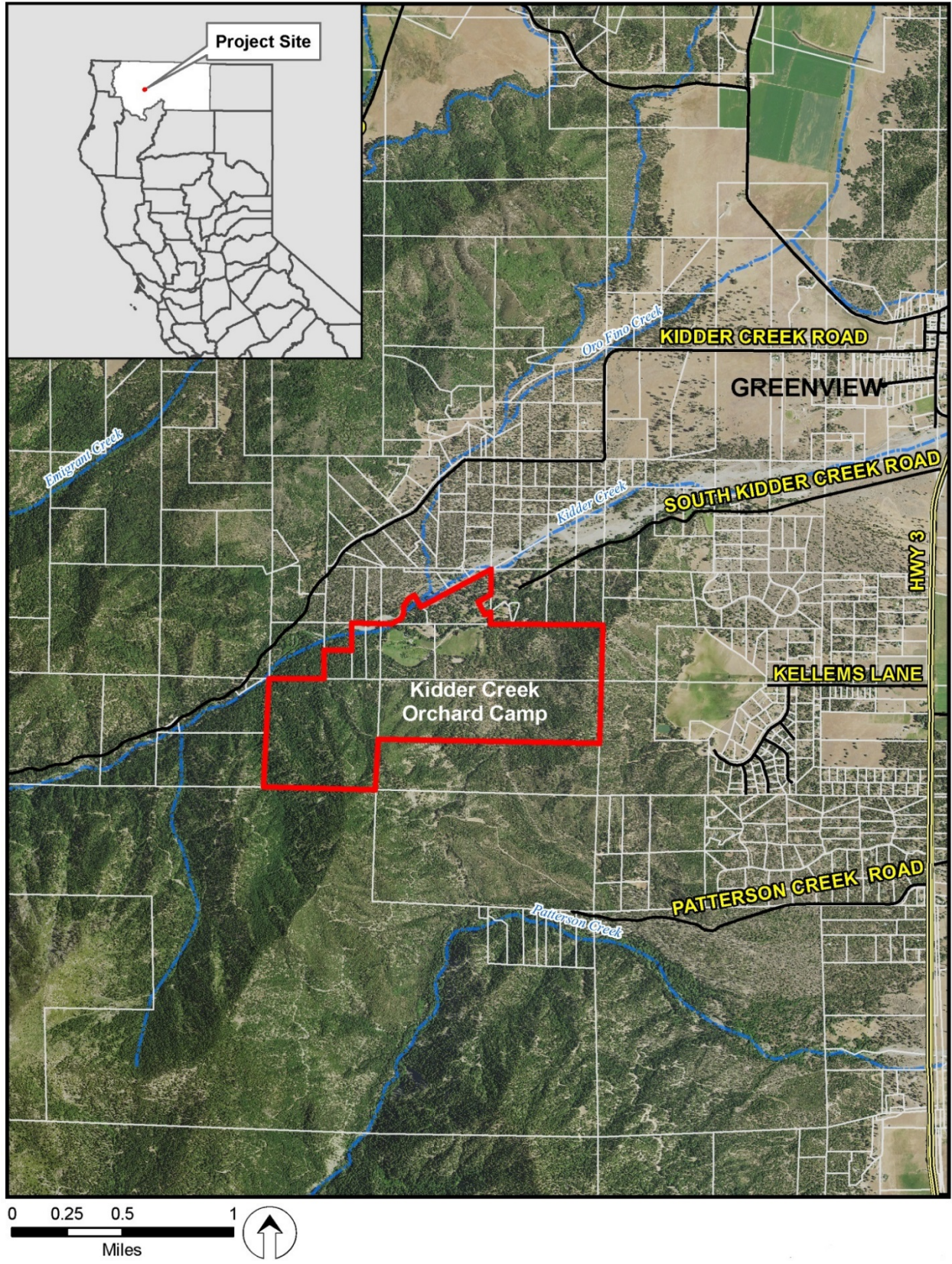
As stated above, the Project proposes an increase of allowable occupancy at the camp from 165 guests to a total occupancy of 844 (guests, staff, and volunteers), an increase the physical size of the camp from 333 acres to 580 acres, and the addition of a number of structures, recreation features, including a second pond and ancillary facilities.

The Project includes four major facilities to be constructed and several minor facilities such as those associated with the High Adventure Camps, and Basecamps. Major facilities (with reference number for table below) include:

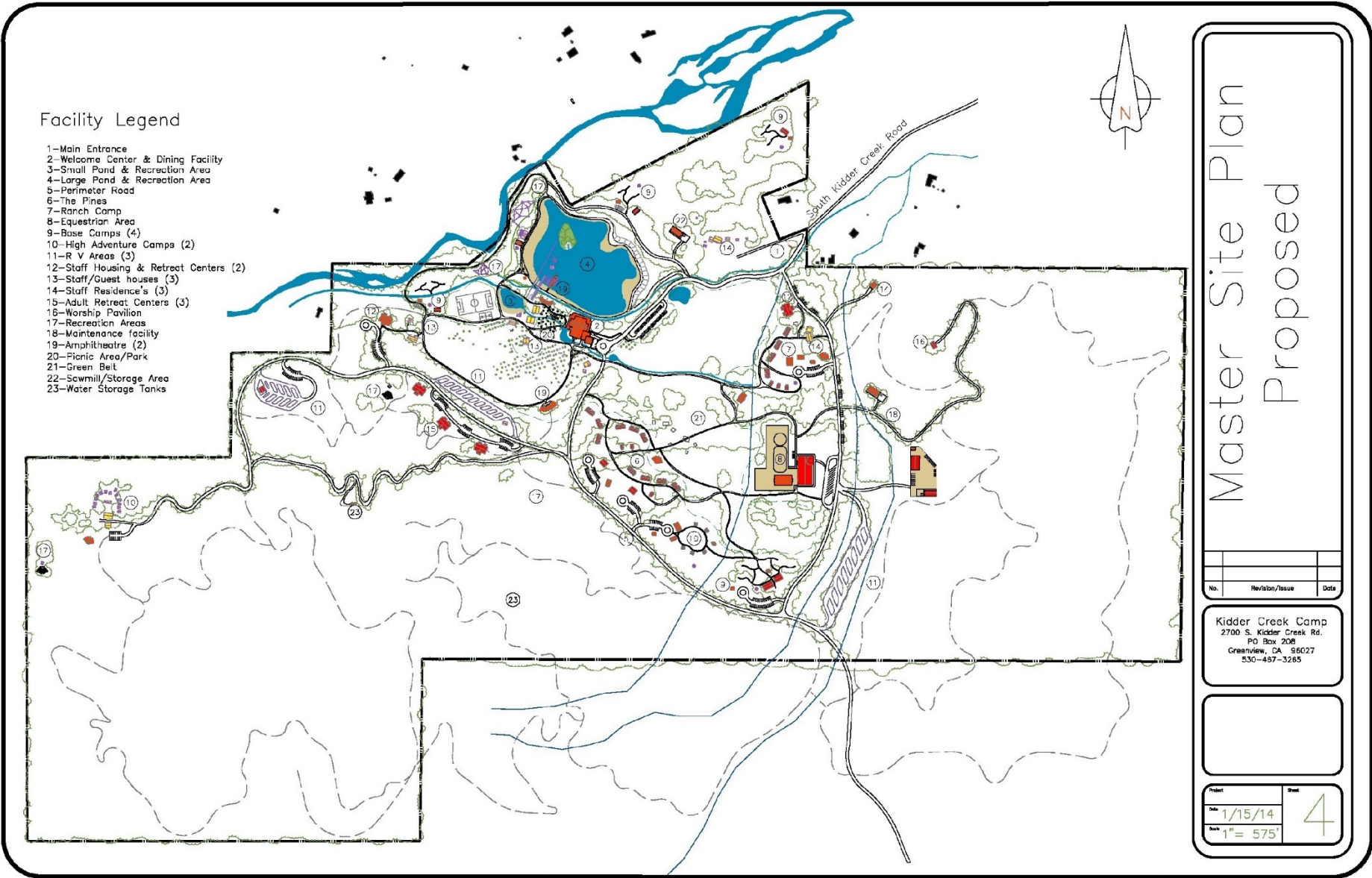
1. Welcome Center and Dining – this building would create new office space, dining hall, and restroom.
2. Equestrian Center – this building would provide new horse facilities for Ranch Camp.
3. Cabins for Pines/Ranch Camp – these are new winterized buildings.
4. Staff housing/ Adult Retreat Centers –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

Probable Environmental Effects and Scope Of The EIR

On September 9, 2016, the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Draft Initial Study/Mitigated Negative Declaration (SCH#2016092016) was circulated by the County for a 30-day public review period. The County received 233 letters and post cards commenting on the IS/MND. As a result of comments on the Draft IS/MND, the County determined that an EIR level of analysis was required for specific impact areas. Those areas include Agriculture: loss of timber resources, Hazards: wildland fires, Noise: construction noise, project noise, Traffic: emergency access, roadway safety, traffic increase traffic, and Water: water quality, stream diversion/water allocation usage).



Location Map



Proposed Project Master Site Plan

Kidder Creek Orchard Camp EIR NOP Comments

SCOTT VALLEY AREA PLAN:

This proposed expansion and zone change is the type of development that the SVAP specifically is designed to prevent. There are numerous references throughout the 44 pages that prohibit this expansion, but I particularly want to call your attention to Policy 42 and Policy 43 that "...shall apply to all lands within the Scott Valley Watershed." Policy 42 states that "It is the policy intent of this plan to channel heavy commercial and industrial land uses into areas that have good, existing access, away from residential areas, and into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." Certainly a commercial activity, industrialized recreation including 844 people, meets the definition of "heavy commercial and industrial."

Policy 43 states that "It is the intent of this plan to channel all high density residential development into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." If this proposed expansion does not meet the definition of heavy commercial and industrial than surely it can be defined as residential development since it is proposing year around occupancy by a greater population than either Etna or Fort Jones. In terms of impact, it matters not whether the population is transient or permanent. The impact is the same.

FIRE SAFETY:

Given the recent catastrophic and explosive wildfires and the high likelihood that this will be the new normal due to climate change, it is incredible that anyone is in favor of 844 people stuck at the end of a dead end road surrounded by fuel and without adequate vehicles on site for an emergency evacuation. Additionally it is unlikely that Cal Fire will approve this proposal unless there is a secondary access road that meets standard requirements. Furthermore the proposed increased camp population creates a dangerous condition for the residents of South Kidder Creek Road, and South Kidder Loop in the event of an emergency evacuation.

WATER:

It does not appear that KCOC has deeded water rights from either Kidder Creek or from adjacent groundwater to support the increased demand and need. Additionally because of the size of the population increase the State Water Board will probably demand a public water system for which there are no plans in the current proposal. Furthermore there has been no study to evaluate the impact of the increased usage on the acquirer that will impact the wells and springs of the local residents. Because of the prolonged drought and projected diminishing snowpack an EIR should be required to evaluate the impact this proposed expansion will have on groundwater.

WASTEWATER:

Both cities of Etna and Fort Jones are required to have wastewater treatment plants. This proposed expansion will create a population greater than either city, and in a flood plain. The proposed septic systems are totally inadequate.

CUMULATIVE IMPACT:

This proposal should not be looked at in isolation, but instead viewed as an addition to the already existing and illegally operating resorts of JH Ranch and Scott River Lodge. The valley wide impact will be huge in terms of traffic and disruption of the rural life style that the Scott Valley Area Plan is designed to protect. The county has shown itself to be totally inept and incompetent at forcing compliance of existing codes and regulations by the JH Ranch, and to a lesser extent by Scott River Lodge. It seems absurd that the county would willingly add another large corporate owned entity emulating JH Ranch. Additionally allowing this kind of expansion sets a precedent for other future non-profit developments that will remove more land from the county's tax base.

As a long time resident of Scott Valley, and recent homeowner on South Kidder Loop I urge you not to approve this proposed expansion and zone change that will have extremely negative consequences for local residents, and the entire Scott Valley.

Signed,
Albert Wagner
POB 518
Etna, CA 96027

Anne Marsh

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131

September 29, 2018

Christy Cummings Dawson, Deputy Planning Director
Community Development Department
Planning Division
608 S. Main Street
Yreka, CA 96097

RE: Kidder Creek Orchard Camp EIR NOP comments - Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)

VIA EMAIL

Dear Christy:

Thank you for requiring an Environmental Impact Report (EIR) and finally bringing this project to the public for resolution. Also, thank you for accepting my comments on the NOP. My comments are made based on the Revised Project Description and Draft Initial Study/Mitigated Negative Declaration for the Project because the NOP did not disclose that any changes were made to the project since those documents were circulated to the public.

BRIEF HISTORY OF PROJECT

A brief summary of the history of the project as I know it is: Kidder Creek Orchard Camp (KCOC) held meetings with the County Planning Division from at least March 2009 before first applying for a use permit for expansion on September 21, 2011. The project was considered for either Planned Development Zoning or a Use Permit at those meetings. The project was never circulated for approval. KCOC purchased more property and amended the application and project description for UP-11-15 and added Z-14-01 in March 2014. A Draft Initial Study/Mitigated Negative Declaration (DIS/MND) for UP-11-15 and Z-14-01 was circulated to the public on September 7, 2016, with a posting on the State of California, Office of Planning and Research, CEQANet. Numerous comments were received. The County determined that the project required an Environmental Impact Report (EIR) and circulated the project on August 31, 2018, with comments being accepted until September 29, 2018. Comment period is until October 1, 2018 according to the State Office of Planning and Research, CEQANet.

PROJECT

Kidder Creek Orchard Camps, Inc. (KCOC) proposes to consolidate and supersede 3 current use permits (UP-76-39, 1977; UP-84-37, 1984; UP-95-12, 1996). The Kidder Creek Orchard Camp Zone Change (Z-14-01) and

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Use Permit (UP-11-15) The DIS/MND upon which the Draft EIR (DEIR) is to be based states, “*The project is a proposed rezone and use permit application to expand an existing organized camp. The rezone would reclassify approximately 170 acres of land from TPZ to R-R-B-40. The use permit would expand the camp area from 333 acres to 580 acres and increase the total camp guest occupancy from 165 (total bed occupancy of 310)* to a peak summertime occupancy of 844. The 844 occupancy includes camp guests, staff, and volunteers. It is anticipated that the expansion would occur over a twenty year period. The organized camp is a conditionally permitted use pursuant to Siskiyou County Code (SCC) Section 106.1502(c)(4).*” (emphasis added)

*No total bed occupancy is given in UP-95-15. This will be addressed at length later.

PARCELS INCLUDED IN THE KCOC EXPANSION PROJECT BUT USED FOR A DIFFERENT PURPOSE

According to the DIS/MND the Appraiser Parcel Numbers included In the KCOC Project are by APN – Ownership: 024-440-140 - Kidder Creek Orchard Camps, Inc.; 024-440-150 - Kidder Creek Orchard Camps, Inc.; 024-440-310 - Andrew & Emily Warken; 024-440-320 - Kidder Creek Orchard Camps, Inc.; 024-440-330 - Kidder Creek Orchard Camps, Inc.; 024-450-390 - Kidder Creek Orchard Camps, Inc.; 024-450-400 - Kidder Creek Orchard Camps, Inc. 024-450-590 Kidder Creek Orchard Camps, Inc. 025-370-040 Kidder Creek Orchard Camps, Inc.; 025-370-380 - Kidder Creek Orchard Camps, Inc.

But APN 024-440-310 - Andrew & Emily Warken is currently being used as an unpermitted, non-compliant Vacation Rental. The use has been on-going since at least 2017. It is advertised as a Vacation Rental on AirBNB which I accessed on September 28, 2018. Although no property address is shown for the property on AirBNB, I recognized the property immediately. I visited and socialized at that property frequently from 1999 until my friend sold it to KCOC in 2011. At this time, I don’t know when or how title to the property was given to the Warkens. Should APN 024-440-310 owned by Andrew & Emily Warken continue to be included in the KCOC Project, or does this illegal use require that the Project boundary be revised? The use as a Vacation Rental is certainly not compatible with camp use because of the potential for activities by Vacation Rental guests that are incompatible with the safety of the youths at the camp, and use as a Vacation Rental (which requires a Use Permit) would preclude the residence from being used as Staff Housing as it is classified in the DIS/MND. Andy Warken is Director of Kidder Creek. (See ATTACHMENT A) The DEIR should address this issue.

INADEQUATE PROJECT DESCRIPTION

The project description in the DIS/MND is inadequate in that it does not identify any of the new proposed uses, but rather mentions only “expansion of an existing organized camp”. In the body, the DIS/MND does state, “*Kidder Creek has proposed to accommodate special events (public and private), which may include weddings, birthdays, religious functions, concerts, auctions, picnics, horse clinics, demonstrations, and training events, and similar events. Estimated attendance would be 20 – 250 guests, average 3 – 8 hours per event, and be held approximately once per month between the months of April and October. These special events would not occur at the same time as regular camp activities, but may occur when campers are off-site.*” (Emphasis added), and Adult retreats apparently proposed to be held in the proposed Adult Retreat Centers.

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To allow the public to comment in an appropriate manner, the inclusion of these additional activities should be clearly disclosed in the initial project description. The public should not have to dig through various documents to discover what is actually being proposed.

CEQA may only require a “brief description” of the project, however such description should not be so short as to omit uses which may contribute to an adverse and significant impact on the environment. Additionally, the Use Permit Application Guide of the Siskiyou County Planning Department makes this statement as to the project description: “2. *Project Narrative. A clear and legible written narrative shall be submitted on a separate sheet of paper which details the proposed project. The narrative shall include: proposed uses, number of employees, proposed hours of operation, number of occupants, types and quantities of storage of materials, any processing of materials, etc.*” (emphasis added) It is noted that the number of employees is not included in either the DIS/MND or the Kidder Creek Orchard Camps, Inc. Revised Project Description for UP 11-15.

It should be made very clear to the public agencies and public at large that, if approved by a use permit as currently presented, there will be no phasing limitations on the project. The DIS/MND is merely the County’s study and review of KCOC’s Revised Project Description. So on approval everything in KCOC’s Revised Project Description could be implemented immediately. There may be a few mitigations to be met, but these are inadequate for a project of this scope. (More on that later.) Approval would mean that residents and motorists in Scott Valley could be immediately impacted by everything in the Revised Project Description without any phasing in or time limitations.

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

Again, approval of this project as an out-right use permit, with no under-lying Planned Development zoning, will give KCOC an entitlement to implement the 20-year phased-in use now, or at any time in the future. While mitigations might be approved which would require that the project be phased in over certain time periods, the fact is that Siskiyou County does little or no mitigation monitoring. One look at the out-of-compliance, out-of-control JH Ranch project will show how little control the County bothers to exert over use permits.

Siskiyou County contends that use permits run with the land and are not extinguished by non-use. They claim that it takes a Revocation Hearing process by the County to terminate a use permit. It is imperative that this project be permitted appropriately to avoid resolution of this conflict through costly litigation.

Now there are those who will come forward saying that KCOC would only expand as per stated in the phased project statements. Well, perhaps they would, but what if they get an offer they can’t refuse and a larger, deeper pocketed organization comes in. Another owner/organization would have a legal right to implement everything with no phasing, and with an immediate 844 [daily] occupancy.

The residents of Scott Valley, where the project is located, are already very negatively affected by the JH Ranch project which has been out of compliance for years and continues to buildout and add to occupancy without
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either the blessing of or intervention by the County. JH Ranch Mountain Resort also owns Scott River Lodge, so motorists on Highway 3 have already seen traffic between these two projects negatively impact their rural lifestyle. Adding the traffic from 844 [daily] occupancy, with some occupants leaving for other venues while new ones are coming in on the same day, will make travel on our up until a few years ago very rural Highway 3 a nightmare and getting out of my little subdivision onto Highway 3 even worse.

PROJECT AS PROPOSED IS VAGUE, LACKS SPECIFICITY AND LACKS COHERENCE

The project description is vague at best, and is not suitable to define the entire project. In its Revised Project Description, KCOC opines, “*KCOC understands that environmental and permitting details change over time, **therefore this document addresses only the large-scale environmental assessments that were performed to ensure there are no negative impacts under a new Use Permit and related zoning change. The smaller, site specific requirements will be met at the time of design and construction of each area over the next 20 years.**” (emphasis added)*

This overarching premise causes appropriate comments on the project to be very nearly impossible to be made. It also makes a Mitigated Negative Declaration impossible for the entire project, since CEQA does not allow deferred mitigation which would be required for all the vague, sometime in the future components of the project description. The smaller, site specific requirements (whatever that means) must be disclosed and analyzed now.

There is lack of specifics regarding the pond (lake); the buildings; and nearly everything. A project this vague should not qualify as a “project” under CEQA and should be sent back to drawing board for specifics.

Also, the project proponent should be required to present more clear figures as to how many of the proposed occupants will be paying “guests,” how many will be employees, and how many will be volunteers. There may be a perception on the part of the public that the site will be used for other purposes than is being presented and considered in the proposed use permit.

And, the County should assure that the language employed in use permits and other permitting mechanisms is clear and unassailable. For example, there should be a clearly stated daily maximum project occupancy, with the word “daily” inserted before every “maximum occupancy.” So, “844 daily maximum occupancy” would be a clear statement.

DESCRIPTION MISSTATES TOTAL OCCUPANCY

The DEIR needs to correct the total occupancy of the KCOC existing project to 165, as is allowed in the current use Permit UP-95-12. The total occupancy of 310 is a fabrication that was inserted into the DIS/MND and has been brought forward into other documents. It needs to be corrected.

To explain the error: When the DIS/MND was circulated in September 2016, it contained this statement under Project Description: “*The use permit would expand the camp area from 333 acres to 580 acres and increase the total camp guest occupancy from 165 **(total bed occupancy of 310)** to a peak summertime occupancy of 844. The 844 occupancy includes camp guests, staff, and volunteers.*”

There is no mention of any type occupancy of 310, in either the 2011 KCOC Project Application and Description, or the 2014 Revised Project Application and Description. As I said in my October 4, 2016 comment letter, “It [the 310 total bed occupancy] appears to have been plucked out of thin air.” Yet that fiction

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was posted on the CEQANet in 2016 as "...increase the total camp guest occupancy from 165 (**total bed occupancy of 310**) to a peak summertime occupancy of 844..." and now with the August 31, 2018 posting of the KCOC NOP it been expanded to state,"... The expanded use permit would allow **an increase of allowable occupancy at the camp from 310 to a total occupancy of 844 (guests, staff and volunteers)**..." **That statement is incorrect.** It cannot be substantiated by any documents presented to the public, except incorrectly in the DIS/MND dated September 2016 which was written by County Planning Staff or hired contractors and supposedly based on the Revised Project Description which never contained any such allowable occupancy. The Revised Project Description for KCOC states, "Currently KCOC is operating under permit number UP-95-12 and has consistently complied with the permitted use including 333 acres, **a total occupancy of 165**..."

CURRENT TOTAL OCCUPANCY:

The camp is currently permitted for up to 165 campers/guests (staff not included in previous use permit) at any given time.

The Revised Project Description for UP-11-15 states, "Compliance with Current Use Permit KCOC originated in 1976 at which time it applied for its first Use Permit (UP-76-39). This permit has been updated in 1984 (UP-84-37) and again in 1996 (UP-95-15). During the past 38 years KCOC has complied with the terms indicated in each permit. Currently KCOC is operating under permit number UP-95-12 and has consistently complied with the permitted use including 333 acres, **a total occupancy of 165**, on-site parking limit of 215 and an average daily traffic volume of 131. The following chart shows specific conditions identified in UP-95-15 with a statement of compliance for each." (Emphasis added)

Yet Table 3.0-4 Existing and Proposed bed occupancy by sleeping areas/type Use Current Proposed shown in the DIS/MND is as follows, showing a Grand Total Current Occupancy of 310:

USE	CURRENT	PROPOSED
Staff/Guest housing	28	44
Summer Staff Housing	34	80
RV Site Beds (2 beds per RV)	24	72
Subtotal	96	196
Adult Retreat Centers	0	120
Basecamps	70	100
Basecamps	144	156
Regular Camp Cabins	0	272
Subtotal	214 (144 beds)	648 (548 beds)
Grand Total	310	844

This chart, which is included in the DIS/MND, is erroneous. The subtotal for the Current period is overstated. KCOC's Revised Project Description doesn't even mention the 310 occupancy number.

Table 2: Proposed Incremental Occupancy Increase

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IMPLEMENTATION PERIOD	TOTAL OCCUPANCY
Current	165
5 years	265
10 years	600
15 years	724
20 years	844

I have requested, but not received, the source of the 310 Current Grand Total number. It appears to have been plucked out of thin air. Based on the 1978 permit the mix was: 36 campers (78%) and 10 counselors/staff (22%). If the 1995 figure of 310 is correct, that is 165 campers (53%) and 145 staff/volunteers (47%). I have questions about the status of those volunteers - are they customers who only paying part of the fee? Or?? What do they do??

The DEIR should correct the erroneous total occupancy figure from 310 to 165.

COUNTY ALLOWED BUILDOUT OF THE PROJECT WITHOUT APPROVAL

The DEIR needs to address the illegal buildout of the KCOC project which occurred prior to a Use Permit being approved for the expansion and buildout. One questions the integrity of a Non-Profit Organization such as KCOC that would apply for and implement County permits for buildout while awaiting approval of the Use Permit which would allow that buildout. One questions even more the integrity of the County Planning Department in signing off on these permits. That is exactly what happened! On approximately January 22, 2018, KCOC applied to Siskiyou County Building Department for five (5) permits including, but not limited to, electrical feed for water tanks and the NW end of camp wilderness area, and for Staff Housing. The Siskiyou County Planning signed off on those permits despite the fact that the KCOC Project is a very controversial project which was first discussed with the Planning Department in 2009 and applied for 2011, and has been the subject of phone calls and emails by the public to the Planning Department since that time. This buildout was completed and finalized by the Building Department approximately June 13, 2018. *“With regard to the second issue, Ms. Dawson reviewed the permits issued for new cabins, and reported that KCOC is in compliance with all rules and regulations applicable to those permits,”* according to District 4 Supervisor Lisa Nixon in an email dated July 11, 2018. Somewhere I heard that electricity to the Wilderness area was required so attendees could have cell phone service. Some Wilderness experience! The permits for the buildout were acquired through the Building department, and the Planning Department must agree to the permit applications or there can be no approval by the Building Department. The Planning Department did agree by “signing-off” on the Building Permits, which is an egregious and unconscionable dereliction of duty. The Planning Department should have required that the permit applications be put on hold until the KCOC project was approved. The County’s policy of Allow, Ignore, and Bring into Compliance, which has been used with JH Ranch, Roseburg Forest Products Biomass project, KCOC and is currently being used in connection with Zoning Text Amendments to allow Agritourism and Enhanced Animal Production (Hog Farms) must be halted. Please include this illegal buildout process and how it applies to the KCOC project in the DEIR. If the Revised Project Description to be prepared by ECORP, Inc. includes the illegal buildout as being included in the existing project, the entire CEQA process will have been compromised. (See ATTACHMENT B and ATTACHMENT C)

ECORP CONTRACT

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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I expressed my concerns regarding the County's contract with ECORP, Inc. (ECORP) to prepare an EIR for the KCOC project in my letter dated July 8, 2018 to the Board of Supervisors. Among those concerns were, and remain, that ECORP will base the EIR on the flawed DIS/MND which I have reason to believe was prepared in part if not entirely by ECORP; that the contract states the EIR will be a "Focused" EIR;" and that regarding Alternatives to the Project, *"If the environmentally superior alternative is determined to be the no Project alternative, the EIR will identify the environmentally superior alternative among the other alternatives analyzed."* A Focused EIR based on a flawed DIS/MND and ignoring the "No Project" alternative is not suitable for either this project or for CEQA. (See ATTACHMENT B and ATTACHMENT C) Please assure that a full EIR is presented as the DEIR.

LENGTH OF THE PROJECT AND LACK OF SPECIFICS - USE PERMIT OR PLANNED DEVELOPMENT ZONING

The DEIR should contain clarification regarding how a Use Permit is legal for this lengthy, phased project. There appears to have been some confusion when the KCOC expansion project was being discussed with the County Planning Department in 2009. Because it was assumed that the out-of-compliance JH Ranch was a similar project, JH Ranch was used as an example. However, JH Ranch has Planned Development (P-D) Zoning and an approved Use Permit. The KCOC project was apparently developed as though P-D Zoning would apply because of the length of the project and the stated phased timing of buildout and implementation of the project. A P-D zoned phased project requires a use permit. I included this report of a meeting between KCOC and County in my comment letter on the DIS/MND for the KCOC project.

"At a March 5, 2009 meeting attended by Mike Moses - Deputy Director of Environmental health, Rowland Hickel - Assistant planner, Rick Dean - Waste management, Dina Elinson - Consumer protection - Health Dept., Bill Navarre - Land use unit manager - public health dept. and Randy? - Building dept. the choice of a Use Permit versus Planned Development was discussed. The notes (apparently KCOC's notes) state, "Planned development vs. use permit

Use permit - is site specific - **Development to be completed within two years with a possible extension of another 2 years.** - Easier to obtain (no supervisor review necessary/possibly fewer agencies involved/less expensive process) - **Development done in small phases with revised or amended use permit - does not require a zoning change**

Planned Development - **One large up front plan that includes everything desired - Development can be done over a long period of time, conforming to building requirements at time of construction.** - Small changes can possibly be absorbed; large changes require a new or amended PD. - PD is a zoning change and must go through the process for changing" The notes go on to say, **"3-19-09 Meet with Roland at his office. Discussed UP vs PD. He encouraged us to pursue a use permit. Amended his previous statements about UP. Said Large project could be submitted with phases of completion. First phase to be completed within four years, second can be do[ne] in 6,7, or 8 years (as proposed), and so forth with each phase. Stated that UP would be easier to obtain (only requires planning dept. approval unless decision is contested, then would go to sup's), is less expensive, is approved by the Planning Dept., and is more flexible to changes than a PD is."** (emphasis added)

It is difficult to know, nine years later, exactly what Mr. Hickel had in mind, but he obviously did not understand that Planned Development is the zoning, and that a use permit would still be required for the activity on the Planned Development zone."

The Project Description is for a phased 20-year project, the phasing of which has already been corrupted by KCOC's illegal buildout. The Revised Project Description for the KCOC project makes two telling statements: **"Development of the land use and program expansion described in this project will take place using a multi-**

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phased approach where priority items will be determined based on available funds. A strategic planning effort by the Camp resulted in the vision for this project and the preferred prioritization described in this document. It is important to note that the location of building facilities are tentative based on the conditions of each site and approval through the building permitting process.

KCOC understands that environmental and permitting details change over time, therefore this document addresses only the large-scale environmental assessments that were performed to ensure there are no negative impacts under a new Use Permit and related zoning change. The smaller, site specific requirements will be met at the time of design and construction of each area over the next 20 years. (Emphasis added)

This lack of specifics hinders the public in understanding exactly what is planned and how it could potentially affect the environment, thus causing an exclusion of the public's ability to adequately comment. The project needs to go back to the drawing board, develop some concrete plans that can be implemented in a reasonable length of time, and provide the public with enough detail to make informed comments.

According to CEQA, the basic attributes of a Conditional Use Permit are: “*Consistent with GP – Approval of the use requires a hearing --it may not be popular with the neighbors – Site-specific proposal – **Includes parcel-specific development** – Usually have more detail about the proposed development than either a GPA, ZC, or TTM would provide - Analysis will be more detailed than for a GPA/ZC for which there is no specific development project – Mitigation measures will become the conditions of approval – Mitigation measures will be specific, not generalized.*” (Emphasis added)

This project shows a lack of parcel-specific development. The questions of whether it even qualifies as a project under CEQA; whether Planned Development zoning should be required for the project; and whether a different type EIR which would accommodate a long-range project might be the best way to proceed must be answered in the DEIR.

INADEQUATE ANALYSIS OF PROJECT

The DIS/MND upon which the DEIR is to be based is inadequate in that for a 20-year phased project the DIS/MND does not include any discussion of buildout in the area surrounding the project. Only the inadequate and flawed traffic study mentions any buildout, and that only of the 17 legal lots that access South Kidder Creek Road. A 20-year scenario for buildout of the surrounding area must be analyzed in the DEIR.

GEOLOGY/SOILS – HAZARDS AND HAZARDOUS MATERIALS

While not on the DTSC Envirostor database, which includes the Cortese List” or SWRCB GeoTracker database, the fact is that the project site had a saw mill which was torn down sometime in history. Neither the DIS/MND nor the Revised Project Description go into any detail about this sawmill, and it might not be a problem. However, the fact that the project proponent intends to use materials/soils from the new pond area, which is the site of the old sawmill, makes disclosure of the facts about the existence and history of the sawmill and an analysis of the soils from the sawmill site imperative to protect the health and welfare of project users. Please require an analysis of the soils at the old sawmill site to protect the youth and others who attend the project site. Again, to allow contaminated soils at the site of the old sawmill to be removed and dispersed across the KCOC Project could cause severe health problems for guests (especially children), staff, volunteers, and visitors.

The Revised Project Description states, “*Geology/Soils Minor grading associated with building site preparation and road improvement may be associated with the implementation of specific site development.*”

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Moderate grading of the new pond area is expected, however the material is identified for planned use within Camp boundaries (i.e. road improvement and/or horse arena).” (emphasis added)

The DEIR must address the hazardous soils and whether such grading was done prior to approval of the KCOC expansion.

NOISE

The Noise Study by Bollard Acoustical Consultants, Inc. dated October 24, 2017 (Noise Study) is flawed and inadequate. Since the DIS/MND that will be used to create the DEIR does not take into consideration the fact that moving the road within the project from the center of the site to the perimeter of the site, the Noise Study did not include noise from the new road. That new road could have a very negative impact on the sensitive receptors abutting the project on the other side of the Kidder Creek waterway. The Noise Study considers the sound of running water to be “noise,” but most people consider the sound of running water to be a soothing sound. (That is why the sound of running water is used in relaxation and sleep CDs and “sleep machines.”) On the other hand, the sound of traffic tends to be irritating because it is intermittent and abrupt and truly is “noise.”

Additionally, the Noise Study does not present facts or figures combining the use of loud or amplified sound with the sound [noise] generated by construction activities. The Noise Study fails to acknowledge that sound reverberates off our surrounding mountains, making it a much louder experience which we call noise.

Mitigation Measures 12.1 and 12.2 totally ignore the quiet, rural setting of this project and its residents living nearby. MM-12.1 states, **“During project site development construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and federal holidays. This condition shall be noted on Building Permits documents and any Improvement Plans required for this project. Timing/Implementation: During grading and construction of improvements Enforcement/Monitoring: Siskiyou County Community Development - Planning Division”** (emphasis added)

Six days a week noise from construction over a 20-year period, even if it is at undisclosed intervals, is just not acceptable for our quiet, rural lifestyle. Nor is it acceptable in an area where wildlife has flourished and will continue to survive if this project is not approved.

The Revised Project Description states, **“Aesthetics/Noise The views and noise-generating activities will be addressed during the design and construction phases of the project. KCOC is committed to designing these areas where no buildings are in the view of neighboring properties. A few elements are already in the planning phase that will help to alleviate increased noise; 1. The purchase of property adjacent to the camp has been developed to create a “buffer” zone, 2. Plans to move certain activities will be considered where sound can be directed towards unpopulated areas, and 3. We continue to offer programs that are decentralized, keeping campers in smaller groups that don’t require loud noise or sound amplification to a large degree.”**

Yet the DIS/MND ignores that and provides a noise generating mitigation that will do nothing to keep neighbors happy, healthy, or peaceful (see below).

MM 12.2 states, **“The use of loud or amplified sound (i.e. music, stereo equipment, public address (PA) systems, etc.) shall be limited to 8:00 AM to 10:00 PM Monday through Saturday, and 9:00 AM to 10:00 PM**

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Sunday and National and State-recognized holidays. Noise shall be limited to 60 dB at the boundaries of the project site during the hours listed above and 45 dB at all other times.

Timing/Implementation: As long as the Use Permit is valid Enforcement/Monitoring: Siskiyou County Community Development - Planning Division” (emphasis added)

Noise-generating activities that “...will be addressed during the design and construction phases of the project” would not be mitigated or the mitigation would be deferred. CEQA does not allow deferred mitigation. At the very least, **loud or amplified sound (i.e. music, stereo equipment, public address (PA) systems** should be limited to a much shorter time span. Only from 7:00 PM to 10:00 PM would be reasonable.

Despite the flawed and inadequate Noise Study, allowing Sixty (60) dB at for 14 hours a day at the property boundary for six days a week, and 13 hours a day on Sundays and National and State-recognized holidays on an on-going basis in our quiet, rural area should not be allowed. Based on KCOC’s deferral of definition of noise-generating activities, perhaps this was the best the County could come up with, but the County needs to look at the Scott Valley Area Plan and the community before they allow such egregious noise pollution.

Also, the Noise Element of the Siskiyou County General Plan was approved on December 6, 1978. It is severely out of date. The page numbers are not consecutive and make no sense on the County website which I must use since I am out-of-area. The Noise Element should be up-dated prior to approval of a project of this size, scope and potential for adverse negative environmental impacts.

And, the DIS/MND states under Noise Item c), “*Less Than Significant Impact. The project would result in an increase in ambient noise levels associated with the addition of camp guests and staff. This is considered less than significant as **the project site is adjacent to a large subdivision**, and is compatible with that use.”*

I have some comments on that: 1) I have lived in the area for 21-years. Unless we are talking about the subdivision on Kidder Creek Loop, I have no idea what is being mentioned unless “adjacent” only means “nearby;” 2) Please explain how a subdivision would be compatible with the uses presented in the Revised Project Description. I have been a licensed real estate agent for many years, and as such I know that a project of this size and scope is not compatible with a housing subdivision; and 3) The statement totally ignores all the individual residents surrounding the project. Many of us bought our homes to enjoy the quiet, rural nature of the area. I personally know a resident who owned and lived on property adjacent to KCOC. She sold to KCOC in 2011 when they brought forward their initial plans for this expansion. She was sure she could not handle the noise and traffic from the expanded project. Our life-style, quality of life and the well-being of our wildlife are at risk from this project.

Additionally, a recent Appeals Court Case found that the lead agency should consider both the increase in noise level and the absolute noise level associated with a project. The DIS/MND does neither. It merely makes this statement, “*c) Less Than Significant Impact. **The project would result in an increase in ambient noise levels associated with the addition of camp guests and staff.** This is considered less than significant as the project site is adjacent to a large subdivision, and is compatible with that use.” (Emphasis added)*

Although the Noise Study was done since I wrote my first letter, it fails to address many of these concerns. The DEIR should address those concerns.

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LIGHT GLARE

The lack of light glare makes Scott Valley a wonderful place to star gaze. It is one of the few places I have lived where I can actually see the Milky Way. I am shocked that so little is being done to protect the public's view of this celestial wonder.

Regarding light and glare, the DIS/MND states, **“Less Than Significant Impact. It’s anticipated that any future outdoor lighting resulting from proposed improvements would be consistent with existing development at the site and nearby. Additionally, future development of the project site would be subject to Section 106.5602 of the Siskiyou County Code, which requires that exposed sources of light, glare, or heat be shielded so as not to be directed outside the premises. Adherence to County Code Section 10-6.5602 would ensure that potential impacts associated with light or glare would remain less than significant.”** (emphasis added)

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

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

ADJUDICATED WATER RIGHTS

The Scott River Adjudication, Decree No. 30662 Superior Court for Siskiyou County, does not allow for use of the water as is proposed by this project. It does not allow for the existing pond, for which I can find no approval. Even if it is argued that the beneficial use of water storage for firefighting applies, one must look at the percentage of use. Perhaps 10% for firefighting and 90% for the recreational uses of a non-profit which charges big bucks for recreational uses and hides its profit. KCOC must provide the percentage for each use. Additionally, the water rights holders do not have the authority to sign off for such use as is made by the project.

The Scott River Adjudication, Decree No. 30662 Superior Court for Siskiyou County states.

“55. Barker Ditch

*The total allotment of 23.00 cfs to the Barker Ditch (Diversion 445) set forth in Schedule B25 **may be used for domestic, stockwatering, and power purposes and for irrigation of the acreages shown after the name of each person listed below: ...**”* (emphasis added)

It does not allow for commercial or recreational use as is being proposed in this project, and the water rights holders do not have the authority to “sign off” for such use.

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Although many agencies are cited as agreeing to the use of the adjudicated water rights by KCOC for recreational purposes, I contend that they do not have the authority to take such an action.

The County should assure that this use is legal before proceeding with approval of the project to avoid time-consuming and costly litigation; and to maintain the validity of the Scott River Adjudication. The DEIR must address the issue of Adjudicated Water Rights, and provide unassailable evidence, if any, of the legality of use of the water from Barker Ditch.

HYDROLOGY AND WATER INCLUDING POND/LAKE

The DIS/MND answers. “*Less Than Significant Impact*” to the question: “[*Would the KCOC Project Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*]” Please revisit that question in the DEIR. While the focus is on California’s Central Valley where wells are going dry and land is subsiding, the focus could easily turn to Scott Valley where deep impact wells are being allowed and drilled not only on the eastside of the Valley but throughout the Valley and populations the size of our largest Towns and Cities that are being allowed – permitted or otherwise – in Scott Valley.

From the DIS/MND: **“The Camp currently disposes of wastewater through nine County-approved septic systems. It is anticipated that the expansion of facilities would be accommodated through conventional septic systems. However, the central dining facility would likely require an alternative system. Depending on the wastewater flows of the central dining facility a waste discharge permit through the North Coast Regional Water Quality Control Board may be necessary if average flows exceed 1,500 gallons per day.”**

That statement is too ambiguous to disclose what systems or systems will be used. The DEIR must evaluate a system or systems that have been identified. The statements, “*It is anticipated that; would likely require; and Depending on the wastewater flows*” make any public comment regarding disposal of wastewater impossible because there is nothing concrete about which to comment. The DEIR must address this ambiguity and require that the system or systems be identified.

“The applicant has determined that a groundwater well will be required with the proposed expansion. Additionally, a water storage and delivery system will be constructed to accommodate projected daily demand plus required storage for fire suppression. The camp is currently regulated by the State Office of Drinking Water (ODW), and would continue to be permitted, monitored, and inspected by ODW.” The DEIR must address and identify the specifications of the new water storage and delivery system. Whether the water tank for this system was permitted by the Building Department and already built-out without approval of KCOC project expansion must also be addressed.

“A new 7-acre pond is proposed to be constructed. The proposed pond would impound approximately 36 acre-feet and have an average depth of 6 feet. A preliminary design for the pond was submitted with the original use permit application in 2011. Subsequently, the applicant purchased additional land, which has been included in a revised application submittal and is now part of this project, resulting in a proposed reconfiguration of the pond shape. The original pond was a kidney-shaped design; the modified pond is round-shaped design. According to the applicant, the pond was modified to move it away from wetlands; the overall volume will stay the same and the depth of the dam will stay the same. Engineering of the revised pond shape has not been completed at this time. The applicant intends to have engineered plans completed

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should the project be approved.” As stated earlier, proof of Water Rights for KCOC for Barker Ditch must be made available. The specifications for the pond/lake must be made available. Involvement and approval by the California Department of Water Resources and the Federal Army Corp of Engineers may be required. The Revised KCOC Project Description states, **“The height of the water barrier will not exceed 6 feet at the spillway point. Based on the 2009 California Water Code Section 60006008 (see Section 6003 below) the barrier is not considered a dam, therefore, it is our understanding that the Camp shall not be required to notify or otherwise receive approval from the Department of Water Resources, Division of Safety of Dams for the construction of the pond.”** Since no engineering plans for the lake/pond have been made available, it is sheer speculation that KCOC will not be required to receive approval from either the State of California or the Army Corp of Engineers because no plot plan showing the height of the water barrier at the spillway have been provided in either the Revised Project Description or the DIS/MND. Included in concerns about the Lake/Pond are how much water is lost through evaporation, how will integrity of the plastic liner be maintained, how does diversion of this much water to commercial, recreational use affect other wells in the area, the groundwater of the Scott River Watershed, and how does the recent Interconnectedness of Groundwater ruling affect this use. The DEIR must address these issues regarding the Lake/Pond.

LAND USE AND PLANNING - SCOTT VALLEY AREA PLAN

The DIS/MND states:

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

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

This project IS NOT in compliance with the Scott Valley Area Plan (SVAP). It does not meet any of the five (5) Major Goals presented in the SVAP. Nor does it meet the criteria for Development Goals 6 and 7.

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The SVAP requires that a project the size of KCOC be within the Sphere of Influence of the City of Etna, the Town of Fort Jones or the Communities of Greenview and Callahan. The KCOC project would result in a population larger than any of those entities.

KCOC may predate both the SVAP and the General Plan, but that statement carries no weight. Both plans must be considered in approving this project.

Prime Agricultural land should have greater protection, and the boundary of the Prime Ag land be clearly marked so that it is not inadvertently used inappropriately by KCOC customers. Perhaps by a condition of approval of the use permit.

In large part, the SVAP was to protect the Scott River Watershed. The KCOC Project contains no mitigations that would provide such protection. Please have the DEIR provide greater detail as to how the KCOC project is compliant with the SVAP.

ORGANIZED CAMP

The DIS/MND project description states, “*The **organized camp** is a conditionally permitted use pursuant to Siskiyou County Code (SCC) Section 106.1502(c)(4).*” (emphasis added)

Yet, Siskiyou County Code (SCC) Section 10-6.1502(c)(4) states, “(c) Establishments or enterprises involving large assemblages of people or automobiles, as follows:(1) Amusement parks and race tracks, (2) Circuses and carnivals, (3) Public buildings, parks, and other public recreational facilities, **(4) Recreational facilities privately operated,** (5) Resorts, and (6) Public celebrations; ...” (emphasis added)

While an organized camp can be a privately operated recreational facility, and be a conditionally permitted use as stated above, the addition of weddings; birthdays; religious functions; concerts; auctions; picnics; horse clinics; demonstrations; and training events; and similar events makes approval under Section 10-6.1502(c) questionable. Some of the uses might be allowable under Section 10-6.1502(c)(6), but others would not. There needs to be more definition of these uses. The inclusion of “similar events” is another example that provokes the public’s opposition. What exactly are similar events? Let’s get some definition going here.

I don’t like to see anything approved under the catch-all Section 10-6.1502 because it avoids the zoning which we rely on when we purchase our homes. KCOC is such a controversial project that higher standard should be utilized.

Also, according to California Code, the maximum occupancy for the entire camp is determined by the State Fire Marshal for fire safety, the maximum occupancy established by the local health agency for onsite sewage disposal system capacity, and local planning department requirements. Where is discussion of and proof of these maximum occupancy numbers? Please clarify in the DEIR.

INADEQUATE MITIGATION MEASURES/DEFERRED MITIGATION MEASURES

Since there is no clarity about many future uses, it must be assumed that they are not being mitigated, because they are not known. Therefore, the mitigation measures are inadequate.

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By its own admission, the DIS/MND (on which the DEIR will be based) identifies numerous potentially significant environmental impacts. While the public is concerned about any potentially significant negative effects on our unique natural, cultural, and human resources, our biggest concern is that each of these impacts may not be adequately mitigated, as required by CEQA. By definition, a MND can only be prepared when the mitigation measures are so certain that they would “*avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur*” (CEQA Guidelines Section 15369.5)

As currently written, many of the mitigation measures are vague and uncertain. In other cases, the details of the mitigation measures are deferred to the future because of the lack of specifics for the project, a clear violation of CEQA’s requirements. Not only do many of the measures fail to meet CEQA’s standards for adequate mitigation, but they leave the public vulnerable to some of the potentially significant negative environmental impacts

Also inadequate are the many instances which state that mitigation measures will be recommended. A mitigation that defers any analysis until a future time fails to comply with CEQA because it does not commit County to a realistic performance standard that will mitigate the potential negative environmental impact. Please address these inadequately evaluated and as yet unmitigated impacts in the DEIR.

TRANSPORTATION/TRAFFIC

The public believes that the increase in traffic from the increased occupancy of this project will most negatively impact people and the environment. Yet the DIS/MND states that there would be No Impact from the increase in traffic.

The Traffic Impact Study (TIS) for Kidder Creek Orchard Camp (Z-14-01 & UP-11-15) dated December 22, 2015 which was prepared for Siskiyou County by Traffic Works is fatally flawed and inadequate. Only the S. Kidder Creek Road (at west end) and S. Kidder Creek Road (at east end) segments were analyzed. The entire length of S. Kidder Creek Road was not analyzed, therefore creating an inadequate analysis of the roadway

Additionally, according to the TIS, “*This study includes analysis of the weekend day and weekend peak hour as the peak traffic conditions currently occur on the weekends and are expected to be during the same time period in the future. The evaluated development scenarios are: Existing Conditions (no project), Plus Project Conditions, and Cumulative Plus Project Conditions.*” The California Environmental Quality Act (CEQA) requires support by substantial evidence that the existing physical conditions without the project can most realistically be measured by this method. The use of the very highest traffic counts on South Kidder Creek Road during the month of July in 2014 as the existing physical conditions is not supported by substantial evidence in either the TIS or in the County’s DIS/MND for the Kidder Creek Orchard Camp (Z-14-01 & UP-11-15) project.

Using this method for “existing conditions” does not accurately reflect the conditions existing during weekday hours, non-KCOC use times, or the entire year. While the County may have some latitude regarding the time chosen, The CalTrans GUIDE FOR THE PREPARATION OF TRAFFIC IMPACT STUDIES STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION dated December 2002 states:

“IV. TRAFFIC DATA B. Traffic Counts

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Prior to field traffic counts, consultation between the lead agency, Caltrans and those preparing the TIS is recommended to determine the level of detail (e.g., location, signal timing, travel speeds, turning movements, etc.) required at each traffic count site. All State highway facilities within the boundaries of the TIS should be considered.

Common rules for counting vehicular traffic include but are not limited to:

- 1. Vehicle counts should be conducted on Tuesdays, Wednesdays, or Thursdays during weeks not containing a holiday and conducted in favorable weather conditions.*
- 2. Vehicle counts should be conducted during the appropriate peak hours (see peak hour discussion below).*
- 3. Seasonal and weekend variations in traffic should also be considered where appropriate (i.e., recreational routes, tourist attractions, harvest season, etc.).*

C. Peak Hours To eliminate unnecessary analysis, consultation between the lead agency, Caltrans and those preparing the TIS is recommended during the early planning stages of a project. In general, the TIS should include a morning (a.m.) and an evening (p.m.) peak hour analyses. Other peak hours (e.g., 11:30 a.m. to 1:30 p.m., weekend, holidays, etc.) may also be required to determine the significance of the traffic impacts generated by a project. “

Using the highest traffic count, while perhaps an allowable method, minimizes the environmental impact of the project. It does not reflect the current or baseline conditions without the project. It does not reflect the conditions during months when the project is not at peak operation. The traffic impact study does not provide an ADT.

The CalTrans website states,

“[Annual Average Daily Traffic (Annual ADT)]

*Annual average daily traffic is the total volume for the year divided by 365 days. The traffic count year is from October 1st through September 30th. **Very few locations in California are actually counted continuously.** Traffic Counting is generally performed by electronic counting instruments moved from location throughout the State in a program of continuous traffic count sampling. The resulting counts are adjusted to an estimate of annual average daily traffic by compensating for seasonal influence, weekly variation and other variables which may be present. Annual ADT is necessary for presenting a statewide picture of traffic flow, evaluating traffic trends, computing accident rates. Planning and designing highways and other purposes.*

[Peak Month ADT]

The peak month ADT is the average daily traffic for the month of heaviest traffic flow. This data is obtained because on many routes, high traffic volumes which occur during a certain season of the year are more representative of traffic conditions than the annual ADT.

[Back and Ahead]

Back AADT, Peak Month, and Peak Hour usually represents traffic South or West of the count location. Ahead AADT, Peak Month, and Peak Hour usually represents traffic North or East of the count location. A listing of routes with their designated direction of travel is listed here.”

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From the numbers presented on the CalTrans website regarding Highway 3, the count has been carried over from year to year. As a resident of Scott Valley, I can assure you that there is definite increase in traffic on Highway 3.

And as a resident of the Kellems Lane area I drove up South Kidder Creek Road to the property that KCOC bought in or around 2011 to socialize with a friend about two times a month over a 12-year period. The road is narrow. It has nearly blind curves in the middle section. On one occasion I was headed west to my friend's house when I encountered a small gravel truck headed east. I nearly ended up in the tailings at the side of the road to avoid being side-swiped by the gravel truck.

In the two-years following the DIS/MND there has been much speculation about the second or emergency access road. The NOP failed to bring forward any new information regarding this subject. The DEIR must identify and evaluate the traffic effects of whatever access road the project will use.

The criteria for a two-lane highway (Highway 3, for example) should not be used for the study of South Kidder Creek Road. South Kidder Creek Road is barely two lanes wide, and is an approximately 2-mile dead-end road which ends at the KCOC property. The Highway Capacity Manual has a chapter with a formula for just such a scenario, but the TIS did not use it. Rather they used the two-lane highway (Such as Highway 3) formula which completely skews the numbers and fatally flaws the TIS.

The TIS states percentages of bus use, which it opines will cause less traffic on South Kidder Creek Road. There is no assurance to the public regarding bus use, and unless there is, the TIS has one more flaw. If such bus use is to be relied upon, it must be included as a Condition or Mitigation.

In addition, the TIS ignores the fact that KCOC attendees arrive on Friday and leave on Sunday, so the use of Saturday for analysis skews the actual traffic on South Kidder at the peak times. The TIS also ignores the additional traffic of attendees going off-site while new attendees come to the site.

The TIS bases the Cumulative Impacts on a 10-20 year buildout of the subdivision on South Kidder Creek Road. Therefore, the TIS totally ignores two (2) legally permitted gravel mines located very near the South Kidder Creek Road/Hwy 3 Intersection, one non-compliant Vacation Rental located on South Kidder Creek Road (not in operation at the time the TIS was prepared), and the egregious and ongoing illegal expansion of the now infamous JH Ranch Project. Additionally, traffic generated by the approval of Agritourism Zoning, which could be approved early as October or November 2018 and would add an undisclosed amount of tourism traffic, must also be analyzed as a cumulative impact.

The two gravel mines are the Jenner Mine (formerly Tschopp, Finley) and the Nash/Kiewit Mine. Nash/Kiewit allows 300 trucks per day entering and exiting Hwy 3 during summer months, the very time the KCOC project will be running at peak occupancy. The number of trucks allowed for Jenner Mine is not available to me at this time. However, the Revised Reclamation Plan of approximately 2009 that allowed the mine to reopen permitted three (3) years of gravel removal to be done in one year. A very significant increase in summer month traffic extremely close to the junction of Highway 3 and South Kidder Creek Road. The cumulative impacts of the Jenner Mine were never considered when the Nash/Kiewit Project was approved, despite public outcry regarding this oversight. While both mines have been reclaimed, the County policy is that Use Permits "run with the land." These are legally permitted mines that can file a new Reclamation Plan and be up and running with only administrative approval unless the Use Permits are extinguished at a Revocation Hearing. (i have

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attached a map showing the parcels where the two mines are located, which is right across from where South Kidder Creek Road traffic empties onto Highway 3.

The non-compliant Vacation Rental is located at 2333 South Kidder Creek Road, Greenview, CA 96037 - APN 024-440-310 which is a parcel included in the KCOC Project and is owned by Andrew J. and Emily S. Warken. It is noted that Andrew J. Warken "Andy" is the Director of Kidder Creek. The entrance to that property is very near the South Kidder Creek Road entrance to the KCOC project, and the traffic from the non-compliant Vacation Rental was not evaluated in the TIS because, to the best of my knowledge, the property was not being used as a Vacation Rental at the time of the TIS. (See ATTACHMENT A)

The December 22, 2015 TIS fails to analyze the expansion and concomitant traffic on Highway 3 caused by the illegal, out-of-compliance JH Ranch operation. A 2018 Grand Jury report concluded that, if the County of Siskiyou did nothing and JH Ranch did nothing, JH Ranch could continue its egregious expansion. JH Ranch is owned by the owner of Scott River Lodge, so there are many trips between these two venues. Like KCOC, JH Ranch has the attendees going to various locations for outdoor experiences while maintaining an unknown occupancy at the site. All of these Cumulative Impacts must be analyzed in the DEIR.

EMERGENCY ACCESS ROAD

I am making this comment although at this time public is not certain where the emergency access road will be. There has been much rumor, but little verified fact. Nothing regarding the Emergency Access Road location was included in the NOP.

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

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

That is a conflicting statement. If the secondary access is going to be used by KCOC for entry/exit in other than emergency conditions, use of this road is subject to a deeper analysis, i.e., who – guests, staff, visitors?, how many, how often. The residents of Patterson Creek Road may be negatively affected by such use, and even using the road for emergency access from the camp may impede these residents accessing the road for emergency evacuation. This has a huge potential for putting human lives at risk.

As stated above Patterson Creek Road, or whatever other road is accessed for use as an emergency or second access, must be included in the traffic study.

The DIS/MND for the project glosses over the potential negative impacts by stating, "A recommended condition of approval will require that the emergency access route(s) meet Cal Fire standards," and "The Christy Cummings Dawson, Deputy Planning Director

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secondary access point will not be used for primary ingress and egress from the site, therefore additional traffic due to the project will not affect this access. The current main access road was found to be compliant with the Fire Safe Regulations.”

Deferred mitigation is not acceptable under CEQA. The recommended condition should not only be recommended, it should be required. The County has complete authority to make this requirement. To fail to do so is a dereliction of duty on the part of the county.

Without a condition placed in the use permit, the secondary access point could be used by KCOC without restriction. The use permit must be conditioned to allow only emergency use of the secondary access point.

“KCOC will comply with requirements and Fire Safe regulations as is required through the building permit process.” This statement has nothing to do with traffic or transportation and is essentially meaningless since there is no condition that KCOC do such compliance.

LACK OF LIST OF PERMITS REQUIRED FROM OTHER AGENCIES

The DIS/MND omitted a list of the permits and other approvals required to implement the KCOC Project.

CEQA Guidelines 15124 PROJECT DESCRIPTION (d) A statement briefly describing the intended uses of the EIR. (1) This statement shall include, to the extent that the information is known to the Lead Agency, (B) A list of permits and other approvals required to implement the project.

This list of Permits required for the KCOC Project should be included in the DEIR.

GREENHOUSE GAS EMISSIONS

Under Greenhouse Gas Emissions, the DIS/MND states, *“The traffic study (Traffic Works, 2016) estimates that there will be an increased Average Daily Trips (ADT) from 414 to 1,772 near the east end of S. Kidder Creek Road. Approximately 1,110 of those trips are associated with the camp expansion. While these trips are an increase of localized trips, and hence an increase of localized greenhouse gas emissions, it is unlikely that these trips would be new trips at the state-wide level. Given that greenhouse gas emissions are not stationary; this impact is considered less than significant.”*

While it may be unlikely that the trips generated by the KCOC Project would be “new trips at the state-wide level,” they certainly will be new trips at the local level and should be analyzed as such. Scott Valley is not Los Angeles! Please include an analysis of Greenhouse Gas Emissions (GHG) subject in the DEIR.

CUMULATIVE IMPACTS

Regarding Cumulative Impacts, I will reiterate what I commented under Traffic: The TIS bases the Cumulative Impacts on a 10-20 year buildout of the subdivision on South Kidder Creek Road. Therefore, the TIS totally ignores two (2) legally permitted gravel mines located very near the South Kidder Creek Road/Hwy 3 Intersection, one non-compliant Vacation Rental located on South Kidder Creek Road (not in operation at the time the TIS was prepared), and the egregious and ongoing illegal expansion of the now infamous JH Ranch Project. Additionally, traffic generated by the approval of Agritourism Zoning, which could be approved early as October or November 2018 and would add an undisclosed amount of tourism traffic, must also be analyzed as a cumulative impact.

Christy Cummings Dawson, Deputy Planning Director

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The two gravel mines are the Jenner Mine (formerly Tschopp, Finley) and the Nash/Kiewit Mine. Nash/Kiewit allows 300 trucks per day entering and exiting Hwy 3 during summer months, the very time the KCOC project will be running at peak occupancy. The number of trucks allowed for Jenner Mine is not available to me at this time. However, the Revised Reclamation Plan of approximately 2009 that allowed the mine to reopen permitted three (3) years of gravel removal to be done in one year. A very significant increase in summer month traffic extremely close to the junction of Highway 3 and South Kidder Creek Road. The cumulative impacts of the Jenner Mine were never considered when the Nash/Kiewit Project was approved, despite public outcry regarding this oversight. While both mines have been reclaimed, the County policy is that Use Permits “run with the land.” These are legally permitted mines that can file a new Reclamation Plan and be up and running with only administrative approval unless the Use Permits are extinguished at a Revocation Hearing. (i have attached a map showing the parcels where the two mines are located, which is right across from where South Kidder Creek Road traffic empties onto Highway 3.

The non-compliant Vacation Rental is located at 2333 South Kidder Creek Road, Greenview, CA 96037 - APN 024-440-310 which is a parcel included in the KCOC Project and is owned by Andrew J. and Emily S. Warken. It is noted that Andrew J. Warken “Andy” is the Director of Kidder Creek. The entrance to that property is very near the South Kidder Creek Road entrance to the KCOC project, and the traffic from the non-compliant Vacation Rental was not evaluated in the TIS because, to the best of my knowledge, the property was not being used as a Vacation Rental at the time of the TIS. (See ATTACHMENT A)

The December 22, 2015 TIS fails to analyze the expansion and concomitant traffic on Highway 3 caused by the illegal, out-of-compliance JH Ranch operation. A 2018 Grand Jury report concluded that, if the County of Siskiyou did nothing and JH Ranch did nothing, JH Ranch could continue its egregious expansion. JH Ranch is owned by the owner of Scott River Lodge, so there are many trips between these two venues. Like KCOC, JH Ranch has the attendees going to various locations for outdoor experiences while maintaining an unknown occupancy at the site. All of these Cumulative Impacts must be analyzed in the DEIR.

ALTERNATIVES

In Exhibit A, Scope of Services to the ECORP Contract for the KCOC Project, ECORP state, “*“If the environmentally superior alternative (to the proposed project) is determined to be the no Project alternative, the EIR will identify the environmentally superior alternative among the other alternatives analyzed.”* If the environmentally superior alternative is the no Project alternative, that should be clearly stated in any EIR. Identification of other environmentally superior alternatives would imply that the ‘no Project’ alternative is being ignored. There can be only one environmentally superior alternative. Other alternatives to the project could be stated, but unilateral disposal of the “No Project” alternative is not appropriate. Applicant’s objectives cannot over-rule CEQA law.

I believe that three (3) Alternatives should be included in the DEIR:

1. NO PROJECT - This would leave KCOC at the level of occupancy and operation that is currently permitted. The No Project Alternative would result in the greatest protection for the environment, and would maintain Scott Valley’s rural character. It is the Alternative that I personally prefer.
2. SCALED DOWN, SHORTER-TERM PROJECT – I believe that a project with a total daily occupancy of 450 done over a four (4) year period (2 years, with 2 year extension) would allow for greater specificity, more effect mitigation measures and would be much more acceptable to the KCOC Project neighbors.

Christy Cummings Dawson, Deputy Planning Director

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3. RELOCATED PROJECT – Requiring that the KCOC Project be relocated to a site that will not have such a devastating impact on the environment of a small rural area would allow KCOC the latitude to expand their Project to fulfill the Vision for their 20-year plan without the amount of opposition they are encountering in Scott Valley. It would be a win for KCOC and their supporters, and for those who wish to keep Scott Valley rural.

IN CONCLUSION

The 20-year, phased KCOC Project is difficult to comment on because so much is vague and of a “to be announced” nature. Ideally, the County would have required Planned Development Zoning for this project. They did not which leaves us with a project which, if approved, can be done in its entirety upon approval of the Use Permit. However, approval of the project would leave a great deal depending on future decisions by KCOC as to plans and placements with no public knowledge, no mitigation measures and no protection for the environment.

Because they are applicable to the comments in this letter on the KCOC Project and the NOP, I have included:
ATTACHMENT A – APN 240-440-213 Warken House Vacation Rental as advertised on AirBNB
ATTACHMENT B – My July 9, 2018 letter to the Siskiyou County Board of Supervisors regarding the Contract with ECORP Consulting to Prepare the Environmental Impact Report for Kidder Creek Orchard Camp
ATTACHMENT C –A series of emails regarding ECORP Contract and Illegal Buildout: Email dated July 11, 2018 from Scott Valley resident Che’usa Wend to Supervisor Lisa Nixon regarding the Board recording of the ECORP contract discussion; Email dated July 11, 2018 from Supervisor Lisa Nixon to Che’usa Wend, Betsy Stapleton and myself; Email dated July 11, 2018 from me to Supervisor Lisa Nixon; Email dated July 20, 2018 from Supervisor Lisa Nixon to me, Che’usa Wend and Betsy Stapleton; and Email dated July 20, 2018 from me to Supervisor Lisa Nixon (Supervisor Nixon has not responded to that email)

Sincerely,

Anne Marsh

Anne Marsh

Christy Cummings Dawson, Deputy Planning Director

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Anne Marsh

ATTACHMENT A
WARKEN HOUSE VACATION RENTAL ON AIR BNB
APN 240-440-310



[Orchard Slope - Houses for Rent in Etna, California ...](#)

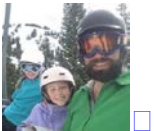
www.airbnb.com

Jul 23, 2018 - Entire home/apt for \$250. We are in beautiful Scott Valley. We love family! Small towns, big mountains and quiet!. Our farmette is seated on 5 acres with a stream running...

Entire house

Article I. Orchard Slope

[Etna](#)



Emily



8 guests



3 bedrooms



4 beds



1 bath

We are in beautiful Scott Valley. We love family! Small towns, big mountains and quiet!. Our farmette is seated on 5 acres with a stream running through the front and a pond in the back. The kitchen and living spaces are

Christy Cummings Dawson, Deputy Planning Director

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freshly redone and beautifully simple! Enjoy nightly visits from the deer. There are fun restaurants and shops within 15 minutes either direction. You will fall in love!

Section 1.01 Amenities

Essentials
Indoor fireplace
Wifi
Free parking on premises
Kitchen
Show all 5 amenities

Section 1.02 Sleeping arrangements

Bedroom 1
1 king bed
Bedroom 2
1 double bed
Bedroom 3
2 single beds
Common spaces
1 couch

Section 1.03 5 Reviews

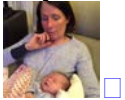


Jess
July 2017

Great, comfortable and spacious home. Perfect for enjoying the beauty of the area. Emily is a fantastic and thoughtful host and will make sure you have a wonderful stay.



Response from Emily:
You were wonderful guests! Come again!
July 2017

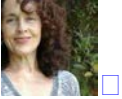


Joan
July 2017

Christy Cummings Dawson, Deputy Planning Director

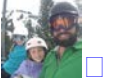
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Anne Marsh



Denise
June 2017

I could not have asked for a more perfect place to stay. It's beautiful, private and secluded.



Response from Emily:
Loved having you!!!
June 2017



Meredith
May 2017

Emily's house is so charming, our group of 4 adults and 2 children had a wonderful time there! The location is very serene, a peaceful place to relax and enjoy all the gorgeous surrounding nature. Emily was great with communication and a very thoughtful host, she even left toys a...Read more



Response from Emily:
Loved having you all! Hope you come again!
May 2017



Elizabeth
September 2016

Emily was a wonderful host. When we arrived she had homemade pumpkin bread and apples for my family and I. She made ever effort to make sure my family and I felt at home. Emily's home is absolutely beautiful and very peaceful. The location is stunning. Gorgeous trees, deer r...Read more

Section 1.04 Hosted by Emily

Greenview, Illinois, United States · Joined in July 2016



6 Reviews

Mom of soon to be 6 kids. I love gardening, and all things home related including people and baking!
Response rate: 100%

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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Response time: within a few hours

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

[Learn more](#)

Section 1.05 The neighborhood

Emily's home is located in [Etna, California, United States](#).

Our neighborhood is quiet, at the end of the road and surrounded by nature!

Exact location information is provided after a booking is confirmed.

Section 1.06 Policies

(a) House Rules

No smoking

No pets

No parties or events

Check-in is anytime after 3PM

Read all rules

(b) Cancellations

Flexible - Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

Read more about the policy

\$125 per night

<https://www.airbnb.com/rooms/14280459?s=51> (Accessed 28September 2018)

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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ATTACHMENT B

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131

July 8, 2018

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

VIA EMAIL TO BOARD CLERK

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

Dear Honorable Supervisors:

I am opposed to approval of the Contract with ECORP Consulting (ECORP) to prepare the Environmental Impact Report (EIR) for Kidder Creek Orchard Camp (KCOC) for the reasons I will present in this letter.

FULL EIR REQUIRED FOR KCOC PROJECT UNDER CEQA

ECORP, in a letter to Christy Cummings-Dawson, Deputy Director, Planning, County of Siskiyou dated April 17, 2018, subject: Proposal to Prepare a Focused Environmental Impact Report for the Kidder Creek Orchard Camp Project, states, “... *With our proposal, ECORP proposes to prepare a Focused Environmental Impact Report (EIR) on the key environmental topics of concern identified during the Initial Study public review process, consistent with CEQA Guidelines Section 15063(c)(3). Section 15063(c)(3) states that a lead agency has the discretion to determine, pursuant to a program EIR, tiering, or another appropriate process, which of the project’s effects were adequately examined by an earlier EIR or negative declaration, and to ascertain which environmental topic should be analyzed in a later EIR.*” (Emphasis added)

Actually, CEQA Guidelines Section 15063(c)(3) refers only to the Initial Study and discusses the purposes of the Initial Study. It states, “**15063 Initial Study (c) Purposes. The purposes of an Initial Study are to: (1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration. (2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration. (3) Assist in the preparation of an EIR, if one is required, by: (A) Focusing the EIR on the effects determined to be significant, (B) Identifying the effects determined not to be significant, (C) Explaining the reasons for determining that potentially significant effects would not be significant, and (D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental**

Christy Cummings Dawson, Deputy Planning Director

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effects.” It says nothing about a Focused EIR being used following the preparation and circulation of a Mitigated Negative Declaration. It applies only to the Initial Study.

While the Lead Agency, County of Siskiyou in this case, may have the discretion to determine what process will be used for the analysis of the project’s environmental effects following an Initial Study, preparing a Focused EIR is not an appropriate action after a Mitigated Negative Declaration has been circulated and commented upon. That requires a full EIR.

REWRITTEN PROJECT DESCRIPTION

The preparation of a “detailed Project Description” by ECORP will require that the entire KCOC expansion project be either be recirculated or a full EIR required. A rewrite or change of project description will create a far different project than was commented on in 2016. Public and reviewing agencies would have a difficult time determining if the detailed project description indicates actual changes to the project or even creates a project for which there has been no prior comment period.

ECORP’s Proposal includes the preparation of a detailed project description for the KCOC project. Nearly two (2) years ago, my comment letter dated October 6, 2016 stated, “*The project description in the DIS/MND, as stated above, is inadequate in that it does not identify any of the new proposed uses, but rather mentions only “expansion of an existing organized camp”.* A detailed project description will be welcomed by the public and reviewing agencies, but not at the cost of having an inappropriate Focused EIR that only addresses only certain environmental concerns while ignoring others. The fact that the project description is being rewritten should require either recirculation or a full EIR for the entire project (the full EIR should be the choice since County has identified significant negative environmental impacts based on the IS/MND circulation period).

LENGTH OF TIME SINCE PUBLIC COMMENT

It has been nearly two (2) years since the Initial Study/Mitigated Negative Declaration (IS/MND) for the Kidder Creek Orchard Camp (KCOC) Zone Change (Z-14-01) and Use Permit (UP-11-15) was circulated to the public through the State of California, Office of Planning and Research Clearing House from September 7, 2016 to October 6, 2016. Many people, including myself, made timely comments regarding the proposed project during the circulation period. Despite the fact that most of our addresses are on file with the County Planning Division, not one of persons who made comments at that time was given either any feedback regarding their comments, or any notice that any type of Environmental Impact Report (EIR) was being considered.

Since nearly two (2) years have passed and new/additional information has been identified by County of Siskiyou (County), the appropriate action for the County to take would be to either recirculate the MND or require a full EIR to allow the public the opportunity to comment the new information and any changes that have been made to the project since the 2016 comment period.

NO PROJECT ALTERNATIVE

ECORP’s proposal states, “*If the environmentally superior alternative (to the proposed project) is determined to be the no Project alternative, the EIR will identify the environmentally superior alternative among the other alternatives analyzed.*” If the environmentally superior alternative is the no Project alternative, that should be clearly stated in any EIR. Identification of other environmentally superior alternatives would imply that the “no Project” alternative is being ignored. There can be only one environmentally superior alternative. Other alternatives to the project could be stated, but unilateral disposal of the “no Project” alternative is not appropriate. Applicant’s objectives cannot over-rule CEQA law.

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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KCOC OUT OF COMPLIANCE WITH EXISTING USE PERMIT

The KCOC project is a very controversial project in Scott Valley where it is located. As such KCOC should have done everything possible to keep the operation in compliance with the existing Use Permit. They have not! By the admission of Andy Warken, Director at KCOC, the Camp is “adding campers” and building out - both without use permit approval. Below is the article Mr. Warken posted on the Mt. Hermon (Kidder Creek Orchard Camp is now one of Mt. Hermon’s properties) blogsite in April 2018. Since 2011, KCOC has made many promises to the neighbors and community. This posting alone indicates that KCOCs statements are unreliable and cannot be trusted. County should immediately issue a cease and desist order to KCOC until their project is either approved, denied or otherwise resolved.

‘Posts Categorized: Building Projects

[What’s happening at Kidder? April 2018](#)

Posted April 19th, 2018 by [Andy Warken](#) & filed under [Adventures](#), [Building Projects](#), [General](#), [Giving](#), [Kidder Creek](#).

There are always a lot of exciting things happening at Kidder throughout the year. This monthly blogpost will give you some of the highlights and things we are excited about.

April 2018 Highlights

God has been blessing Kidder Creek the last several years with **continued growth in the number of campers** that are able to come learn about the love of Christ! It’s been such an honor to be a part of that growth process! We hear over and over how kids (sic) lives are transformed here at Kidder, so it’s great to have more campers. More campers = Greater impact. Of course, if we have more campers, we’re going to need more staff, but the problem we’ve run into is where to keep all of these wonderfully kind, servant-hearted young adults!

This spring we began construction on two new staff tent cabins that will be meeting a need that for more staff housing. These new cabins will be slightly bigger than our camper tent cabins and will have electricity (unlike our camper cabins).

Our awesome summer staff are the energy behind the amazing things happening at camp and we are beyond excited to provide some new digs for them this summer.

Check out the progress so far (we’ll post completed pictures later!)

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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Anne Marsh



Did you know that YOU can join us in taking care of our staff by donating to this project. Thanks for supporting life transforming adventures in creation at Kidder Creek Camp!

[Donate Now!](#)

*After redirecting to our donation page select Kidder Creek in the drop down menu, please make your donation to the general fund.” (Emphasis added)

<https://www.mounthermon.org/blog/building-projects/> (Accessed 7July2018)

CONCLUSION

Please do not approve this contract. Require a full Environmental Impact Report as is legally required under CEQA.

Sincerely,

Anne Marsh

Anne Marsh

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)

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Anne Marsh

ATTACHMENT C

From: Che'usa [bricolage@sisqtel.net]
Sent: Wednesday, July 11, 2018 7:56 AM
To: Lisa Nixon
Cc: Betsy Stapleton; Annie Marsh
Subject: July 10th discussion 5A consent Calendar

Lisa,

I listened to the recorded section on 5A last night (2 min. clip of just that part attached) and am confused as I don't understand how all this works.

It sounded to me like you 'pulled' 5A, then they jumped from that to approval of 5B-E and then back to 5A where you expressed that you were satisfied the concerns of Anne and Betsy have been addressed by Ms. Dawson of Community Development.

I don't believe Anne and Betsy received any kind of letter back from Ms. Dawson, so not sure HOW the concerns have been addressed..... other than just saying '*oh yes it will be a full EIR*' at yesterday's meeting.

On other issues where an EIR would be required, we have been told that a full EIR is most likely in excess of \$85,000, so not sure how this one can be done at less than half that price.

We sure don't want this done 'on the cheap' with major items just glossed over.

Thanks.

Che'usa Wend

Etna

On 07/11/2018 08:35 AM, Lisa Nixon wrote:

Che'usa, Betsy, and Ann:

Thank you for following up. Yes; I totally agree the procedure is a bit confusing! When comment letters are received in the Clerk's office, they are distributed to all Board members to be read by them/us as part of the official record of the meeting proceedings. Official responses are not normally provided, unless a Board member or a staff member elects to respond directly. When an item is on the "consent agenda", and not on the regular agenda, there is no staff presentation and therefore no Board discussion, unless someone wants to "pull it" from the consent agenda.

When I saw Betsy's and Ann's letters, I wanted to be certain that staff had considered the issues raised there. The primary issue was that this would somehow not be a "full EIR" with full public comment. A secondary issue was that KCOC may be out of compliance with existing permits due to the two new cabins being built. What none of us want is a repeat of the JH Ranch slippery slope that, to everyone's extreme dismay, including mine, continues to elude a full resolution satisfactory to all.....

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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Anne Marsh

At any rate, with regard to the first issue, Christy Cummings Dawson gave me this brief initial written response, and then we talked in some detail on the phone about the other points raised that dove-tailed on this one.

Ecorp will be doing a regular EIR for KCOC. The use of the term "focused" in there proposal was only to indicate that the previous Initial Study would help to determine which areas of the EIR would be concentrated upon because of potential effects. It is not a "Focused EIR" as designated in statute. This will not be any sort of abbreviated study, nor one that is proposed to be tiered on the previous Initial Study.

15063. INITIAL STUDY

(c) *Purposes. The purposes of an Initial Study are to:*

(1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.

(2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.

(3) Assist in the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,

So, although the exact wording of the proposal may be interpreted another way, staff is confident (and has assured me) that a full EIR will be done, with full public comment -- nothing abbreviated.

With regard to the second issue, Ms. Dawson reviewed the permits issued for new cabins, and reported that KCOC is in compliance with all rules and regulations applicable to those permits.

Because staff assured me that they had considered both of your letters, and I was satisfied that they had, I wanted to be sure that got in the public record of the meeting. I "pulled" the item from the agenda so that I could make that statement and get it into the minutes. Many times the Board reads comment letters, and sometimes contacts staff about them, but because the item is on the consent agenda, there is no discussion. Because this is such an important issue, I wanted to be sure the interested parties knew he letters had been considered and addressed.

Thank you for your vigilance and work on these matters. Best regards,

Lisa L. Nixon,

Siskiyou County Supervisor, District 4

1312 Fairlane Road

Yreka, California 96097

Email: lnixon@co.siskiyou.ca.us

Tel: (530) 643-9023

Christy Cummings Dawson, Deputy Planning Director

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Notice of Preparation (NOP)
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Anne Marsh

Website: www.co.siskiyou.ca.us

From: Annie Marsh [annie_marshall@hotmail.com]
Sent: Wednesday, July 11, 2018 4:44 PM
To: Lisa Nixon; Ray Haupt
Cc: cheusa; 5104stapleton@gmail.com
Subject: Kidder Creek Orchard Camp

Lisa L. Nixon,

Re: Kidder Creek Orchard Camp

Dear Supervisor Nixon:

Thank you for responding to Che'usa Wend's email and including Betsy Stapleton and me.

I am happy to learn that the County intends to require a "full EIR," reviewing all issues not just those County determined to be most important.

However, the Board of Supervisors (BOS) approved the Contract with ECORP without revision. The services to be provided in the Contract are as stated in Article 3, which states: "ARTICLE 3. SERVICES 3.01 Specific Services: Contractor agrees to furnish the following services:

2. Contractor shall provide the services described in Exhibit "A" attached hereto, excepting the Optional Task 9. No additional services shall be performed by Contractor unless approved in advance in writing by the County stating the dollar value of the services, the method of payment, and any adjustment in contract time or other contract terms. All such services are to be coordinated with County and the results of the work shall be monitored by Christy Cummings Dawson – Deputy Director of Planning or his or her designee." So it seems the EIR will be a "focused EIR" as stated in the Contract. ECORP is not contractually obligated to do more than is contained in the contract.

ECORP made a proposal to the County Planning Department to provide the services. Was that as a result of a Request for Proposal (RFP) for the services by the County, or was it a more informal request? Perhaps Ms. Cummings-Dawson can answer that question.

On the second issue of concern, the build out and increased campers, you state in your email to Che'usa, "With regard to the second issue, Ms. Dawson reviewed the permits issued for new cabins, and reported that KCOC is in compliance with all rules and regulations applicable to those permits." Could you and Ms. Dawson please clarify that statement?

Christy Cummings Dawson, Deputy Planning Director

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The operation of Kidder Creek Orchard Camp is a use last expanded by permit in 1996 by (UP-95-12). At the time of approval, and a legal use as of now, the improvements at the site included two staff residences, a welcome center, a pond, recreation areas and trail systems, water well and water storage tank, an equestrian area, four “camp” areas, archery course, ropes course, rifle range, adventure course, paintball course, RV areas, sawmill and storage area, multi-use area with multiple structures, 9 septic systems, and a number of access roads. The Existing Master Site Plan map, which shows all existing improvements, is included in Figure 3.0-2 on Page 3.0-11. That is quoted from the Draft Initial Study/Mitigated Negative Declaration (DIS/MND) for Kidder Creek Zone Change (Z-14-01) and Use Permit (UP-11-15) dated September 2016.

Mr. Warken’s blog states, “**This spring we began construction on two new staff tent cabins** that will be meeting a need that for more staff housing. These new cabins will be slightly bigger than our camper tent cabins and will have electricity (unlike our camper cabins).”

Construction because of the “need...for more staff housing,” indicates an expansion of the existing KCOC project. While KCOC may have legal Building Permits, expansion of occupancy and building is not legal until the proposed project for Kidder Creek Zone Change (Z-14-01) and Use Permit (UP-11-15) has been approved.

Perhaps controversial items, such as one’s regarding KCOC, should be placed on the Regular Agenda so that discussion is assured, rather than on the Consent Agenda.

Thank you for taking the interest, time and effort to respond to our concerns.

Anne Marsh

cc: Supervisor Ray Haupt, Che'usa Wend, Betsy Stapleton

From Lisa Nixon

Fri 7/20, 2:38 PM

You;cheusa (bricolage@sisqtel.net):5

Dear Che’usa, Betsy, and Anne:

Please accept my apology for the delay in responding to this email. I have investigated this matter further, and have additional information to share with you. I have also read an email dated July 15, 2018, from Felice Pace on the subject.

ECORP was apparently the consultant that prepared the Initial Study and Negative Declaration for this Kidder Creek Project. Thus, as an entity with a pre-existing contractual relationship, the contract was negotiated with that entity directly with no RFP required.

I remain convinced that ECORP’s use of the term “focused” in its proposal, although definitely confusing, is only in the vernacular, and that the contract itself in no way limits the scope of work to anything less than a

Christy Cummings Dawson, Deputy Planning Director

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“full” EIR. Indeed, the County is bound by law to conduct a “full EIR”. Based on limited research, here is my understanding of the definition of a “Focused EIR”:

14 CCR § 15179.5

§ 15179.5. Focused EIRs and Small Projects.

(a) When a project is a multiple family residential development of 100 units or less or is a residential and commercial or retail mixed-use commercial development of not more than 100,000 square feet, whether or not the project is identified in the Master EIR, a focused EIR shall be prepared pursuant to this section when the following conditions are met:

(1) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five years of certification of the focused EIR; and

(2) The parcel on which the project is to be developed is either:

(A) Surrounded by immediately contiguous urban development;

(B) Previously developed with urban uses; or

(C) Within one-half mile of an existing rail transit station.

(b) A focused environmental impact report prepared pursuant to this section shall be limited to a discussion of potentially significant effects on the environment specific to the project, or which substantial new information shows will be more significant than described in the prior environmental impact report. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth inducing impacts of the project.

(c) This section does not apply where the lead agency can make a finding pursuant to Section 15177 that the subsequent project is within the scope of the Master EIR, where the lead agency can prepare a mitigated negative declaration or focused EIR pursuant to Section 15178, or where, pursuant to Section 15162 or Section 15163, the environmental impact report referenced in subdivision (a)(1) of this section must be updated through the preparation of a subsequent environmental impact report or a supplemental environmental impact report.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21158.5, Public Resources Code.

As you can see, a “Focused EIR” is only a subset of a Master EIR; that is, you can’t have a Focused EIR unless you have a Master EIR. Further, the Kidder Creek Project does not meet the requirements of subsection (a); thus, the County would not be mandated to conduct this additional Focused EIR study.

My reading of the contract language (and again, I agree that at first blush it is confusing) is that the four areas of concern previously identified in the Initial Study will simply be emphasized (i.e., “focused” upon). There is no limiting language that I can see that allows ECORP to forego studying all of the potential environmental impacts. The scope of work “includes” these topics, but doesn’t eliminate any others.

With regard to Mr. Pace’s comments, it is my understanding that all of the important issues he cites absolutely will be addressed in the EIR as it is a “full EIR”, and will not be limited in any fashion. The “assumptions” at the end of the proposal were included as an explanation for the scope and cost of the proposal only. If, as Mr. Pace cautions, the assumption of “minimal impacts” turns out to be wrong, then the course of action is as follows: ECORP will present these findings to the Lead Agency (the County), that will, in turn, present them to Kidder Creek. Kidder Creek must then decide whether to increase the scope and cost of the EIR to fully

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address the cited items, or abandon the project. While it appears that ECORP believes, at this time, that the work and cost outlined in the proposal will be sufficient for this EIR, this proposal does not and cannot abrogate or limit the County's duty to conduct a full EIR. If the project proponent does not wish to pay the price for any additional work that may be required, then it must abandon the project.

Regarding the cabin permits, I am still looking into this a bit further. As of now, I believe the "new" cabins were not constructed for "new" residents. It is my understanding that some existing staff members were sleeping outside and needed shelter and electricity to charge their cell phones; thus the cabins were constructed. Ms. Cummings Dawson is obtaining some additional information on this for me in order to provide a higher level of comfort that unpermitted expansion has not taken, or is not taking, place. I will let you know what I find.

Best regards,

Lisa L. Nixon,

Siskiyou County Supervisor, District 4

1312 Fairlane Road

Yreka, California 96097

Email: lnixon@co.siskiyou.ca.us

Tel: (530) 643-9023

Website: www.co.siskiyou.ca.us

Lisa Nixon

July 20, 2018

Hi Lisa,

Thank you for your response. I am, of course, including Supervisor Ray Haupt in any communication with you regarding Kidder Creek Orchard Camp (KCOC) as it is in his District.

ECORP may have been the consultant that prepared the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for KCOC and that a Request for Proposal (RFP) wasn't required. However the public would have no way of knowing that, especially since ECORP's proposal letter had the subject line "Proposal to Prepare a **Focused Environmental Impact Report** for the Kidder Creek Orchard Camp Project," and there was no mention of ECORP's prior involvement with the KCOC project. As I have said before, I would sincerely hope that a firm that provides environmental consulting services to the County would have the expertise to 1) require that the Project Description is adequate because that is what the IS/MND is based on in the case of KCOC; and 2) know when to use the term "Focused Environmental Impact Report" (FEIR). Neither criteria appear to have been met here.

1) From my October 4, 2016 letter commenting on the KCOC IS/MND:

Christy Cummings Dawson, Deputy Planning Director

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"PROJECT AS PROPOSED IS VAGUE, LACKS SPECIFICITY AND LACKS COHERENCE

The project description is vague at best, and is not suitable to define the entire project. In its Revised Project Description, KCOC opines, "KCOC understands that environmental and permitting details change over time, **therefore this document addresses only the large-scale environmental assessments that were performed to ensure there are no negative impacts under a new Use Permit and related zoning change. The smaller, site specific requirements will be met at the time of design and construction of each area over the next 20 years.**" (emphasis added)

This overarching premise causes appropriate comments on the project to be very nearly impossible to be made. It also makes a Mitigated Negative Declaration impossible for the entire project, since CEQA does not allow deferred mitigation which would be required for all the vague, sometime in the future components of the project description. The smaller, site specific requirements (whatever that means) must be disclosed and analyzed now.

There is lack of specifics regarding the pond (lake); the buildings; and nearly everything. A project this vague should not qualify as a "project" under CEQA and should be sent back to drawing board for specifics.

Also, the project proponent should be required to present more clear figures as to how many of the proposed occupants will be paying "guests," how many will be employees, and how many will be volunteers. There may be a perception on the part of the public that the site will be used for other purposes than is being presented and considered in the proposed use permit.

And, the County should assure that the language employed in use permits and other permitting mechanisms is clear and unassailable. For example, there should be a clearly stated daily maximum project occupancy, with the word "daily" inserted before every "maximum occupancy." So, "844 daily maximum occupancy" would be a clear statement."

2) California Environmental Quality Act California Public Resources Code Division 13. Environmental Quality Act Statute, as amended in 2017:

"Article 3: Focused Environmental Impact Report § 21158. PURPOSE; CONTENT; ADDITIONAL SIGNIFICANT EFFECT ON THE ENVIRONMENT **(a) A focused environmental impact report is an environmental impact report on a subsequent project identified in a master environmental impact report. A focused environmental impact report may be utilized only if the lead agency finds that the analysis in the master environmental impact report of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment is adequate for the subsequent project. The focused environmental impact report shall incorporate, by reference, the master environmental impact report and analyze only the subsequent project's additional significant effects on the environment, as defined in subdivision (d), and any new or additional mitigation measures or alternatives that were not identified and analyzed by the master environmental impact report.** (b) The focused environmental impact report need not examine those effects which the lead agency finds were one of the following: (1) Mitigated or avoided pursuant to paragraph (1) of subdivision (a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project.

(2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project...."

You base your comment here on CEQA Guidelines § 15179.5. Focused EIRs and Small Projects. However, as you can see, the Statute is very clear in the description of a "Focused EIR," and County should have required a

Christy Cummings Dawson, Deputy Planning Director

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revised proposal from ECORP because their use of the "vernacular" was so confusing and could lead to a less than adequate EIR.

On Page 2 of their proposal, ECORP very clearly states: "As a result of the public review process and substantial review and discussion by the County about the extent and nature of the public comments received on the project, pursuant to Section 15063(c)(3), the County has asked ECORP Consulting to prepare a Scope of Work for a project to prepare a **focused EIR on the topic areas**." The topic areas listed prior to that paragraph are: Agriculture/Timber Resources; Wildland Fire Hazards; Noise and Traffic. I believe the public has every right to think that the EIR being prepared will not fully cover all areas of public concern. My belief is amplified now that I have learned that ECORP prepared the flawed and inadequate IS/MND which is based on the flawed and inadequate Project Description and Revised Project Description.

The "new" cabins are actually new cabins, and regardless of who they were for, they are included in the 2014 Revised Project Description for KCOC, as build out with building proposed: Staff Housing & Retreat Centers 6-12 years and Staff Residence & Guest Houses 10-15 years. (Page 14 of the Revised Project Description). I believe the two buildings were to replace trailer spots and that not only are there Building Permits for the Cabins, but Permits for a new Water Tank and Electrical System to provide electricity to the water tank and to the wilderness campers. These permits are deemed legal because someone in the Planning Department "signed off" on them. They should not have. The Building Department Permit Application Process for the Planning Dept. is :

"The Planning Division of Community Development reviews the plot plan for setback requirements, and whether the proposed use is allowed in the assigned zone. The Planning Department is located at 806 South Main Street, Yreka, California, 96097." Staff Housing is not a permitted or conditionally permitted use in any of KCOC's three (3) zoning designations: Rural Residential, Prime Agricultural and Timber Production Zone. The current Use Permit for KCOC should have been accessed and the building permits denied. This is the same situation as has occurred in JH Ranch, Roseburg Forest Product Biomass plant, and many more. It is a practice that should be changed, especially in light of the fact that these build outs are being allowed on very controversial projects.

I will forward your email to Mr. Pace in the event that he might wish to respond regarding your comments on his input.

Thank you, Lisa, for being so diligent.

Sincerely,

Anne Marsh

Christy Cummings Dawson, Deputy Planning Director

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0 Results
No results found.

Google

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From: [Betsy Stapleton](#)
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek NOP
Date: Wednesday, September 05, 2018 6:56:07 AM

Re: Kidder Creek NOP Draft EIR

Dear Ms. Cummings,

I am writing in response to the NOP for the Kidder Creek NOP. While there are several issues that require significant evaluation in the course of the EIR preparation I am focusing my comments on the two that I consider most fundamental. They are:

1. The first is ECORP's proposal to make the project's cumulative impact analysis "limited in scope". Scott Valley is experiencing substantive develop pressures on multiple fronts- KCOC, JH, Scott River Lodge, and multiple Agri-tourism ventures (some of which are quite large in scope). These, in total, have the potential to incrementally and substantially change the rural character of Scott Valley, impact air and water quality, and have cumulative impacts on traffic. In addition, many of the development entities are a "non-profit" business structure, and as such, their cumulative impact on County tax revenues and the County's ability to deliver services to the community may well be significant. The intention of Scott Valley's guiding land use planning document, the Scott Valley Area Plan, is to preserve Scott Valley's rural character and economy, and evaluating this project's impact, in total with other proposed development, is essential

ECORP appears to be proposing to limit the cumulative impact analysis based on the CEQA guideline 15355 (b) that states "... the incremental impact of the project when added closely related past, present or reasonably foreseeable future projects". Scott Valley is a community and ecological unit that functions in entirety, and all projects and actions in this stand-alone portion of the County incrementally and cumulatively affect each other. Traffic, backcountry usage, air-pollution, ground and surface water usage, sewage all have incremental and cumulative impacts.

2. The second area of concern is the lack of specificity and detail in the current project description. Review of the project description in the existing negative declaration which, apparently, is being used as the basis for this EIR, has many vague statements and descriptions. The project proponents state that they intend to build out over 20 years, and seem to take this as a reason to omit significant detail about about buildings, sites and uses. If the environmental analysis is to be valid, every detail of intended actions, even if not to be undertaken for many years, must be described in explicit detail so that all

impacts can be sufficiently and accurately evaluated.

If allowed to take place, I support permitting the KCOC under a conditional use permit with detailed permit terms. These terms must be clear and enforceable, and the mechanisms for monitoring (and the longterm funding for the monitoring of permit terms) must be built into the permit. Sufficient negative consequences for permit violation must be built into the permit so that they act as a real deterrent to permit term violations, even to the point of issuing cease and desist orders should KCOC violate permit terms.

Please keep in mind that Scott Valley is experiencing significant development pressures from multiple fronts, and the process and the results of the process for this application will be a precedent for future developments. Keep the terms and intention of the Scott Valley Area Plan (SVAP), a planning document passed in referendum by the vast majority of Valley and County residents and approved by the Board of Supervisors, at the heart of the environmental analysis. The SVAP clearly intends to confine development, with all associated impacts including traffic, and noise (amongst others) in the already established developed areas of Ft. Jones, Callahan, Etna and Greenview. The substantive development proposed here does not conform to that intention.

Sincerely Yours,

Betsy Stapleton

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 128
YREKA, CA 96097
(530) 842-3516
Website: www.fire.ca.gov



September 10, 2018

Kidder Creek Orchard Camp Project
ATTN: Christy Cummings Dawson, Deputy Director
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

Re: Kidder Creek Orchard Camp Project, SCH# 2016092016

Dear Ms. Cummings Dawson:

Siskiyou CAL FIRE is in receipt of the above referenced Notice of Preparation of a Draft Environmental Impact Report. CAL FIRE would like to provide the following comments on the proposed project.

CAL FIRE has enforcement responsibility for requirements of the Z'berg-Nejedly Forest Practice Act of 1973. CAL FIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CAL FIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If any timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by CAL FIRE prior to undertaking operations. A Timber Harvesting Plan (THP) may be required. A Timberland Conversion Permit (TCP) may also be required.
2. If a proposed project will result in the conversion of greater than three (3) acres of timberland to non-timber use, a TCP is required prior to undertaking any conversion operations. Provisions and procedures for filing an application for a TCP are found in Article 9, Division 4, Chapter 8 of the Public Resources Code. If the area to be converted is less than three acres, the project may qualify for a "Less Than 3-Acre Conversion Exemption" under the California Forest Practice Rules, Title 14, California Code of Regulations, Section 1104.
3. California Forest Practice Rules, Title 14, California Code of Regulations, Section 4.2 (Exemption for Conversion of Non-TPZ Land for Subdivision Development) allows exemption from the TCP rules if timber operations are conducted as a means to convert Non-TPZ land, three acres or larger, to subdivision development. A Notice of Exemption from Timberland Conversion Permit for Subdivision form will still be required. Please reference this section code for the exemption.

Thank you for the opportunity to review and comment on this proposal. If you need further assistance, please contact Mike Rosan via email at mike.rosan@fire.ca.gov or by telephone at 530-842-3516.

Sincerely,

PHILLIP R. ANZO, Unit Chief

A handwritten signature in blue ink that reads "Mike Rosan".

By: MIKE ROSAN, Environmental Coordinator, RPF# 2579

CALIFORNIA BOARD OF FORESTRY AND FIRE PROTECTION

SRA FIRE SAFE REGULATIONS



As of January 1, 2016

California Code of Regulations
Title 14 Natural Resources
Division 1.5 Department of Forestry
Chapter 7 - Fire Protection
Subchapter 2 SRA Fire Safe Regulations
Article 1 | Article 2 | Article 3 | Article 4 | Article 5 | Index

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- § 1276.03. Greenbelts

Authority cited

NOTE: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

History

1. New sections filed 5/30/91; operative 5/30/91 pursuant to Government Code section 11346.2(d) (Register 91, No.27)
2. Amendments filed 1-31-2013; operative 4-1-2013 (Register 2013, No. 5)
3. Amendments filed 4-27-2015; operative 1-1-2016 (Register 2015, No. 18)

ARTICLE 1. ADMINISTRATION

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- § 1270.09. Appeals
- § 1271.00. Definitions
- § 1271.05. Distance Measurements
- § 1272.00. Maintenance of Defensible Space Measures

1270.00. Title

These regulations shall be known as "SRA Fire Safe Regulations," and shall constitute the basic wildland fire protection standards of the California Board of Forestry.

1270.01. Purpose

These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in SRA. A local jurisdiction may petition the Board for certification pursuant to section 1270.03. Where Board certification has not been granted, these regulations shall become effective September 1, 1991. The future design and construction of structures, subdivisions and developments in State Responsibility Area (SRA) shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles. These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

1270.02. Scope

(a) These regulations shall apply to:

- (1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);
- (2) all tentative and parcel maps or other developments approved after January 1, 1991; and
- (3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) Affected activities include, but are not limited to:

- (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d),
- (2) application for a building permit for new construction, not relating to an existing structure,
- (3) application for a use permit,
- (4) the siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, section 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, chapter 1, section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code sections 18007, 18008, and 19971).
- (5) road construction, including construction of a road that does not currently exist, or extension of an existing road.

(d) EXEMPTION: Roads used solely for agricultural or mining use and roads used solely for the management and harvesting of wood products.

1270.03. Local Ordinances

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction providing such ordinance, rule, regulation or general plan element is equal to or more stringent than these minimum standards. The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect. The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be re-certified as described in 14 CCR §§ 1270.01 and 1270.03.

1270.04. Provisions for Application of these Regulations

This subchapter shall be applied as follows:

- (a) local jurisdictions shall provide the Director with notice of applications for building permits, tentative parcel maps, tentative maps, and use permits for construction or development within SRA.
- (b) the Director shall review and make fire protection recommendations on applicable construction or development or maps provided by the local jurisdiction.
- (c) *the local jurisdiction* shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction of development permit or map.

1270.05. Inspection Authority

- (a) Inspection shall be made pursuant to section 1270.06 by:
 - (1) the Director, or
 - (2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
 - (3) local jurisdictions where these regulations have been incorporated verbatim into that jurisdiction's building permit or subdivision approval process and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction, or
 - (4) local jurisdictions where the local ordinances have been certified pursuant to 14 CCR §§ 1270.01 and 1270.03 and the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.
- (b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.
- (c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

1270.06. Inspections

The inspection entity listed in 14 CCR 1270.05 may inspect for compliance with these regulations. When inspections are conducted, they should occur prior to: the issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

1270.07. Exceptions to Standards

Upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR 1270.05, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

1270.08. Request for Exceptions

Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR 1270.05 by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the exception.

1270.09. Appeals

Where an exception is not granted by the inspection authority, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildland fire protection.

If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

1271.00. Definitions

Accessory building: Any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter 11, Group M, Division 1 Occupancy that requires a building permit.

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use of occupancy that is defined in the California Building Code, 1989 Amendments, Chapter 11, except Group M, Division 1, Occupancy. For the purposes of this subchapter, building includes mobile homes and manufactured homes, churches, and day care facilities.

CDF: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an

approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

Development: As defined in Section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or his/her designee.

Driveway: A vehicular access that serves no more than two buildings, with no more than three dwelling units on a single parcel, and any number of accessory buildings.

Dwelling unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provide mitigation of the problem.

Fire valve: See hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply/storage system, having at least one 2 1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Roads, streets, private lanes: Vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

Roadway: Any surface designed, improved, or ordinarily used for vehicle travel.

Roadway structures: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.

Same Practical Effect: As used in this subchapter means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
- (e) fuel modification sufficient for civilian and fire fighter safety.

State Board of Forestry (SBOF): A nine member board, appointed by the Governor, which is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the state's interest in federal land in California.

State Responsibility Area (SRA): As defined in the Public Resources Code section 4126-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in Section 66424 of the Government Code.

Traffic lane: The portion of a roadway that provides a single line of vehicle travel.

Turnaround: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a roadway to allow vehicles to pass.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the roadway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

1271.05. Distance Measurements

All specified or referenced distances are measured along the ground, unless otherwise stated.

1272.00. Maintenance of Defensible Space Measures

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continue availability, access, and utilization of the defensible space provided for these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.

ARTICLE 2. EMERGENCY ACCESS AND EGRESS

- § 1273.00. Intent
- § 1273.01. Road Width
- § 1273.02. Roadway Surface
- § 1273.03. Roadway Grades
- § 1273.04. Roadway Radius
- § 1273.05. Roadway Turnarounds
- § 1273.06. Roadway Turnouts
- § 1273.07. Roadway Structures
- § 1273.08. One-Way Roads
- § 1273.09. Dead-End Roads
- § 1273.10. Driveways
- § 1273.11. Gate Entrances

1273.00. Intent

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 1273.00 through 1273.11.

1273.01. Road Width

All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and

striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

1273.02. Roadway Surface

Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

1273.03. Roadway Grades

The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

1273.04. Roadway Radius

(a) No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

1273.05. Roadway Turnarounds

Turnarounds are required on driveways and dead-end roads. The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the following figure. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

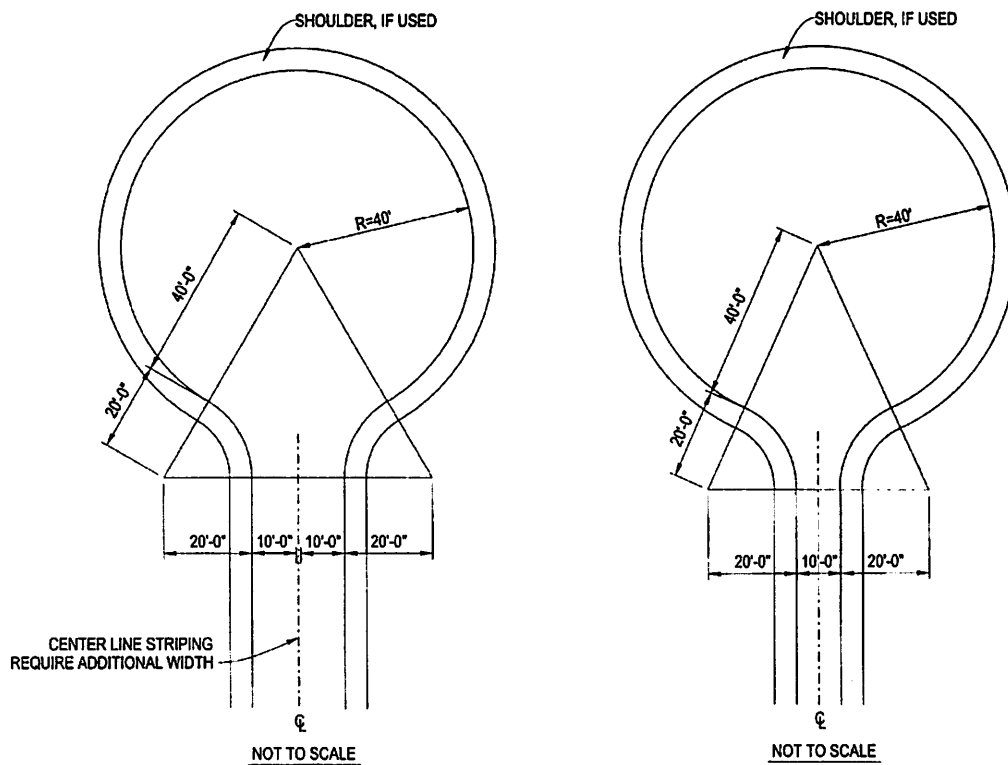


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

1273.06. Roadway Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

1273.07. Roadway Structures

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250, 35550, and 35750.

(b) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.

(c) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

1273.08. One-Way Roads

All one-way roads shall be constructed to provide a minimum, not including shoulders, of one twelve (12) foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than ten (10) dwelling units. In no case shall it exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

1273.09. Dead-End Roads

(a) The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- parcels zoned for less than one acre – 800 feet
- parcels zoned for 1 acre to 4.99 acres – 1320 feet
- parcels zoned for 5 acres to 19.99 acres – 2640 feet
- parcels zoned for 20 acres or larger – 5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

(b) Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

(c) Each dead-end road shall have a turnaround constructed at its terminus.

1273.10. Driveways

(a) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane and fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

(b) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the

midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(c) A turnaround shall be provided to all building sites on driveways over 300 feet in length, and shall be within fifty (50) feet of the building.

1273.11. Gate Entrance

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Security gates shall not be installed without approval and where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

(d) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

ARTICLE 3. SIGNING AND BUILDING NUMBERING

- § 1274.00. Intent
- § 1274.01. Size of Letters, Numbers and Symbols for Street and Roads Signs
- § 1274.02. Visibility and Legibility of Street and Road Signs
- § 1274.03. Height of Street and Road Signs
- § 1274.04. Names and Numbers on Street and Road Signs
- § 1274.05. Intersecting Roads, Streets and Private Lanes
- § 1274.06. Signs Identifying Traffic Access Limitations
- § 1274.07. Installation of Road, Street and Private Lane Signs
- § 1274.08. Addresses for Buildings
- § 1274.09. Size of Letters, Numbers and Symbols for Addresses
- § 1274.10. Installation, Location and Visibility of Addresses

1274.00. Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, street, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters of numbers appearing on street signs for other purposes.

1274.01. Size of Letters, Numbers and Symbols for Street and Roads Signs

Size of letters, numbers, and symbols for street and road signs shall be a minimum 4 inch letter height, .5 inch stroke, reflectorized, contrasting with the background color of the sign.

1274.02. Visibility and Legibility of Street and Road Signs

Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.

1274.03. Height of Street and Road Signs

Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

1274.04. Names and Numbers on Street and Road Signs

Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent countywide system that provides for sequenced or patterned numbering and/or non-duplicating naming within each county. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

1274.05. Intersecting Roads, Streets and Private Lanes

Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

1274.06. Signs Identifying Traffic Access Limitations

A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

- (a) at the intersection preceding the traffic access limitation, and
- (b) no more than 100 feet before such traffic access limitation.

1274.07. Installation of Road, Street and Private Lane Signs

Road, street and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

1274.08. Addresses for Buildings

All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

1274.09. Size of Letters, Numbers and Symbols for Addresses

Size of letters, numbers and symbols for addresses shall be a minimum 4 inch letter height, .5 inch stroke, reflectorized, contrasting with the background color of the sign.

Address identification shall be plainly legible and visible from the street or road fronting the property. Addresses shall be Arabic numbers or alphabetical letters. Where access is by means of a private road and the address identification cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the address.

1274.10. Installation, Location and Visibility of Addresses

(a) All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

(b) Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

(c) Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

(d) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

ARTICLE 4. EMERGENCY WATER STANDARDS

- § 1275.00. Intent
- § 1275.01. Application
- § 1275.10. General Standards
- § 1275.15. Hydrant/Fire Valve
- § 1275.20 Signing of Water Sources

1275.00. Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations, in order to attack a wildfire or defend property from a wildfire.

1275.01. Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority. When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.

1275.10. General Standards

Water systems that comply with the below standard or standards meet or exceed the intent of these regulations. Water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition, hereby incorporated by reference, and California Fire Code, California Code of Regulations title 24, part 9, shall be accepted as meeting the requirements of this article. Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions having authority, such protection measures shall be provided.

1275.15. Hydrant/Fire Valve

(a) The hydrant or fire valve shall be eighteen (18) inches above grade, eight (8) feet from flammable vegetation, no closer than four (4) feet nor farther than twelve (12) feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

The hydrant serving any building shall:

- (1) be not less than fifty (50) feet nor more than 1/2 mile by road from the building it is to serve, and
- (2) be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

(b) The hydrant head shall be 2 1/2 inch National Hose male thread with cap for pressure and gravity flow systems and 4 1/2 inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

1275.20 Signing of Water Sources

Each hydrant/fire valve or access to water shall be identified as follows:

(a) If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(b) If located along a street or road,

- (1) a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or
- (2) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

ARTICLE 5. FUEL MODIFICATION STANDARDS

- § 1276.00. Intent
- § 1276.01. Setback for Structure Defensible Space
- § 1276.02. Disposal of Flammable Vegetation and Fuels
- § 1276.03. Greenbelts

1276.00 Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelt shall provide

- (1) increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways; and
- (2) a point of attack or defense from a wildfire.

1276.01 Setback for Structure Defensible Space

(a) All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.

(b) For parcels less than 1 acre, the local jurisdiction shall provide for the same practical effect.

1276.02 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

1276.03 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.



DEPARTMENT OF FORESTRY AND FIRE PROTECTION – SISKIYOU UNIT

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Revised: January 13, 2016

TREE REMOVAL INFORMATION COMMONLY ASSOCIATED WITH BUILDING PERMITS AND OTHER DEVELOPMENT PROJECTS

STATE REGULATIONS

In addition to Fire Code Regulations for State Responsibility Areas noted in the 4290 Checklist, the California Department of Forestry and Fire Protection (CAL FIRE) is responsible for administering Timber Harvesting Regulations conducted throughout California on all non-federal timberland. This applies regardless of zoning and includes lands inside of city limits. The removal of California native “commercial” timber species from forested lots, areas of pending new construction, and from around existing structures is included under these regulations. The following information is compiled from Title 14, California Code of Regulations and the Public Resources Code to assist in the determination of the necessity of a **Timber Harvest Plan (THP)**, **Timberland Conversion Permit (TCP)**, or other type of timber harvest plan **exemption** document.

Forest Practice Checklist

I. Determining if a harvest document is required

1. Is the project occurring on timberland? (*Refer to PRC 4526 – Timberland*)

Yes....Go to question #2. In Siskiyou County, qualifying commercial timber species include, but are not limited to: Ponderosa Pine, Sugar Pine, Jeffrey Pine, Western White Pine, Lodgepole Pine, White Fir, California Red Fir, Noble Fir, Douglas Fir, Incense Cedar, Port Orford Cedar and California Black Oak. **Timberland** includes areas where the above species are now growing naturally or have grown naturally in the recorded past, even if not currently present.

No....This does not constitute timber operations and a THP or other harvest document is NOT required by CAL FIRE. STOP HERE.

2. Are you cutting trees and plan to sell, barter, exchange or trade any type of wood product?

Yes....A THP or other timber harvest plan exemption document is required by CAL FIRE prior to cutting any trees. Refer to the Section II titled “Types of Harvest Documents”.

No.... A THP or other timber harvest plan exemption document may still be required by CAL FIRE. Go to question #3.

3. Are you cutting or removing trees from timberland, and converting the area to a non-timber use?
NOTE: These requirements apply even if the wood products are not sold commercially or the trees are not of merchantable size.

a) Yes, and the area involved is less than three acres... Do not harvest without an approved Less than 3-acre conversion exemption (14 CCR 1104.1)

b) Yes, and the area involved is greater than three acres...A TCP and THP are required.

c) Yes, and the area is an approved subdivision under the Subdivision Map Act....

An Exemption for Conversion of Non-TPZ¹ Land for Subdivision Development (14 CCR 1104.2) can meet the TCP requirement and either a THP or Less than 3-acre conversion exemption are required.

d) No.... If question number 1, 2, and 3 above are answered no, a THP or other harvest document is NOT required by CAL FIRE.

¹ TPZ: Zoning classified as Timberland Production Zone.

NOTE: In Siskiyou County, the most common examples of conversions include commercial developments or construction of individual residential structures on lands classified as timberland.

II. Types of Harvest Documents

Timber Harvest Plans are detailed documents that allow timber operations and provide analysis of environmental impacts, and will not be discussed in any detail here. The harvest documents required for Timberland Conversions are addressed in Section I, question 3 above. The following list describes the three most commonly used harvest exemptions.

1. Removal of Fire Hazard Trees Within 150 Feet of a Structure Exemption

This exemption is required for the cutting or removal of trees in compliance with sections 4290 and 4291 from within 150 feet of existing permitted structures which is intended to reduce the fuels and fire hazard. This exemption is required only if wood products are offered for sale, barter, exchange or trade. A Registered Professional Forester services are not required, however a Licensed Timber Operator must be listed on the exemption. Extensive slash disposal requirements apply and the exemption is valid for one year. See 14 CCR 1038 (c).

2. Christmas Tree; Dead, Dying, or Diseased; Fuelwood or Split Products Exemption

This exemption is required when removing trees that are dead or are obviously dying from insect attack or disease (harvest can not exceed 10% of the average volume per acre), or when removing fuelwood or other miscellaneous products such as Christmas trees, fencing, etc. This exemption is required only if wood products are offered for sale, barter, exchange or trade. Registered Professional Forester services are not required, however a Licensed Timber Operator must be listed on the exemption. The exemption is valid for one year. See 14 CCR 1038 (a & b).

3. Less Than Three Acre Conversion Exemption

This one-time exemption is required for property owners who intend to cut or remove trees for structures and other needed improvements. *This exemption is required whether or not wood products are offered for sale, barter, exchange or trade.* A Registered Professional Forester must prepare this exemption. *Building contractors are ineligible to perform this work, unless they are also a Licensed Timber Operator (LTO).* Before hiring an LTO, be sure to ask the LTO for proof of valid insurance or call CALFIRE LTO Licensing at (916) 653-7211. The exemption is valid for one year. See 14 CCR 1104.1.

Some of the applicable laws and regulations that apply are summarized on the following pages. The rules cited may not be quoted, and are not intended to be authoritative. The code section has been included to provide reference to the official law or rule language can be found at www.leginfo.ca.gov/calaw.html, or the official publications by Barclays Official California Code of Regulations (1-800-888-3600).

If you have any questions or need additional information on the different types of harvest documents that may be applicable to your project, please contact the Unit Forester or the Area Forester where the project is located.

Area	Forester	Telephone
Western Siskiyou County	Damon Denman	office: (530) 842-3516 cell: (530) 598-2618
Eastern Siskiyou County	Ryan Wimmer Steve Wilson	office: (530) 842-3516 cell: (530) 598-2619
Southern Siskiyou County & Unit Forester	Mike Rosan	office: (530) 842-3516 cell: (530) 598-2604

Z'berg-Nejedly Forest Practice Act of 1973

CAL FIRE has enforcement responsibility for the Z'berg-Nejedly Forest Practice Act of 1973. CAL FIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. This involves the regulation of "Timber Operations", as defined in Section 4527 of the Public Resources Code (PRC), on all non-federal private lands.

PRC 4526 – Timberland

"Timberland" means land, other than land owned by the federal government, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

PRC 4527 - Timber Operations

“Timber Operations” means the cutting or removal or both of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, stream crossings, landings, and skid trails. “Commercial purposes” includes (1) The cutting or removal of trees which are processed into logs, lumber, or other wood products and offered for sale, barter, exchange or trade, or; (2) The cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber which are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects. Removal or harvest of incidental vegetation from timberlands, such as berries, ferns, greenery, mistletoe, herbs, and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber operations.

PRC 4581 – Necessity of timber harvest plan

No person shall conduct timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted for such operations.

Other pertinent rule sections regarding conversion of timberlands: 14 CCR 1100-1110, PRC 4571 and PRC 4621.

PHILLIP R. ANZO, Unit Chief
Siskiyou Unit

By Steve Wilson
Division Chief, Resource Management

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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Date: September 17, 2018

Siskiyou County Department of Public
Health and Community Development
806 South Main Street
Yreka, CA 96097-3321

Attention: Christy Cummings Dawson, Planning Director

Subject: Kidder Creek Orchard Camp Development Plan Z-14-01 and UP-11-15

The California Department of Forestry and Fire Protection has the following Public Resources Code 4290 requirements for the above referenced project (reference Calif. Code of Regulations Title 14, Division 1.5, Chapter 7, Article 5, Subchapter 2, SRA Fire Safe Regulations):

ROAD AND STREET NETWORKS

1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09, 1273.11

Notes:

- Due to the increased number of people proposed to occupy the camp facility the roadway with of South Kidder Creek Road will need to meet the road width requirements of section 1273.01
- A secondary deeded access road other than South Kidder Creek Road must be identified to facilitate emergency response and civilian evacuation concurrently in a wildfire emergency. The Secondary access road must meet and be maintained to the required road standards.

ROAD SIGNING

1274.01, 1274.02, 1274.03, 1274.04, 1274.05, 1274.06, 1274.07

FUEL MODIFICATION

1276.02, 1276.03

Additional Public Resources Code 4290 requirements that must be met during subsequent building permit applications are as follows:

WATER STANDARDS

1275.10, 1275.15, 1275.20

This project is not served by a municipal water system or Insurance Services Office (ISO) 8B rated fire district station with water tender within 5 miles, on-site water supply for fire protection will be required for new parcels developed after 1991. Water supply amount will be dictated by the cubic footage of the structure it is to serve.

DRIVEWAY DESIGN AND SURFACE REQUIREMENTS

1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.10, 1273.11

Note:

- All access roads in the ranch must meet the road width requirement of 20 feet and all road surfaces and structures must meet surface and weight requirements.

ADDRESSES FOR BUILDING

1274.08, 1274.09, 1274.10

FUEL MODIFICATION AND STANDARDS

1276.01, 1276.02

In addition to the Public Resources Code 4290 requirements, if timber is to be commercially harvested as part of this subdivision creation, the conditions set forth in the Z'berg-Nejedly Forest Practice Act of 1973 (California Code of Regulations Title 14, Division 1.5) must be adhered to.

OTHER ITEMS TO ADDRESS FOR FIRE PROTECTION

- Water Supply for fire Protection- based on the California Fire Code or the current code in place at the time of construction.
- The Kidder Creek Orchard Camp appears to meet the definition of an Organized Camp per California Health and Safety Code 18897. Thus must comply with the fire safety requirements in the California Code of Regulations and Panic Safety Standards as they pertain to Organized Camps.

SEE THE ATTACHED "4290 HANDOUT" FOR SPECIFIC CODE REQUIREMENTS.

If you have any questions, please contact Greg Roath at 530-842-3516.



Greg Roath
Fire Prevention Battalion Chief

For: Phillip Anzo
Siskiyou Unit Chief



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 25, 2018

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

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

Dear Ms. Cummings Dawson:

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

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

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

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

Project Description and Location

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

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

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

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

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

Consultation History

The Department provided comments during early consultation and during the

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

Comments and Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. CEQA requires that information developed in EIRs and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, section 21003, subd. (e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>.
The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. Alternately, an online field survey form is also available at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524419-online-field-survey-form>. The types of information reported to CNDDDB can be found at: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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

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

Sincerely,



Adam McKannay
Interior Cannabis and LSA Permitting Supervisor

Attachment

ec: Page 11

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Siskiyou County Community Development Department

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State Water Resources Control Board, Water Rights Division

State Clearinghouse
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CHARLTON H. BONHAM, Director



August 29, 2014

Mr. Brett Walker
Siskiyou County Community Development Department
Planning Division
806 South Main Street
Yreka, CA 96097

Subject: Project Application Review for Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15), Siskiyou County

Dear Mr. Walker:

The Department of Fish and Wildlife (Department) has reviewed the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Project Application Review (Project) request dated July 21, 2014. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code section 21000, et seq. The following comments are intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project is located on South Kidder Creek Road in Siskiyou County, within the Greenview area of Scott Valley. The Project as described in the Project Application Review request is a "proposed CEQA mitigated negative declaration, zone change and use permit to expand an existing recreational camp. There are currently three use permits covering 237± acres. The applicant is proposing to expand the camp to encompass 526± acres. Approximately 160 acres of the proposed expansion is currently zoned under Timber Preserve (TPZ). The applicant is requesting the TPZ lands be rezoned to Rural Residential Agricultural District, 40-acre minimum parcel size (RR-B-40)."

Project modifications and new construction will use a phased approach over the next 20 years. Specific changes to the Project site include the creation of a new 7-acre pond and recreational area; expansion of facilities surrounding the existing small pond; relocation and expansion of the equestrian center and ranch camp; expansion of the greenbelt area by an additional 20 acres; re-routing the main entry road towards the periphery of the site; relocation of the sawmill/storage area; creation of a new worship pavilion, "The Pines" camp area, picnic area/park, welcome center, dining facility, maintenance facility, adult retreat areas, amphitheaters, and water storage tanks; and the creation of additional recreation areas, RV areas, adventure camps and staff housing.

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Comments and Recommendations

Salmonid Fish Use in Kidder Creek

Southern Oregon/Northern California coho salmon (*Oncorhynchus kisutch*) are federally and State listed as threatened; this species has been documented in Kidder Creek near the Project area. Coho salmon prefer cool, shallow, low velocity streams with low gradients and require small gravel substrate for spawning. Kidder Creek also supports coastal steelhead/rainbow trout (*O. mykiss irideus*), and chinook salmon (*O. tshawytscha*).

Project activities requiring increased water usage (i.e., the creation of additional wells) may impact water quantities in Kidder Creek, which may cause a significant impact to downstream fish, especially during drought years. The Department recommends an analysis of impacts of the proposed Project on salmonid species.

Proposed Water Features

It is unclear to the Department how the applicant proposes to use other existing surface rights to fill and maintain the proposed new 7-acre pond. The Department recommends the applicant contact the State Water Resources Control Board (SWRCB) regarding the proposed water rights that will be used to fill the pond. The SWRCB Division of Water Rights may require permits or amendment of the existing decree to allow for use of the water from other users as proposed in the Project documents. Additionally, the SWRCB may need to rely on the CEQA document for issuance of any discretionary permit and will likely require an analysis of beneficial use.

In addition to the proposed new 7-acre pond, the Natural Camp Layout map (Map B) and Proposed Camp Layout map (Map D) depict additional water bodies that will be created or expanded during Project implementation. These additional water bodies are not addressed in the Project documentation. The Department recommends that these water bodies and any resulting impacts are discussed and analyzed in the environmental document created for this Project.

Wetland and Drainage Features

The Wetland Delineation Summary, dated March 2014, identified several wetland features adjacent to areas proposed for development. The Department maintains jurisdiction over wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage.

The Project should be configured in such a way as to avoid impacts, either direct or indirect, to wetlands. In addition to “federally protected wetlands” (see CEQA Appendix G), the Department considers impacts to any wetlands (as defined by the Department) as potentially significant. The Department recommends that potential impacts be analyzed and avoidance or mitigation measures incorporated to avoid impacting identified wetland features.

Multiple drainage swales are identified on the Hydrology map (Map F) that are not discussed in the Project documents. Additionally, the Wetland Delineation Summary is restricted to a small portion of the Project footprint and does not classify the drainages or provide measurements of wetland areas. Please note that some wetland and riparian habitats subject to the Department’s authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project in order to assist in determining any potential impacts and development of appropriate mitigation measures.

Lake or Streambed Alteration Agreement

Pursuant to Fish and Game Code (FGC) section 1600 et seq., a Lake or Streambed Alteration Agreement (LSAA) may be required if the proposed Project will impact the bed, bank, channel, or associated riparian vegetation of any drainages on site. To minimize additional requirements by the Department pursuant to section 1600 et seq., and/or under CEQA, the environmental document prepared for this Project should fully identify potential impacts to stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. Instructions for obtaining a LSAA are available through the Department’s website at: <http://www.dfg.ca.gov/habcon/1600/>.

CESA

The California Endangered Species Act (FGC §§ 2050 et seq.) is administered by the Department and prohibits the take of plant and animal species designated by the Fish and Game Commission as either threatened or endangered in the State. If the Project could result in the “take” of a State-listed as threatened or endangered species, the applicant has the responsibility to obtain from the Department an Incidental Take Permit pursuant to FGC section 2081.

Wildlife Resources Report

The Wildlife Resources Report of the Kidder Creek Orchard Camp Inc. for Land Use Permit, dated January 2014 (Report), indicates that surveys were conducted on one day in October 2013 and one day in December 2013. These dates alone do not adequately capture year-round wildlife use of the Project location. The Department recommends completing additional surveys throughout the year to document the seasonal variation of species composition.

Further discussion is needed regarding the sampling methodology of the surveys conducted. Specifically, discussion is needed on the timing of the surveys, including the time of day and date of surveys, length of surveys, and weather conditions.

The Report discusses the observation of a “considerable amount of deer and avian sign” and that “various songbirds were seen around the project area, utilizing the riparian zone, and some using the oak woodland as well as the mixed conifer areas”; however, a list of observed species was not provided with the Report. The Department requests a list of the species utilizing the Project area, including both common and sensitive species.

The Report states that the California Wildlife Habitat Relationships System database was searched in order to identify species and habitats with the potential to be impacted by the Project. The Department requests that the California Natural Diversity Data Base (CNDDDB) be searched to obtain current information on reported sensitive species and habitat within and around the Project area. In order to provide an adequate assessment of special-status species potentially occurring within the Project vicinity, the search area for CNDDDB occurrences should include all U.S. Geological Survey 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. A discussion should be included regarding how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. Additionally, a discussion should be included regarding other databases that were searched while researching the Project area, including the U.S. Fish and Wildlife Service (USFWS) electronic database.

A cursory Department query of the CNDDDB identified a number of special-status species present in close proximity to the Project that were not identified or discussed in the Report. These species include the following:

- Southern Oregon/Northern California coho salmon (*Oncorhynchus kisutch*)- federally and State listed as threatened;
- Bald eagle (*Haliaeetus leucocephalus*) – State endangered, Department Fully Protected;
- Pacific Fisher (*Pekania pennanti*) – federal candidate, State candidate threatened;
- Townsend's big-eared bat (*Corynorhinus townsendii*) – State candidate threatened;
- Golden eagle (*Aquila chrysaetos*) – Department Fully Protected;
- American peregrine falcon (*Falco peregrinus anatum*) – Department Fully Protected;
- Northern goshawk (*Accipiter gentilis*) – California Species of Special Concern

Species-specific wildlife surveys may be needed to determine the presence of additional species identified by the Department or through other databases. Adequate information about special-status species present in the Project area will enable reviewing agencies and the public to effectively assess potential impacts to these species and will guide the development of minimization and mitigation measures.

The Report concludes that “no special conditions or mitigation measures are required to protect special status species or their environments and they will not be significantly effected [*sic*].” The Department cannot concur with this conclusion, based on the lack of information provided in the Report.

Additionally, the Report concludes that “the addition of the proposed pond will enhance and increase habitat for many riparian obligates, that are presently utilizing existing habitat.” As stated above, the Report does not include a list of the species utilizing the Project area, nor do the Project documents discuss riparian enhancement. If riparian habitat enhancement or modification will occur, it should be described and effects must be analyzed in the environmental document. Modification of riparian habitat may require a LSAA and require the development of mitigation measures.

Northern Spotted Owl (*Strix occidentalis*)

The northern spotted owl (NSO) is federally listed as threatened and is currently a State candidate for listing. The USFWS recently updated its protocol for surveying proposed management activities that may impact NSO. This survey protocol is required in areas where management activities may remove or modify NSO nesting, roosting or foraging habitat. It is also applied to activities that disrupt essential breeding activities during the critical breeding period (March 15 through August 31) or that may injure or otherwise harm NSO. Multiple surveys may be required up to 1.3 miles from an active center, or nest, with strict operational restrictions 500 feet from a nest.

The Project Description references a 1994 Timber Harvest Plan that determined the protocol surveys completed in 1992 and 1993 were adequate to evaluate potential impacts to NSO, and issued a “no-take” determination. The Wildlife Resources Report indicates the presence of potential NSO habitat in the southwest portion of the property; however, a protocol level survey was not conducted because, as the Report states, the area is “quite isolated from the footprint of existing development and use patterns and the proposed activities will not alter or effect the NSO potential habitat.” A review of CNDDDB shows a territory (NSO #SIS 0563) approximately 0.6 miles to the west of the Project.

The Department requests the development of a map depicting the proposed Project activities along with the identified NSO territory and habitat identified in the southwest portion of the property. The development of this map will assist in the

analysis of potential impacts to this species. Because the Project will be developed using a phased approach, the Department recommends the completion of additional surveys prior to any proposed impacts to habitat with the potential to support NSO. More information and guidance on NSO habitat determination and survey requirements can be made through consultation with or technical assistance from USFWS or the Department.

Nesting Raptors and Migratory Birds

All raptors and their nests are protected under FGC sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act (MBTA). Migratory birds are protected under FGC section 3513 and the federal MBTA. Project documents indicate that vegetation removal will be required for future Project activities. To ensure compliance with FGC, the Department recommends avoidance measures be incorporated, such as operating outside the breeding season.

Townsend's big-eared bat

Townsend's big-eared bat is a State candidate for threatened or endangered species listing. During the Status Review period, FGC section 2085 confers the full legal protection of an endangered or threatened species on a candidate species. Townsend's big-eared bat requires a range of habitats for various parts of their life history, including summer roosts (maternity roosts), hibernacula, and foraging habitat. Summer roosts can include caves, abandoned mines, hollow trees, and human-made structures. Hibernacula are predominantly caves but can also include buildings and possibly hollow trees. "The largest hibernating aggregations (200-600 animals) occur in the northern portion of the state, many in Siskiyou County" (Greenwald, et al., 2012). Townsend's big-eared bats forage primarily in riparian corridors, closely following creeks or streams through forest or shrub habitat. The Project site contains suitable summer roosting and foraging habitat. The Department recommends the Project applicant conduct acoustic bat surveys by a qualified biologist prior to Project construction if vegetation removal will occur during the bat maternity roosting season of April 1 through August 31. If roosting bats are present, avoidance or mitigation measures to avoid take and impacts must be incorporated. Any mitigation measures included to avoid take or address CESA will not be applicable if the species is not listed as threatened or endangered.

Wildlife Corridors

No discussion was included in the Project documents regarding wildlife corridors. The Department recommends the analysis of Project impacts on wildlife movement, including native resident or migratory wildlife corridors. Wetlands and riparian corridors serve as important wildlife migration and dispersal routes for both aquatic and terrestrial wildlife. The Department suggests wildlife movement

corridor studies which may include the use of trail cams and track plates, and the development of a map depicting identified corridors. These studies will be useful in placement of Project improvements and the development of adequate avoidance or mitigation measures.

Botanical Resource Surveys

The Botanical Resource Survey, prepared September 2010 and updated May 23, 2014, identified two new populations of Shasta chaenactis (*Chaenactis suffrutescens*) on the south bank of Kidder Creek, above the "intake area proposed for the pond expansion." However, the Botanical Resource Addendum prepared June 2013 and updated May 23, 2014, states that no known special-status plants were found during the surveys. The survey area for these two reports appears to be different, with the initial report stating the Area of Potential Effect covered approximately 551 acres and the Addendum stating that "the project consists of approximately 29 acres." Please clarify where the botanical surveys took place and if they covered the entire Project area.

The initial report suggests flagging and restricting access to the two identified populations of Shasta chaenactis to avoid impacts due to construction. If these populations are within the Project area, the Department concurs with this recommendation. Additional mitigation measures will need to be developed if these populations cannot be avoided.

Vegetation Community Impacts

Environmental Questionnaire Section V – Vegetation and Wildlife indicates that less than five percent of the trees will be removed by the proposed Project; however, no vegetation maps were provided with the Project documentation to allow confirmation of this statement. The Botanical Resource Survey discusses several habitat types that occur in the Project area. These include riparian woodlands, riverbanks, wet meadows, mixed conifer forests, and oak woodlands. The Department recommends the preparation of a detailed vegetation map, preferably with an overlay of the proposed Project activities. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities, and show Project impacts relative to each community type. The vegetation classification system used to name the polygons should be described, and a table developed indicating acreages of each community type along with the acreage impacted by the proposed Project (both directly and indirectly). Special-status natural communities should be specifically noted on the map.

Invasive Species

The creation of a new 7-acre pond and the expansion of other water bodies on site has the potential to increase the prevalence of invasive bull frogs, which were observed in the manmade pond as documented in the Wildlife Resources Report

Mr. Brett Walker
August 29, 2014
Page 8

and the Botanical Resource Survey. Please include invasive species control measures in the environmental document developed for the Project.

Timberland Conversion

Development within the currently zoned TPZ may require a permit from the California Department of Forestry and Fire Protection. Additional information is available at: http://calfire.ca.gov/resource_mgt/resource_mgt_EPRP_TimberlandConversions.php.

Lighting

Lighting is an ecological stressor. Some species of wildlife are able to adapt, but many do not. The Department recognizes the negative effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. Lighting can diminish habitat function by making high quality habitat less suitable for wildlife and increasing the rate of predation. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded, designed and installed to minimize photo-pollution, and use as little lighting as possible in open space areas where nocturnal species would tend to forage.

California Natural Diversity Database

If any special-status species are found during subsequent surveys for this Project, the Department requests that CNDDDB forms be filled out and submitted to the Biogeographic Data Branch in Sacramento. Instructions for providing data to the CNDDDB can be found at: <https://www.dfg.ca.gov/biogeodata/cnddb/>. Additionally, the Department requests a copy of these forms be sent to the Northern Region office, Attn: CEQA, 601 Locust Street, Redding, CA, 96001. Species that warrant reporting to the CNDDDB include Species of Special Concern, Fully Protected species, rare species as defined by the California Native Plant Society, species proposed for listing or candidate species, and species listed as threatened or endangered by either the State or federal Endangered Species Acts.

The Department appreciates the opportunity to provide comments early in the environmental review process. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

Mr. Brett Walker
August 29, 2014
Page 9

References

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

Greenwald, Noah, et al. October 18, 2012. *A Petition to List all Populations of the Townsend's Big-Eared Bat, *Corynorhinus townsendii townsendii* and *Corynorhinus townsendii pallescens*, as Threatened or Endangered Under the California Endangered Species Act*, Center for Biological Diversity.

U.S. Fish and Wildlife Service, Revised 2012. Protocol for surveying proposed management activities that may impact northern spotted owls.

cc: U.S. Fish and Wildlife Service
Yreka Fish and Wildlife Office
1829 South Oregon Street
Yreka, CA 96097

ec: Mr. Brett Walker
Siskiyou County Community Development Department
Planning Division
bwalker@co.siskiyou.ca.us

Mr. Matthew Kelley
U.S. Army Corps of Engineers
Matthew.P.Kelley@usace.army.mil

Mr. Mark Hampton
NOAA Fisheries Service
Mark.Hampton@noaa.gov

Ms. Kathy Mrowka
State Water Resources Control Board, Water Rights Division
Kathy.Mrowka@waterboards.ca.gov

Ms. Mona Dougherty
North Coast Regional Water Quality Control Board
Mona.Dougherty@waterboard.ca.gov

Mss. Kristin Hubbard, Amy Henderson, Donna Cobb,
Mr. Michael R. Harris
California Department of Fish and Wildlife
Kristin.Hubbard@wildlife.ca.gov, Amy.Henderson@wildlife.ca.gov,
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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

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



October 5, 2016

Brett Walker, Senior Planner
Siskiyou County Planning Division
806 Main Street
Yreka, CA 96097

Subject: Draft Initial Study / Mitigated Negative Declaration for Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15), Siskiyou County, State Clearinghouse Number 2016092016

Dear Mr. Walker:

The Department of Fish and Wildlife (Department) has reviewed the draft initial study and mitigated negative declaration (IS/MND) for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act, California Public Resources Code section 21000 et seq.

Project Description

The Project is located on South Kidder Creek Road in Siskiyou County, within the Greenview area of Scott Valley. The Project, as described in the draft IS/MND, is a proposed rezone and use permit application to expand an existing organized camp. The rezone would reclassify approximately 170 acres of land from Timber Production District (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40). The use permit would expand the camp area from 333 acres to 580 acres and increase the total camp guest occupancy from 165 (total bed occupancy of 310) to a peak summer occupancy of 844. Additional structures and recreation features, including a second pond, and ancillary facilities will be added to the site. It is anticipated the expansion would occur over a 20-year period.

Additionally, the Project includes the revocation of three previous use permits to consolidate all approved uses into a single use permit and IS/MND.

Conserving California's Wildlife Since 1870

Comments and Recommendations

The Department reviewed the early consultation request for this Project and provided comments on August 29, 2014. Subsequent to those comments, Department staff visited the Project site on February 9, 2015, and March 24, 2015. The Department has also reviewed and commented on the biological surveys conducted for this Project and the placement of multiple facilities. The Department offers the following comments and recommendations based on our previous reviews, site visits, and our review of the current draft IS/MND.

New Pond

The proposed new seven-acre pond has been reconfigured subsequent to the early consultation proposal. The new pond design will be round instead of the originally proposed kidney-shaped design. The Department understands that engineering has not been completed on the revised design and that it will be completed if the Project is approved. Multiple considerations should go into the design including: ensuring measures are in place to decrease the likelihood of bullfrog habitation; ensuring the pond is situated well outside of the 100-year flood zone and the 150-foot riparian no-disturbance buffer that was discussed during the February 5, 2015 site visit; and including measures in the design to prevent the trapping of native fish. The Department recommends consulting with us during the design process.

Consistent with our first letter, the Department recommends the applicant contact the State Water Resources Control Board (SWRCB) regarding the proposed water rights used to fill the pond. The SWRCB Division of Water Rights may require permits or an amendment of the existing decree to allow for the proposed use of upstream water to fill the new pond.

Lake or Streambed Alteration Agreement

The IS/MND acknowledges the need for a Lake or Streambed Alteration Agreement (LSAA) pursuant to FGC section 1600 et seq. if the Project should divert, obstruct, change, or deposit materials into any river, stream, or lake. Additionally, a LSAA may be required prior to the commencement of any activity that will impact the bed, bank, or channel (which may include associated riparian vegetation) of any river, stream, or lake. A LSAA notification package may be obtained through the Department's website at: <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Biological Resources

The Department appreciates the completion of several biological surveys for the Project site and the inclusion of multiple mitigation measures in the IS/MND to reduce impacts to biological resources.

The IS/MND recognizes potential impacts to Shasta chaenactis (*Chaenactis suffrutescens*), a California Rare Plant Rank 1B.3 species and proposes measures to reduce these impacts to less than significant. In order to further reduce impacts, the Department recommends the following additions be made to mitigation measure MM 4.1.

1. Add the California Native Plant Society (CNPS) Rare Plant Rank designation to the IS/MND and the interpretative signage that will be installed in proximity to the onsite plant populations.
2. Include language from the CNPS website describing the Rare Plant Rank in order to highlight the species special-status, such as: "*All of the plants constituting California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act of the California Department of Fish and Game Code, and are eligible for state listing.*"

The IS/MND recognizes potential impacts to fisher (*Pekania pennanti*), and proposes that no vegetation removal or land disturbance activities occur within 50 feet of an active den. The Department recommends increasing this distance to $\frac{1}{4}$ of a mile around a natal den or 375 feet around a maternal den, consistent with Department of Forestry and Fire Protection recommendations¹.

Mitigation Measure 4.5 includes the requirement of a Stormwater Pollution Protection Plan (SWPPP) prior to land disturbance activities within 50 feet of a waterway. The Department recommends adding a no-disturbance buffer around all onsite waterways and wetlands. Because coho salmon (*Oncorhynchus kisutch*), a federally and State-threatened species, reside in Kidder Creek, the Department recommends a no-disturbance buffer of at least 150 feet from the edge of bank or outer edge of the riparian dripline, whichever is greater, be placed along Kidder Creek. Additionally, potential impacts to riparian vegetation should be discussed and mitigation measures proposed to reduce impacts to less than significant. Potential future impacts to wetlands should be mitigated at a ratio of no less than 3:1.

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

Dust Suppression Agent

Because Kidder Creek supports the federally and State-threatened coho salmon, the Department recommends against spraying a dust suppression agent in any location where transmission to a waterway could occur. Many dust suppression agents are toxic to fish and wildlife and have adverse effects on the environment. If dust suppression agents will be utilized, impacts to fish, wildlife, and plant communities should be addressed in the IS/MND.

Native Vegetation

The Department recommends utilizing vegetation native to the local area in revegetation efforts and landscaping whenever possible. Benefits of utilizing native vegetation in landscaping includes: providing resources for native wildlife such as hummingbirds and beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The CNPS website (http://www.cnps.org/cnps/grownative/why_native.php) includes a variety of useful information and tools to help determine native species for a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. For more information regarding the importance of using native species in landscaping, please see the *CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation* at: <http://www.cnps.org/cnps/archive/landscaping.pdf>.

Maintenance Shop Location

The Department appreciates the relocation of the Maintenance Shop in order to reduce impacts to ephemeral drainages.

Low Impact Development

The Department recommends the Project use low-impact development (LID) strategies in areas of new construction. LID strategies include using permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain and infiltrate stormwater runoff onsite. These stormwater facilities and strategies are designed to prevent Project-generated stormwater runoff from exceeding that of a two-year storm event and to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and pollution problems. Ideally, post-Project stormwater run-off volume, rate, and duration will match pre-Project conditions and no hydromodification will occur as a result of the Project. The Department supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollution, preventing increased peak flows and related erosion, and because they increase ground water recharge and therefore help maintain biologically-important summer low flows in local waterways.

Brett Walker, Senior Planner
Siskiyou County Planning Division
October 5, 2016
Page 5

California Natural Diversity Database Submission

Special-status species were identified on the Project site during biological surveys, including Shasta chaenactis, Pacific fisher, and an active osprey (*Pandion haliaetus*) nest. The Department requests that these records be submitted to the California Natural Diversity Database.

The Department appreciates the opportunity to provide comments on the IS/MND. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138 or by e-mail at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

ec: Brett Walker
Siskiyou County Planning Division
bwalker@co.siskiyou.ca.us

State Clearinghouse
state.clearinghouse@opr.ca.gov

Kristin Hubbard, Amy Henderson, Janae Scruggs, Michael R. Harris
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Kristin.Hubbard@wildlife.ca.gov, Amy.Henderson@wildlife.ca.gov,
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From: [Che"usa](#)
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek Orchard Camp EIR,NOP comments
Date: Sunday, September 02, 2018 11:00:45 PM
Attachments: [9-11 Letter to County-Questions-Concerns-KCOC.pdf](#)

Ms. Dawson, RE: August 31, 2018 Notice of Preparation of a Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project
Application Nos. Z-14-01 and UP-11-15.

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

Attached you will find my letter dated Sept. 11, 2016 addressed to Brett Walker, Sr. Planner, expressing my opposition to this (original) Project.

ALL that is in that letter still remain as concerns of mine..... AND KCOC adding their request for Zone change of the 170 acres from

Timberland Production to Rural Residential Agricultural makes it an even more emphatic 'NO'.

You have not been at this job very long, so you may not know all the '*maybe this time*' moments many of us have been through over the years of

dealing with the out-of-control JH Ranch.

Many of us have said for the past few years, '*The County has NEVER dealt with JH Ranch, so KCOC is just laying in wait to see what will*

happen with JH and IF NOTHING happens, which it hasn't, then KCOC (now that Mt. Hermon is their funding/parent source) will just

follow in JH's footsteps..... both figuring the County will give in and just wipe the slate clean and consider 'compliance' exactly where

they are now.'

Yep..... we got that one right. I'll miss my guess if THAT isn't exactly what happens on both of these.

Since 2006 Terry Barber has been dealing with JH Ranch, along with a 2007-2008 Grand Jury, and we are no further ahead

than we were back then. And BECAUSE the County has done nothing on JH Ranch, we now have TWO of them to contend with, even

to the point where it appeared last year that CAL-FIRE would back down on the Reg. 4290 for JH Ranch.

We have often been told we are just angry people. Well, is it any wonder?

Our County has let us down, especially that they do not have the guts or grit to uphold the Scott Valley Area Plan OR even make

a decision of how these two Projects are in violation of the Plan.

My Sept. 11, 2016 letter will serve as my current letter of opposition to everything about this Kidder Creek Orchard Camp Project

Application Nos. Z-14-01 and UP-11-15, including Zoning change of the 170 acres.

Che'usa Sienna Wend
PO Box 254
Etna, CA. 96027

(530) 467-5815

From: [Jan Corrigan](#)
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek Expansion
Date: Monday, September 24, 2018 7:10:51 PM

Although I approve of the activities that Kidder Creek Camp provides for the children, but I do not approve of their proposed expansion of 844 people at one time. That would take a whole lot more water, it would put a lot more traffic on our roads, not just S. Kidder Creek but all of Scott Valley. I also wonder what would happen in case of a fire, do they have an evacuation plan. I hope the deciding vote on these issues, will take a good hard look at these and realize this is not something in the SVP and something that would not be in the best interest of Scott Valley. I wonder if JH, Five Marys, Plank, Crystal Creek, ect. are operating under the SVP.

Sincerely,

Jan M Corrigan
166 Main St.
Etna, CA 96027

467-3227

Dale La Forest & Associates
Design & Environmental Planning
101 E. Alma Street, Suite 100-A
Mt. Shasta, CA 96067
Email: dlaforest at gmail.com

Kidder Creek Orchard Camp Project

Attn: Christy Cummings Dawson, Deputy Director cdawson@co.siskiyou.ca.us
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

Kidder Creek Orchard Camp EIR NOP comments
NOISE IMPACTS

Dear Ms. Dawson,

Sept. 29, 2018

On behalf of some neighbors to this Kidder Creek Orchard Camp Project, I am submitting this comment letter regarding the Scoping for the Project's EIR. These comments relate to the Project's noise impacts. Reference to the clearly inadequate Oct. 24, 2017 *Environmental Noise Assessment* is also made so that better information can be provided and the Draft EIR might be more accurate.

The DEIR should provide more believable assessments of maximum construction noise levels and their impact upon neighboring residences. The *Environmental Noise Assessment* unrealistically assumes that construction noise levels will be about 80 dBA at a distance of 50 feet. Its Table 6 ("Construction Equipment Noise Emission Levels") by comparison predicts noise levels from just a single piece of heavy construction like a grader or dozer being 85 dBA at a distance of 50 feet. Moreover, more than one piece of heavy equipment will likely be operating at the same time when excavating for the pond and other sites. Both a grader and a dozer operating at that distance can generate a cumulative noise level of about 88 dBA. At a distance of 400 feet to nearby homes, that combined noise level would diminish by roughly 18 dB to a noise level of 70 dBA L_{eq} . But if, as the *Environmental Noise Assessment* states, existing homes are exposed now to daytime ambient noise levels of about 44 dBA, this Project could increase noise levels at those homes by about $(70 - 44 =)$ **26 dB**. That much of a construction noise increase would be significant because it is much greater than 5 dB, a typical threshold of significance for increases in noise. Curiously, the *Environmental Noise Assessment* fails to evaluate such a significant noise level increase. Instead, using incorrect information about the noise of construction equipment, that noise study only references the County's noise limits. But CEQA requires that the significance of the *increase* in construction noise also be evaluated.

The DEIR should describe how long various types of heavy equipment would be used and which equipment would be used at any one time during construction activities at each construction site.

The Draft EIR should indicate the distances between Project noise sources and this Project's affected, sensitive receptors, and not merely a vague aerial photograph with a scale as used in the Project's *Oct. 24, 2017 Environmental Noise Assessment*. Its vague locations of 12 nearest homes is not sufficient for informed public review. Also, insufficient locations and distances from the Project's traffic are described for those affected homes along South Kidder Creek Road.

The DEIR must provide ambient noise level measurements at many homes along South Kidder Creek Road, and not merely at Measurement location #4 used in the *Environmental Noise Assessment*. That is so that the DEIR can evaluate if the Project will cause a significant increase in traffic noise at nearby

homes along that road compared to existing noise levels. The *Environmental Noise Assessment's* assessment is insufficiently based solely on a 24-hour weighted average noise level. But during some hours of the day, the increase in traffic noise caused by this Project may significantly exceed the ambient hourly noise levels at those noise-affected homes. Increased traffic noise during nighttime hours may, for example, create significant sleep-disturbance impacts if that increase in traffic noise is substantial. Existing noise level measurements at location #4 show that traffic noise at nighttime can increase significantly between 3 – 4 a.m.

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

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

The DEIR must provide ambient noise level measurements at the 12 nearest homes. The four measurement locations in the *Environmental Noise Assessment* are closer to existing camp activities, would therefore be exposed to louder existing campground noise than those homes are, and are therefore not representative of the actual ambient noise levels at those sensitive receptors.

The DEIR must evaluate if the Project will cause interior noise levels within existing and newly proposed camp residences to exceed acceptable thresholds. The *Environmental Noise Assessment*, p. 15, uses an incorrect 15 dBA noise attenuation for homes with their windows open. The Siskiyou County General Plan assumes only a 10 dBA reduction with windows open, probably because some homes are older and do not block exterior noise as well as newer homes. This factor must be used for neighboring residences as well as Project residents.

CONCLUSION:

Because the Project applicant has not presented an adequate noise study, the DEIR must be based upon a more professional and honest appraisal of the Project's increased noise impacts that residents would be exposed to.

Please notify me when the Draft EIR is available for this Project.

Sincerely,



Dale La Forest

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

From: [Eastlick Excavating](#)
To: [Christy Cummings Dawson](#)
Cc: [estlkfam](#)
Subject: Kidder Creek Orchard Camp EIR NOP Comments
Date: Thursday, September 27, 2018 10:08:19 PM

As residents of South Kidder Creek Road we would like to comment on the Kidder Creek Orchard Camp Project.

South Kidder Creek Road is not a highway, but a rural neighborhood road. South Kidder Creek Road is heavily used by Scott Valley residents, not just neighborhood residents, for jogging, walking and bike riding. Livestock, pets and wildlife move up and down the road on a regular basis. We experience an increase in traffic each year when the Camp is in session, not just from campers coming to and from the camp on the weekend, but during the week from camp staff and delivery vehicles.

South Kidder Creek Road literally dead-ends at the camp's entrance. If a wildfire was to erupt, there is no way campers and staff would be able to evacuate in a moment's notice, without a terrible tragedy. There is only one way into the camp and one way out - South Kidder Creek Road. To expect this rural neighborhood road to support a wildfire fire evacuation of hundreds of campers, staff members and neighbors, while fire and emergency personnel and vehicles attempt to drive up the road is completely irrational.

Another concern we have is regarding the water table and water quality. With the proposed increase in camp use, we cannot help but wonder about our water situation, since we are "down stream" from the camp. Increased water use and increased grey water production by the camp makes us uneasy. How will this affect the quality and quantity of our well?

Thank you for considering these issues while you make your decision.

Randy & Jo Ann Eastlick
1600 S. Kidder Creek Road
Greenview CA 96037
530-467-5852

From: Kim Eastman
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek Orchard Camp EIR NOP Comments
Date: Friday, September 21, 2018 4:09:17 PM
Attachments: [image001.png](#)

Hello Director Dawson,

I would like to submit this comment in favor of the proposed zone change and expansion project contemplated by Kidder Creek Orchard Camp. This camp enriches the lives of hundreds of local families and acts as a source of summer employment for local people and is an excellent example of responsible land and resource use.

Sincerely,

Kim Eastman

Kimberley Eastman, EO
Siskiyou Escrow Services, Inc.
301 South Street
Yreka, CA 96097
Ph 530-842-9000
Fax 530-842-9003
kim@siskiyouescrow.com

isesi-web-filegoldsmalllogo



WE HAVE MOVED....

NEW OFFICE ADDRESS EFFECTIVE OCTOBER 9, 2017

301 SOUTH STREET

YREKA, CA 96097

All telephone numbers and emails to remain the same.



Kidder Creek Orchard Camp EIR

Scoping Meeting: 9/13/2018

Name:

547200 HOPKINS

Address:

30824 CECILVILLE RD
FORKS OF SALMON, OR

Public Agency

General Public

Comment:

The Scott Valley Area Plan was commissioned by the Planning Dept in 1978 & completed in 1980. It was put to an advisory vote in 1980 & approved 2 to 1. Was it incorporated into the Siskiyou County General Plan & if so, what part does it play in your consideration of Kidder Creek's & IH Ranch's request for expansion of their activities?

From: Lynn Leissler
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek Orchard Camp EIR NOP
Date: Friday, September 21, 2018 2:27:20 PM

To Whom It May Concern:

Re: Kidder Creek Camp

Kidder Creek Camp is a place where parents would be happy to send kids – and kids are happy to go. It's a safe place.

From the times I've been there, I've not noticed a problem with excessive noise, other than the noise of kids having fun. I was impressed at the quiet zone when driving through the residential area. What respect for their neighbors.

I would urge you to allow Kidder Creek to do their planned expansion, feeling certain it will not have a negative impact on the neighborhood.

Thank you for hearing me.

Lynn Leissler
340 Crystal Drive
Eagle Point, OR 97524
541-826-3465

Anne Marsh

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131

September 9, 2018

Christy Cummings Dawson, Deputy Planning Director
Community Development Department
Planning Division
608 S. Main Street
Yreka, CA 96097

RE: Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15 Scoping Meeting

VIA EMAIL

Dear Christy:

Thank you for requiring an Environmental Impact Report (EIR) and finally bringing this project to the public for resolution.

I am unable to attend the Scoping Meeting for the Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15. While I will be making an extensive comment before the end of the comment period for the Notice of Preparation of a Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project Application Nos. Z-14-01 and UP-11-15, I wish that these concerns be brought to the County at the Scoping Meeting.

BRIEF HISTORY OF PROJECT

A brief summary of the history of the project as I know it is: Kidder Creek Orchard Camp (KCOC) held meetings with the County Planning Division from at least March 2009 before first applying for a use permit for this project on September 21, 2011. The project was never circulated for approval. KCOC purchased more property and amended the application and project description for UP-11-15 and added Z-14-01 in March 2014. A Mitigated Negative Declaration for UP-11-15 and Z-14-01 was circulated to the public on September 7, 2016, with a posting on the State of California, Office of Planning and Research, CEQANet. Numerous comments were received. The County determined that the project required an Environmental Impact Report (EIR) and circulated the project on August 31, 2018, with comments being accepted until September 29, 2018. Comment period is until October 1, 2018 according to CEQANet.

DISCREPANCY IN NOTICE OF PREPARATION (NOP)

Christy Cummings Dawson, Deputy Planning Director

RE: KCOC Scoping Meeting – September 13, 2018

September 9, 2018

Page 1 of 3

Anne Marsh

When the Draft Initial Study/Mitigated Negative Declaration was circulated in September 2016, it contained this statement under Project Description: *“The use permit would expand the camp area from 333 acres to 580 acres and increase the total camp guest occupancy from 165 (total bed occupancy of 310) to a peak summertime occupancy of 844. The 844 occupancy includes camp guests, staff, and volunteers.”*

There is no mention of any type occupancy of 310, in either the 2011 KCOC Project Application or Description, or the 2014 Revised Project Application and Description. As I said in my October 4, 2016 comment letter, “It [the 310 total bed occupancy] appears to have been plucked out of thin air.” Yet that fiction was posted on the CEQANet in 2016 as “...increase the total camp guest occupancy from 165 (total bed occupancy of 310) to a peak summertime occupancy of 844...” and now with the August 31, 2018 posting of the KCOC NOP it been expanded to state, ”... The expanded use permit would allow an increase of allowable occupancy at the camp from 310 to a total occupancy of 844 (guests, staff and volunteers)....” **That statement creates a false baseline!** It is total fiction. It cannot be substantiated by any documents presented to the public, except in the fatally flawed Draft IS/MND dated September 2016 which was written by County Planning Staff or hired contractors and based on Revised Project Description which never contained any such allowable occupancy. The Revised Project Description for KCOC states, “Currently KCOC is operating under permit number UP-95-12 and has consistently complied with the permitted use including 333 acres, a total occupancy of 165...” Unless the county can provide verification and substantiation of the 310 total occupancy figure, I demand that the allowable total occupancy be corrected to the correct 165, and that the NOP be recirculated to avoid commenting Agencies and the public from making their comments based on false information which creates a false baseline, and thus creating the potential for approval of a project that well should have been denied

AREAS OF CONCERN ABOUT THE KCOC PROJECT

LENGTH OF THE PROJECT

USE PERMIT OR PLANNED DEVELOPMENT ZONING

INADEQUACY OF MITIGATIONS

LACK OF LIST OF PERMITS REQUIRED FROM OTHER AGENCIES

HYDROLOGY AND WATER

GREENHOUSE GAS EMISSIONS

COUNTY ALLOWED BUILDOUT WITHOUT APPROVAL OF THE PROJECT

TRAFFIC AND THE TRAFFIC STUDY

NOISE AND THE NOISE STUDY

LAND USE - COMPATIBILITY WITH COUNTY GENERAL PLAN AND SCOTT VALLEY AREA PLAN

UTILITIES AND SERVICE SYSTEMS

CUMULATIVE IMPACTS

I will be commenting at length in my comment letter which will be submitted, timely, by October 1, 2018. I would appreciate it if you would please expand the Draft EIR to include these areas of concern.

Christy Cummings Dawson, Deputy Planning Director

RE: KCOC Scoping Meeting – September 13, 2018

September 9, 2018

Page 2 of 3

Anne Marsh

Right now, my main area of concern is the correction of the erroneous total occupancy statement and its correction. Please advise me when that has been corrected, and when the NOP is recirculated.

Thank you for accepting these Scoping Meeting comments. Please read this letter at the September 13, 2018 Scoping Meeting.

Sincerely,

Anne Marsh

Anne Marsh

Christy Cummings Dawson, Deputy Planning Director

RE: KCOC Scoping Meeting – September 13, 2018

September 9, 2018

Page 3 of 3

From: [Marble Mountain Kennels](#)
To: [Christy Cummings Dawson](#); [Ju Wa](#)
Subject: Kidder Creek Orchard Camp EIR NOP comments
Date: Friday, September 07, 2018 11:48:38 AM

Dear Ms. Christy Cummings Dawson,

My name is Julie Morrill and I am a small business owner in the Scott Valley. My family and I live right next to Kidder Creek Camp on South Kidder Creek Road.

I personally would like to encourage Scott Valley residents to SUPPORT Kidder Creek's expansion plans for the following reasons:

- a) Kidder Creek Camp has had a history of more than a 30 years of helping children, families and supporting the local community;
- b) Kidder Creek Camp has a positive impact on the local economy by providing jobs and bringing outside dollars into the local area;
- c) Kidder Creek Camp has tried hard to work with local government agencies to make sure their plans are environmentally friendly and have minimal impact on neighbors;
- d) Kidder Creek Camp has taken the time to listen to neighbors and their concerns and has always tried to mitigate all issues that seem in conflict with the local area, including greatly reducing the traffic on South Kidder Creek Road.

As I and other neighbors have met with the Kidder Creek Camp leadership team, it seems that the most significant issue with the present expansion plan is the traffic on South Kidder Creek Road.

While the majority of residential homes are set well back from the road, I am sympathetic to those who are impacted by increased traffic on this mostly sleepy roadway. For this reason, I have already joined with the vast majority of South Kidder Creek residents in asking for the county road department, or whoever is responsible, to post a reduced speed limit sign on South Kidder Creek Road as drivers approach the first Kidder Creek Estates development at Kidder Creek Loop.

I feel that this action, along with the continued efforts of the Kidder Creek Camp staff team to inform guests and employees of the need to keep the speed down, would go a long way to resolving the primary issue that neighbors have with this expansion proposal.

We also appreciate how Kidder Creek Camp has already effectively reduced traffic on South Kidder Creek Road by encouraging drivers to park at the highway so campers can be transported by bus to the camp and other creative solutions.

Thank you for your consideration of this issue,
Julie Morrill
Marble Mountain Kennels



Kidder Creek Orchard Camp

Scoping Meeting

Sign in Sheet & Comments.

Name	Agency/City/Community	Email
MURRY A. TAYLOR	CITIZEN/NEIGHBOR	murryataylor@siskinet.net

Main concern is CATASTROPHIC WILDFIRE.

I fought fire 33 years, 27 as a smokejumper &

I have been present in urban catastrophic fire.

In my opinion the only responsible thing
for KOC to do is to withdraw their
application.

Murry A. Taylor

93.475 S. Valley PLAN
ORIGINAL 9/20/00

Quartz Valley, California
September 7, 2018

To Whom It May Concern:

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

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

This is what people need to think about:

In 1925 a fire started on a hot, east-wind day out in the valley at a creamery in Cheeseville. Three men, Orel Lewis, Julius Perierra, and Bill Miles (all deceased) told me stories of this fire. By nightfall it had burned a big part of the valley and up into the Marble Mts. clear to Big Meadows. I'm guessing that that took ten hours, quite likely less. It burned from Cheeseville into Greenview, burned down some houses and outbuildings there, then on towards Quartz Valley. When it hit the ridge between Quartz Valley and Greenview, it blew up into a giant pyro-cumulous cloud. Orel Lewis (then about 20 years old) was in a caravan of Model T's and other old rigs as they cleared the summit between Oro Fino Valley and Mugginsville. At that point they could see multiple spotfires scattered all across the south end of Quartz Valley. The fire burned up a dozen houses in what was then called The Pinnery. Also a sawmill and a brick kiln and several other outbuildings that served as support for the Gold Reef Mine. It burned so catastrophically (by that I mean hot) on my land that it killed Douglas-firs three-foot in diameter. It burned around Mugginsville (not sure what was lost there) and on over into the area of Dangel Lane where it burned down the Perierra family home, barn, outbuildings, and killed their team of draft horses, who after being set free, panicked and ran back into the barn just before it collapsed.

In these last few years we've seen a record number of days with extreme fire danger ratings; some of the worst ever with record low humidity and fuel moistures. One was the day that the fire in Weed burned up part of that town. In the last five years we've had 3PM Indices of over 180 many times. Ninety is

VERY HIGH and has a high dispatch level attached to it. The Faye Fire last year was caught during fairly high but not at all extreme conditions--the wind being the main spread component. Had it been burning on a day like the one in 1925, it's my opinion things would have been a whole lot different. While it's true that we now have more fire crews, equipment, road access, etc, it's also true that on those extreme days, nothing much can be done but move people out of the way.

In 2017 we saw fires burn right into cities (Santa Rosa), and all around others (St. Helena, Ojai, Santa Paula, Carpenteria, Santa Barbara). Thousands of homes were burned. People died in record numbers. This year (2018) will go down as another epic fire year with record losses of homes and livelihoods, acres burned (a new largest fire ever), and untold damage to natural resources. Just look at Hornbrook, Redding, Clear Lake, and the Yosemite fires. All catastrophic and all due to what are likely continued trends towards drought and huge fire danger in the years to come.

In light of the above, it strikes me as nothing less than grossly irresponsible to allow any increase in the occupancy of these camps. Cal Fire is asking for a wider road in French Creek, and a better alternate escape route in S. Kidder Creek. But a wider road and better alternative routes WILL NOT matter if they are burned over and thus impassible. What's important to remember here is that we're not talking about what used to be a normal bad fire. We're talking about the kind of fires we're seeing these days, catastrophic fires where nothing can be done to halt the fires' spread. Nothing! On a day like they had back in 1925 such mitigations would likely have little or no effect on the ultimate outcome.

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

Letters like this one have been sent to Boards of Supervisors and Planning Departments since the early '60's. For decades, fire officials have tried to warn governing bodies about the error of locating subdivisions and density population areas up inaccessible canyons and other remote areas. Almost without exception, they didn't listen. What you saw this last year in California was the direct result of that.

After our last few summers in Scott Valley if anyone still thinks that we can't have such a fire then they're flat wrong. Last summer with fire to the west of us,

3

all the way from Kidder Cr. to Etna Summit, and all it would have taken would have been a big (36 hour) wind event. Fire would have blown down out of the mountains and out across the valley. With so much dry grass, it would have been spotting way out in front of the main fire head. I saw it in Montana in '88 as fire blew out of the Scapegoat Wilderness, engulfed the town of Augusta, then swept out across the farmland with farmers desperately plowing lines around their homes and such. We just got lucky last year; the wind didn't come.

For these camps to pursue expansion to greater numbers is to play a dangerous game. To the Board and the Planning Department, I say, do the right thing. Act on behave of public safety. In the long run I believe it will save lives.

Thanks for your attention to this matter. Feel free to contact me any time. I'm in the phone book.

Sincerely, Murry A. Taylor

Quartz Valley

AB 52

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

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

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

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

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

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

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

This process should be documented in the Cultural Resources section of your environmental document.

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

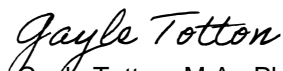
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

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

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

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., Ph.D.
Associate Governmental Program Analyst
(916) 373-3714

cc: State Clearinghouse

From: Felice Pace
To: [Christy Cummings Dawson](#); [Vurl Trytten](#)
Cc: [Annie Marsh](#); [Che"usa](#); [Dee Jones Kidder resident](#); [Melinda Field](#); [Michael Stapleton](#)
Subject: New information for consideration in the Mount Hermon-KCOC proposed development DEIR
Date: Sunday, September 23, 2018 3:59:17 PM
Attachments: [ELF_ScottInterconnectedG"wtr_CourtOfAppealOpinion.pdf](#)
[Scott_Vly_Groundwater_Mack_USGS_1958.pdf](#)
[VanKirk-Neman_EffectsofClimateandWaterUse.pdf](#)

Dear Christy Cummings,

Here is new information that must be addressed in the EIR:

The attached Appeals Court decision (also available at [this link](#)) affirms that Siskiyou County has an obligation to consider impacts to Public Trust Resources associated with the Scott River when it grants a permit to extract groundwater. I believe the same obligation applies when the county considers granting approval for a development, or any activity, that will significantly increase the extraction of groundwater that is interconnected with surface flows whether or not that extraction would be from a new well or wells or existing wells.

This clearly applies to extraction of groundwater from the floodplane of Kidder Creek and the entire property proposed for development by MH-KCOC. Therefore, in the DEIR, and in addition to other impacts, the County must consider the impact of any/all proposed water use, including but not limited to extraction of groundwater, on the Public Trust and Public Trust Resources, including flows in Kidder Creek and in Scott River and the related Public Trust Resources, including Chinook and Coho salmon, that depend on those flows. In assessing the impact on Public Trust Chinook and Coho salmon the County must consult with the expert agency, the California Department of Fish & Wildlife. The county must consider the individual and cumulative impact of the proposed increase in water use that would be required to operate the development at full build out and full occupancy.

In my comments in response to the NOP, I pointed out that the County must determine how much water is likely to be used by the proposed development, the sources of that water and, since the proponent does not possess surface water rights, the impact of groundwater extraction on nearby wells, springs and water bodies. In light of the attached Appeals Court Decision, the EIR must also assess how extraction of the amount of water needed to operate the proposed development is likely to impact flows in Kidder Creek and in Scott River (including likely changes to the duration of flows) and how those likely flow impacts will likely affect the Public Trust in Scott River and the River's Public Trust Resources. The impact must be assessed individually and the cumulative impact of this extraction along with all previously approved or existing extractions must also be assessed and disclosed.

In making those assessments, the County must rely on the best available information. That includes the USGS study of Scott Valley Groundwater (Mack, 1958) which found that groundwater in the Scott River Valley is "broadly interconnected with surface flows." A copy of that USGS study is attached and is also available [at this link](#).

The best available information also includes the attached study by Van Kirk and Namen which found that over 60% of the reduction in Scott River flows since 1977 can not be explained by changes in precipitation and snowpack but rather are related to the increase in groundwater extraction in Scott Valley since 1977. The Van Kirk-Namen study superseded an earlier study by Drake, Tate and Carlson which the Van Kirk-Namen paper showed has serious methodological problems and therefore can not be relied upon. Nevertheless, the Drake et al study found that 20% of the reduction in Scott flows could not be explained by changes in precipitation and snow pack. A copy of the Van Kirk-Namen study is attached.

Please acknowledge receipt of this communication by return email and pass on this message and attachments to the firm working on the DEIR. Please also note that, pursuant to CEQA, when new information is found or new issues are identified during preparation of and EIR, they cannot be ignored and must be addressed.

Sincerely,

Felice Pace, Water Chair
North Group Redwood Chapter Sierra Club
Klamath, CA 95548
707-954-6588

From: [Felice Pace](#)
To: [Christy Cummings Dawson](#)
Cc: [Vurl Trytten](#)
Subject: "Kidder Creek Orchard Camp EIR NOP comments" and related threshold and zoning issues (BELOW AND ATTACHED)
Date: Wednesday, September 12, 2018 3:33:52 PM
Attachments: [image.png](#)
[NGrpSC_Scopting_Cmt_for_DEIR_MH-KCOC_Sept_2018.docx](#)



North Group-Redwood Chapter-Sierra Club

Felice Pace, Water Chair

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

September 12, 2018

Acting Director and

Christy Cummings Dawson, Planner

Siskiyou County Community Development Department

Via e-mail to: cdawson@co.siskiyou.ca.us

cc: Vurl Trytten (vtrytten@co.siskiyou.ca.us) and Terry Barber (personnel@co.siskiyou.ca.us)

SUBJECT: "Kidder Creek Orchard Camp EIR NOP comments" and related threshold and zoning issues

Dear Ms. Dawson:

These comments are submitted on behalf of the North Group Redwood Chapter of the Sierra Club (North Group) and on behalf of myself as an individual Scott Valley Landowner. The North Group has a vital interest in Scott River water use which has a profound impact on flows in the Scott and Klamath Rivers.

A. Threshold Issues:

Preparing the EIR involves significant costs to taxpayers that will not be reimbursed, including but not limited to staff time in the Community Development, County Counsel and other departments. For this reason, the Draft EIR should not be prepared until the proponent, Mount Hermon/Kidder Creek Orchard Camp (MH/KCOC) demonstrates that it possesses the necessary rights to support the proposed development. Specifically:

1. The NOP is inadequate; it should be redrafted and reissued: It is clear from Mount Hermon/Kidder Creek Orchard Camp (MH/KCOC) newsletters and web pages that they intend not only “an increase of allowable occupancy at the camp from 310 to a total occupancy of 844 (guests, staff, and volunteers), an increase the physical size of the camp from 333 acres to 580 acres, and the addition of a number of structures and recreation features, including a second pond and ancillary facilities” but also to host many more people on the site for individual day and multi-day events and seminars. Furthermore, the NOP misstates permitted current occupancy. The additional non-camper site occupancy that is planned and intended must be disclosed so that impacts can be properly assessed. The impact of what is likely over 1,000 people for single day and overnight events must be disclosed and assessed in the DEIR. The maximum number of people and animals using water on the property must be specified in a reissued NOP so that water use can be estimated and properly assessed.
2. The application should be deemed incomplete and no further work on the DEIR should take place until MH/KCOC provides documentation that it possesses water rights sufficient to supply the increased consumptive water use associated with increased site occupancy, the current pond and the proposed expanded pond. Consumptive water use must include evaporation and leakage from the existing pond and proposed pond expansion. If groundwater will be used as a water source, Mount Hermon-KCOC must demonstrate that it has a right to extract groundwater that is interconnected with surface flows and which therefore, according to the courts, involves beneficial uses of water. It appears from State Water Board records that Mount Hermon/KCOC does not hold a water right for the current pond on the property. The application for a new use permit should not be processed until the proponent can demonstrate that it has a right to operate the current pond on the property legally. Demonstrating that it has water rights sufficient for current operations and for the proposed expanded uses, including a water right to construct and expanded “pond”, and including a water right to have and maintain the current pond located on the camp property, are threshold issues that should be resolved before proceeding to a DEIR.
3. The application should be deemed incomplete and no further work on the DEIR should take place until MH/KCOC proposes a definite plan for disposal of all wastewater that has been (at least) reviewed and conditionally approved by NCWQCB staff.
4. The application should be deemed incomplete and no further work on the DEIR should take place until MH/KCOC demonstrates that it has approval in writing from CalFire and the necessary deeded access for evacuations during a future wildfire emergency.
5. In California any water system serving “15 or more service connections, or 25 or more users for 60-plus days per year” is a Public Water System (PWS) regulated by the State Water Board (SWRCB). Mount Hermon/KCOC must demonstrate that it has approval from the State Water Board (SWRCB) to build and operate a PWS before any more work on the DEIR proceeds. Given the lack of water rights, the interconnected nature of groundwater at the location and SGMA requirements it is questionable that the SWRCB will approve a PWS for the proposed operations.
6. Scott Valley is subject to the Sustainable Groundwater Management Act (SGMA). The act requires that new groundwater extraction after January 1, 2015, which results in undesirable results, including to surface flows, springs and surface water right holders, must be ended. The Kidder Camp proposed expansion would extract a significant additional amount of groundwater that is connected to surface flows in Kidder Creek and to flows in the Jenner Kidder Creek Ditch. Therefore, that extraction would likely negatively impact surface water right holders and would have to be curtailed via a SGMA compliant groundwater management plan. If the County approves groundwater extraction that it later has to curtail to comply with SGMA, it will make itself (and

taxpayers) vulnerable to a claim for damages from MH-KCOC. County officials should not expose taxpayers to such a claim.

Discussion: The county should not be approving developments that include groundwater extraction rights which it could later have to curtail. Groundwater extraction for the proposed camp expansion would constitute such an approval. If the County approves the proposed development and later has to curtail the additional groundwater extraction that development will entail, the County could be incurring liability and could subject itself to a future lawsuit. Those things should be avoided; the proposed Kidder Camp expansion, as well as any other developments that would extract significant amounts of groundwater from the SGMA Basin after 1/1/2015, should not be approved at least until a SGMA Plan is adopted and approved by DWR and SWRCB.

For the above stated reasons, the NOP should be withdraw, corrected and reissued if and when threshold issues are adequately addressed by MH-KCOC.

B. Issues for DEIR Analysis and Disclosure:

Issue 1.0: Water Supply, Use and Impacts

Impacts of the proposed tripling of around-the-clock occupancy on surface and groundwater flow, supply and quality and on the water rights of others, including but not limited to the water rights of nearby residents and ditch owners, their wells, springs and irrigation ditches, and the Forest Service right to flows in Scott River, must be fully analyzed and disclosed. Similarly, water use impacts must be disclosed and analyzed for the proposed but currently unspecified maximum single day and over-night seminar use.

The DEIR must disclose the amount of water that will be used and water supply sources sufficient for the proposed uses. The DEIR must also demonstrate that MH/KCOC has water rights sufficient to supply the water needed to operate and maintain the camp and associated operations as proposed, currently unspecified single day and seminar operations, and both the proposed expanded pond and the existing pond. According to SWRCB records, no water rights for the current pond or the proposed pond exist.

Discussion:

The proposed project will require a large and significant increase in the amount of groundwater extracted for camp operations. That groundwater is closely interconnected with surface flows in Kidder Creek and, via Kidder Creek, the Scott River. The necessary groundwater extraction could also lower the groundwater level either seasonally or year around and in that way negatively impact nearby springs, including springs that feed Kidder Creek. If the groundwater surface elevation is lowered via extraction for camp use, that could impose well lowering costs on nearby residences that rely on groundwater for domestic purposes. The proposed increased groundwater use could also negatively impact nearby springs, including springs from which nearby residents have an irrigation water right. For these reasons, the amount of additional groundwater that will be extracted to support camp and unspecified day and seminar uses must be disclosed and the impacts of those levels of extraction on nearby wells and springs, surface water rights and groundwater levels and storage must be fully analyzed and disclosed.

The Forest Service has a Public Trust adjudicated right to flows in Scott River. There are numerous other surface water rights that could be affected. The EIR must analyze and disclose how the proposed project, individually and cumulatively with other proposed developments⁴, is likely to impact the FS in-stream flow rights in Scott River as well as the rights of other holders of surface water rights in areas downstream of the proposed camp expansion.

Issue 2.0: Wastewater

The proposed development is substantially within the floodplain of Kidder Creek and the area is classified as having a “high” level of “Severe Septic Tank Limitations.” That makes it critical that potential discharges to surface watercourses, ditches and Kidder Creek channels is analyzed and disclosed. What are the circumstances (e.g. floods) during which the sewage system would be disabled and/or discharge to a stream channel or ditch? If that happened, how much untreated or partially treated effluent would be released and what would be the likely consequences? Would 10, 20, 50 and 100 year storm events overcome the sewage and water supply systems and what would be the likely consequences for campers, staff and the environment should those things take place?

In order to characterize the impact it is necessary to know how much wastewater will be generated not just by campers but by larger numbers of occupants (currently unspecified) during special events and overnight seminars, as well as how that amount of waste will be disposed of. Therefore, the DEIR must disclose sufficient details of the wastewater system that will be developed as part of the Project for impacts to be adequately assessed.

Issue 3.0: Public and Environmental Safety

Law Enforcement: The DEIR must fully analyze the safety impacts and risks associated with allowing 844 people in 24 hour occupancy and over a thousand for individual events and seminars at the proposed location at the end of a narrow road. What will be the likely public safety needs? How much additional load will the proposed operation likely place on the County Sheriff's Department and Etna Police as first responders? If there are additional costs likely to be imposed on the City of Etna and the Sheriff's Department, Mount Hermon should pay those additional costs. In any case, public safety issues and costs must be assessed and disclosed.

Flood: The DEIR must analyze and disclose likely impacts and safety threats associated with 100, 50, 20 and 10 years storm events, including potential water supply and wastewater system failure and threats to the life and well being of campers and others using the facilities.

Fire: The DEIR must analyze and disclose risks and likely impacts from wildfires, including safety risks to campers and staff. That includes analyzing whether the proposed project complies with Fire Safe Regulations (California Code of Regulations, Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection). Alternatively, an analysis and approval can be obtained from CalFire and attached to the DEIR.

In particular, the applicant must demonstrate that it has the deeded and recorded easements and other rights needed to develop and use any required emergency evacuation routes and that it can meet all other CalFire Title 14 requirements for use in a fire or other emergency. An emergency evacuation route will clearly be needed because the regular access road is single lane in places and does not comply with Fire Safe regulations.

These and other safety issues not addressed by CalFire must be identified in the DEIR and associated impacts and risks should be assessed.

The proposed project's compliance with California Code Of Regulations on Organized Camp's, Title 17 Subchapter 6, must also be fully analyzed and disclosed. Compliance can not be assumed; It must be verified and certified.

Issue #4: Scott Valley Plan and Quality of Life

The DEIR must analyze and disclose how, in itself and in combination with other variances

and zone changes already granted, the proposed industrial recreation use of the property is likely to impact the letter and the spirit of the Scott Valley Area Plan (SVAP).

The proposed development dishonors and violates the purpose and intent of the Scott Valley Area Plan. In order to maintain the “high quality of life” enjoyed in Scott Valley the citizens who developed the plan adopted five goals including:

“All uses of land shall occur in a manner that is compatible with other existing and planned land uses.”

Analysis and disclosures related to the Scott Valley Area Plan include:

- Wildlife impacts: Deer wintering was used as an indicator for all wildlife needs. The DEIR must analyze how the proposed development, alone and in combination with other prior changes to SVAP, will likely impact not only deer populations but also other resident and wintering wildlife that rely on the westside Scott Valley foothills, including Pacific fisher, which is a candidate for federal and California ESA protection and the Gray wolf, an ESA listed species.
- How is the addition of a town-like operation, which is larger than either the town of Etna or the town of Fort Jones, likely to impact the quality of life of those who have made their working or retirement homes in the Kidder Creek Area? The analysis must go beyond “traffic” and “noise” to analyze and disclose likely impacts to quality of life. In this area, and pursuant to the SVAP, quality of life is, in fact, THE QUALITY OF RURAL LIFE. Analysis should include what researchers have learned about what happens to rural areas and quality of life of inhabitants when a big new development is imposed on a community. The assessment should also include a survey of residents of both Scott Valley and the South Kidder Creek Community designed to gauge and assess impacts to their quality of life.
- The cumulative impacts of this and other existing and proposed industrial recreational developments on the objectives of the SVAP (that is, maintaining the rural character of Scott Valley) and on the quality of life of Valley and South Kidder Creek residents should be fully analyzed and disclosed.

Issue #5: Other Legal Compliance and Mitigations

The EIR must analyze and disclose whether the proposed project complies with California Code Of Regulations on Organized Camp's, Title 17 Subchapter 6.

The EIR should identify all other legal requirements and verify that they have been completed. That is necessary because those requirements provide environmental benefits or mitigations for the impacts of the proposed project. All mitigations needed to control impacts should be specifically identified as such in the DEIR so that a use permit, if granted, can be conditioned on those mitigations.

Compliance can not be assumed; It must be verified and certified.

C. Key information needed in order to complete an adequate DEIR:

- In order to adequately analyze impacts, those preparing the EIR must know key characteristics of the proposed use. That includes but is not limited to:
 - the maximum and average number of campers, staff, visitors and others who are expected to occupy the camp on any one day, and

- The maximum number of campers, staff and others who will be in occupancy 24 hours per day during any camp sessions or events.
- System design and specifications for the proposed wastewater system and engineering data indicating that it is adequate to safely dispose of the waste that will be generated.
- Identification of all sources for drinking and other water that will be used in the proposed operations and the maximum amount of water that will be withdrawn from each of those sources on a daily, weekly and annual basis. This information is needed in order to be able to adequately assess the impact of proposed water use on flows in Kidder Creek, groundwater elevation and storage, inter-connected groundwater, springs, wells and other waters currently used by neighbors for domestic and irrigation purposes.

D. Zoning Issues:

The large scale recreational and other operations proposed for the South Kidder Creek community is industrial and commercial in nature and therefore inappropriate, and likely illegal, within a rural residential area. Because it is industrial and commercial development, not residential development, the proposed zoning is not appropriate. In order to legally zone for the proposed use, the county must zone the area for industrial and/or commercial development. Industrial/commercial development in a flood plane may be prohibited; if not, it should be prohibited. Allowing industrial/commercial development in a rural residential area is not good planning practice and may violate state zoning rules.

California Zoning laws state that: “65860. County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. The proposed rezoning is not “consistent” with the Siskiyou County General Plan, including but not limited to the Scott Valley Area Plan.

The zoning issue goes to the heart of the problematic nature of the proposed development: In itself and in combination with other similar industrial recreational and on-farm commercial proposed developments, the character of Scott Valley will be altered irreparably. The proposal goes against the intent of the wise men and women who created the Scott Valley Area Plan. They provided us with a plan that, if faithfully followed, would preserve the rural character of Scott Valley. We abandon that wisdom at our peril. Once compromised and diminished, the rural character of Scott Valley can not be recovered easily if ever.

The Scott Valley Areas Plan is, in essence, an agreement between Scott Valley's farmers and ranchers and other Valley residents to keep the center of the Valley agricultural by directing residential development to the surrounding foothills. Now some involved in agriculture want to unilaterally amend that agreement so that farmers and ranchers can engage in large commercial enterprises and industrial-scale livestock operations without a use permit. That would be a breach of the agreement and of trust. In addition, we now have large scale industrial recreation invading the foothills area which is where residential use at specified densities is supposed to be dominant. If agriculture and industrial interests breach the trust embodied in the Scott Valley Area Plan, and if industrial recreation is allowed to degrade the quality of residential life in the foothills, the Scott Valley Area Plan will fail and residential development will demand the right to move into the center of the Valley.

E. Key conditions that should be included if the use permit is approved:

To assure public and environmental safety, include the following conditions if a use permit is issued:

1. All needed safety features, including but not limited to improvements to ingress and egress

routes, shall be completed and signed off by Cal-Fire prior to the beginning of any other construction permitted pursuant to this use permit.

2. All needed permits and approvals shall be fully executed and recorded and copies shall be on file with the Community Development Department prior to any construction pursuant to this use permit. The Community Development Department will issue a notice to proceed with new construction only when all needed permits and approvals are fully executed and recorded and in the proper files at the Department. No new construction pursuant to this use permit may proceed until written notice to proceed from the Community Development Department is received by MH-KCOC.

Discussion: The County's use permit application identifies "other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement)." In fact the County's own Department of Environmental Health stated in input on the proposed use permit that the Project "must" obtain approvals and permits from five distinct agencies including waste disposal approval/permit/WDR from the NCRWQCB and drinking water supply approval from the SWRCB Office of Drinking Water. Therefore, if a use permit is issued, it must specify, verify and state clearly that each required agency approval and/or permit must be fully executed and on file with the Community Development Department BEFORE any new construction begins.

3. To assure that safety, water supply and waste disposal requirements are completed in a timely manner, an escrow fund shall be established with sufficient funds to complete all required safety features, water supply and wastewater systems prior to county approval to begin ground disturbing activities pursuant to this use permit.

4. All mitigations needed to control, reduce or off-set impacts of the proposed operations identified in the EIR are specifically called-out and listed in this use permit. All listed and required mitigations will be constructed/implemented and verified as completed by the Community Development Department before any new construction pursuant to this use permit may begin.

Conclusion:

Industrial recreation development, including the proposed JH Industrial Recreation Development and the proposed Kidder Creek Industrial Recreation Development, are incompatible with the rural character and "existing land uses" in the Scott River Valley in general and in the South Kidder Creek and French Creek Communities in particular. Thus they violate both the spirit and the letter of the Scott Valley Area Plan. Allowing those proposed industrial recreation developments would degrade the quality of life of Scott Valley residents and of the Scott River Basin environment. Because approval of the proposed project would undermine the Scott Valley Area Plan and would make it impossible to continue to achieve that Plan's Goal # 5, the Siskiyou County's Planning Commission should reject the proposed development.

County approval of Industrial Recreation Developments in foothills and pine areas where the Scott Valley Area Plan directed rural residential development would be a breach of trust. The folks who moved to French Creek and South Kidder Creek did so believing that Siskiyou County had zoned these areas for rural residential, not industrial or commercial, development. It would be just plain wrong if Siskiyou County now imposes Industrial Recreation Development and its impacts on those citizens.

It is also wrong to allow these and other proposed industrial and commercial developments, including large commercial events on farms and ranches, to proceed property tax free or with reduced (agricultural or forest reserve) tax status. If Siskiyou County allows these abuses of the intent of tax free and reduced tax laws, there will likely and properly be challenges to tax

free and/or reduced tax status for those properties. If county officials will not preserve the rural character of Scott Valley, the citizens will do what is needed to get that job done.

Let's keep faith with the people, the Scott Valley Area Plan and those leaders who spent so much time developing that Plan by keeping Scott Valley rural and rejecting all Industrial Recreation Developments!

Sincerely,

Signed via email

Felice Pace

1Other proposed developments that will increase ground and/or surface water use and which therefore could impact the FS right to flows in Scott River and other surface water rights include the proposed JH Ranch industrial recreation development and the proposal to allow agricultural properties to host events, meals, homestays and other activities that involve consumptive water use without a use permit or CEQA review.



Kidder Creek Orchard Camp EIR

Scoping Meeting: 9/13/2018

Name: SANDRA S. ROSENE

Address: RD. BOX 89A FORT JONES CA 96022

Public Agency

General Public

#1

Comment: PROBLEM WITH COUNTY NOT PAYING ATTN. TO LOCALS + THEIR PLANS;
several times, last 20 years or
so, granted projects

1) FIRE DANGER 4 ONE ROAD IN-OUT

2) WATER PROBLEMS

3) POPULATION PROBLEMS

4) CHANGES TO WILDLIFE + TIMBER AREAS

5) TRAFFIC PERIOD

6) LOSS OF COUNTY TAKES IN EXPANDED KCOC PROJECT?

From: [Tamara Lynn Scott](#)
To: [Christy Cummings Dawson](#)
Subject: Kidder creek orchard camp
Date: Sunday, September 23, 2018 2:27:05 PM

I am responding to your inquiry of impact. I own 159 acres on killer creek and I am opposed to this project due to more traffic, more trespassing, more theft, more noise, more road damage, More population. Tamara Lynn Scott

Sent from my iPhone

From: [Michael Stapleton](#)
To: [Christy Cummings Dawson](#)
Subject: Kidder Creek Orchard Camp EIR NOP comments
Date: Monday, September 10, 2018 11:14:47 AM

Christy,

Thank you for requiring an EIR for this controversial expansion of the Kidder Creek Orchard Camp (KCOC). I do hope that it will not be just a rewritten version of the draft Negative Declaration (ND) that was previously done for this project. I request that an alternative for not allowing expansion is also considered in the EIR. Just because an entity requests an expansion, the County of Siskiyou is not obligated to grant it.

Items of particular concern about the proposed expansion include:

- Non-compliance with the Scott Valley Area Plan (SVAP). Large developments like this are the basis of why the SVAP was written in the first place. The SVAP requires that development occur in the "Spheres of Influence" and not the "Natural Resource" areas surrounding Scott Valley. The current operation at KCOC is a "Non-Conforming Use" and any expansion is strictly forbidden. This expansion is clearly defined as "Industrial Recreation" not "Light Recreation".
- Traffic. The projected traffic of 1500- 1800 Vehicles per Day on South Kidder Creek Road is another reason this type of development is strictly forbidden by the SVAP. In addition, the Siskiyou County General Plan clearly states that rural roads will maintain a Level of Service of "B". It also states that urban roads shall be maintained at a Level of Service of "C". South Kidder Creek Road is clearly a rural roadway. The traffic study done for the ND had many inaccuracies in it. This study severely underestimated the impacts to the intersection of South Kidder Creek Road and State Highway 3. As a resident of French Creek Road in Scott Valley, the traffic from the JH Ranch Resort has greatly downgraded both the quality of my life and my property values. Is this being taken into account on any expansion will affect the neighbors?
- Escape from fire. Recent fires in the Northern California and Southern Oregon are just a taste of what is to come in the future. The severity of the ongoing fires prove that the entire proposed camp of 580 acres could burn up in its entirety in less than one hour. Much

of the surrounding areas is decadent brush and over stocked low elevation pine forests which is extremely flammable, South Kidder Creek Road is simply too narrow to allow a safe escape for the projected number of clients at the KCOC as is any other secondary escape road. Is there an easement allowing for the secondary escape road as required under fire code regulation 4290? Is the County prepared for the lawsuits which will follow the mass killing of clients in the event of a major fire?

- Zoning. How can this level of development be allowed on a 40 acre minimum size Rural Residential Agricultural parcel (R-R-B-40)? How is this justified to be changed for Timber Production Zoning (TPZ)? KCOC wants to create a small city on 40 acre minimum size Rural Residential Agricultural parcels? That makes the zoning process completely worthless. Proper zoning is what protects the quality of life for citizens living in a particular area of the County.
- JH Ranch Resort. Will allowing any expansion of KCOC automatically allow the JH Ranch Resort to also expand? Are cumulative effects of these proposed expansions being considered? Both the JH Ranch Resort and KCOC should consider expanding their operations in another part Siskiyou County or perhaps another County that allows such expansions.
- Sewage. This expansion will allow the KCOC to become a small city and should be required to have a municipal sewer system. It will be larger than Etna or Ft. Jones and both of them are required to have municipal sewer systems, why not KCOC?
- Drinking water. This expansion will allow the KCOC to become a small city and should be required to have a municipal water system. It will be larger than Etna or Ft. Jones and both of them are required to have municipal water systems, why not KCOC?

Thank you,
Michael Stapleton
5104 French Creek Road
Etna, CA 96027
530 598-6164

Quartz Valley, California
September 7, 2018

RECEIVED SEP 10 2018

To Whom It May Concern:

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

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

This is what people need to think about:

In 1925 a fire started on a hot, east-wind day out in the valley at a creamery in Cheeseville. Three men, Orel Lewis, Julius Perierra, and Bill Miles (all deceased) told me stories of this fire. By nightfall it had burned a big part of the valley and up into the Marble Mts. clear to Big Meadows. I'm guessing that that took ten hours, quite likely less. It burned from Cheeseville into Greenview, burned down some houses and outbuildings there, then on towards Quartz Valley. When it hit the ridge between Quartz Valley and Greenview, it blew up into a giant pyro-cumuluous cloud. Orel Lewis (then about 20 years old) was in a caravan of Model T's and other old rigs as they cleared the summit between Oro Fino Valley and Mugginsville. At that point they could see multiple spotfires scattered all across the south end of Quartz Valley. The fire burned up a dozen houses in what was then called The Pinnery. Also a sawmill and a brick kiln and several other outbuildings that served as support for the Gold Reef Mine. It burned so catastrophically (by that I mean hot) on my land that it killed Douglas-firs three-foot in diameter. It burned around Mugginsville (not sure what was lost there) and on over into the area of Dangel Lane where it burned down the Perierra family home, barn, outbuildings, and killed their team of draft horses, who after being set free, panicked and ran back into the barn just before it collapsed.

In these last few years we've seen a record number of days with extreme fire danger ratings; some of the worst ever with record low humidity and fuel moistures. One was the day that the fire in Weed burned up part of that town. In the last five years we've had 3PM Indices of over 180 many times. Ninety is

VERY HIGH and has a high dispatch level attached to it. The Faye Fire last year was caught during fairly high but not at all extreme conditions--the wind being the main spread component. Had it been burning on a day like the one in 1925, it's my opinion things would have been a whole lot different. While it's true that we now have more fire crews, equipment, road access, etc, it's also true that on those extreme days, nothing much can be done but move people out of the way.

In 2017 we saw fires burn right into cities (Santa Rosa), and all around others (St. Helena, Ojai, Santa Paula, Carpinteria, Santa Barbara). Thousands of homes were burned. People died in record numbers. This year (2018) will go down as another epic fire year with record losses of homes and livelihoods, acres burned (a new largest fire ever), and untold damage to natural resources. Just look at Hornbrook, Redding, Clear Lake, and the Yosemite fires. All catastrophic and all due to what are likely continued trends towards drought and huge fire danger in the years to come.

In light of the above, it strikes me as nothing less than grossly irresponsible to allow any increase in the occupancy of these camps. Cal Fire is asking for a wider road in French Creek, and a better alternate escape route in S. Kidder Creek. But a wider road and better alternative routes WILL NOT matter if they are burned over and thus impassible. What's important to remember here is that we're not talking about what used to be a normal bad fire. We're talking about the kind of fires we're seeing these days, catastrophic fires where nothing can be done to halt the fires' spread. Nothing! On a day like they had back in 1925 such mitigations would likely have little or no effect on the ultimate outcome.

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

Letters like this one have been sent to Boards of Supervisors and Planning Departments since the early '60's. For decades, fire officials have tried to warn governing bodies about the error of locating subdivisions and density population areas up inaccessible canyons and other remote areas. Almost without exception, they didn't listen. What you saw this last year in California was the direct result of that.

After our last few summers in Scott Valley if anyone still thinks that we can't have such a fire then they're flat wrong. Last summer with fire to the west of us,

3

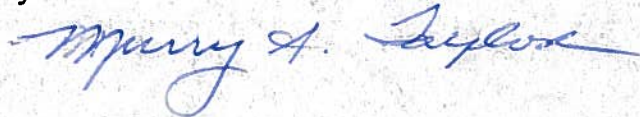
all the way from Kidder Cr. to Etna Summit, and all it would have taken would have been a big (36 hour) wind event. Fire would have blown down out of the mountains and out across the valley. With so much dry grass, it would have been spotting way out in front of the main fire head. I saw it in Montana in '88 as fire blew out of the Scapegoat Wilderness, engulfed the town of Augusta, then swept out across the farmland with farmers desperately plowing lines around their homes and such. We just got lucky last year; the wind didn't come.

For these camps to pursue expansion to greater numbers is to play a dangerous game. To the Board and the Planning Department, I say, do the right thing. Act on behalf of public safety. In the long run I believe it will save lives.

Thanks for your attention to this matter. Feel free to contact me any time. I'm in the phone book.

Sincerely, Murry A. Taylor

Quartz Valley



Kidder Creek Orchard Camp EIR NOP Comments

28 Sept. 2018

FIRE SAFETY:

In the summer of 2016 and 2017 there were wildfires within 5-6 miles of my home on South Kidder Loop. Kidder Creek Orchard Camp is over the small hill from my home. Wildfires are with us and they are unpredictable and intense. How can the camp have 844 persons at a location at the end of a road in a box canyon and expect to get all of those persons out of the camp when fire arrives? There is so much dry fuel on the hills in our area. This fuel will explode and folks will be racing to get out of the area on a narrow road. This road is for residents as well as camp participants that arrive by bus. How will the camp get buses in and out with other cars and emergency vehicles?

I do not understand how this expansion has moved through the county system when specific thresholds have not been met. Why have a company pay about \$44,000 to have an EIR when they do not even have a plan for a secondary fire escape route? Cal Fire has told a group of us that they will not make comment on the proposal till a plan showing the route is submitted. Does that mean Cal Fire will not weigh in on this proposal that the county is moving through an EIR? This does not seem fair to the camp, to county staff, to Siskiyou County taxpayers or community members.

TRAFFIC, ROAD NOISE, AND DANGER WHEN ENTERING THE ROAD.

I take issues with the camp's traffic report that estimates the number of cars the road can handle. Additional road noise will become an issue for all the residents on the road, especially those living right next to the road. I bet they moved to the country for peace and quite.

When there is an emergency think about the number of cars the camp's traffic study said the road could handle then add all the resident cars plus the emergency vehicles and the road is clogged.

I have noticed that cars that also go up the road to the camp do not drive at a slow speed like many of the residents. From where I live, I have to drive north on South Kidder Loop to

get onto Kidder Creek Road. There is a blind corner where I make the turn. That means I must slowly inch the nose of my vehicle into the road to be able to see cars coming from the west where there is a curve in the road that blocks the view. Camp cars that drive too fast are a hazard for those of us living in the area. That danger will increase with an increase of traffic.

WATER:

I am very concerned about my well water level if the camp increases their use of water to accommodate 844 persons. I do not think they even have water rights for the water they are using for their pond. Their plan is to add another pond. Where will they get the water? Do they have rights to take water from Kidder Creek? Deer and other animals depend on this water as well as residents. Because of the prolonged drought and projected diminishing snowpack an EIR should be required to evaluate the impact this proposed expansion will have on groundwater.

WASTEWATER:

The addition of multiple septic systems is not the way to handle waste from 844 people. A water treatment plant is needed and the camp plan does not describe one or how it will be monitored. What happens when there is a flood, as the camp is in a flood plain? Will the camp be responsible to pay for all the clean up and damage from waste?

CUMULATIVE IMPACT:

This proposal should not be looked at in isolation, but instead viewed as an addition to the already existing and illegally operating resorts of JH Ranch and Scott River Lodge. The valley wide impact will be huge in terms of traffic and disruption of the rural life style that the Scott Valley Area Plan is designed to protect. The county has shown itself to be totally inept and incompetent at forcing compliance of existing codes and regulations by the JH Ranch, and to a lesser extent by Scott River Lodge. It seems absurd that the county would willingly add another large corporate owned entity emulating JH Ranch. Additionally allowing this

kind of expansion sets a precedent for other future non-profit developments that will remove more land from the county's tax base.

SCOTT VALLEY AREA PLAN:

This proposed expansion and zone change is the type of development that the SVAP specifically is designed to prevent. There are numerous references throughout the 44 pages that prohibit this expansion, but I particularly want to call your attention to Policy 42 and Policy 43 that "...shall apply to all lands within the Scott Valley Watershed." Policy 42 states that "It is the policy intent of this plan to channel heavy commercial and industrial land uses into areas that have good, existing access, away from residential areas, and into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." Certainly a commercial activity, industrialized recreation including 844 people, meets the definition of "heavy commercial and industrial."

Policy 43 states that "It is the intent of this plan to channel all high density residential development into the existing urbanized areas of Fort Jones, Etna, Callahan, and Greenview." If this proposed expansion does not meet the definition of heavy commercial and industrial than surely it can be defined as residential development since it is proposing year around occupancy by a greater population than either Etna or Fort Jones. In terms of impact, it matters not whether the population is transient or permanent. The impact is the same.

I am a homeowner on South Kidder Loop and a long time resident of Scott Valley. Do not approve this proposed expansion and zone change. It will have extremely negative consequences for local residents, and the entire Scott Valley.

Signed,
Winifred Walker
POB 468
Etna, CA 96027



Kidder Creek Orchard Camp EIR

Scoping Meeting: 9/13/2018

Name: Frede Walker

Public Agency

Address: 5415 So. Kidder loop

General Public

Comment: I have concerns about water quality and loss
of water to my well. - This project will use lots of
water and in a drought condition and temperature
increasing ~~that~~ so I suspect ground water will lower
will the camp farther up the creek here water and I
will not. Willard a municipal sewer system I worry
about the quality of water.



Kidder Creek Orchard Camp EIR

Scoping Meeting: 9/13/2018

Name:

Dr. John Duran

Address:

801 Sierra Vista #33
Yreka CA 96091

Public Agency

General Public

Comment:

What a great idea

An organization that

1) cares for the environment as a steward

2) builds character in youth

A No Brainer

2

Judee Warner
7031 River Ranch Road
Montague, CA 96064
530-598-4569
americanajudee@hotmail.com

Kidder Creek Orchard Camp Project
Attention Christy Cummings Dawson, Deputy Director
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

September 7, 2018

Dear Ms. Christy Cummings Dawson,

Thank you for another opportunity to express opinions regarding Kidder Creek Camp. Our children and grandchildren have attended, participated as counselors, volunteers and employees of the camp. We have deeply connected roots.

My husband and I live in Shasta Valley so as a result, we have been privy to the concerns of Scott Valley residents. Probably highest on the list is the traffic issue. One thing I know is that all camp leadership over the years have diligently worked with neighbors along South Kidder Creek Road to listen to their thoughts about traffic, noise levels and expansion that speaks of an increase in number of campers, staff and volunteers.

Traffic has been limited on high level attendance days by providing bus transportation from Highway 3 up to the camp.

Noise levels are dealt with in a fun way. "Quiet Zone" signs are posted on either side of residences on the way to Timberline Camp and kids willingly comply as the shuttle buses pass.

Expansion questions are less about acreage than overall numbers of campers and staff. Even nearby residents are supportive and involved with the camp and enjoy the facilities throughout the year. Local horses are on loan to use at Ranch Camp.

I hope you can envision the possibilities to reach children, rich and poor, privileged and at-risk with the opportunity to enjoy forests, stars, fresh air, Klamath River rafting trips, mountain climbing, ropes course, horseback riding, hiking, swimming, singing and of course camp food and roasted marshmallows. Each summer Day Camps are offered to youngsters too young for overnight camps. In more recent years the grounds have also welcomed children connected with Camp Hope, children from great distance are bussed out of congested, metropolises to enjoy a likely once in a lifetime experience in beautiful Siskiyou County! And this and last year campers from Siskiyou County were able to attend thanks to donated funds. Friendships are formed and kept between campers as well as with counselors.

Kidder Creek also hosts an Apple Festival afternoon and evening for any and all who want to participate in games for all ages as well as entertainment. It is a delightful day, hopefully with beautiful clear skies and thoroughly enjoyable. I encourage you and your family to join the fun Saturday September 29 for this year's festival.

Warm Regards -
Judee Warner



From: [Donna Wildearth](#)
To: [Christy Cummings Dawson](#)
Subject: KIDDER CREEK ORCHARD CAMP EIR NOP COMMENTS
Date: Saturday, September 22, 2018 10:15:54 AM

September 22, 2018

Ms. Christy Cummings Dawson, Deputy Director

Siskiyou County Planning Division

806 S. Main Street

Yreka, CA 96097

Re: Kidder Creek Orchard Camp Zone Change Z-14-01 and Use Permit UP 11-15

Dear Ms. Dawson:

I have a number of serious concerns about the proposed Kidder Creek Orchard Camp (KCOC) project. The KCOC application for an allowable occupancy increase from 310 to 844 represents an almost three-fold expansion and would mean that at full occupancy the population of the camp would be equal to or greater than either Fort Jones or Etna. Furthermore, both Fort Jones and Etna are located on State Hwy. 3, the major route through Scott Valley, while the KCOC's only access is several miles from the highway on a narrow county road.

In fact, the road is one of the major concerns that should be addressed in the EIR. I lived in Scott Valley from 1896 to 1998 and come back to visit frequently, and I am very familiar with South Kidder Creek Road. For much of its length this is a narrow road. I don't think it could safely accommodate the large projected increase of vehicular traffic under the proposed changes. And this increased traffic would definitely have a negative impact on the residents who live along the road and currently enjoy a quiet, rural setting.

Another concern is the issue of an adequate emergency exit road in case of a wildland fire. As these fires are increasing in frequency and intensity, this is a critical public safety issue that must be addressed in the EIR. It is my understanding that at present there is no deeded easement allowing for a secondary fire escape road. If that is the case, an evacuation of some 844 people from the camp, as well as residents who live below the camp, could easily result in panic and horrendous gridlock on the road.

Other issues that should be examined carefully and in detail include the impacts of the camp's expansion on wastewater treatment, stream diversion, and water quality. I hope you will take appropriate steps to make sure that these impacts are

addressed by knowledgeable and objective experts.

Specific concerns aside, I believe that the expansion in size, scope, and occupancy proposed by the KCOC would simply be out of scale for the Scott Valley that residents—and visitors—know and love.

Sincerely,

Donna Wildearth

2904 Williams St.

Eureka, CA 95501

RECEIVED SEP 10 2018

Neil & Donna Wiley
1224 South Kidder Creek Road
P. O. Box 38
Greenville, CA 96037
(530) 467-3959

5 September 2018

Kidder Creek Orchard Camp Project
Christy Cummings Dawson, Deputy Director
Siskiyou County Planning Division
806 South Main Street
Yreka, CA 96097

Re: Kidder Creek Orchard Camp Project
Application Nos. Z-14-1 and UP-11-15

Dear Ms. Dawson:

Enclosed for your consideration during the preparation of the environmental impact report for the above-referenced project is a copy of our prior letter of 6 October 2016 addressing traffic issues. We request that the EIR address the impact of the proposed project on this issue.

The visually obstructed left turn off of South Kidder Creek Road onto the shared driveway for the residences at 1216, 1224, and 1325 South Kidder Creek Road mentioned in our prior letter remains an issue. We have alternate access available to our residence via South Kidder Loop and a south driveway, but the residences at 1216 and 1325 have no alternate access available.

Sincerely,



Neil W. Wiley



Donna M. Wiley

**Neil & Donna Wiley
1224 South Kidder Creek Road
P. O. Box 38
Greenville, CA 96037
(530) 467-3959**

6 October 2016

Bill Navarre, Interim Director
Community Development Department
County of Siskiyou
806 South Main Street
Yreka, CA 96097

COPY

Via fax (530-841-4076) and U. S. Mail

Re: Kidder Creek Orchard Camp
Zone Change (Z-14-1) and Use Permit (UP-11-15)

Dear Mr. Navarre:

We are submitting the below comments regarding the above-referenced applications for rezoning and modifications to an existing use permit.

We reside at 1224 South Kidder Creek Road, which is located on the south side of South Kidder Creek Road approximately one mile east of Kidder Creek Orchard Camp. Primary access to our property is from South Kidder Creek Road. A shared driveway on the south side of South Kidder Creek Road, approximately one mile west of Highway 3, serves three residences, 1216, 1224 and 1325. When traveling westbound on South Kidder Creek Road access to these three residences requires a left turn off of South Kidder Creek Road onto the shared driveway at a point where South Kidder Creek Road makes a long, fairly sharp right turn.

During approximately eight months of the year while there is foliage on the trees and shrubs located on the north side of South Kidder Creek Road it is very difficult to see if there is any oncoming eastbound traffic prior to making a left turn onto the shared driveway. In our opinion as the road is currently configured the existing left turn is only marginally safe during this period. During the winter months when there is little foliage the view of oncoming traffic is relatively clear.

It is our understanding the use permit application filed by Kidder Creek Orchard Camp requests an increase in allowable total occupancy of over 400%, presumably increasing traffic on South Kidder Creek Road by a comparable amount. It seems reasonable to assume that most of the increased usage would be during the summer months when there is foliage on the north side of South Kidder Creek Road in the vicinity of our shared driveway, and when a left is already only marginally safe. In our opinion, without modification to the existing roadway or removal of the

trees and shrubs on the north side, the proposed increased traffic would be a serious safety issue to anyone turning left onto our shared driveway, as well as to those traveling eastbound from Kidder Creek Orchard Camp.

We have no personal objection to the proposed zoning and requested use permit change provided a condition of approval is either 1) realignment of the existing road such that westbound traffic can see oncoming eastbound traffic for a reasonable distance during all seasons of the year or 2) removal of the trees and shrubs on the north side of the road in the vicinity of the shared driveway.

Sincerely,

Neil W. Wiley

Donna M. Wiley

P. S. We have no knowledge of the notification requirements to local landowners and residents when considering zoning changes and use permits. However, as a practical matter your notification in this case has been defective. The only reason we are aware of the matter is a chance encounter with Mike Alexander a few days ago. We have owned this property for over ten years. Every year Siskiyou County mails a property tax bill to our P. O. Box in Greenview. Why wasn't written notification of this matter mailed to our P. O. Box so that we had timely notice?

Copy to: Kidder Creek Orchard Camp
Mark and Sherry Crawford (owners of 1216 South Kidder Creek Road)
Buzz and Fran Lawson (owners of 1325 South Kidder Creek Road)
Mike Alexander

Kidder Creek Orchard Camp Project

Attn: Christy Cummings Dawson, Deputy Director

Siskiyou County Planning Division

806 South Main Street

Yreka California 96097

The following are my concerns and issues that I feel should be addressed during the CEQA process, as well as those that don't meet CEQA but need to be addressed by the County before the project goes forward.

CEQA:

1. Non-compliance of the Scott Valley Area Plan-although this document is primarily thought of as being guidance for land zoning it also has ramifications for the environment. If additional development is allowed in the Kidder Creek drainage (or elsewhere) it could have harmful effects on water quality and quantity for both ground and surface waters through inadequate sewage treatment and excessive water use. In addition, there could be negative effects on wildlife and habitat. Accidental fire starts caused by the Camp would certainly have negative effects if started during the dry, hot summer months (which is when the Camp is operational).

2. Wildfire-We now live in a time when wildfire is commonplace and often catastrophic. Just recently the Carr Fire burned over a thousand homes in Redding despite the best efforts of an army of firefighters to stop it. More recently, the Delta fire "exploded" along Interstate 5 and grew to 15000 acres overnight. It would be foolish to not consider the possibility of a fire start occurring in the Kidder Creek drainage or nearby and burning into the drainage. It is not a question of if but when. The Camp is upstream of a number of homes, roads, state highway 3, and the town of Greenview where a fire start could easily occur. Brush fields and small pine stands occur along the road into the Camp. Currently, there is no known escape route other than back through a fire that would come towards the camp.

Surrounding the camp to the west, north and south is mountain front country where much logging and past burns have occurred. These areas are ripe for a re-burn. Even the Camp itself could be responsible for a fire start from a kitchen accident, faulty wiring or any number of possible ignition sources.

3. Traffic and noise-Most rural people enjoy the quiet and open roads that country living provides, and may have chosen the places they live for those reasons. There's no getting around that an expansion of the Camp will increase both noise and traffic along Kidder Creek road. There is really no good way to mitigate this, although busing campers in and out may help somewhat. Increased traffic will also increase the possibility of accidents, especially with out of town city folks driving this narrow, curvey

road. Many of them drive much faster than is safe due to their lifestyle. Since there is no road center line drivers often use the entire road. The lower portion of this road is straight and wide, while the upper portion is curvey and narrow; drivers unfamiliar with that will naturally tend to keep their speed up on the upper portion.

Living on French Creek I have personally experienced this many times as people make their way up to the JH Ranch. I no longer ride my bicycle along this road when camp is in session as I was forced into the ditch twice.

4. Road-Will widening the road be considered to provide access for the increase in use? Widening could bring additional safety but also encourage increased traffic speed. What effects will this have on the local residents? Will their property, including trees and other vegetation be impacted? Widening the road could also have environmental effects such as increased storm runoff and potential erosion. What effects could a widening have on Kidder Creek?

5. Wildlife-Additional numbers of visitors and lengthening the time of use will have negative impacts on wildlife. Enlarging the camp footprint will remove wildlife habitat. More people will create more noise and more disturbance in areas surrounding the camp as people roam about.

Deer winter range is a key component of the Scott Valley Area Plan. Any additional development will impact deer winter range. Lengthening the season of use could also affect deer during critical time periods, especially in late winter and spring when deer are in poor condition.

During the 1990's when the camp graciously hosted the County outdoor school (now run at the JH under Jason Singleton) I often volunteered to help instruct students. During this period a Northern spotted owl nest was located on the property. I personally saw a spotted owl, and I am quite familiar with this species. Unfortunately, the owls mysteriously disappeared a short time after their discovery. Additional development could impact this species and other Rare or Endangered species as listed by the California Department of Fish and Wildlife.

Non-CEQA issues and concerns for County consideration:

1. Scott Valley Area Plan-The Plan has guided land zoning in Scott Valley for about 40 years. It has worked well, helping to retain family farms and maintain orderly and compatible development throughout the Valley. The Plan states that commercial development will take place around existing towns and not in remote locations where it is not compatible with surrounding uses. One reason for doing this was to better serve a development with law enforcement, fire protection, and emergency services. Having another "town" in the Valley the size of the existing ones will certainly strain these resources. The Camp does not pay taxes so that cost will fall on the residents. Maybe the Camp should be required to have their own services on site.

Does the County support the SVAP? If so, it should not approve this expansion. If not, a precedent will be set to allow further development in inappropriate locations, and weaken the Plan. Other developers will argue, why not me? Where does the County want to "draw the line" on approved development

outside the Plan requirements? The County needs to have an overall strategy in place that supports the SVAP, not weaken it.

2. Fire-If over 800 people are to be in harm's way what provisions will the County take to ensure they have some level of protection? Will there be a requirement to have fire engines, water available, fire crews close by to help combat a blaze. The towns of Etna and Ft. Jones both have fire departments and Cal-Fire maintains a station in Fort Jones. And the towns are relatively safe from a wildland fire compared to Kidder Creek. Is the County willing to take chances that nothing will occur? If the County approves the development what level of legal responsibility will it take on if a fire destroys the facility and kills people? Will people sue the County because it did not inform guests of potential hazards?

Cal-Fire will have to approve an alternate escape route for the camp before the project goes forward. The County must support this decision and not negotiate for something less, which seems to be what is happening with the JH Ranch situation.

3. Wildlife-Field surveys should be done for wildlife, especially Rare or Endangered species. This is the responsibility of the California Dept. of Fish and Game; the County should encourage and expect these will be done.

4. Monitoring-If the project proposal goes through and the expansion is completed, a large increase in guests will occur. A maximum number of guests will be stipulated in the permit. How will the public, neighbors and the County know if the numbers are followed? How can the County reasonably monitor the numbers present at the camp? The County is short-handed and sending someone to periodically visit the Camp and count heads may not be possible. We have seen this same situation with the JH Ranch. The Ranch has repeatedly exceeded their numbers, even by their own admission. The County has responded by increasing their permit numbers rather than dealing with the problem.

If the County cannot properly monitor the number of guests then the permit should not go forward. Why even have a permit if the numbers cannot be validated?

5. Grand Jury Report-The Siskiyou County Grand Jury recently published their Report for the 2017-2018 period. There are many good points brought out in the Report that could be helpful to the County in preparation for a proposed expansion at Kidder Creek. Some of the items to consider include: additional signing along the road to curb speeding (I would add that the County Sherriff periodically monitor traffic and become a presence), the County adopt a noise ordinance and enforce, the County require any road improvements to be financed by the Camp, no outdoor concerts or special events.

I strongly urge the County to learn from past mistakes and incorporate the recommendations of the Grand Jury into the Kidder Creek proposal. How the County manages the Camp is key to keeping the public and especially neighbors satisfied their representatives and public employees are working in their best interests.

Thank you

Marc Williams

PO Box 481

Etna

530-467-4089



Kidder Creek Orchard Camp EIR

Scoping Meeting: 9/13/2018

Name:

Stephanie Williams

Public Agency

Address:

P.O. Box 936 Ft. Jones, CA 96037

General Public

Comment:

Own property on Kidder Creek Loop.
Concerned about water issues.