



---

## ENFORCEMENT AND LITIGATION, CEQA, LITIGATION, FIRE

# Attorney General Intervenes in CEQA Litigation to Block Lake County Resort Project

By FIONA SMITH, March 1, 2021

Attorney General Xavier Becerra has moved to intervene in litigation alleging Lake County officials violated the California Environmental Quality Act (CEQA) when they approved a large luxury resort development in an area that has been plagued by wildfires. **Center For Biological Diversity v. County of Lake, Board of Supervisors, Peoples notice of motion and motion for leave to intervene, CV 421152<sup>1)</sup>**, Lake County Superior County, filed February 1, 2021.

Developer Lotusland Investment Holdings, Inc. hopes to develop a 25-square mile (16,000 acre) parcel, 15 miles north of Calistoga, which is currently open space ranch land with some vineyards. Called the **Guenoc Valley Mixed Use Planned Development Project<sup>2)</sup>**, it would include 1,400 residential estates, 450 resort residences, 400 hotel rooms, and 1,350 acres of resort amenities in a low-density configuration, according to the motion to intervene.

The Center for Biological Diversity and California Native Plant Society each sued Lake County alleging that the environmental impact report (EIR) it prepared under CEQA failed to properly analyze and mitigate for the project's environmental impacts, including wildfire and greenhouse gas emissions.

The project is located "in a very high fire hazard severity zone and has been subject to wildfires throughout its history, including the most recent 2020 LNU Complex, August Complex, and Glass Fires, as well as the large-scale 2014 Butts Fire and 2015 Valley Fire," according to the motion to intervene. "Further, the project will generate tens of thousands of metric tons of greenhouse gas emissions from electrical and propane usage, mobile transportation, solid waste generation, and other causes."

Public comments submitted to Lake County on the EIR "detailed evidence that the project's design would exacerbate wildfire risk, would increase the likelihood of wildfire ignition, and lacked adequate opportunities for evacuation in a wildfire," according to the motion.

"The attorney general's office submitted two written comment letters to Lake County identifying deficiencies and omissions in the EIR's analysis of wildfire impacts," according to the motion. "However, although [Lake County] prepared an errata to the EIR, [it] failed to adequately respond to the comments or otherwise address the project's wildfire impacts."

"The errata to the EIR also, for the first time, added a mitigation measure purporting to reduce the

project's greenhouse gas emissions," according to the motion. "However, this mitigation measure merely requires the project applicant to purchase carbon offsets without (a) accurately evaluating the project's anticipated emissions or (b) committing to a sufficient number of carbon offsets that are verifiable, additional, enforceable, and quantifiable, as required by CEQA."

The violations of CEQA alleged in the attorney general's motion include:

- Failure to adequately analyze the direct, indirect and cumulative impacts of the project on wildfire risk, greenhouse gas emissions and climate change;
- Failure to adopt all feasible mitigation measures including reliance on a vague wildfire prevention plan to mitigate for wildfire risks; and
- Failure to consider a reasonable range of project alternatives and not relying on substantial evidence to reject environmentally superior alternatives.

## **Resources for this article**

**1. Center For Biological Diversity v. County of Lake, Board of Supervisors, Peoples notice of motion and motion for leave to intervene, CV 421152**  
<https://ceitoday.com/documents/67592>

**2. Guenoc Valley Mixed Use Planned Development Project**  
[http://www.lakecountyca.gov/Government/Directory/Community\\_Development/Planning/GuenocValley.htm](http://www.lakecountyca.gov/Government/Directory/Community_Development/Planning/GuenocValley.htm)