



FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

VOLUME II RESPONSES TO COMMENTS

TOWN OF MAMMOTH LAKES 2005 GENERAL PLAN UPDATE

SCH No. 2003042155

MAY 2007



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TABLE OF CONTENTS

	<u>Page</u>
LETTER NO. 001	2
LETTER NO. 002	16
LETTER NO. 003	25
LETTER NO. 004	39
LETTER NO. 005	45
LETTER NO. 006	53
LETTER NO. 007	63
LETTER NO. 008	64
LETTER NO. 009	67
LETTER NO. 010	81
LETTER NO. 011	145
LETTER NO. 012	343
LETTER NO. 013	346
LETTER NO. 014	375
LETTER NO. 015	383
LETTER NO. 016	384
LETTER NO. 017	386
LETTER NO. 018	388
LETTER NO. 019	392

TABLE OF CONTENTS (CONTINUED)

	<u>Page</u>
LETTER NO. 020	407
LETTER NO. 021	415
LETTER NO. 022	419
LETTER NO. 023	429
LETTER NO. 024	430
LETTER NO. 025	462
LETTER NO. 026	463
LETTER NO. 027	464
LETTER NO. 028	466
LETTER NO. 029	483
LETTER NO. 030	484
LETTER NO. 031	486
LETTER NO. 032	487
LETTER NO. 033	488
LETTER NO. 034	489
LETTER NO. 035	491
LETTER NO. 036	492
LETTER NO. 037	495
LETTER NO. 038	504
LETTER NO. 039	508

TABLE OF CONTENTS (CONTINUED)

	<u>Page</u>
LETTER NO. 040	539
LETTER NO. 041	542
LETTER NO. 042	546
LETTER NO. 043	575
LETTER NO. 044	576
LETTER NO. 045	578
LETTER NO. 046	588
LETTER NO. 047	591
LETTER NO. 048	596
LETTER NO. 049	597
LETTER NO. 050	600
LETTER NO. 051	605
LETTER NO. 052	609
LETTER NO. 053	613
LETTER NO. 054	630
LETTER NO. 055	643

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1 Round Valley Mule Deer Herd Spring Migration Route and Winter Range	190
2 Casa Diablo Mule Deer Herd Spring Migration Route and Winter Range	191
3 Mammoth Community Water District Drinking Water Source Assessment Map Well 1.....	209
4 Mammoth Community Water District Drinking Water Source Assessment Map Well 6.....	210
5 Mammoth Community Water District Drinking Water Source Assessment Map Well 10.....	211
6 Mammoth Community Water District Drinking Water Source Assessment Map Well 15.....	212
7 Mammoth Community Water District Drinking Water Source Assessment Map Well 16.....	213
8 Mammoth Community Water District Drinking Water Source Assessment Map Well 17.....	214
9 Mammoth Community Water District Drinking Water Source Assessment Map Well 18.....	215
10 Mammoth Community Water District Drinking Water Source Assessment Map Well 20.....	216
11 ADT along Main Street East of Minaret Versus Snowfall	287

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1	Mandatory Prohibitions Regarding Water Use.....8
2	Benton Crossing Landfill Loading Rate/Site Life Calculations ^a 77
3	Increase in Annual Emissions at Full Buildout Under the Draft General Plan Update (tpy) 97
4	Historical Volumes (Acre-Feet) Of Groundwater Pumped From Individual Production Wells 100
5	Past and Current Water Supplies 103
6	Factors Used for Calculating Water Demand and Comparison of Categories of Uses.....119
7	Mono County Criteria Pollutant Emission Comparison (grams/mile) 181
8	Consistency of the Draft General Plan Update with the Forest Plan Management Area Directions for Management Area 9.....227
9	Town of Mammoth Lakes 2005 Police Activity 254
10	Sewer Pipeline Improvements Required under Buildout of the Draft General Plan Update.....266
11	Estimated Wastewater Generation under Buildout of the Draft General Plan Update...267
12	Mammoth Lakes 1997-2004 Solid Waste Diversion Rate 269
13	Occurrence of 500 Top Peak-Hour Volumes in 2003 Along Main Street East of Minaret by Season 290
14	Comparison of Land Use Designations 406

RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15088, this Volume II provides responses to comments received by the Town of Mammoth Lakes regarding the Revised Draft Program EIR for the proposed Town of Mammoth Lakes 2005 General Plan Update. The Revised Draft Program EIR was circulated for public review commencing on October 31, 2005 and ending on December 14, 2005. Comments provided in Town Planning Commission meetings on November 30, 2005 and December 14, 2005 regarding the Revised Draft Program EIR are also responded to herein.

The matrix on the following pages provides a list of agencies, organizations and persons commenting on the Revised Draft Program EIR and identifies the issues raised by each commentor. Each comment letter has been assigned a numerical identifier, as indicated in the matrix. Each comment that requires a response within the letters and/or transcript has been assigned a number. For example, the first comment in Letter 1 would be Comment 001-1, and the fourth comment in Letter Number 3 would be Comment 003-4. The responses to each comment are then correspondingly numbered; i.e., Response 001-1 and Response 003-4. Where appropriate, attachments provided as part of the comment letters submitted to the Town are also responded to either as part of the main comment letter or separately.

LETTER NO.	SUMMARY OF WRITTEN COMMENTS	PROJECT DESCRIPTION	4.1 AESTHETICS, LIGHT AND GLARE	4.2 AIR QUALITY	4.3 BIOLOGICAL RESOURCES	4.4 GEOLOGY, SEISMICITY, SOILS, AND MINERAL RESOURCES	4.5 PUBLIC SAFETY AND HAZARDS	4.6 HYDROLOGY AND WATER QUALITY	4.7 LAND USE AND PLANNING	4.8 NOISE	4.9 POPULATION, HOUSING, AND EMPLOYMENT	4.10 PUBLIC SERVICES	4.11 PUBLIC UTILITIES	4.12 RECREATION	4.13 TRANSPORTATION AND CIRCULATION	4.14 CULTURAL RESOURCES	ALTERNATIVES	OTHER	COMMENTS
FEDERAL																			
1	Molly Brown, District Ranger U.S. Department of Agriculture Forest Service Mammoth Ranger Station P.O. Box 148 Mammoth Lakes, CA 93546					X	X		X				X	X	X			X	
2	Deanna Dulen, Superintendent United States Department of the Interior National Park Service Devils Postpile National Monument P.O. Box 3999 Mammoth Lakes, CA 93546						X	X		X		X			X			X	
STATE																			
3	Mary Dellavalle Environmental Scientist California Regional Water Quality Control Board Lahontan Region 14440 Civic Drive, Suite 200 Victorville, CA 92392							X										X	

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4	David Cohen, Associate Environmental Planner Department of Transportation Division of Aeronautics - M.S. #40 1120 N Street P.O. Box 942873 Sacramento, CA 94273-0001								X									X	
5	Gayle J. Rosander IGR/CEQA Coordinator Department of Transportation District 9 500 South Main Street Bishop, CA 93514	X		X								X			X			X	
REGIONAL																			
6	Ericka Hegeman, Environmental Specialist Gary Sisson, General Manager Mammoth Community Water District P.O. Box 597 Mammoth Lakes, CA 93546							X					X					X	

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COUNTY																			
7	Robert Mansfield, Planner I Madera County Resource Management Agency Planning Department 2037 W. Cleveland Avenue Madera, CA 93637																	X	
8	Scott Burns, Director Mono County Community Development Department P.O. Box 347 Mammoth Lakes, CA 93546		X								X		X					X	
CITY																			
9	Thomas M. Erb Director of Water Resources Los Angeles Department of Water and Power no address provided							X					X					X	
NEIGHBORHOOD GROUPS																			
10	Richard S. Taylor Esq. Matthew D. Zinn Esq. Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco, CA 94102			X					X				X					X	

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11	John Walter, Chairperson Advocates for Mammoth P.O. Box 2005 Mammoth Lakes, CA 93546	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
12	Andrea Lawrence, President Wendy Sugimura, Operations Director Andrea Lawrence Institute for Mountains and Rivers P.O. Box 100, PMB 334 Mammoth Lakes, CA 93546																	X	
13	Robert A. Lusardi Eastern Sierra Conservation Manager California Trout P.O. Box 3442 Mammoth Lakes, CA 93546				X			X					X	X				X	
14	Wilma Wheeler, Chair Range of Light Group Toiyabe Chapter, Sierra Club P.O. Box 1973 Mammoth Lakes, CA 93546				X				X		X	X	X	X			X	X	
INDIVIDUALS																			
15	Gordon Alper no address provided																	X	
16	Gordon Alper no address provided										X								

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17	Gordon Alper no address provided																	X	
18	Gordon Alper no address provided								X					X				X	
19	Jo Bacon P.O. Box 100 PMB 134 Mammoth Lakes, CA 93546		X		X				X		X		X	X	X			X	
20	Brigitte H. Berman P.O. Box 9753 Mammoth Lakes, CA 93546				X	X						X						X	
21	John H. Cunningham no address provided														X				
22	Pat Eckart P.O. Box 7525 Mammoth Lakes, CA 93546												X					X	
23	Mary Epstein and Gloria Fowler 1070 Las Pulgas Road Pacific Palisades, CA 90272																	X	
24	Julie Fisher and Tom Gasaway no address provided				X			X	X					X			X	X	
25	Robert Hall Robert Hall Realty 797 Majestic Pines Drive Mammoth Lakes, CA 93546																	X	

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26	Thom Heller P.O. Box 1765 Mammoth Lakes, CA 93546																	X	
27	Richard and Sandra Jacobsen Snowcreek V Unit 711 Mammoth Lakes, CA 93546		X					X										X	
28	Keith D. (Doug) Jung PE, PG P.O. Box 151 Mammoth Lakes, CA 93546							X					X					X	
29	Millicent and Chuck Kennedy 11122 Valley View Ave. Whittier, CA 90604																	X	
30	Kenneth M. Klein D.D.S. P.O. Box 1654 Mammoth Lakes, CA 93546								X									X	
31	Susan L. Klein P.O. Box 1654 Mammoth Lakes, CA 93546																	X	
32	Owen Maloy owen.maloy@verizon.net			X															
33	Steve Miesel P.O. Box 7383 Mammoth Lakes, CA 93546			X				X											

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34	Mary K. Prentice no address provided Mammoth Lakes, CA 93546																	X	
35	Dennis & Patricia Sherrill DS12711@aol.com																	X	
36	Wendy Sugimura P.O. Box 8244 Mammoth Lakes, CA 93546												X					X	
37	Elizabeth Tenney no address provided	X	X	X	X		X		X	X	X				X			X	
38	Bryce & Wilma Wheeler P.O. Box 3208 Mammoth Lakes, CA 93546		X	X	X				X				X	X				X	
BUSINESSES																			
39	Sonia J. Ransom Esq. Allen Matkins Leck Gamble & Mallory LLP 515 South Figueroa 7th Floor Los Angeles, CA 90071-3398		X	X	X	X	X	X	X			X	X					X	
40	Jesse Langley, Partner Kyle Ransford, Principal Cardinal Real Estate Investments 880 Apollo Street Suite 213 El Segundo, CA 90245																	X	

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41	Jesse Langley, Partner Kyle Ransford, Principal Cardinal Real Estate Investments 880 Apollo Street Suite 213 El Segundo, CA 90245																	X	
42	Tom Hodges, Director of Planning Alexandria Fabbro, Government Relations Manager Mammoth Mountain Ski Area P.O. Box 24 1 Minaret Road Mammoth Lakes, CA 93546	X	X	X	X		X	X	X	X	X		X	X	X	X		X	
43	Kent Haggerty Vice President - Real Estate Raley's 500 West Capitol Avenue West Sacramento, CA 95605-2696																	X	
44	Michael R. Perry Managing Partner Wall Street Property Company no address provided																	X	
PLANNING COMMISSION MEETING TRANSCRIPTS & SUBMITTALS																			
45	33 Signers Advocates for Mammoth P.O. Box 2005 Mammoth Lakes, CA 93546			X	X				X	X	X		X	X	X		X	X	

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46	Brigitte H. Berman P.O. Box 8754 Mammoth Lakes, CA 93546		X		X	X												X	
47	Doug Jung EIR Water Notes PC Mtg. 11/30/05												X					X	
48	Don Sage no address provided																	X	
49	George Sandvig Mammoth Creek Condominiums Unit 31 Mammoth Lakes, CA 93546								X									X	
50	Nancy Peterson Walter PhD P.O. Box 2383 Mammoth Lakes, CA 93546														X			X	
51	Nancy Peterson Walter PhD P.O. Box 2383 Mammoth Lakes, CA 93546														X			X	
52	Town of Mammoth Lakes Planning Commission Meeting November 30, 2005 – 9:00 A.M.																	X	
53	Town of Mammoth Lakes Planning Commission Meeting November 30, 2005 – 6:00 P.M.		X						X		X		X	X			X	X	

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54	Town of Mammoth Lakes Planning Commission Meeting December 14, 2005 – 9:00 A.M.												X					X	
55	Town of Mammoth Lakes Planning Commission Meeting December 14, 2005 – 6:00 P.M.																	X	

LETTER NO. 001

U.S. Department of Agriculture
Molly Brown, District Ranger
Mammoth Ranger Station, P.O. Box 148
Mammoth Lakes, CA 93546

COMMENT 001-1

The Inyo National Forest (INF) appreciates the opportunity to provide input regarding the Town of Mammoth Lake's (TML) Draft Environmental Impact Report and accompanying Draft General Plan.

Recreation, as identified in the Inyo National Forest LRMP, is the most important public resource available on the Inyo National Forest. The Forest Service would like to take this opportunity to state again, the Inyo National Forest recognizes the role of public lands as a "backyard" critical to the well-being of Mammoth Lakes residents, and the role of the Town of Mammoth Lakes as a gateway community providing access and amenities that augment recreation on the INF. The Forest Service also recognizes the central role of tourism and related public lands recreation in the economy of Mammoth Lakes.

The majority of land within the town limits of Mammoth Lakes, and surrounding those limits, is public land administered by the Inyo National Forest. Consistency and coordination between the Inyo National Forest Land and Resource Management Plan (LRMP) and Town of Mammoth Lakes General Plan is of critical importance to both agencies.

RESPONSE 001-1

The Town acknowledges the importance of recreational opportunities that are provided by lands administered by the U.S. Department of Agriculture and central role the lands play in terms of tourism and the economy of the region.

The Town acknowledges that the majority of land within the Municipal boundary (outside the UGB) and within the Planning Area is public land administered by the Inyo National Forest. As indicated in Section 3, Project Description, of the Revised Draft Program EIR, the Draft General Plan Update contains a land use designation, National Forest (NF), which designates the lands administered by the Inyo National Forest. The Town concurs that coordination between the Town and the US Forest Service is critical to both agencies. The Draft General Plan Update would not conflict with the Inyo National Forest Land and Resource Management Plan (LRMP).

COMMENT 001-2**General Plan Comments**

(1) The General Plan should include guidance regarding set-backs for development occurring along the UGB/ Federal Land interface. Set-backs are necessary to discourage development up to the property line, or encroachment in areas where future Forest Service uses have not been determined. Provision of set-backs was previously adopted as an informal practice between the Town of Mammoth Lakes and the Inyo National Forest, however, given the current scale of development and in anticipation of future proposals, it is appropriate to formalize this practice within the General Plan. I recognize from our discussions on the matter, the general plan may not be the appropriate vehicle within which to address setbacks. If this is indeed the case, I request continued attention to the matter by TML when appropriate.

RESPONSE 001-2

The Draft General Plan Update provides the long-range buildout of the Town based on the Town's vision. As such, the General Plan does not provide the level of detail, such as setbacks. The Town Municipal Code contains the development standards, such as setbacks, height limits, lot coverage, which regulate the development so as to achieve General Plan vision. Since it is the case that setbacks are contained in the Municipal Code and not the General Plan, the Town will continue to pay attention to the setbacks for development that occurs along the UGB/Federal land interface. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 001-3**Public Safety and Hazards**

(2) The Forest Service requests clarification on Snow Deposition Design Zones as depicted in the General Plan. Specifically, where appropriate, design zones should include consideration of starting zones on Forest Service lands with potential to affect private property or TML permitted developments within the Town Boundary. It is not clear from the included maps, whether Snow Deposition Design Zones include consideration of all lands within the Municipal Boundary. This is of principal importance in reference to structures within the Town Boundary, outside the UGB and located on Forest Service lands. These structures, resorts, cabins and other facilities are, as noted in the general plan, subject to building permits and other municipal requirements. Ostensibly, this would include siting and design standards as they relate to mitigation of avalanche hazards.

RESPONSE 001-3

According to ARTICLE XI, Snow Deposition Design Zone (SDD), in the Town Municipal Code, the SDD zone provides a zoning overlay district for the following purposes:

- To identify those areas in the town of Mammoth Lakes where avalanche potential has been found to exist after specific investigation and study.
- To minimize health and safety hazards related to avalanche potential.
- To promote the general public health, safety and welfare. (Ord. 97-13 §1(part), 1997).
- According to Section 17.28.710 in the Code, the SDD zone is an overlay district that designates those areas found to be in one of the following subareas of the Town as shown on the Town of Mammoth Lakes zoning map:
- Potential avalanche hazard due to being located immediately above, adjacent or otherwise within one hundred fifty feet of the thirty degree point of an avalanche starting zone, known herein as "areas adjacent to avalanche starting zones." (Ord. 97-13 §1(part), 1997)

The reference in the comment to the SDD maps refer to the SDD zone illustration within the Community Health and Safety Element of the Draft Mammoth General Plan Update. The SDD zone is only applied to a portion of Mammoth Camp Tract known as the Bluffs. This area is within the UGB and was identified through environmental review as having a potential for avalanche. The Town does not administer National Forest Lands outside of the UGB and does not evaluate natural hazards within those areas other than in conjunction with the Inyo National Forest or other public safety agencies with appropriate jurisdiction. For properties located in areas adjacent to avalanche starting zones as designated in the SDD zone (i.e., properties within one hundred fifty feet of the thirty degree slope of the avalanche starting zone), no development (including building permits, subdivision of land, but not the construction of roads and utilities) is permitted, without first obtaining a use permit. In addition to the requirements of Chapter 17.60, the use permit application shall contain certification by a recognized expert in the field of avalanche occurrence, force and behavior that there will be no greater snow deposition in the related avalanche starting zones and no overall increase in the avalanche hazard in the balance.

According Section 17.28.740 of the Town's Municipal Code, the SDD zone is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. However, the Town of Mammoth Lakes does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures situated in any avalanche

area, whether designated or undesignated by this ordinance. Avalanches may occur with forces greater than those set forth in avalanche studies. Thus, persons who develop or occupy real property within an SDD zone or other undesignated avalanche area do so at their own risk. (Ord. 97-13 §1(part), 1997)

COMMENT 001-4

Hydrology and Water Quality

(3) The Inyo National Forest (INF) is concerned about any future TML water supply reliant on groundwater pumping in the Dry Creek watershed, located almost entirely on INF land. It is probable, although impossible to predict, that there will be periods before 2020 during which a drought we may endure drought conditions for three dry or more years in a row. In that case, further water conservation or new water supplies would be required to meet water demand. We note the only new water supply discussed is new groundwater pumping in the Dry Creek watershed, on INF land.

As stated in the Revised Draft Program EIR on page 4-268, new groundwater sources are not a certain supply. Installation of groundwater pumps on INF lands would require review and authorization by the INF. Installing new production wells on INF land would necessitate federal environmental analysis and is known to be a controversial issue for Federal and other agencies and downstream private landowners. Forest Service regulations require that groundwater from Forest Service land not be used solely to provide a less expensive water supply when other sources are available. Further, groundwater pumping must minimize effects to groundwater dependent resources on Forest Service land. It is currently unknown whether groundwater pumping within the Dry Creek watershed would meet INF Standards and Guidelines and whether the Forest Service would approve such pumping.

The Revised Draft Program Environmental Impact Report would benefit from a discussion of the availability of any other feasible new water supplies and a better description of water-saving measures that would be implemented during a drought longer than three years. On page 4-268, the Town states that, “While additional water volumes available from more firm supply sources (i.e., water conservation and system loss reduction) would augment supplies by 797 AFY, certainty of these sources occurring does not exist.” Consideration should be given to why these sources are not certain in addition to development of specific mitigation measures to ensure these supplies are more certain, such as better education about water saving measures, or greater enforcement of these measures.

RESPONSE 001-4

The Town acknowledges the issues with regard to potential future wells in the Dry Creek watershed, which is located on INF land. The MCWD is aware that any future wells in the Dry Creek watershed would require review and authorization by the INF. However, Section 4.11 of the Revised Draft Program EIR acknowledges opportunities other than water conservation to increase the water supply. For example, the discussion includes water conservation, use of recycled water and system water loss program that is being implemented by the MCWD. Since the preparation and circulation of the Revised Draft Program EIR, the MCWD has completed an updated Urban Water Management Plan (UWMP). The updated UWMP was adopted in December 2005. The UWMP contains discussions regarding various opportunities to reduce the water demand and increase the supply, which are discussed in more detail below.

The District has a series of demand management measures that have been implemented. These include activities such as the District's ongoing leak-detection project in the distribution system. Replacement of approximately 10,000 lineal feet per year of main water pipeline has been budgeted over the next several years. The water pipeline loss reduction project is expected to be completed by 2010. The District has also invested in underground pipeline leak detection equipment. In addition, the District performs routine leak detection surveys to locate leaks for repair before the leaks appear at the surface. The District estimates a water demand reduction of 310 acre-feet per year from the implementation of the distribution system leak-detection project. In addition, the demand management measures include the following:

- Interior/Exterior Water Audits
- Large Landscape Audits
- Plumbing Standards and Retrofits
- Commodity Rates
- Public Information
- School Education
- Ultra-Low-Flush Toilets
- Water Audits and Incentives
- Efficient Washing Machine Rebate Program

In addition, the UWMP contains a discussion of the use of recycled water, which would serve to increase the water supply. The MCWD collects and treats all wastewater generated in the Town of Mammoth Lakes as well as in surrounding U.S. Forest Service campground and permittee areas located in the Lakes Basin and Sherwin Creek area. In 2005 the MCWD collected and treated 1.65 million gallons per day of wastewater. Currently, the treated wastewater is discharged to Laurel Pond, a pond located approximately 5.5 miles southeast of Mammoth Lakes on U.S. Forest Service land. Disposal occurs at the pond through percolation into the ground and through evaporation into the atmosphere. The use of recycled water has been identified as a potential source of water supply for golf course and park irrigation. Environmental studies have been completed regarding potential impacts on the District's current disposal area at Laurel Pond. A Draft EIR was released in September 2006, which analyzes the use of recycled water for irrigation on existing and future golf courses as well as at Shady Rest park. In addition, a pilot project was conducted in 2001 at the Mammoth Pacific Geothermal Power Plant utilizing recycled water for cooling purposes. The power plant was able to increase efficiency and the use of recycled water for cooling purposes appears to be promising. Estimated demand for future recycled water needs amounts to approximately 500 acre-feet per year for irrigation purposes and approximately 600 acre-feet per year for cooling purposes at the power plant.

In addition, the UWMP contains the District's water shortage contingency plan. The District has certain mandatory prohibitions that require the public to become water conscious and to conserve water. The four water conservation measures that are required for all District customers at all times are as follows:

1. Water from the District's potable water system allowed to pool, pond, or run-off of applied areas is considered a waste of water and as such is not permitted.
2. Leaks occurring on the customer side of each meter in the District's potable water system are considered a waste of water and as such are not permitted.
3. Any hose, including those used to wash vehicles, used in conjunction with the District customer's water service shall be equipped with an automatic shut-off device, except that no such shut-off device shall be required for irrigation purposes.
4. District water supplied through the District's potable water system, which is used for watering vegetation outside of any building, shall not be permitted between the hours of 10:00 A.M and 5:00 P.M. During water shortages, the District implements mandatory prohibitions. Table 1 on page 8 lists the prohibitions that are implemented by the District during water shortages. As shown in Table 1, there are five levels of prohibitions that the District can implement based on the duration and severity of the drought.

Table 1**Mandatory Prohibitions Regarding Water Use**

Type of Prohibition	Stage when Prohibition is Mandatory
No water served by restaurants	Board declaration of drought conditions
Motels/Condos post announcements	Board declaration of drought conditions
High water users audit by District	Board declaration of drought conditions
No use for general maintenance and construction activities	Level 1
No cleaning of hard surfaces with water	Level 1
Restricted watering of lawns/landscapes	Level 1
Limit replacement of sod	Level 1
Increased restrictions on watering of lawns/landscapes	Level 2
No new lawn areas	Level 2
Increased restrictions on watering of lawns/landscapes	Level 3
Increased restrictions on watering of lawns/landscapes	Level 4
No vehicle washing allowed	Level 5
No watering of lawns/landscaping allowed	Level 5

Source: 2005 Urban Water Management Plan, MCWD

COMMENT 001-5

(4) The General Plan and Draft EIR should discuss and reference application of the 2004 SNFP Record of Decision direction to IP and OS lands under Forest Service jurisdiction, within the UGB. The Draft EIR mistakenly references the 2001 SNFP Record of Decision and tiers to information contained therein. Although much of the information contained in the 2001 SNFP [SIC] FEIS and Record of Decision carried forward into the supplemental EIS, the 2004 Decision differs in several key ways from the previous decision.

RESPONSE 001-5

The comment is acknowledged. The text in Section 4.7.2.4 of the Final Program EIR has been revised to reflect the 2004 Record of Decision. In addition, the reference has been corrected in Section 4.5 Public Safety and Hazards. The 2004 Sierra Nevada Forest Plan Amendment has also been added to Section 10, References, Acronyms and Abbreviations, of the Final Program EIR.

COMMENT 001-6**Mineral Resources Management**

(5) Regarding Mineral Resource Management on General Plan CHS-13, it is not clear how TML jurisdiction for mineral extraction or geothermal leasing within the town limits may be applied to lands administered by the FS and BLM under the relevant mining laws. The General Plan should

clarify the limits of TML jurisdiction or at minimum note TML's coordinating role with the Forest Service and Bureau of Land Management in mineral resource management within the town boundary.

RESPONSE 001-6

The BLM manages mineral extraction and geothermal leasing activities on Federal lands and split estate lands within the Town. The Town would coordinate with BLM with regard to mineral extractions as needed. With regard to development on private land within the Town's jurisdiction, if a project requires discretionary approval the Town requires that a title report be submitted, which would serve to identify any known mineral rights. The comment requests that clarification be provided in the Draft General Plan Update. As such, the comment is focused on the Draft General Plan. Therefore, the comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 001-7

(6) The Forest Service looks forward to working collaboratively with the TML in further development of public education regarding CO2 and high hazard areas. As well as working collaboratively to ensure that all high-hazard areas are marked and/or closed to public access during high-risk periods.

RESPONSE 001-7

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-8

Land Use and Planning

(7) The Town of Mammoth Lakes has indicated an interest in extension of the UGB to encompass adjacent Forest Service Lands such as the Visitor Center, Ranger Station, and employee housing complexes. The INF notes UGB policies, specifically V.1.A.b.2 allow for later inclusion of FS lands in the UGB. The Forest Service does not believe inclusion of lands such as the Visitor Center, Ranger Station and employee-housing complex need occur at this time. The General Plan provides adequate guidance to ensure a reasoned and timely process can occur should the issue become ripe. Regardless, the INF believes a thorough and public discussion of the merits and motives in expanding the UGB should occur outside the General Plan Process. Towards this end, we are pleased TML does not appear to be considering inclusion of these lands at this time.

RESPONSE 001-8

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Program Draft EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-9

(8) UG-3 does not appear to be consistent with UGB Policies on [sic] UG-5. This may be intentional; however, restricting TML Land Designations to IP for FS lands within the UGB should be accomplished carefully and in consultation with the INF. Although the IP Land Designation may make sense for the East Gateway property, it may not for others.

RESPONSE 001-9

As indicated in Implementation Measure V.I.A.b.3 of the Draft General Plan Update, "Prior to completion of any land exchange for existing special uses within the town, the exchange proponent shall apply for and receive a General Plan Amendment establishing the appropriate land use designation for the proposed exchange lands based upon the existing land uses." As indicated in this implementation measure, the Town of Mammoth Lakes would coordinate with the Forest Service regarding the designation of the land.

COMMENT 001-10

(9) The intent of application of OS to Ski-Back Trail lands, and lands located in T.4.S, R.27.E, sec. 4, in all project alternatives is not clear. Consistent application of Land Designations suggests these lands should be designated NF. It appears from a review of Fig. 3-4, the oversight has been corrected. As stated on LU-10, this "designation is applied to lands administered by the Inyo National Forest that are outside the adopted Urban Growth Boundary.

RESPONSE 001-10

As indicated on page LU-10 of the General Plan Update, "The National Forest (NF) designation is applied to lands administered by the Inyo National Forest that are outside the adopted Urban Growth Boundary."

COMMENT 001-11

Recreation Access and Planning

(10) The INF requests clarification of General Plan 1.3.A.1 & IV.3.A.a - Accessibility of public lands for outdoor recreation. Although the Town of Mammoth Lakes acknowledges the Forest Service role in provision of recreation opportunities and management of adjacent lands, the intended

outcome of ensuring accessibility should be clarified sufficient to ensure a common understanding between governments. Specifically, I.3.A.1b should be revised and made consistent with I.3.A.1a to reflect coordination between agencies for access to public lands. It may not be the case, in all instances, that pedestrian access to public lands is desired or appropriate from adjacent private land developments.

RESPONSE 001-11

The comment relates to specific implementation measures contained in the Draft General Plan Update with regard to access to public lands and coordination between agencies. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-12

(11) General Plan RE-8, Paragraph 2, regarding public access to the Lakes Basin, the Inyo National Forest may consider restrictions on modes of access through better coordination of transit, parking and day use. It is not our base intent to limit or restrict access in terms of numbers of people within the limits of the Lakes Basin's available recreation and natural resources. The text should be rephrased to reflect INF policies and to make it more consistent with the right margin box statement on RE-8.

RESPONSE 001-12

The comment relates to text contained in the Draft General Plan Update with regard to access to public lands relative to INF policies. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-13

(12) General Plan IV.1.B.a.2 on RE-14, TML should coordinate Winter Recreation Planning with the INF as most motorized and non-motorized modes occur almost exclusively on FS lands.

RESPONSE 001-13

The comment is related to the Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-14

(13) General Plan T&C-22 Development Impacts. Specifically, “traffic is expected to increase as a result of expansion of the Mammoth Mountain Ski Area (MMSA).” No expansion on FS, other than in delivery of services within existing capacity, is expected, planned or reasonably foreseeable at this time. The INF recognizes both TML and MMSA seek a better balance of weekday and peak period skier visits. It is anticipated, over time, as weekday skier visits increase, overall weekday and annual utilization of MMSA would also increase. However, any increase in skier visits is expected to occur within existing ski area capacity. The Forest Service notes this concern has been addressed in part at 4-286.

RESPONSE 001-14

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment addresses the skier capacity and the Town's and MMSA's objective to achieve a better balance of weekday and peak period skier visits. No further response is necessary.

COMMENT 001-15

(14) Revised Draft EIR ES 2-1, 3-2, 4-280. Estimates of ski area capacity should be used with caution. It is incorrect to assert MMSA has expanded to a capacity of 24,000 SAOT. Calculation of Skiers At One Time (SAOTs) is based in part on assessment of terrain and lift capacities, but is also generally understood to be a factor of social perceptions of crowding. Although lift capacity and terrain capacity has been enhanced at MMSA over the last planning cycle, attainment of maximum SAOTs as depicted in the MMSA Master Development Plan has not been achieved. Substantial planned components including terrain expansion have not been implemented. A more meaningful, and conservative approach would be to model ski area use around the typical Saturday (generally 80% of peak annual one-day use). The RDREIR [sic] mistakenly states capacity as set in the Mammoth Mountain Ski Area permits as 24,000 SAOTs. A determination or authorization of capacity is not made within the ski area permit.

RESPONSE 001-15

The Town acknowledges the agency's comment with regard to the SAOT capacity. The Town understands that the SAOT calculation is based in part on assessment of terrain and lift capacities, but that the social perception of crowding is also a factor. The Town understands that the MMSA Development Plan (the Development Plan) is the conceptual guide for buildout of MMSA's facilities. The Development Plan guides the growth of MMSA's capacity to 24,000 Peak Design Capacity (PDC) in four flexible phases of development. More specifically, the Development Plan guides the expansion of the MMSA with regard to new ski runs, ski lifts, utilities, base lodges, hotel expansion, employee housing, snow making, summer recreation, and other facilities that would

allow MMSA to expand to 24,000 PDC. Section 4.12, Recreation, of the Final Program EIR has been revised to accurately reflect that the 24,000 is a peak design capacity contained within MMSA's Development Plan.

However, the Town uses the maximum design capacity for environmental analysis for planning purposes. For example, while traffic analyses are based on a typical winter Saturday, the maximum PDC has been used historically by the Town in traffic analyses. Therefore, the analyses contained in the Final Program EIR provides a worst case scenario.

COMMENT 001-16

(15) Table 4.12.-1 depicts existing and planned park land including acres own [sic] by the town and acres developed. Forest Service lands permitted for use to the TML at both Shady Rest and Mammoth Creek Parks are included. With reference to the TMLs stated intent at 4-281 and in IV.1.D.A.a.1, it appears lands authorized for use by the Forest Service may be utilized by the TML to meet Quimby Act (GC 66477) requirements. The Forest Service notes, while these lands are authorized for TML use, they are also located outside the UGB. It may not be appropriate to include these lands as contributing components towards community park lands. Special uses authorizations could be viewed [sic] and may become a future constraint on use of these lands. The Forest Service strongly encourages TML to seek out opportunities to provide park lands and recreation amenities within the UGB consistent with the Quimby Act, rather than looking to acreage on National Forest Lands as a significant component of TML park lands.

RESPONSE 001-16

Please note that an Implementation Measure numbered IV.1.D.A.a.1 does not exist in the April 2005 Draft General Plan Update. It is assumed that the comment refers to Implementation Measure IV.1.D.a.1 of the April 2005 Draft General Plan Update.

Although not all parkland listed in Table 4-12.1 is owned by the Town, the Town has included these parks in their parkland acreage as these parks are currently utilized by its residents and visitors. These acreages were used by the Town to establish the existing level of service (i.e., an existing baseline) and to project future needed parkland. In other words, the information is provided to establish existing background levels. The Town has a performance objective of five acres of parkland per 1,000 permanent and seasonal residents. Should these parks become unavailable to the Town at a later date, the Town would seek additional lands as needed to obtain the performance objective. In addition, Quimby Act fees are not predicated on the acquisition of private lands. Parkland located outside the urban growth boundary (UGB) is not a violation of UGB policies. Nothing precludes the Town from utilizing land outside the UGB to meet Quimby Act requirements so long as the parkland provided serves the residents of the subdivision for which the in-lieu fees

were paid. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 001-17

(16) Discussion of potential effects of TML population growth on adjacent public lands should be better developed within the regional context. Although the analysis notes Forest Service lands serve as the primary release valve when TML park capacity is exceeded, it may be more appropriate to base the analysis in the context of TML as a gateway community reliant on public lands recreation for the majority of local area recreation opportunities.

RESPONSE 001-17

As indicated in the Revised Draft Program EIR, public lands adjacent to the Town are owned by the U.S. Forest Service and Bureau of Land Management. As indicated in Section 3.7.I, the Draft General Plan contains a National Forest land use designation. The Vision Statement of the Draft General Plan Update acknowledges the Town's unique setting and the Town's visitor-based economy. Section 4.7, Land Use and Planning, of the Revised Draft Program EIR describes the lands within the UGB and the recreational areas surrounding the community. The management plans for the U.S. Forest Service and Bureau of Land Management consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes. In addition, potential impacts to adjacent public lands are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, the Draft General Plan Update could result in indirect significant and unavoidable impacts to biological resources beyond the UGB. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area.

COMMENT 001-18

The central role of public lands recreation should be recognized in this context as a critical amenity and driver in population change in the Eastern Sierra. As such, the analysis should also reference current information on recreation trends in California, which I believe will show there is a stronger correlation between regional population change and public lands recreation on the Inyo National Forest than between TML population change and local area public lands recreation. Into the foreseeable future, population growth in Southern California will remain the primary driver for growth in Eastern Sierra public lands recreation. As impacts associated with regional scale growth are anticipated and better understood, the INF will respond accordingly and appropriately to maintain and enhance public lands recreation opportunities in and adjacent to the Town of Mammoth Lakes. The need for action in response to changes in population, desired recreation experiences and opportunities in the local area will arise under all General Plan Alternatives. We

look forward to working more closely with the TML in the future on efforts aimed at addressing future recreation and management of landscapes in the Eastern Sierra.

RESPONSE 001-18

The Town concurs that the regional population is the primary factor for the demand for recreational opportunities on public lands. The comment requests that the analysis reference current information on recreation trends in California to demonstrate the correlation between regional population change and public lands recreation. As discussed in Response to Comment No. 001-17, public lands adjacent to the Town are owned by the U.S. Forest Service and Bureau of Land Management. The management plans for these agencies consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes. In addition, the issue of growth inducement is addressed in Section 6.B, Growth-Inducing Impacts, of the Revised Draft Program EIR. As described in Section 6.B, the General Plan Update does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As these regions grow, and southern California, as the dominant source of this demand, will be under tremendous growth pressure for the next 20 years, demand on the recreational potential in and around the Town of Mammoth Lakes would also continue to grow. The Town of Mammoth Lakes cannot stem the demand being generated in other regions, but can only determine how much and how well to accommodate it, on the one hand, and how much of that demand to deflect to other recreational locales on the other.

LETTER NO. 002

United States Department of the Interior
Deanna Dulen, Superintendent
National Park Service
Devils Postpile National Monument
P.O. Box 3999
Mammoth Lakes, CA 93546

COMMENT 002-1

Thank you for the opportunity to comment on the Draft General Plan. With our complementary quality visitor geographic locations, an opportunity exists to coordinate our activities in providing services and adequate facilities in a world-class setting of natural beauty. Also, as Devils Postpile National Monument (DEPO) remains a destination for many Mammoth Lakes visitors, it serves as a significant, sustainable recreational opportunity which the Town of Mammoth Lakes (TML) should address in its planning.

With this in mind, important aspects to be considered are:

RESPONSE 002-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 002-2 through 002-13 for individual responses to each of the comments.

COMMENT 002-2

Impacts of Future Growth on Parking Facilities and Transportation Systems (Section 4.13 Transportation and Circulation, TML Draft General Plan)

"At build out of the General Plan, it is anticipated that the Town will hold approximately 60,700 Persons at One Time (PAOT) on an average winter Saturday... The permanent population at build out is expected to grow from approximately 7,600 residents in 2004 to approximately 11,600 people." (Page LU-4)

It is important that the Town's Mobility Plan consider adequate transit and parking facilities associated with the Reds Meadow/Devils Postpile transportation system. We look forward to

working with the TML to explore opportunities for partnership in shared transit services. Please include us in any relevant site-specific planning meetings.

RESPONSE 002-2

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, forthcoming transit and parking facilities associated with the Reds Meadow/Devils Postpile transportation system would be required to analyze traffic impacts during the site-specific or program-level environmental review process. In addition, the Town's Mobility Plan is not being analyzed by this environmental document. The Mobility Plan was adopted as a concept study but has not been adopted as a plan. Future updates to the Mobility Plan may consider transit and parking facilities associated with the Reds Meadow/Devils Postpile transportation system. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-3

During the recent meeting on the proposed redevelopment of Mammoth Mountain Inn and Ski Area several concerns became apparent. In particular, the staging area for the Reds Meadow/DEPO shuttle bus was not addressed. Whether this omission was an oversight or a reflection of a future goal to transfer the responsibility of all transportation to the TML is not clear. What is important is that the location of the Reds Meadow/Devils Postpile shuttle bus staging area needs to be safe, functional, well signed and easily discernable to the general public. This is not addressed in the TML Draft General Plan and there is no mention of where the future location of the shuttle bus staging area will be.

RESPONSE 002-3

The development of the Red's Meadow bus staging area is not within the jurisdiction of the Town or the scope of the Draft General Plan Update, but rather an issue for the Inyo National Forest to consider in its system design and operation.

COMMENT 002-4

The TML General Draft and Mobility Plans as well as the Mammoth Mountain Redevelopment Plan should all complement one another in that they each must address adequate parking for shuttle

bus users to meet current demand and future use projections. Currently, there are days where bus ridership exceeds 2,031 visitors (July 5, 2003 statistics, and a general estimate is that perhaps there is a current need for parking for 677 vehicles on a peak day). The average estimated number of needed parking based on statistics from 2003 to 2005 is between 275 to 300 vehicles on an average Saturday. During holiday weekends, 400 to 500 parking sites are needed between the peak visitation hours of 10:00 A.M. and 1:00 P.M.

RESPONSE 002-4

The Town is aware of the need for new park and ride facilities and has conducted studies and implemented park-and-ride strategies. The large majority of transit passengers are walking from lodging and residential uses. Therefore, these transit riders do not need to use park-and-ride lots. Regardless, the Town of Mammoth Lakes Parking Study evaluated potential locations for the park-and-ride. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-5

Furthermore, it appears that the proposed removal of 250 parking spots would decrease available parking from 485 spaces today to 735, and would compromise the ability to provide adequate parking. Reference was made to possible underground parking facilities however, it remains unclear if these would be available to the general public and at what cost. Additional parking also needs to be addressed in Mammoth Mountain Ski Area and the Town of Mammoth Lakes planning to accommodate future growth.

RESPONSE 002-5

The analysis of Issue 4.13-6 which addresses parking includes policies and implementation measures contained in the Draft General Plan Update that require as part of the future project review process, conditions of approval and implementation of the Development Impact Fee schedule, that each development adequately mitigate its impact on parking availability (II.I.C.a.2). All development projects would be required to comply with Title 17 (Zoning) of the Town Municipal Code parking standards. In addition, Implementation Measure VII.1.F.a.1 requires that the Town reevaluate the parking requirements in Title 17 to ensure that the requirements result in adequate parking. The General Plan Update also contains an implementation measure that requires the Town to evaluate options for shared parking, covered parking, fee parking and other parking alternatives (IV.I.F.c.4). These implementation measures as well as compliance with the municipal code requirements would ensure that future development, including development by MMSA, would provide adequate parking. Parking facilities whether underground or aboveground; or public or private availability, would be determined as part of the project review process.

COMMENT 002-6

With this future growth in mind, it is important to assess the impacts to DEPOT/ Reds Meadow that additional visitation will bring. Thankfully, work is underway to look at visitor access and transportation alternatives. We should continue evaluating impacts, needs, and partnership opportunities. One of these multi-agency opportunities will be to discuss integrating transportation operations that include the shuttle bus system.

RESPONSE 002-6

The Town concurs that increased coordination with transit service providers is appropriate. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-7**Hydrology and Water Quality (Section 4.6)**

The draft plan fails to identify whether the reach of future water needs will extend to the watershed along the western slope of the San Joaquin Ridge. More specifically, it does not consider the impacts associated with using the Mammoth and Dry Creek watersheds for ground pumping and the potential adverse effects the west slope of the Upper Middle Fork of the San Joaquin may incur. It is critical that the impacts of increased numbers of visitors and resort guests do not compromise the watershed that affects the Upper Middle Fork of the San Joaquin. During DEPO's Vital Signs Meetings in April 2002, the USGS explained how springs and groundwater use on the east side of the San Joaquin ridge could impact the hydrology on the west side where numerous springs occur.

RESPONSE 002-7

This comment projects concern that pumping from the Dry Creek Basin and/or the Mammoth Basin could adversely effect subsurface water in the San Joaquin drainage or the western slope of the San Joaquin Ridge. Information from the U.S. Geological Survey indicates that while there is a divide between the San Joaquin and Dry Creek Drainage that could potentially shift in additional groundwater is pumped in the Dry Creek Basin there is no specific empiricale evidence that such pumping east of the ridge would actually induce an impact to the west of the ridge. There is even less evidence establishing connectivity between the Mammoth Basin and the San Joaquin drainage. Thus, it would be speculative to attempt more specificity about a potential impact that may or may not occur at all.

Nonetheless, the Mammoth Community Water District (MCWD) indicates that prior to implementing such additional pumping, MCWD will collaborate with the National Park Service to

determine if the installation of monitoring equipment would be feasible as a means of addressing service concerns. At present, MCWD is already planning to collaborate with the Mammoth Mountain Ski Area to expand the existing monitoring system in the Dry Creek Basin as far as the Owens River and to conduct an aquifer test to add additional input to the groundwater models that is being prepared. It is noted that MCWD is a separate legal jurisdiction from the Town, and that the Town has no authority to cite or impose mitigation that MCWD would be obligated to implement. Therefore, no mitigation is recommended relative to this uncertain potential impact.

COMMENT 002-8

The Mammoth and Dry Creek watersheds connect to springs and drainages along the western slope of the San Joaquin ridge that provide lush wetland environments and aspen groves where many deer and bird species occur. This area also serves as a migration route for deer leaving the Upper Middle Fork of the San Joaquin for their winter habitat. It is possible that tapping into springs and groundwater on the east side of San Joaquin Ridge and Mammoth and Dry Creeks could also affect the river levels of the Upper Middle Fork of the San Joaquin. A thorough analysis and study should be done for both the Mammoth and Dry Creek groundwater reservoirs in order to understand current and future impacts to this vital watershed.

RESPONSE 002-8

This comment address similar concerns raised in Comment 002-7. Please refer to the Response to Comment 002-7.

COMMENT 002-9**Aviation and Impacts on Natural Soundscapes (Section 4.08)**

"In 1998, the Town of Mammoth Lakes adopted an updated plan for the Mammoth Yosemite Airport. This plan provides for major development and expansion of the airport terminal area, including a hotel, major infrastructure improvements; aircraft support facilities, and passenger terminal. The Mono County Airport Land Use Commission adopted an Airport Land Use Plan in 1986. The plan also establishes specific land use policies to protect the public welfare and the safety of aircraft operations "(page T&C-15).

**Regional commercial jets (50 passenger) will probably start flying into the Mammoth Yosemite Airport in December 2006 The Environmental Impact Statement (EIS) on the Mammoth Yosemite Airport expansion will likely be completed in the beginning of next year. However, the airport's expanded facilities cannot be constructed until the FAA approves the EIS Therefore, it will probably be 3 more years until larger commercial jets arrive.*

Other impacts from the promotion and growth of tourism include the proposed regional jet service. The aircraft currently being considered for commercial traffic fly at lower altitudes and are noisier than most commercial jetliners at higher altitudes. An FAA map provided to the National Park Services shows flight paths over the Ansel Adams and John Muir Wilderness areas within the Inyo and Sierra National Forests, the Ansel Adams Wilderness in Devils Postpile National Monument, Devils Postpile National Monument itself, and probably over Minaret Vista. The importance of protecting natural soundscapes is integral to providing a quality experience to a broad spectrum of campers, anglers, hikers, and day-use visitors to these areas both within the TML and the recreation area of Reds Meadow/DEPO. While the TML provided an analysis of acceptable noise levels within town limits, it remains important to safeguard this same resource in the places our visitors and residents seek to experience a natural soundscape, Planes arriving over Minaret Pass and just west of Mammoth Mountain would impact the TML soundscape standards.

We have an important partnership opportunity to influence the flight paths so that they do not compromise the visitor's experience or the resource. We request that you identify soundscapes as a key value of town and neighboring public lands and therefore commit to ensuring that future flight paths do not impact the very resources your residents and visitors value.

RESPONSE 002-9

As discussed on page 4-204 of the DEIR, the Final SSEIR for the Mammoth Yosemite Airport Expansion Project has a relatively small size of CNEL 70 and 75 noise exposure areas. The area exposed to aircraft noise of CNEL 65 and higher remains within the airfield boundary of the Airport on either Airport property or vacant land controlled by the Airport through leases or use permits. There are no noise sensitive land uses and no people living within the CNEL 65 noise exposure area. Implementation of the General Plan Update would not expose any new sensitive land uses to noise levels from the airport that would be incompatible.

As discussed in Section 4.7.2.3, Airport Land Use Plan, on page 4-185 of the Revised Draft Program EIR, the County of Mono and federal agencies, together with the Mono County Airport Land Use Commission, prepared and adopted the 1986 Mammoth/June Lake Airport Land Use Plan (ALUP). (The airport has since been renamed the Mammoth Yosemite Airport.) The ALUP establishes a comprehensive land use plan that defines the type and pattern of future development in the 28 square mile area surrounding the existing airport. It also creates an Airport Development District within which future airport development may occur. Surrounding land uses are planned with respect to airport compatibility, National Forest policies, and other factors. As such, the ALUP provides a framework for the orderly growth and development of the airport over the next 20 years. With regard to flight paths and the protection of soundscapes, the Draft General Plan Update does not propose any change to the flight paths. In fact, flight paths are determined by many factors including safety, elevation, terrain, meteorology, and land uses in the area. Flight paths are within

the domain of the FAA. These issues were addressed in the SSEIR for the Mammoth Yosemite Airport and are being addressed as appropriate in the Federal environmental documents for renewed jet service.

COMMENT 002-10**Public Safety and Hazards (Section 4.5)**

An important concern is the need for emergency services access and response ability. Currently, the Town of Mammoth Lakes serves as the only access point to the Reds Meadow/DEPO/Middle Fork of the San Joaquin River in which many of its residents and visitors recreate. It would be prudent to identify potential evacuation routes in the event of a forest fire, flood, earthquake, volcanic event; or other emergency. As many remember, the availability of an escape route during the Rainbow Fire was critical to public safety. During the past fire season of 2005, many lightning strikes ignited in the post-Rainbow Fire burn area. So it is probable in a future scenario that there could be a repeat of the Rainbow Fire conditions where it is impossible to determine the magnitude and extent of the fire in the smoke-filled valley. Both the TML Draft General Plan and the Mammoth Mountain Redevelopment Plan need to address these public safety concerns.

RESPONSE 002-10

Emergency evacuation is discussed under Issue 4.5-5 in Section 4.5, Public Safety and Hazards, and Issue 4.13-5 in Section 4.13, Transportation and Circulation, in the Revised Draft Program EIR. The discussion under Issue 4.5-5 concludes that since the Draft General Plan Update does not propose any specific development projects, it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, including the Emergency Operations Plan. Furthermore, the Draft General Plan Update does not propose any circulation changes that would conflict with the procedures set forth in the Emergency Operations Plan. As discussed under Issue 4.13-5, major catastrophes such as snowstorms, wildfires and earthquakes could result in mass evacuations. If a natural disaster were to occur at a time when roads are blocked or restricted, inadequate emergency access could occur. The General Plan Update proposes the adoption of the following implementation measures to reduce potential impacts regarding emergency access: II.3.A.b.6, II.3.A.b.7, II.4.C.a.2, and VII.1.B.c.4.

The Draft General Plan Update does allow for future growth of the community. The increase in growth would result in an increase in traffic as well as an increase in the number of persons that may need to be evacuated. The Town encounters potentially restricted access routes during the winter months. In the event that a natural disaster were to occur at a time when access were restricted, evacuation would be more difficult. However, secondary access routes, as required by Implementation Measure VII.1.B.c.4 are provided and maintained. Implementation Measure II.4.C.a.2 of the General Plan Update states, "The Town shall establish appropriate evacuation

routes and incorporate them into the Emergency Preparedness and Response Plan." As discussed under Issues 4.5-5 and 4.13-5, the Town's Emergency Operations Plan addresses emergency evacuation and response within the Town. The Emergency Operations would include information or scenarios on using roadways for mass evacuations, rather than the General Plan Update. The Emergency Operation Plan is updated periodically. In the event that a mass evacuation would be necessary, Town emergency operations staff would lead people out of Town depending on the nature and location of any potential hazards. The Town would not rely on traffic signals during a mass evacuation. The evacuation scenario would depend on the nature, location and extent of the potential hazard and would be handled by the Town emergency operations staff accordingly. The need for additional evacuation routes is not identified in the Emergency Operations Plan. Furthermore, if the levels of service (LOS) standards for roadways within the Town are upheld, there is no requirement for an additional evacuation route. Please refer to Section 4.13, Transportation and Circulation, in the Revised Draft Program EIR for a discussion of LOS standards within the Town.

In addition, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, future development projects would be required to conduct an analysis of evacuation routes during site-specific environmental review to ensure that emergency access and adequate public services, including fire protection services, are available to serve the project. Analysis of the content within the Mammoth Mountain Redevelopment Plan is beyond the scope of this document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-11

Another shared interest is that the TML Fire Department provides structural fire suppression to the Upper Middle Fork of the San Joaquin/Reds Meadow/DEPO that will both protect local recreational facilities and prevent fire from spreading over the Mammoth Crest. It would be beneficial to have the Town and DEPO coordinate with one another in all needed inspections and MOUs in order to allow for an adequate response.

RESPONSE 002-11

The Town recognizes that Mammoth Lakes Fire Protection District (MLFPD) provides fire protection services and emergency response to the Town of Mammoth Lakes as well as the upper

middle fork of the San Joaquin, Red's Meadow, and Devil's Postpile National Monument (DEPO) located in Madera County. The text within Section 4.10.1.1, Fire Protection, of the Final Program EIR has been revised to indicate that MLFPD provides fire protection services and emergency response to these additional areas located within Madera County. Please note that this new information does not alter the conclusions made in this Section with respect to fire protection services. Furthermore, MLFPD agrees that it would be beneficial to have the Town and DEPO coordinate with one another in all needed inspections and memorandums of understanding (MOUs) in order to allow for adequate response to these areas. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-12

Finally, as Mammoth Mountain Ski Area is proposing a redesign of State Highway 203 and CalTrans [sic] is considering a relinquishment of jurisdiction over the road, it is important to consider accessibility and maintenance issues in relation to Highway 203's function as an evacuation route.

RESPONSE 002-12

The Town concurs that any changes in roadway jurisdiction would require a reassessment of Town plans affected by such a change. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 002-13

Thank you again for considering our comments. We look forward to your response and the opportunity to work in partnership to address solutions.

RESPONSE 002-13

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 003

California Regional Water Quality Control Board
Mary Dellavalle, Environmental Scientist
14440 Civic Drive, Suite 200,
Victorville, CA 92392

COMMENT 003-1

Thank you for the opportunity to review the above-referenced Draft EIR dated October 31, 2005. Comments were requested by December 14, 2005. The proposed project is a comprehensive update of the Town of Mammoth Lake's General Plan. The General Plan is the primary policy document for the Town that guide wide decisions, which will impact the physical environment in the future. The revised plan proposes lower residential and commercial densities, which the plan was circulated in February 2005.

We have the following comments on the Revised Draft EIR.

RESPONSE 003-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 003-2 through 003-25 for individual responses to each of the comments.

COMMENT 003-2**Issue 4.6-1 on P. 4-156. Impacts to surface water quality**

Your discussion mentioned that an increase in impervious surface area and an increase in development result in a loss of water quality. The concluding statement summarizes the paragraph by saying that there would be no impact because all projects are subject to the permitting process. Under "Mitigation Measures" you stated, "The Updated Plan would not result in a violation of any water quality standards or waste discharge requirements. Therefore, no mitigation measures are required."

Comments:

1. Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. Obtaining permits for new projects does not preclude cumulative impacts from multiple projects.

RESPONSE 003-2

The Town acknowledges the comment. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, following adoption of a new General Plan will occur within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The Revised Draft Program EIR concludes that with the implementation measures in the Draft General Plan Update as well as compliance with federal, state and local water quality and waste discharge requirements, water quality standards or waste discharge requirements would not be violated. Among such requirements, the Town of Mammoth Lakes' grading regulations require that new commercial, industrial and multi-family projects implement Best Management Practices and retention facilities. These facilities shall be designed such that they are serviceable without replacement and can be monitored for effectiveness in the future.

COMMENT 003-3

2. An evaluation and explanation of how you will monitor for cumulative impacts of development and expected increase in impervious surfaces that may impact surface water quality is needed. We recommend a clear definition of when monitoring results will trigger adaptive management and what the alternative adaptive management strategies, including mitigation, will be.

RESPONSE 003-3

Currently the Town does not monitor storm water discharges and is not in a Phase II storm water quality area. In the future, as the Town population increases above 10,000, the Town will be required to have a Waste Discharge Permit with the California Regional Water Quality Control Board (CRWQCB). New projects over one acre or commercial, industrial, and five-unit or more multi-family projects, the Town will require Best Management Practices and adaptive design measures for treatment of storm water. These devices will be required to be serviceable and have the ability to be monitored for effectiveness. No additional mitigation is required to reduce the impacts to less than significant.

COMMENT 003-4

3. We request that you evaluate and explain how you will detect when Phase II Storm water Monitoring will be needed and explain when you will begin implementing it as your population grows.

RESPONSE 003-4

The Phase II Final Rule for the National Pollutant Discharge Elimination System (NPDES) Stormwater Program, published in the Federal Register on December 8, 1999, requires NPDES permit coverage for stormwater discharges from: 1) Certain regulated small municipal separate storm sewer systems (MS4s); and 2) Construction activity disturbing between one and five acres of land (i.e., small construction activities). In 1990, the United States Environmental Protection Agency (EPA) promulgated rules establishing Phase I of the NPDES stormwater program. The Phase I program for MS4s requires operators of “medium” and “large” MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a stormwater management program as a means to control polluted discharges from these MS4s.

The Stormwater Phase II Rule extends coverage of the NPDES stormwater program to certain “small” MS4s, but takes a slightly different approach to how the stormwater management program is developed and implemented. A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all small MS4s located in “urbanized areas” (As) as defined by the Bureau of the Census (unless waived by the NPDES permitting authority), and on a case-by-case basis those small MS4s located outside of Uas that the NPDES permitting authority designates. Operators of regulated small MS4s are required to design their programs to: 1) Reduce the discharge of pollutants to the “maximum extent practicable” (MEP); 2) Protect water quality; and 3) Satisfy the appropriate water quality requirements of the Clean Water Act.

In the Town of Mammoth Lakes, the Phase II Final Rule is not presently in effect and will not go into effect until the Town’s permanent population reaches 10,000 people, which is not anticipated for 10 or more years. At that time, the Town will be required to have a Waste Discharge Permit with the California Regional Water Quality Control Board. When the Phase II Final Rule goes into effect, new development disturbing more than one acre as well as commercial and industrial projects and multi-family projects with five dwellings units or more will be required to implement Best Management Practices and incorporate adaptive design measures for treatment of storm water. The resulting systems and devices will be required to be serviceable and monitor able for effectiveness.

As described in Section 1.0, Introduction, of the Final Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Draft General Plan Update. Analysis of water quality impacts attributable to subsequent activities and specific development projects, following adoption of a new General Plan will be required within project-level environmental documentation during the development review/

permitting process. Each project would be required to conduct monitoring in accordance with applicable NPDES requirements.

COMMENT 003-5

4. We recommend an evaluation and discussion of potential off-road vehicle use, especially unauthorized use, surrounding new developments to be included in this section. We suggest an evaluation and discussion of potential impacts that off road vehicle use may have on water quality.

RESPONSE 003-5

The Town is not aware of off-road vehicle use within the UGB. It appears the comment is addressing off-road vehicle use on public lands. The use of public lands is regulated by the U.S. Forest Service and not the Town. The unauthorized use of off-road vehicles that may occur is speculative and therefore, it is not appropriate to analyze such use in a CEQA document. The growth that would be allowed by the Draft General Plan Update could indirectly increase the use of public lands. However, the management and use of public lands is conducted by the U.S. Forest Service on a regional and statewide basis and is not linked to growth that will occur within the jurisdictions in the area. The U.S. Forest Service will enforce applicable regulations with regard to water quality on the lands that they manage.

COMMENT 003-6

5. We suggest an explanation of how your monitoring and adaptive management for surface water quality will coordinate with the County Watershed Activities.

RESPONSE 003-6

The Town is within the Upper Owens Watershed Management Plan area. There is not a specific monitoring plan that will be performed as a result of the Management Plan. In the long term, a monitoring program will be developed for the Town when the Town's population is above 10,000 and has implemented a municipal Waste Discharge Permit. The Town's Master Facilities Master Plan includes project number SD-06 for the development and implementation of water quality programs and facilities. Funds shown in this project budget may be leveraged with available grant funds as appropriate for water quality projects.

The Town has a Memorandum of Understanding with CWRCB Lahonton Region for review and monitoring of construction storm water drainage, erosion control and design standards. The MOU identifies the Town as responsible for monitoring construction activities for implementation of Best Management Practices and compliance. Additional mitigation is not required to reduce impacts to less than significant levels.

COMMENT 003-7

6. We request an explanation of how the cumulative effects of multiple projects, that in isolation may not be significant, will be mitigated. We suggest that you include explanation of how the cost of mitigating cumulative impacts will be covered so that mitigation may be implemented if warranted by monitoring results.

RESPONSE 003-7

Cumulative impacts will be considered at the time of the environmental review for a development project. The Initial Study Checklist includes a question regarding the potential for cumulative impacts to result from a project. In addition, Section 15130 of the CEQA Guidelines requires that an EIR discuss cumulative impacts of a project. Therefore, cumulative analyses would be conducted during the environmental review for a specific development project. If a cumulative impact were to be identified, the analysis would need to include any feasible mitigation measures that could be implemented to reduce a cumulative impact.

COMMENT 003-8

I.1.A.b.2. This implementation measure was listed in the general plan, but not mentioned in the EIR. "The Town of Mammoth Lakes shall encourage, through project review, that water courses be integrated into new development in such a way that they enhance the aesthetic and natural character of the site. Mapped intermittent streams shall not be routinely placed in culverts."

I.1.A.b.3. "The Town of Mammoth Lakes shall regulate the modification of natural stream beds and flow to ensure that adequate mitigation measures are utilized."

I.1.B.e.3. You mentioned that new development in the vicinity of Mammoth Creek will be required to maintain minimum setbacks and preserve stream vegetation.

Comments and Questions:

7. We appreciate The Town's policy of placing value on natural watercourses. We recommend that I.1.A.b.2 be included in the "Implementation Measures" section of the EIR. Please add a statement regarding how The Town will also encourage maintaining the natural function of watercourses in addition to aesthetics. We concur that intermittent streams should not be routinely placed in culverts. Please delete the word "mapped" from the statement.

RESPONSE 003-8

Town concurs with the comment regarding the value of natural resources. The Town acknowledges the comment regarding the inclusion of Implementation Measure I.1.A.b.2 in the EIR and has added the measure to Issues 4.6-2 and 4.6-3 of the Final EIR. The Town acknowledges the

agency's preference to not routinely place intermittent streams in culverts. This is consistent with other policies in the General Plan regarding protection of wetland and riparian vegetation. The recommendation will be forwarded to the Planning Commission for consideration. However, the proposed change is not necessary to prevent impacts from being significant.

COMMENT 003-9

8. We recommend that you quantify "minimum set backs" and evaluate application of "minimum set backs" to wetlands and other surface waters.

9. We suggest an evaluation and explanation of how the set back requirement would be applied to tributaries, creeks other than Mammoth Creek and other wetlands.

RESPONSE 003-9

Minimum setbacks shall be in accordance with the Town Municipal Code, specifically Sections 17.16.040 and 17.20.040, which stipulate a minimum 50-foot setback "between any construction other than trails, streets, other public facilities and the bank of any permanent lake or stream". The stream bank is defined as the high water mark. As indicated in the text, the requirement applies to any permanent lake or stream. If, for example, a tributary or creek flows year round, then the regulations would apply.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 003-10

10. We recommend that you include a map of creeks, tributaries, water bodies, and wetlands with setback buffer zones. An aerial photo with a minimum of 1M resolution for a background and a minimum of 1 inch to 1000 feet scale is suggested.

RESPONSE 003-10

The Town has a sensitive lands map, which shows creeks and wetlands, where such wetlands have been identified. Typically, wetland delineations are conducted at the time of a proposed development. The Town intends to update the sensitive lands map as information is

gathered. The Town does not have detailed mapping that would provide the information requested in the comment. The Town would need to conduct surveys throughout the UGB in order to prepare a map showing creeks, tributaries, water bodies, and wetlands with setback buffer zones. Such an effort is outside the scope of the preparation of a program-level EIR. The Draft General Plan Update does contain policies and implementation measures with regard to water resources and water quality. These applicable policies and measures are listed in Section 4.6, Hydrology and Water Quality, and Section 4.3, Biological Resources, of the Revised Draft Program EIR.

COMMENT 003-11

11. We suggest that you evaluate and discuss the possibility of trading land with other agencies or private parties in order to set aside property with water bodies, wetlands or property that is in the flood zone; [sic] and designate it as open space.

RESPONSE 003-11

The issues of water bodies, wetlands, and flood zones are addressed in Sections 4.6, Hydrology and Water Quality, and Section 4.3, Biological Resources, of the Revised Draft Program EIR. As indicated in these sections, the Draft General Plan Update and the Town's Municipal Code, as well as other applicable regulations address these issues. Land exchanges are a potential tool that could be used to provide protection of these areas. The Town will consider land exchanges or purchase of fee title on a case by case basis as appropriate when future developments in these sensitive areas are proposed or grant opportunities are presented.

COMMENT 003-12

I.7.A.b.1. You mentioned that The [sic] "Town shall require where practical and when warranted by the size of the project that parking lot storm drainage shall include facilities to separate oils and salts from storm water."

Comments:

12. We appreciate the practice of treating non-point source pollutants before they reach the storm water drainage system. We encourage you to continue this practice and expand it as the need arises.

13. What criteria will you use to determine when it is not practical to install storm water separators?

14. We recommend a description of any mitigation monitoring that will be used along with this measure to evaluate and minimize urban runoff impacts.

RESPONSE 003-12

The Town requires treatment for new parking lots of 4,000 square feet or larger. The Town also requires oil/water separators for new parking lots. In the long term, a monitoring program will be developed for the Town when the Town's population is above 10,000 and has implemented a municipal Waste Discharge Permit. The Town's Master Facilities Master Plan includes project number SD-06 for the development and implementation of water quality programs and facilities.

The Town has a Memorandum of Understanding with CWRCB Lahonton Region for review and monitoring of construction storm water drainage, erosion control and design standards. The MOU identifies the Town as responsible for monitoring construction activities for implementation of Best Management Practices and compliance. No additional mitigation is required to reduce the impacts to less than significant.

COMMENT 003-13**Issue 4.6-2: Impacts that would result in erosion or siltation**

You stated, "Development in accordance with the Updated Plan could lead to alterations of the existing drainage patterns, especially where drainage occurs on private property, or development occurs near natural drainage channels." In I.1.A.b.3. you stated, "The Town shall regulate the modification of natural stream beds and flow to ensure that adequate mitigations [sic] measures are utilized." Under Mitigation Measures on p. 4-160 you stated, "The implementation of the Updated Plan would not substantially alter drainage patterns causing substantial erosion or siltation within the Planning Area. Therefore, no mitigation measures are required." Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. Obtaining permits for new projects does not preclude cumulative impacts from multiple projects.

Comments:

15. We request that you explain how you will ensure that adequate mitigation measures will be utilized.

16. We request that you explain how you will coordinate mitigation for different projects with each other so that the end result will be a functional system.

RESPONSE 003-13

The Town acknowledges that obtaining a permit and conducting monitoring does not constitute mitigation. Mitigation measures would be developed and implemented on a case by case basis as proposed development projects move forward. Adequate mitigation measures would be determined through the environmental review process and/or the permit process. The Town would

require technical studies as appropriate to ensure that drainage for a project is sufficient and can be accommodated by the existing infrastructure. If there were to be a capacity issue, any mitigation measure would be reviewed in light of the Town's 2005 Storm Drain Master Plan (SDMP).

As indicated in Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR, the Town updated the Storm Drain Master Plan (SDMP) in 2005. The 2005 SDMP establishes a program to rehabilitate existing development areas, while also providing policies, standards, and procedures to guide future development. Any mitigation measure related to future development would need to be consistent with the SDMP. The SDMP provides the overall plan for a functional system. All development projects need to be consistent with the SDMP. The Town would review proposed mitigation measures to ensure consistency with the SDMP.

COMMENT 003-14

17. We request that you explain how comments six to nine above will apply to siltation and erosion.

RESPONSE 003-14

Please see Response to Comment Nos. 003-7 through 003-10 for Responses to Comments No. 6 through 9 above. The comments relate to cumulative impacts, which are addressed in the CEQA review process. Protection of natural resources are provided in the Draft General Plan Update. As indicated in Section 4.6, Hydrology and Water Quality, the Town's SDMP and the Design Manual for Mammoth Lakes Drainage and Erosion Control includes guidelines for erosion control during all phases of development. Thus, implementation of erosion control measures would serve to provide protection of water resources.

COMMENT 003-15

18. In II.4.A.a.3 we recommend that "should" be changed to "will." A map of creeks, creek corridors, corridor setbacks, and riparian vegetation is advised.

RESPONSE 003-15

The comment is related to the language of an Implementation Measure. As such, the comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 003-16

19. We recommend that you evaluate and discuss the potential of increased off-road vehicle use surrounding new developments, the impact of increased off-road vehicle use, especially unauthorized off road use, on conditions that may cause erosion and runoff.

RESPONSE 003-16

As indicated in Response to Comment No. 003-5, it appears the comment is addressing off-road vehicle use on public lands. The use of public lands is regulated by the U.S. Forest Service and not the Town. The unauthorized use of off-road vehicles that may occur is speculative and therefore, it is not appropriate to analyze such use in a CEQA document. The growth that would be allowed by the Draft General Plan Update could indirectly increase the use of public lands. However, the management and use of public lands is conducted by the U.S. Forest Service on a regional and statewide basis and is not linked to growth that will occur within the jurisdictions in the area. The U.S. Forest Service will enforce applicable regulations with regard to water quality on the lands that they manage.

COMMENT 003-17

Issue 4.6-3: Impacts that would result in flooding. In the Discussion section you stated that "Upstream development may include a variety of alterations to existing conditions such as more impervious surface, thus more runoff; altered drainage patterns, shifting the location of surface runoff; increases in runoff velocity; and alterations to water quality." You summarized the section with the statement, "The implementation measures in the Updated Plan and Municipal Code sections serve to maintain the existing drainage pattern of the Planning Area, including streams and river courses. With these implementation measures and compliance with federal, state and local design and construction requirements, surface runoff rates within the Planning Area would not be substantially increased."

20. We request that you explain how the impacts of upstream development will be mitigated to prevent problems downstream that may impact flooding and/or water quality.

RESPONSE 003-17

Figure 4.6-2 of the Revised Draft Program EIR shows the areas within the UGB that are located within the 100 year flood zone. As discussed in Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR, all future development within an identified flood hazard area would be subject to the design requirements and regulations set forth by the Town, Mono County and/or FEMA. All development must comply with Municipal Code Sections 12.08.090, Drainage and erosion design standards, 12.08, Land clearing, earthwork and drainage facilities, and 12.08.080, engineered grading permit requirements. These code sections serve to implement the

implementation measures in the Draft General Plan Update. In addition, the SDMP identifies general drainage improvements throughout the Town that would remedy existing drainage problems and accommodate Plan buildout development. These improvements would serve to reduce the potential for flooding. With these implementation measures and compliance with federal, state and local design and construction requirements, surface runoff rates would not be substantially increased. With regard to water quality, as indicated in Section 4.6, the Revised Draft Program EIR concludes that with the implementation measures in the Draft General Plan Update as well as compliance with federal, state and local water quality and waste discharge requirements, water quality standards or waste discharge requirements would not be violated. The SDMP and Design Manual also addresses water quality by provided erosion control guidelines, which prescribe requirements that must be followed during all phases of developments involving soil disturbance on one-quarter acre or more.

With regard to how potential impacts would be mitigated, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. If impacts with regard to flooding or water quality were to be identified, specific mitigation measures would need to be identified. In the event that mitigation measures to reduce the potential impacts to less than significant were not feasible, the Town would be required to make Statement of Overriding Considerations.

COMMENT 003-18

21. See Comment 18 above regarding II.4.A.a.3.

RESPONSE 003-18

The comment refers to a previous comment. Please see Response to Comment No. 003-18 regarding the language in Implementation Measure II.4.A.a.3.

COMMENT 003-19

22. We recommend that you evaluate and discuss the potential of increased off-road vehicle use surrounding new developments, the impact of increased off-road vehicle use, especially unauthorized off-road use, on conditions that may cause increased flooding.

RESPONSE 003-19

As indicated in Response to Comment No. 003-5, it appears the comment is addressing off-road vehicle use on public lands. The use of public lands is regulated by the U.S. Forest Service and not the Town. The unauthorized use of off-road vehicles that may occur is speculative and therefore, it is not appropriate to analyze such use in a CEQA document. The growth that would be allowed by the Draft General Plan Update could indirectly increase the use of public lands. However, the management and use of public lands is conducted by the U.S. Forest Service on a regional and statewide basis and is not linked to growth that will occur within the jurisdictions in the area. The U.S. Forest Service will enforce applicable regulations with regard to water quality on the lands that they manage.

COMMENT 003-20

Issue 4.6-4: Impacts that would result in loss of storm water capacity

Implementation measure I.1.A.b.2 from General Plan was not included.

Comments:

23. We recommend that you reinstate implementation measure I.1.A.b.2.

RESPONSE 003-20

Implementation Measure I.1.A.b.2 states "The Town of Mammoth Lakes shall encourage, through project review, that watercourses be integrated into new development in such a way that they enhance the aesthetic and natural character of the site. Mapped intermittent streams shall not be routinely placed in culverts." This implementation measure is under Policy I.1.A.b, which is the protection of natural drainage patterns. As such, the Implementation Measure does not address runoff and the Town's stormwater drainage system. Respectfully, the Town has determined that the Implementation Measure is not appropriate under Issue 4.6-4.

COMMENT 003-21

24. See Comment 18 above regarding II.4.A.a.3.

RESPONSE 003-21

The comment refers to a previous comment. Please see Response to Comment No. 003-18 regarding the language in Implementation Measure II.4.A.a.3.

COMMENT 003-22

25. We recommend that you evaluate and discuss increase of off-road vehicle use surrounding new developments, the impact of increased off-road vehicle use, especially unauthorized off-road use, on storm water capacity [sic]

RESPONSE 003-22

As indicated in Response to Comment No. 003-5, it appears the comment is addressing off-road vehicle use on public lands. The use of public lands is regulated by the U.S. Forest Service and not the Town. Off-road vehicle use would not alter the Town's storm water capacity. The Town's 2005 SDMP establishes a program to rehabilitate existing development areas, while also providing policies, standards, and procedures to guide future development relative to the storm drain system.

COMMENT 003-23

Issue 4.5-5 [sic]: Substantial degradation of water quality.

26. Same as comments 1 - 25.

RESPONSE 003-23

Issue 4.5-5 addresses whether the implementation of the Draft General Plan Update would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. It is assumed that the comment refers to Issue 4.6-6 and whether the Plan would result in the placement of housing within a 100 year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. As the comment refers to Comment Nos. 1 through 25 of this letter, please see Response to Comment Nos. 003-2 through 003-22, which correspond with the numbered comments in the letter.

COMMENT 003-24

Issue: Long-term impacts to ground water quality resulting from pumping and leaching of contaminants were not addressed.

Comments.

27. We request that you explain how you will implement long term monitoring for TDS and drinking water standards in groundwater. Include adaptive management responses should analysis [sic] of results show a significant decline in groundwater quality.

28. We request that you explain how your monitoring and adaptive management for surface water quality will coordinate with the County Watershed Activities.

RESPONSE 003-24

The Town is aware of no data that indicates there are issues related to leaching of contaminants. However, the use of infiltrators with serviceable pretreatment including a sediment trap and oil/water separators would reduce a contaminate leaching potential. In the future, as the Town population increases to above 10,000, the Town will be required to have a Waste Discharge Permit with the SRWQCB. New projects over one acre or commercial, industrial, and five-unit or more multi-family projects, the Town will require Best Management Practices and adaptive design measures for treatment of storm water. These devices will be required to be serviceable and have the ability to be monitored for effectiveness. No additional mitigation is required to reduce the impacts to less than significant levels. Please also see Response to Comment No. 002-03.

COMMENT 003-25

Thank you for your attention try these comments and issues. Your cooperation. and interest in water quality is appreciated. If you have any questions or would like to discuss these issues further, please contact me at (760) 241-3523 or Cindi Mitton (Senior Engineer) at (760) 241-7413.

RESPONSE 003-25

The comment is conclusionary in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 004

Department of Transportation
David Cohen, Associate Environmental Planner
1120 N Street, P.O. Box 942873
Sacramento, CA 94273-001

COMMENT 004-1

Re: Town of Mammoth Lakes General Plan Update (Revised Draft Environmental Impact Report)
SCH# 2003042155

The California Department of Transportation (Caltrans), Division of Aeronautics reviewed the above-referenced environmental document with respect to airport-related noise and safety impacts, airport operations safety, and regional comprehensive planning pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility planning. The following comments are offered for your consideration.

RESPONSE 004-1

The comment identifies the agency's focus in the review of the Revised Draft Program EIR. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment 004-2 through 004-9 for individual responses to each of the comments.

COMMENT 004-2

The proposed project is the comprehensive update of the Town of Mammoth Lakes (Town) General Plan. The General Plan is the primary policy document for the Town, and it is the basis for all decisions regarding the physical development within the Town. It expresses the community's vision for its future, and it is the guide for both long-term and day-to-day decisions and action of the Town. Mammoth Yosemite Airport (MMH) is located in the Town of Mammoth Lakes. We encourage that you consider the long-term vision for airport and aviation related issues as a part of this process. Since MMH is included in the Federal Aviation Administration's (FAA) National Plan of Integrated Airport System, future federal-aid airport development will require the FAA to address cumulative and growth-inducing (secondary) environmental impacts associated with airport development. The General Plan and its environmental process can be used strategically to address these issues.

RESPONSE 004-2

The Mammoth Yosemite Airport and associated Airport Land Use Plan (ALUP) is discussed in several sections of the Revised Draft Program EIR including Section 3.0, Project Description, Section 4.5, Public Safety and Hazards, Section 4.7, Land Use and Planning, and Section 4.13, Transportation and Circulation. As discussed in Section 4.5, the land use designations on the airport property would allow for aviation uses and visitor accommodations. These uses have been reviewed by the Airport Land Use Commission (ALUC) and were found to be consistent with the previously adopted ALUP. Furthermore, the Town has included Implementation Measures VII.3.A.a.1 and VII.3.A.a.3 in the Draft General Plan Update to ensure that future development is compatible with the Mammoth Yosemite Airport.

The Revised Draft Program EIR provides an analysis for full buildout of the community, including the Airport, that could occur under the Draft General Plan Update. The Draft General Plan Update would maintain the existing Urban Growth Boundary in its current location and defines the maximum dwelling unit and persons at one time (PAOT) that would occur at buildout of the General Plan Update. Future development associated with the airport is included in the Draft General Plan Update. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Section 5.0 of the Revised Draft Program EIR contains a cumulative analysis, which considers potential impacts that could occur from the project as well as known development projects in the area. In addition, Section 6.B of the Revised Draft Program EIR contains an analysis with regard to growth-inducing impacts that could occur from the Draft General Plan Update. As indicated in Section 6.B, the project has the potential to induce significant growth-inducing impacts in one or more outlying communities and that those communities would not be able to satisfactorily mitigate such effects.

COMMENT 004-3

In accordance with CEQA, Public Resources Code 21096, Caltrans Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within the boundaries of an airport land use compatibility plan, or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook provides a "General Plan Consistency Checklist" in Table 5A. and "Airport Combining Zone Components" in Table 5B. For your reference, our Handbook is published on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php>.

RESPONSE 004-3

The Revised Draft Program EIR evaluates the implementation of the Draft General Plan Update at a program level. Specific development projects are not being considered at this time. At the time a development project is proposed within the boundaries of the airport land use compatibility plan or within two nautical miles of an airport, the Town will require that the Caltrans Airport Land Use Planning Handbook be utilized as a resource in the preparation of the environmental analysis for the proposed development project. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 004-4

The planned height of buildings, antennas, and other structures should be checked relative to the Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General Plans must include policies restricting the height of structures to protect navigable airspace. To ensure compliance with FAR Part 77, "Objects Affecting Navigable Airspace," the filing of a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) may be required. For further technical information, please refer to the FAA's web site at <http://www1.faa.gov/ats/ata/ATA400/oeaaa.html>.

RESPONSE 004-4

As indicated in Section 3.0, Project Description, of the Revised Draft Program EIR, the Draft General Plan Update contains a new General Plan designation called Airport (A). The A designation would be applied to the Mammoth Yosemite Airport. The Airport zone is designated for 250 visitor accommodation units and approximately 50,000 square feet of commercial development. However, the Town has not yet adopted development standards for the area that would be designated Airport as shown in the Draft General Plan Update. The joint EIS/EIR for the airport was litigated and the EIS is being recirculated. Upon completion of the environmental documentation the Town will adopt development standards for the airport area. Development will be required to be consistent with the Mammoth/June Lake Airport Land Use Plan (ALUP), which establishes a comprehensive land use plan for the 28 square mile area surrounding the existing airport. Development adjacent to the airport will be required to comply with FAR Part 77. If amendments to the Town's General Plan are necessary to comply with applicable requirements regarding the content of the General Plan relative to airports, the Town would undertake such amendments at the appropriate time.

COMMENT 004-5

The Section 11010 of the Business and Professions Code, and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>) address buyer notification requirements for

lands around airports. Any person who intends to offer land for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

RESPONSE 004-5

The comment presents information regarding buyer notification requirements for lands around airports. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 004-6

The Education Code, Section 17215 requires a school site investigation by the Division of Aeronautics prior to the acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining suitability of the site. This should be a consideration prior to designating residential uses in the vicinity of an airport.

RESPONSE 004-6

This comment does not provide specific comments regarding information presented in the Revised Draft Program EIR. The EIR is a program level EIR and a specific development project is not being considered at this time. The land around the airport that is within the Town's Urban Growth Boundary is designated Airport. As indicated on page LU-10 of the Draft General Plan Update, facilities and services associated with aviation, including hangars, fueling and fixed-base operator services are permitted uses within the Airport designation. Supporting uses, including automobile rental, transient lodging, retail uses, and a recreational vehicle park may be permitted. The area is not designated residential and as such it is not anticipated that a school would be located within two miles of an airport runway. This comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

COMMENT 004-7

The protection of airports from the encroachment of incompatible land uses is vital to California's economic future. MMH is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and State issue, airport staff, airport land use commissions, and airport land use compatibility plans are key to protecting an airport, and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help relieve future conflicts between airports and their neighbors.

RESPONSE 004-7

As discussed in Section 4.7.2.3, Airport Land Use Plan, on page 4-185 of the Revised Draft Program EIR, the County of Mono and federal agencies, together with the Mono County Airport Land Use Commission, prepared and adopted the 1986 Mammoth/June Lake Airport Land Use Plan (ALUP). (The airport has since been renamed the Mammoth Yosemite Airport.) The ALUP establishes a comprehensive land use plan that defines the type and pattern of future development in the 28 square mile area surrounding the existing airport. It also creates an Airport Development District within which future airport development may occur. Surrounding land uses are planned with respect to airport compatibility, National Forest policies, and other factors. As such, the ALUP provides a framework for the orderly growth and development of the airport over the next 20 years.

COMMENT 004-8

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our state's network of over 2501 airports. Aviation contributes nearly 9% of both state employment (1.7 million jobs) and total state output (\$110.7 billion) annually. These benefits were identified in a recent study, "Aviation in California: Benefits to Our Economy and Way of Life," which is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>. Among other things, aviation improves mobility, generates tax revenue, saves lives through emergency response, medical, and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality of life.

RESPONSE 004-8

The comment offers general information about the role of aviation in the state's transportation system. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 004-9

These comments reflect the areas of concern to Caltrans, Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654--5253.

RESPONSE 004-9

The comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. No further response is necessary.

LETTER NO. 005

Department of Transportation
Gayle J. Rosander, IGR/CEQA Coordinator
500 South Main Street
Bishop, CA 93514

COMMENT 005-1

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to review an comment on the General Plan Update RDPEIR. Caltrans is appreciative of the effort put into the document for the transportation areas, and will do our best to work with you on applicable policy implementation measures. We have the following comments to offer:

RESPONSE 005-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment 005-2 through 005-19 for individual responses to each of the comments.

COMMENT 005-2

Page 2-11, correct "Interstate 395" to "US 395".

RESPONSE 005-2

The comment is acknowledged. The text should refer to U.S. Highway 395 not Interstate 395. Section 2.4, Areas of Controversy and Issues to be Resolved, of the Revised Final Program EIR has been revised to indicate U.S. Highway 395.

COMMENT 005-3

Page 2-41, spacing would not be optimal for a traffic signal at Center Street. One-third mile spacing would place the closest signal at the Post Office.

RESPONSE 005-3

Center Street is approximately 1,200 feet from Old Mammoth Road. While the optimum signal spacing for a 40 mile per hour roadway and 60-second cycle lengths is 1,760 feet, a signal or roundabout at Center Street would still be feasible. The California MUTCD (September 26, 2006)

states that coordinated systems are not applied to areas where signals are spaced at less than 1,000 feet, which indicates a 1,000-foot intersection spacing is adequate. Master Facilities Plan Project No. ST-16 indicates the signal could be located at either the USPO or the Cetner Street Intersection. Before the project is constructed a detailed review will be made on the Main Street corridor.

COMMENT 005-4

Page 2-46, Issue 4-13-6, it appears that illegal parking both during the winter and summer construction season is often not enforced, creating significant impacts. The Town should strive to prevent this from continuing.

RESPONSE 005-4

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The issue of parking during construction would need to be evaluated at a project-specific level. The Town has hired a Community Service Officer that has primary responsibilities for parking enforcement and in particular parking in the Village area. Town staff is also working with Caltrans Staff to develop a parking management plan that would prohibit parking during snow storms when the parking areas are needed for snow removal activities. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 005-5

Page 3-1, for further location clarity, other abutting counties such as Inyo, Alpine, and those in Nevada should be included.

RESPONSE 005-5

The comment is acknowledged. The text in the Revised Final Program EIR has been revised to clarify the neighboring California counties.

COMMENT 005-6

Figure 3-2, the Town may wish to include the Urbanizing Federal Designation Boundary (similar to the Urban Growth Boundary). At some point in time special funding maybe available for projects

within this area. Electronic files for use by your Geographical Information Systems Department were forwarded to you on December 13, 2005. A hard copy is provided herein as Enclosure A.

RESPONSE 005-6

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 005-7

Page 2-35, Issue 4.10-4 for Roadway Maintenance/Snow Removal could be clarified. The imposition of the developer impact fee is stated, then the next column states no mitigation measures are necessary. It is unlikely that Caltrans would be able to increase existing snow removal or highway maintenance without an ongoing funding source.

RESPONSE 005-7

Please refer to Section 4.10, Public Services, where roadway maintenance and snow removal are discussed in further detail. Because the payment of developer impact fees is required per Town Municipal Code Section 15.16.082, it is not considered a mitigation measure. The development impact fees would be collected and used to help fund road maintenance and the removal of snow. Therefore, no change to the EIR is necessary. The collection of developer impact fees would provide an ongoing funding source. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 005-8

Page 2-40 and 4-311, ensure that any widening of Minaret Road, and a focused capacity study, is compatible with North Village planning. There had been discussion of an "8050 Alignment Study" for the area.

RESPONSE 005-8

The 8050 Alignment Study includes an improved alignment plan for Minaret Road from Main Street to Forest Trail. The "8050" refers to the property adjacent to this section of roadway and was derived from the finished elevation (8,050 feet above sea level). The study has been conceptually approved by Caltrans, although the Town is still waiting for formal approval. The alignment generally study provides for 10-foot parking lanes, a ten foot center median, and 14-foot travel lanes on both sides of the roadway. In addition, an 8-foot sidewalk would be provided on the west side of the road and a 10-foot sidewalk would be provided on the east side of the road. A landscaped buffer would also be provided where possible between the sidewalks and back of curb.

Review by LSC Transportation Consultants of the traffic model assumptions utilized in conducting the traffic analysis in the Revised Draft Program EIR has warranted the following modifications to the traffic model:

- The model, which was developed by RKJK Associates and updated by LSC, was found to include a high person trip rate per student (78 trips per student) in TAZ 114, which represents the College TAZ. LSC contacted the original model developers and was unable to validate this trip rate. Therefore, LSC worked with the Town of Mammoth Lakes staff to re-evaluate the trip generation associated with TAZ 114, to reflect current development proposals and projected uses at build out of the area. As a result the land uses in the model for TAZ 114 were changed and the trip generation of this TAZ was reduced.
- The model network, which represents the roadway network, was revised in the Village area to better reflect the actual access patterns onto Minaret Road. Essentially, access directly onto Minaret Road was removed where appropriate and where it remains it will be right-in and right-out.

A revised Existing General Plan Model run was developed as a part of the Mammoth Lakes Eagle Lodge EIR, which incorporated the changes identified above. The change in traffic volumes between the previous Existing General Plan model run and the revised Existing General Plan model run was evaluated. The net change in traffic volumes was then applied to the previous Draft General Plan Update run to estimate the revised Draft General Plan Update traffic volumes. The impact of these changes is a reduction of trips Townwide. The traffic analysis in the Final Program EIR reflects the change in traffic data. The updated traffic data has been added to Appendix F of the Final EIR.

As a result of these changes, no mitigation is required regarding roadways capacity as analyzed in Issue 4.13-1. The need to widen Minaret Road, as discussed in Mitigation Measure 4.13-1 in the Revised Draft Program EIR, is no longer required based upon the adjustments made to the traffic model. As shown in Table 4.13-5 in the Final EIR, the capacity of Minaret Road (from Main Street to Forest Trail) would not be exceeded and therefore, the widening prescribed within Mitigation Measure 4.1-1 in the Revised Draft program EIR is no longer necessary. Therefore, adoption of the General Plan Update would not conflict with the Town's ability to implement the proposed realignment of Minaret Road. The right-of-way for the street will have a minimum width of 70 feet with additional easements for sidewalks and landscaping. The improvements and easements would be constructed and obtained as development occurs.

In addition, as a result of the revised traffic data, the level of service at the intersections of Main St./Forest Trail and Main/Meridian would be at acceptable levels in 2024 by Town standards.

Thus, Mitigation Measures 4.13-6 (Main/Forest Trail) and 4.13-7 (Main/Meridian) in the Revised Draft Program EIR are no longer necessary. However, as a result of the revised traffic data, the intersections of Main/Minaret and Meridian/Sierra Park Road would have levels of service in 2024 that exceed Town standards. Thus, Mitigation Measures 4.13-9 (Meridan/Sierra Park Road) and 4.13-10 (Main/Mountain) in the Final EIR have been added. With implementation of the prescribed mitigation measures, impacts to intersections would be less than significant. Overall, the same number of intersection mitigation measures (10) occur in the Revised Draft Program EIR and the Final EIR.

COMMENT 005-9

Page 2-40, Mitigation Measure 4-13-1 may not be appropriate as worded since it proposes undefined measures by using the phrase "equivalent or better alternative".

RESPONSE 005-9

As discussed in Response to Comment No. 005-8, Mitigation Measure 4.13-1 in the Revised Draft Program EIR is no longer required based upon adjustments made to the traffic model, which resulted in lower traffic volumes than previously calculated. The lower traffic volumes do not exceed capacity thresholds along Minaret Road. Consequently, the need to widen Minaret Road is avoided.

COMMENT 005-10

Figure 3-1, correct "Navada" to "Nevada".

RESPONSE 005-10

The comment is acknowledged. The inset in Figure 3-1 in the Revised Final Program EIR has been revised to correctly spell Nevada.

COMMENT 005-11

Page 3-26, justifying density transfers on the basis of making "the community more efficient and successful" could be difficult to predict/measure. Is a change in transportation usage intended?

RESPONSE 005-11

Section 3.15 of the Revised Draft Program EIR provides a summary comparison of the General Plan Update with the existing General Plan. The bullet regarding density transfers indicates that the General Plan Update would provide for density transfers between properties, which is not allowed under the existing General Plan. However, transfers would not simply be allowed but would need to create a more efficient and successful community in order to be approved. Page 3-16

provides a more detailed description of the density transfers and how that would be permitted. However, such a transfer would require approval by the Town Council and would require that a list of findings be made regarding the transfer. As indicated in the Revised Draft Program EIR, the list of findings includes that: vehicle miles traveled are decreased; PAOT does not increase; and benefits are provided to the community by protecting environmentally sensitive sites, providing additional public services and amenities, or providing additional workforce housing. As further indicated in the discussion regarding density transfers in Issue 4.7-2, if and when an application is submitted for a density transfer, environmental review would be necessary.

COMMENT 005-12

Page, 4-38, updating equipment in the snow removal fleet would probably reduce emissions of PM 2.5, not PM 10.

RESPONSE 005-12

PM₁₀ is defined as particulate matter with diameter equal to and less than ten microns, which includes particulate matter with diameter equal to and less than 2.5 microns (PM_{2.5}). Controlling or reducing PM_{2.5} emissions also reduces emissions of PM₁₀. The GBUAPCD has not developed methodologies for calculating PM_{2.5}. However, other air districts, such as the South Coast Air Quality Management District, have published guidance on PM_{2.5} [Final Methodology to Calculate PM_{2.5} (October 2006)]. According to the SCAQMD, PM_{2.5} represents approximately 89 percent of tailpipe PM₁₀. Newer diesel engines emit less PM₁₀ and PM_{2.5} than older engines. The California Air Resource Board (CARB) has established increasingly stringent emission limits on diesel engines. Therefore replacing or retrofitting the snow removal fleet will reduce emissions of PM₁₀ and PM_{2.5}, as compared to current emission rates.

COMMENT 005-13

Page 4-154, Caltrans would appreciate a copy of the May 26, 2005 Storm Drainage Master Plan.

RESPONSE 005-13

The comment requests a copy of the Town's May 2005 Storm Drainage Master Plan. The Town has sent a copy of the Town's May 2005 Storm Drainage Master Plan to the California Department of Transportation as requested. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, no further response is necessary.

COMMENT 005-14

Page 4-298, Caltrans would appreciate a copy of the Mammoth Lakes 2005 Parking Study.

RESPONSE 005-14

The comment requests a copy of the Mammoth Lakes 2005 Parking Study. The Town has sent a copy of the 2005 Parking Study to the California Department of Transportation as requested. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, no further response is necessary.

COMMENT 005-15

Page 4-309, extension of frontage roads could be added to the list in VII.1.D.a.3.

RESPONSE 005-15

Implementation Measure VII.1.D.a.3 currently states that the deficiencies on State Route 203 include "frontage road operational problems." The commentor's reference to "the extension of frontage roads" as a deficiency of State Route 203 is considered to be within scope of "frontage road operational problems" currently stated in the implementation measure. Thus, no modification to Implementation Measure VII.1.D.a.3 is necessary. Nonetheless, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 005-16

Page 5-12, it seems that the cumulative effects area should include the Tri Valley area, along with greater Bishop.

RESPONSE 005-16

The related projects considered in the cumulative impact analysis are included in Table 5-1 and illustrated in Figure 5-1 in the Revised Draft Program EIR. The list and description of cumulative projects was compiled by consulting with the Town, Inyo County, Mono County, and the Inyo National Forest staff. The projects included in the cumulative effects analysis are located within the Planning Area or the larger cumulative effects area for Biological Resources and Transportation and Circulation. Projects in the Tri Valley area, along with greater Bishop would be so far from the project area as to not contribute to cumulative impacts.

COMMENT 005-17

Page 8-2, the "California Department of Transportation, Tom Hallenbeck" should be added to the list of agency contacts.

RESPONSE 005-17

As requested in the comment, Section 8.3 of the Final EIR has been revised to include the agency contact for the Department of Transportation.

COMMENT 005-18

Appendix F - Traffic Study, a roundabout may not be practical for Main Street (R 203)/ Center (nor Main Street (SR 203)/ Meridian Boulevard. During peak travel times reduction of multiple lane facilities to a single lane roundabout approach could cause delays and queuing with end of queue collisions.

RESPONSE 005-18

The intersection improvement at Main/Center would be a traffic signal. Based on the revised traffic data in the Final Program EIR, no mitigation is proposed at the intersection of Main/Meridian as this intersection would operate at acceptable service levels. Please refer to Response 005-8 for a discussion of the revised traffic data in the Final EIR.

COMMENT 005-19

If you have any questions, I may be contacted at (760) 872-3785. We value a cooperative working relationship in transportation matters with the Town of Mammoth Lakes.

RESPONSE 005-19

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 006

Mammoth Community Water District
Ericka Hegeman, Environmental Specialist
P.O. Box 597
Mammoth Lakes, CA 93546

COMMENT 006-1

Re: Revised Draft Environmental Impact Report for the Mammoth Lakes General Plan Update Dear Ms. Porter,

The District has reviewed the Revised Draft Environmental Impact Report for the Mammoth Lakes General Plan Update. The District has previously provided comments on the Draft EIR for the Town of Mammoth Lakes General Plan update circulated in February 2005. We appreciate the opportunity to comment on this new, revised Draft FIR. The District has the following comments on the Draft EIR:

RESPONSE 006-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment 006-2 through 006-18 for individual responses to each of the comments.

COMMENT 006-2

1. Land use approvals in coordination with water supplies p. 2-36 and 4-270

The District supports mitigation measure 4.11-1, which requires that all new developments have sufficient water supplies before approval. The District regularly updates water supply projections based on results from the District's monitoring program and monitors water supply in comparison to new water and wastewater permits. Regular coordination between the Town and the District would ensure that the latest data is utilized in the determination of available water supply for new developments and that there is sufficient lead-time for development of new supplies if necessary.

RESPONSE 006-2

The comment expresses support of Mitigation Measure 4.11-1, and generally discusses the District's role with regard to water supply. The MCWD monitors water supply relative to new water

and wastewater permits. This monitoring program will provide the data necessary to effectively implement Mitigation Measure 4.11-1. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 006-3

2. Groundwater / surface water connection p. 4-147, 4-253, 4-256

The document states on page 4-147 that, "The aquifers supply water to Mammoth Creek, Hot Creek, and lakes in the Lakes Basin." This statement is not accurate and is contradictory to the statements made on page 2-253 where the document states that, "Surface water within the Mammoth Basin is generally supplied by snowmelt and not by groundwater" and on page 4-256 in a similar statement. Surface water within the Mammoth Basin is generally supplied by snowmelt and not by groundwater. Although the interactions between surface and groundwater are not well understood, there is no evidence to support the claim that groundwater supplies lakes and streams in the Basin.

RESPONSE 006-3

The comment is acknowledged. Section 4.6.1.6 in the Revised Final Program EIR has been revised to delete the incorrect sentence. In addition, the sentence on page 4-253 (Section 4.11) of the Final Program EIR has been revised to delete the words "and not by groundwater". The Town concurs that groundwater supplies lakes and streams in the Basin. The revisions to the Final Program EIR provide clarification and do not change the conclusions reached in the analyses provided in the EIR.

COMMENT 006-4

3. Arsenic MCL compliance date p. 4-149

The correct date for compliance with the new federal MCL for arsenic is January 23, 2006, not January 1, 2006. This date was incorrectly stated in the District's comment letter for the previous Draft Program EIR, dated April 26, 2005.

RESPONSE 006-4

The comment is acknowledged. The text in the Final Program EIR has been revised to change the date from January 1 to January 23, 2006.

COMMENT 006-5

4. Mammoth Creek water quality p. 4-156 to 4-160

On page 4-156 the document states that, "During construction of the individual development sites, runoff from disturbed areas may contain silt and debris, resulting in short-term increases in the existing sediment load in the storm drain system." While the document notes later in the same section that nutrients, organic compounds, and heavy metals have adversely affected water quality in Mammoth Creek, sediment is also degrading water quality in Mammoth Creek.

RESPONSE 006-5

The comment presents information that is contained in the Revised Draft Program EIR relative to the effects of sediment on water quality in Mammoth Creek. The Revised Draft Program EIR states "The LRWQCB reports that surface runoff and storm water drainage have adversely affected the water quality within Mammoth Creek". The comment does not introduce new environmental information and is therefore, acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 006-6

The District would like to encourage the Town to strictly hold to the BMPs and mitigation measures described in section 4.6-1 and 4.6-2. If degradation of water quality occurs, it is possible that the Lahontan RWQCB could establish Total Maximum Daily Load (TMDL) limits, as seen in other communities.

RESPONSE 006-6

As indicated in the discussion regarding Issue 4.6-1, the Draft General Plan Update contains Implementation Measures regarding the incorporation of BMPs to prevent erosion, siltation, and flooding. The Town is committed to the implementation of measures contained in its General Plan. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 006-7

Although the Town and Lahontan are charged with the responsibility of protecting water quality in Mammoth Creek, the District is also held responsible for the condition of the creek. Currently, the District is preparing a new Mammoth Creek EIR, which will establish permanent minimum bypass flow requirements for Mammoth Creek. In this document, the District is accountable for addressing water quality in the creek as well as cumulative impacts from other projects, such as the Town of Mammoth Lakes General Plan, which includes the enforcement of BMPs. Thus, if BMPs are not

strictly enforced, potential water quality problems could affect the future availability of surface water.

RESPONSE 006-7

As indicated in the discussion regarding Issue 4.6-1, the Draft General Plan Update contains Implementation Measures regarding the incorporation of BMPs to prevent erosion, siltation, and flooding. These implementation measures serve to protect existing surface and groundwater from pollutants associated with new development. The Town is committed to the implementation of measures contained in its General Plan. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, future development projects would be required to conduct an analysis of water quality impacts that would occur during construction and operation of a project, including impacts to Mammoth Creek and cumulative impacts from other projects.

The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 006-8

5. Infrastructure increases based on population increases p.4-230

On page 4-230, the document states that, "The Updated Plan does not result in an increase in the capacity of existing infrastructure so as to provide for an increase in population." The District believes that the proposed Project will result in an increase in water and wastewater infrastructure. The District will need to increase the size of water and wastewater service lines and build additional facilities such as booster stations to meet the needs of the community as development proceeds. In addition, the District will have to extend water and wastewater main lines to serve certain new developments. The District is near completion of the development of water and wastewater computer models that will identify necessary infrastructure improvements needed to meet demands of new development projects as they are proposed.

RESPONSE 006-8

The need to increase the capacity of existing water and wastewater infrastructure to accommodate buildout of the Draft General Plan Update is acknowledged in Section 4.11, Public Utilities. Moreover, the improvements required to increase capacity of existing infrastructure have been designed specifically to meet the anticipated increase in demand generated by buildout of the General Plan Update. That being said, the statement the comment refers to in Section 4.9, Population, Housing, and Employment, is made in reference to such infrastructure improvements resulting in the indirect inducement of substantial population growth within the Town. While it is acknowledged that an increase in the capacity of existing infrastructure will be required, the Town does not believe the improvements would result in substantial population growth as the improvements have been designed specifically to accommodate a limited amount of growth. In response to the comment, Section 4.9.4, Impacts and Mitigation, of the Final Program EIR has been revised to clarify that although the General Plan Update would result in an increase in the capacity of existing infrastructure, it would not increase population beyond what is allowed within the General Plan Update.

COMMENT 006-9

6. Water supply and demand p.4-253 to 4-257 and p. 4-265 to 4-268

On page 2-254, the document states that "Current water supplies are 6,760 acre-feet, of which 2,760 acre-feet are from surface sources and 4,000 acre-feet are from groundwater sources." As a point of clarification, these volumes are the maximum available supply available [sic] during wet and normal years, not necessarily the standing supply of water each year.

RESPONSE 006-9

The comment is acknowledged. The Final EIR has been revised to add the word "maximum" to clarify the sentence. This revision does not alter the analysis or change the conclusions reached in the EIR with regard to water supply.

COMMENT 006-10

In reference to the second paragraph on page 2-254, the District would like to update the Town that the Board of Directors approved a Groundwater- Management Plan on July 21, 2005.

RESPONSE 006-10

The comment is acknowledged. Section 4.11.1.1, Water Supply, of the Final Program EIR has been revised to indicate that the District's Updated Groundwater Management Plan was approved by the Board of Directors on July 21, 2005.

COMMENT 006-11

The District would like to clarify Footnote 56 on page 4-254 that describes the District's surface water right. The District is currently entitled to divert 2,760 acre-feet annually from Lake Mary at a maximum diversion rate of 5.039 cfs, however, this quantity is dependant upon minimum bypass streamflows in Mammoth Creek. This value includes the 25,000 gallons per day that may be diverted between May 1 and November 1 of each year. The District has two licenses and one permit that comprise the total surface water right.

RESPONSE 006-11

The comment is acknowledged. The footnote describing the District's surface water right in Section 4.11.1.1, Water Supply, of the Final Program EIR has been revised to reflect the information provided by the District. Please note that this new information does not alter the conclusions made in this Section with respect to water supply.

COMMENT 006-12

The information contained in Tables 4.11-1, 4.11-2, and 4.11-3 comes from the District's 2000 Urban Water Management Plan (UWMP). The District has completed an updated UWMP, which requires District Board approval and submission to the State Department of Water Resources by December 31, 2005. In this update process, the information in Table 4.11-2 has changed based on the potential build-out number of units found in the Town Draft EIR. The potential number of units amounted to a slight increase over what the District had previously used for its analysis. An updated table is included below for your use. Table 4.11-3 has also been updated and is included below for your records. In addition, it should be noted that the projections in these tables are based on meeting expected demands and do not reflect actual quantities of groundwater available.

Table 4.11-2 Groundwater Pumping Projections (acre-feet) To Meet Demand In Normal Year Conditions

Well No.	2010	2015	2020	2025
1	146	200	74	38
6	200	300	400	500
10	300	300	400	500
15	300	300	400	500
16	0	0	0	0
17	200	300	400	500
18	0	0	0	0
20	200	210	200	100
Future Well(s)	0	0	0	0
Total	1346	1610	1874	2138

Groundwater projection based on utilizing 2760 ac-ft of surface water in normal year to meet projected demand.

Table 4.11-3 Groundwater Pumping Projections (acre-feet) To Meet Demand In Multiple Dry Year Conditions

Well No.	2010	2015	2020	2025
1	161	256	325	356
6	311	415	475	506
10	500	726	960	991
15	336	440	500	531
16	135	139	199	230
17	231	335	395	426
18	28	41	92	123
20	150	154	214	245
Future Well(s)	0	0	0	406
Total	1852	2506	3160	3814

Groundwater projection based on utilizing 1084 ac-ft of surface water in multiple dry years to meet projected demand. The volume of 1084 ac-ft is derived from the actual available surface water that could have been available in 1992, the last year of a six-year drought.

RESPONSE 006-12

The comment is acknowledged. Section 4.11 has been revised in the Final EIR to reflect the updated information contained in the 2005 Urban Water Management Plan (UWMP).

COMMENT 006-13

The water supply and demand projections on page 4-266 and page 4-267 have been updated in the District's 2005 Urban Water Management Plan, which is based on the land use classifications and potential build-out numbers listed in the October 2005 Draft EIR.

RESPONSE 006-13

The comment is acknowledged. Section 4.11 has been revised in the Final EIR to reflect the updated information contained in the 2005 Urban Water Management Plan (UWMP).

COMMENT 006-14

It should also be noted that the current water use by the Sierra Star golf course has been extended into future water demand projections for tracking purposes until an alternative water source is developed such as recycled water. Water supply projections are continually updated through the District's monitoring program and could change based on new, future information. In addition, the

District Board of Directors has been considering the establishment of a contingency plan that may be included in future projections.

Updated Tables 4.11-4 and 4.11-5 are included below for your records.

Table 4.11-4 Past, Current, and Projected Water Use (acre-feet)

Water Use Sector	2000	2005	2010	2015	2020	2025
Single Family Residential	515	549	586	623	659	696
Condominium	961	648	960	673	685	997
Multi-Family Residential	144	140	211	282	353	424
Commercial/Industrial/Public	217	278	374	469	565	660
Motel/Hotel	112	111	304	496	689	881
Public Sector	170	296	Included in commercial	Included in commercial	Included in commercial	Included in commercial
Golf Course**	297	255	400	400	400	400
Other*	53	103	80	80	80	80
Unaccounted	486	746	760	760	760	760
Total	2955	3426	3674	4082	4490	4898
<i>Note: Existing hotel/motel water-use sector includes only those units that are separately metered and does not include units that share water meters with commercial. Commercial includes mixed uses such as restaurants, condo/hotel, retail, etc. Public sector is included in the commercial water-use sector for future projections for consistency with data from the Town of Mammoth Lakes General Plan EIR 92005).</i> <i>*Other = treatment plant process water, fire fighting, line cleaning, etc.</i> <i>** Golf course water use based on existing demand from Sierra Star and Snowcreek Golf Courses. This value would be reduced by recycle water use in the future.</i>						

Table 4.11-5 Comparison of Current Supply and Future Demand in Acre-Feet. For Normal, Single Dry, and Multiple Dry Years

Supply and Demand	Normal Year	Single Dry Year	Two Dry Years	Three Dry Years
Existing Supply	6760	4908	4508	4492
Projected Demand at Build-out	4898	4898	4898	4898
Surplus or (Deficiency)	1862	10	(390)	(406)

RESPONSE 006-14

The comment is acknowledged. Section 4.11 has been revised in the Final EIR to reflect the updated information contained in this letter and the 2005 Urban Water Management Plan (UWMP).

COMMENT 006-15

As stated in the October 2005 Draft EIR, the District has developed plans to reduce water demand and to develop additional water supply sources. The implementation of these plans will provide

sufficient water supplies to meet the projected demands of the land use development described in the October 2005 Draft EIR.

RESPONSE 006-15

The Town acknowledges the comment, which clarifies that with the implementation of water demand reduction measures and additional water supply sources, sufficient water would be available to meet the water demand. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 006-16

Table 4.11-6 in the Draft EIR is titled "Potential Additional Water Supply Sources" and lists only demand reduction measures. This table has been modified to include additional sources of supply as well as water demand. Reduction measures.

Table 4.11-6 Potential Additional Water Supply Sources and Demand Reduction Measures

Source	Potential Volume (afy)
Decrease Water Loss	310 (demand reduction)
Recycled Water Supply	360 (demand reduction)
Water Conservation	550 (demand reduction)
Future Well Development	1000 (increased supply)

In Table 4.11-6, water loss and water conservation figures have increased in volume because they represent a percentage of the increased total demand. Recycled water supply includes irrigation for Shady Rest Park. Future well development represents Dry Creek wells and/or additional Mammoth Basin wells.

RESPONSE 006-16

Table 4.11-6 has been revised in the Final EIR based on the input provided in the comment. The total potential increase in volume from the demand reduction measures and the additional water supply would be 2,220 afy. The comment provides the rationale for the changes in the numbers. The increase in the water supply as a result of demand reduction measures is due to the fact that the numbers represent a percentage of the increased total demand. The recycled water supply includes irrigation for Shady Rest Park. The additional water supply source represents Dry Creek wells and/or additional Mammoth Basin wells.

COMMENT 006-17

7. Wastewater treatment 4-257 to 4-258

On page 4-257, the document states that, "The total capacity of the affected trunk sewer lines within the Town has been calculated at 310 gallons per minute for the ten-inch sewer at Minaret Road and Main Street, which is the main confluence for the Town." All trunk sewer lines in Town, not just the lines at Minaret Road and Main Street, will be impacted by the population growth associated with the General Plan.

RESPONSE 006-17

The comment is acknowledged. Although Section 4.11.4, Impacts and Mitigation, of the Revised Draft Program EIR, acknowledges that the capacity of existing wastewater collection and transfer systems would be affected as a result of buildout of the Draft General Plan Update, Section 4.11.1.2, Sewage Collection System, states that the sewer line at Minaret Road and Main Street is the only affected sewer line. The text within Section 4.11.1.2 of the Final Program EIR has been revised to clarify that the sewer line at Minaret Road and Main Street is not the only affected sewer line.

COMMENT 006-18

Thank you again for the opportunity to comment on this document. Please feel free to contact the District if you have any questions.

RESPONSE 006-18

The comment is conclusionary in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 007

Madera County
Robert Mansfield, Planner I
Planning Department, 2037 W. Cleveland Avenue
Madera, CA 93637

COMMENT 007-1

We are in receipt of your Revised Draft Program Environmental Impact Report for the 2005 General Plan Update for the Town of Mammoth Lakes. Thank you for forwarding us the copy.

I wish to thank you for the opportunity to review this document. I found it to be well formatted and laid out. I felt that the level of detail in regards to the data was excellent. It was obvious that all issues related to the Town of Mammoth Lake was addressed.

Madera County, in general, has concerns in the areas of Air Quality, Housing, and Circulation. My review of these aspects were in regards to how they could potentially impact the County. There were a few issues that we had, but they were addressed in the document.

RESPONSE 007-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment indicates that the County's concerns have been addressed in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 008

Mono County
Scott Burns, Director
P.O. Box 347
Mammoth Lakes, CA 93546

COMMENT 008-1

The Mono County Community Development Department appreciates the opportunity to review the Draft EIR for the Mammoth Lakes General Plan Update. In general, we find the document to be comprehensive and informative. The following comments focus on further mitigating potential impacts of the Plan to the unincorporated area of Mono County.

RESPONSE 008-1

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 008-2**Scenic Highway**

It is suggested that Mitigation Measure 4.1.bb be clarified to include development within the Town at the Mammoth-Yosemite Airport visible from Highway 395, a State and County designated Scenic Highway. This would better ensure consistency with State and County policies for preservation of the Scenic Highway. Also in the DEIR discussion concerning State Scenic Highway Regulations (4.1.2), it would be helpful to clarify if the Town has adopted or is recognizing the Scenic Corridor Protection Program for Highway 395. In addition, including major viewpoints as viewed within the Town at the airport (Figure 4.1.4) would further highlight the importance of the Highway 395 Scenic Corridor.

RESPONSE 008-2

The comment refers to Mitigation Measure 4.1.bb from the February 2005 Draft EIR. The Revised Draft Program EIR does not contain a Mitigation Measure 4.1.bb. Nonetheless, the Draft General Plan Update is a policy document that provides direction regarding physical development within the Urban Growth Boundary. No development would occur along the US 395 corridor under the General Update with the exception of development at the Mammoth Yosemite-Airport. The Town does recognize the State and County land use and design requirements applicable to the scenic highway status for US 395. Accordingly, the list of mitigation measures identified under

Issue 4.1-3 in the Final EIR has been revised to include Mitigation Measure 4.1-3, which states that “The Town through its environmental and design review process shall ensure that development at the Mammoth Yosemite-Airport visible from Highway 395 is consistent with State and County scenic highway regulations.” While viewpoints from US 395 near the airport occur along a designated scenic highway, the intent of Figure 4.1-4 is to illustrate the major view corridors throughout the Town. Thus, vantage from the airport are not included within this figure.

COMMENT 008-3

Water Supply

The DEIR notes that even with mitigation, the Plan will have potential impacts on groundwater supplies considered significant and unavoidable, and that the nature of these environmental impacts are not yet known. DEIR section 4.6 explains that the focus for new groundwater supply sources is the Dry Creek Watershed, and DEIR Appendix E projects potential groundwater volumes available from Dry Creek at 1,500-acre-feet per year during normal years and 1,245 acre-feet per year during multiple dry year periods. Due to long standing Dry Creek water development concerns by down-gradient residents and ranchers, the Mono County General Plan Land Use Element calls for environmental studies to assess and mitigate adverse water resource impacts to the Upper Owens Area from activities such as the Dry Creek well development (see attached Mono County General Plan excerpts).

It is requested that an additional mitigation measure be added to require preparation of an environmental impact report to fully assess and mitigate the environmental impacts of Dry Creek well development on the down-gradient unincorporated area of the Upper Owens Area.

RESPONSE 008-3

Section 4.11 of the Final EIR has been revised to reflect the comments received from MCWD and the adopted 2005 Urban Water Management Plan. Please see Comment Letter No. 006. The potential water supply from future wells has been revised to occur in year 2020 and the volume has been reduced from 1,500 acre feet per year to 1,000 acre feet per year. Future well development includes Dry Creek wells and/or additional mammoth Basin wells. However, MCWD will be required to prepare the necessary environmental documentation for any potential new sources of water supply. Due to the uncertainty of the future water supply, the EIR concludes that the Draft General Plan Update would result in a significant and unavoidable impact with regard to water supply. A mitigation measure has been included in the EIR that would preclude development from occurring absent the available water supply.

COMMENT 008-4**Housing/Transportation**

The aggressive housing policies of the Plan and its focus on housing the Town's workforce that want to live in town are commendable. As noted under Growth Inducing Impact, however, the Plan has the potential to impact growth rates and housing demand in nearby unincorporated communities, noting that the employment base in Mammoth Lakes is expected to continue to increase at a rate higher than the population. Mitigation Measures 4.12 o [SIC] commits to developing and maintaining a public transit system responsive to the work force. To clarify the applicability of this measure within the regional context, it is suggested that Mitigation Measure 4.12 note that this may include access to employees residing in nearby communities.

RESPONSE 008-4

The Town has elected to incorporate the intent of Mitigation Measure 4.12.o contained in the February 2005 Draft Program EIR into Implementation Measure VII.2.A.4 of the Draft General Plan Update. Implementation Measure VII.2.A.4 of the Draft General Plan Update reads: "The Town shall work with other responsible agencies and organizations, including the Mono County Local Transportation Commission, Mono County, the US Forest Service, and the Mammoth Mountain Ski Area to ensure that all of the regions workforce, residents, and visitors have adequate transit opportunities." Since the measure addresses the region's workforce, the implementation measure contained in the Draft General Plan Update would address the issue raised in the comment.

COMMENT 008-5

Thank you for the opportunity to comment. Please let us know if you have questions or need additional information regarding this matter.

RESPONSE 008-5

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 009

Los Angeles Department of Water and Power
Thomas M. Erb, Director of Water Resources
111 N. Hope Street, Room 1463
Los Angeles, CA 90012

COMMENT 009-1

Thank you for providing the Los Angeles Department of Water and Power (LADWP) the opportunity to comment on the above referenced Draft Program EIR.

The City of Los Angeles (City) derives its main source of water supply from the Eastern Sierra region and possesses water rights on most of the streams flowing from Eastern Sierra Nevada Mountains to the Owens River Basin. Mammoth and Hot Creeks are major contributors to the flows into the upper Owens River. LADWP is responsible for protecting the City's vast water rights in the Eastern Sierra, and is concerned about the effects of the proposed General Plan on its ability to exercise these rights. Additionally, the City is a major landowner in the Eastern Sierra region, and it is greatly concerned about any project's potential degradation of the environment and its impact on the water quality that are associated with increased pollution, increases in waste disposal, pollutants from storm runoff, and dilapidation of the air quality. Therefore, our comments to the Draft Program EIR are directed to any potential impacts of the proposed General Plan on the City's water rights, water quality, and land management. Please ensure that the issues listed below are addressed in the Final Program EIR.

RESPONSE 009-1

The comment identifies the agency authority and focus in the review of the Revised Draft Program EIR. However, the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 009-2**Water Supply and Demand**

- Section 4.6.1.6 describes groundwater hydrology and the Town of Mammoth Lakes increased reliance on groundwater pumping for meeting its future demands. There are a number of springs throughout the basin that contribute to the flows in the Mammoth and Hot Creeks [sic]. Spring flow and the relationship between groundwater pumping and spring flows are not

described in the Draft Program EIR. The Final Program EIR should analyze these impacts and identify mitigation measures to ensure the historical contribution of these springs to the Mammoth and Hot Creeks is not impacted by this project in the future.

Mammoth Creek interacts with the groundwater system. Sections of Mammoth Creek are either gaining or losing flow to the groundwater system depending on the water level in the aquifer adjacent to the creek. Whether a section is gaining or losing flow is a function of the recharge that the groundwater aquifer receives from runoff from the Eastern Sierras. Determining a threshold water level in the aquifer adjacent to Mammoth Creek is critical to an understanding of the surface/groundwater interaction in the area and the switch from a gaining to losing condition in each section of Mammoth Creek. A reliable surface/groundwater flow model should be developed that can be used to determine a safe level of pumping that would not impact the flow in Mammoth Creek.

RESPONSE 009-2

The Water Assessment contained in the EIR has been updated based on the 2005 UWMP and input received from MCWD in a comment letter on the Revised Draft Program EIR (see Letter No. 006). The future water supply continues to use groundwater supplies to meet the future water demand although to a slightly lesser extent than indicated in the Revised Draft Program EIR. In addition, reliance on future wells would be slightly reduced based on the 2005 UWMP. However, as indicated in Section 4.6 of the Revised Draft Program EIR, the Mammoth Hydrologic Basin has complex hydrogeologic conditions. As indicated in the Groundwater Management Plan for the Mammoth Basin Watershed (2005), in response to concerns over potential impacts to streamflow and spring flow rates from the groundwater pumping, the District has prepared groundwater monitoring reports annually since 1993. The reports provide an evaluation of groundwater level, surface flow, and water quality monitoring data accumulated throughout the year. The results from each of these reports have been unable to detect a connection between District groundwater pumping and streamflows in Mammoth Creek or springs within the Mammoth Basin.

In 1992, CDFG and the University of California expressed concern regarding potential impacts of the District's groundwater pumping program on wildlife, vegetation, and fishery resources of Mammoth Creek, the Hot Creek headsprings, and Valentine reserve. Under agreements with CDFG and the University of California, the District installed a groundwater monitoring program in 1993 in order to assess the potential hydrologic connectivity between groundwater and surface water. Annual groundwater monitoring reports have been prepared for the District by Kenneth D. Schmidt and Associates for 1993 to the present.

From data collected as part of the monitoring program, Schmidt has annually concluded that groundwater pumping from the District's new production wells do not influence flows in north spring complex at Valentine Reserve, at the Hot Creek headsprings, or in Mammoth Creek.

In October 1997, at the request of CDFG, the District also conducted a short-term aquifer test involving Well #15. Schmidt's review of the data from the test determined that there were no effects on stream flow, groundwater levels, or the springs at the Valentine Reserve.

On behalf of CDFG, the U.S. Geological Survey reviewed the available data. Chris Farrar of the USGS has commented (1995, 1996, 1997) that in his opinion, the results of the annual groundwater monitoring and aquifer tests are inconclusive in proving or disproving a causative connection between the District's groundwater pumping and discharge rates of springs at Valentine Reserve, the Hot Creek headsprings, and Mammoth Creek.¹

Farrar indicates that patterns in spring and stream flows may show some correlation to groundwater pumping, but that the available data could not definitively distinguish between a change in spring or stream flows due to groundwater pumping or due to natural variation in precipitation. In addition, Farrar suggested that interpretation of the results of the summer 1993 aquifer tests was complicated by variations in releases to Mammoth Creek, groundwater pumping at wells other than the test well, and variations in pumping rates before, during and after the aquifer test at the test well and other nearby wells.

Farrar also noted that the wet hydrologic conditions of the period following the winter of 1992 through 1993 would greatly affect groundwater conditions in the area. He noted in the 1997 report that "in any year with precipitation comparable to 1996, it is unlikely that groundwater pumpage in Mammoth basin at rates similar to past MCWD pumpage would cause any measurable effect in flow or water temperature at the fish hatchery springs." The year 1996 was considered a normal year, with streamflows and April 1 snowpack figures both slightly below average.

Mark J. Wildermuth conducted a local groundwater study for the proposed Snowcreek Golf Course expansion project (1996). The Wildermuth study evaluated the potential effects of groundwater pumping expected under the golf course expansion project on the Hot Creek headsprings. Based on a review of available data, Wildermuth concluded that "historical groundwater extraction in the western part of the Mammoth basin has not noticeably impacted the discharge at the AB and CD headspring (the Hot Creek headsprings)." Wildermuth also analyzed stream flows in Mammoth Creek and measured at the LADWP gage and found no evidence of an influence of groundwater pumping on flows in Mammoth Creek, concluding that "groundwater extraction has not impacted the surface discharge measured at this location – groundwater levels are too deep to influence streamflows.

¹ MCWD/US Forest Service, *Draft EIR/EIS for Changes in Mammoth Creek Instream Flow Requirements, Change of Point of Measurement, and Change of Place of Use*, November 2000.

Finally, a 2006 survey commissioned by CalTrout preliminarily reports that there is no connection between the surface water and groundwater systems in the Mammoth Basin (Ericka Hegeman, MCWD e-mail communication October 17, 2006).

In summary, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headsprings. However, USGS indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources. Although MCWD is aware of the need to obtain a better understanding of the hydrogeologic system, the information provided in the Final Program EIR and in these responses to comment letters is the most current and available data on this subject.

The UWMP contains a discussion of the use of recycled water, which would serve to increase the water supply. The MCWD collects and treats all wastewater generated in the Town of Mammoth Lakes as well as in surrounding U.S. Forest Service campground and permittee areas located in the Lakes Basin and Sherwin Creek area. In 2005 the MCWD collected and treated 1.65 million gallons per day of wastewater. Currently, the treated wastewater is discharged to Laurel Pond, a pond located approximately 5.5 miles southeast of Mammoth Lakes on U.S. Forest Service land. Disposal occurs at the pond through percolation into the ground and through evaporation into the atmosphere. The use of recycled water has been identified as a potential source of water supply for golf course and park irrigation. Environmental studies have been completed regarding potential impacts on the District's current disposal area at Laurel Pond. A Draft EIR was released in September 2006, which analyzes the use of recycled water for irrigation on existing and future golf courses as well as at Shady Rest park. In addition, a pilot project was conducted in 2001 at the Mammoth Pacific Geothermal Power Plant utilizing recycled water for cooling purposes. The power plant was able to increase efficiency and the use of recycled water for cooling purposes appears to be promising. Estimated demand for future recycled water needs amounts to approximately 500 acre-feet per year for irrigation purposes and approximately 600 acre-feet per year for cooling purposes at the power plant.

Section 4.11 of the Revised Draft Program EIR indicates that the existing water supply is sufficient to meet the existing demand. As with the information contained in the Revised Draft Program EIR, the revised water assessment in the Final EIR indicates that buildout of the Draft General Plan Update could result in potentially significant impacts to the water supply. As indicated in Section 4.11, the District is taking steps to reduce the water demand through water conservation, decreasing the water loss in the system, and the use of recycled water. However, due

to the uncertainty of the demand reduction sources and the potential future supply, buildout of the Draft General Plan Update would result in a significant impact. Section 4.11 contains a mitigation measure, which requires that the Town work with MCWD to ensure that land use approvals are phased with the development of the necessary water supply sources. In other words, development shall not proceed without demonstration of sufficient water supply.

COMMENT 009-3

- Section 2.4, page 2 11, states that “the water supply at this time is uncertain,” and Section 4.11.3, Page 4-268, states “Water conservation activities are initiated as needed.” These statements clearly indicate the uncertainty of water supply and the need for conservation. This demonstrated need requires immediate action that should not be deferred to a later date. It is imperative that the Town of Mammoth Lakes and the Mammoth Community Water District (MCWD) join the preeminent water conservation organization in the state, the California Urban Water Conservation Council (Council), and immediately begin implementation of the Council’s Best Management Practices (BMPs) to reduce long-term urban water demands. If the BMPs cannot be implemented legally or cost effectively, the Public Utilities section should explain why they cannot be implemented and institute other equally effective programs to reduce long-term water demand. Enclosed, for your reference, is a copy of the Council’s BMPs.

RESPONSE 009-3

The MCWD has chosen not to join the California Urban Water Conservation Council. However, the MCWD is aware of the Council and is implementing a number of the BMPs suggested by the Council. The MCWD has determined the need to tailor their water conservation plan to the area and to focus on areas where the District has determined they can save the most water. The comment does not introduce new environmental information regarding information presented in the Revised Draft Program EIR. Rather, the comment reiterates the conclusion reached in the Revised Draft Program EIR relative to water supply. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 009-4

Additionally, the Town of Mammoth Lakes and MCWD should investigate and adopt regulations that would lead to increased water conservation associated with both indoor and outdoor water uses. Examples include a retrofit on resale requirement that mandates the replacement of all non-water saving toilets, urinals and showerheads prior to the sale of improved real property; landscape requirements for all new and rehabilitated landscapes (if applicable); and prohibition of wasteful water practices (e.g. unattended leaks, single pass cooling, use of water to clean outdoor hardscapes).

RESPONSE 009-4

Chapter 15.36 of the Town's Municipal Code requires the installation of water efficient landscaping in new developments to reduce the water demand for landscaping. In addition, as indicated in Section 4.11.2.1 of the Revised Draft Program EIR, state regulations require water efficiency through Title 20 and Health and Safety Code, Section 17921.3. As indicated in the UWMP, MCWD implements a number of demand management measures. The District's Water Service Code requires the installation of water conservation devices in new buildings and those that require permits for remodeling. These devices include showerheads, faucet aerators for sinks, and water conservation toilets. In the past, the District conducted a toilet rebate program in which customers could receive a cash rebate for installing an ultra-low-flush toilet in place of an older model. The program was successful and will be reinstated in the future.

COMMENT 009-5

- Section 4.11.1.1, pages 4-255 and 4-256 describe figures depicting groundwater levels in MCWD monitoring wells. These figures are not included in the document and should be added to the document.

RESPONSE 009-5

The Town acknowledges the comment. Section 4.11.1.1 of the Final EIR has been revised to include the graphs referred to in the text, which were provided in the 2005 MCWD Water Assessment.

COMMENT 009-6

- In Table 4.11-1, a 1,500 acre-feet of supply is listed as becoming available from Dry Creek in 2015; however, there are no discussions regarding the measures that will be taken should this alternative source of water supply not be realized. The Final Program EIR should address the potential environmental impacts of utilizing Dry Creek as a source of water supply for the Town of Mammoth Lakes.

RESPONSE 009-6

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2015. The future wells could be located in Dry Creek or in the Mammoth Basin. Two studies regarding the Dry Creek watershed show a potential for groundwater extraction. One of the two studies, a study conducted by the University of California at Santa Barbara (2000), concluded that 3000 acre-feet in normal years and 2,000 acre-feet in dry years could be extracted from the basin. The second potential source of future groundwater involves the modification of existing wells to improve capacity and drilling of new wells within the Mammoth Basin. In a 1996 report prepared

by Mark J. Wildermuth, it was estimated that a total useful storage in the Mammoth groundwater basin amounted to approximately 135,100 acre-feet.² This indicates that additional groundwater within the Mammoth Basin may be available.

With regard to other potential future water sources, in 1991, the District commissioned a feasibility study of alternative sources of water supply.³ Alternative sources identified in the study included a Convict Creek wellfield, surface water diversion or wellfield in McGee Creek, and surface water diversion or wellfield in the Upper Owens River area. These potential sources of water may be further investigated if groundwater production in the Dry Creek and Mammoth Basin area is determined not to be feasible.

Given that the future sources have not yet been determined and that the future sources are not expected to come on line until 2015, it is not possible or practical to address the potential impacts of utilizing Dry Creek as a source of water supply for the Town. In the recent California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, (2007), the court indicated that the burden of identifying likely water sources for a project varies with the stage of project approval involved, with the necessary degree of confidence involved for approval of a conceptual plan much lower than for the issuance of building permits. If uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, the EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discuss the reasonably foreseeable alternatives- including alternative water sources and the option of curtailing development if sufficient water is not available for later phases- and imposes mitigation measures to minimize each adverse impact. Here, the General Plan Update is not the approval of any specific development project. Furthermore, the degree of uncertainty has been disclosed. Alternative means of developing additional sources and of reducing consumption have been discussed and a mitigation measure has been imposed (Mitigation Measure 4,11-1) that fully mitigates the impact of a potential shortage of long term water supplies by precluding development that will result in a water shortage and that development must occur in following a demonstration of the availability of necessary water supply sources. In addition, the State already has imposed bypass flow requirements on the MCWD that limit the amount of water that the MCWD may divert from surface water sources. These existing regulatory requirements ensure that adequate levels will remain in surface water streams such as Dry Creek so as to avoid significant impacts.

² *Hydrologic Impacts of the Snowcreek Golf Course Expansion on the AB and CD Headwater Springs*, Mark J. Wildermuth, September 1996, page 22.

³ *Feasibility Study of Alternative Sources of Water Supply and Methods of Reducing Demand*, January 1992.

COMMENT 009-7

- Table 4.11-5 lists water supply in normal, single dry year, two dry years, and three dry years. From 1987 to 1992 and from 1999 to 2004, the Eastern Sierra experienced six consecutive years of below normal runoff conditions. The Final Program EIR should evaluate the impact of up to six years of dry runoff conditions on the water supply for the area and the impact of such condition on groundwater pumping as well as flows in Mammoth and Hot Creeks.

RESPONSE 009-7

The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District's water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District's water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

COMMENT 009-8**Water Quality**

- The Drainage Master Plan should include in its list of priorities the reduction of high sediment loads and improvement of water quality as to the runoff into Mammoth and Hot Creeks.

RESPONSE 009-8

The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. The Revised Draft Program EIR addresses the potential environmental impacts that could result from the implementation of the Draft General Plan Update. The Draft General Plan Update acknowledges that human activities, particularly urbanization can alter natural drainage patterns and add pollutants to rivers, lakes and streams. Best Management Practices are designed to reduce pollutants contained in stormwater discharges into waterways by preventing pollution at the source, before it can cause environmental problems. The project under consideration is not the Town's 2005 Storm Drain Master Plan Update. However, a section in the Storm Drain Master Plan entitled The Need for Storm Water Control clearly acknowledges the increase in runoff and erosion problems that have occurred due to past development. The section states "The largely uncontrolled runoff is accelerating erosion thereby increasing sediment and other pollutants in mammoth and Hot Creeks, impacting fish populations." The Master Facilities Plan includes project SD-05 that provides for the development and implementation of storm water quality improvement where Best Management Practices and adaptive measures are identified.

COMMENT 009-9

- Provide discussion and analysis regarding the adequacy of the existing siltation basin at the downstream end of Murphy Gulch channel as improvements are made to construct adequate trunk capacity for the ultimate development with the attendant increase in siltation.

RESPONSE 009-9

The Town has constructed two desiltation basins at Murphy Gulch just west of Highway 395. The primary functions of the desiltation basins are to improve water quality and reduce peak flows of storm drainage to tributary waters. Runoff flows carry sediment, which has accumulated in streets, ditches, gutters, and pipes since the last major storm. Initial flows carry oil and grease, which accumulate on streets, and high levels of nutrients which may be in dissolved form or carried by suspended sediment. Because of high concentrations of pollutants in the initial runoff flows, facilities which retain the runoff volume from the initial portions of a storm are effective water quality improvements devices. The importance of the project to the Mammoth Creek/Upper Owens River cannot be overemphasized since the quality of this water is essential to downstream uses including high quality fisheries, the DFG hatchery at Hot Creek, Crowley Lake, and eventually the Los Angeles Aqueduct water system. These facilities have been designed for the build out of the Town.

COMMENT 009-10

- Analyze the impacts associated with snow removal, use of salts for deicing of the road surface, and gravel for traction on water quality, and identify mitigation measures to address those impacts.

RESPONSE 009-10

The Town does not use salt for de-icing of the road surface. Rather, the Town uses cinders. The Town has an aggressive street sweeping program to remove cinders as soon as possible in order to keep pollutants out of the urban runoff. The street sweeping program is administered by the Town's Public Works Department. No potential impacts to water quality have been identified from runoff, particularly due to snow removal or the use of cinders and most of the street runoff is treated through one of the sediment basins. Therefore, no mitigation measures are necessary.

COMMENT 009-11**Land Management**

- Section 4.11.4, page 4-273 states, “MCDPW has indicated that based on their projections, there is sufficient capacity for the projected buildout under the Updated Plan. The Town also has an option for five years at the Pumice Valley Landfill.” This leads to the conclusion on page 4-274, “The Updated Plan would result in less than significant impacts with regard to disposal of solid waste. Therefore, no mitigation measures are required.” Provide in the Final Program EIR calculations from the Mono County Department of Public Works (MCDPW) to demonstrate no significant impact to the solid waste disposal sites located on Benton Crossing Landfill and Pumice Valley Landfill.

RESPONSE 009-11

As stated in Section 4.11.4, Impacts and Mitigation, of the Revised Draft Program EIR, Mono County Department of Public Works (MCDPW) performed loading rate/site life calculations to estimate solid waste disposal at Benton Crossing Landfill. Loading rate/site life calculations project the annual amount of solid waste that would be generated and disposed of at a landfill as determined by future population growth rates. The calculations also project the annual volume of cover soil that would be required to top solid waste cells deposited within a landfill. The annual solid waste generation and cover soil amounts are cumulatively added together until the maximum fill capacity of a landfill is reached thus indicating its estimated life span. MCDPW’s loading rate/site life calculations for Benton Crossing Landfill are provided in Table 2 on page 77. Details regarding operational assumptions and parameters are also presented in Table 2. As shown, solid waste generation projections are based partly on population growth rates contained in the Town of Mammoth Lakes General Plan and partly on population growth rates determined by the California Department of Finance for Mono County. It is important to note that the Town of Mammoth Lakes typically accounts for 80 percent of all solid waste disposed of at Benton Crossing Landfill. Based on MCDPW’s loading rate/site life calculations, Benton Crossing Landfill has sufficient capacity to accommodate build-out of the General Plan Update through 2023 when the landfill is scheduled to close. By the time Benton Crossing Landfill closes in 2023, MCDPW expects to have a fully permitted and constructed regional facility to handle the waste stream of the entire County,

Table 2

Benton Crossing Landfill Loading Rate/Site Life Calculations^a

Year Ending	Waste Disposal				Cover Soil		Total Fill	
	Annual Total ^b (tons/yr)	Disposal Rate (tons/day)	In-Place Volume ^c (cy)	Cumulative Volume (cy)	In-Place Volume ^d (cy/yr)	Cumulative Volume (cy)	Annual Volume (cy/yr)	Cumulative Volume (cy)
2005	28,100	78.5	56,200	56,200	14,100	14,100	70,300	70,300
2006	28,800	80.4	57,600	113,800	14,400	28,500	72,000	142,300
2007	29,500	82.4	59,000	172,800	14,800	43,300	73,800	216,100
2008	30,200	84.4	60,400	233,200	15,100	58,400	75,500	291,600
2009	31,000	86.6	62,000	295,200	15,500	73,900	77,500	369,100
2010	31,800	88.8	63,600	358,800	15,900	89,800	79,500	448,600
2011	32,100	89.7	64,200	423,000	16,100	105,900	80,300	528,900
2012	32,400	90.5	64,800	487,800	16,200	122,100	81,000	609,900
2013	32,700	91.3	65,400	553,200	16,400	138,500	81,800	691,700
2014	33,000	92.2	66,000	619,200	16,500	155,000	82,500	774,200
2015	33,300	93.0	66,600	685,800	16,700	171,700	83,300	857,500
2016	33,700	94.1	67,400	753,200	16,900	188,600	84,300	941,800
2017	34,100	95.3	68,200	821,400	17,100	205,700	85,300	1,027,100
2018	34,500	96.4	69,000	890,400	17,300	223,000	86,300	1,113,400
2019	34,900	97.5	69,800	960,200	17,500	240,500	87,300	1,200,700
2020	35,300	98.6	70,600	1,030,800	17,700	258,200	88,300	1,289,000
2021	35,700	99.7	71,400	1,102,200	17,900	276,100	89,300	1,378,300
2022	36,100	100.8	72,200	1,174,400	18,100	294,200	90,300	1,468,600
2023	36,500	102.0	73,000	1,247,400	18,300	312,500	91,300	1,559,900
2023	Fill Capacity Reached			1,319,000	330,500		1,649,500^e	

^a Operational assumptions and parameters are as follows:

Projected 2005 Disposal Qty: 28,1000 tons (see footnote b)

In-Place Waste Density: 1,000 lb/cy (see footnote c)

Waste-to-Soil Ratio: 4:1 (see footnote d)

No. of Days Landfill in Operation: 358 days/year

Remaining Disposal Capacity: 1,649,500 cy (see footnote e)

Projected Annual Growth Rate (see footnote b): 1.1 percent (to 2005)
 2.5 percent (2006-2010)
 1.0 percent (2011-2015)
 1.2 percent (2016-2020)

^b Average disposal growth rate from 2002 to 2004 (1.0 percent) applied to average annual total from that period to arrive at the 2005 projection. Projected population growth rate from the Town of Mammoth Lakes General Plan used for the period of 2006 - 2010. Subsequent time periods based on projected average annual population growth rate from Interim County Population Projections, Calif. Dept. of Finance, Demographic Research Unit.

^c Based on waste compaction survey completed in May 2003.

^d Computed ratio using a combination of daily cover soil and synthetic tarps.

^e Calculated volume between final grades and existing topography, less final cover volume.

Source: PCR Services Corporation, October 2006.

including the Town of Mammoth Lakes (Personal Communication with Evan Nikik, Public Works Director, MCDPW, October 26, 2006). In the event that this future regional facility is not operational by 2023, as a contingency plan, MCDPW intends to divert all solid waste to Pumice Valley Landfill until it is complete. MCDPW performed loading rate/site life calculations to estimate solid waste disposal at Pumice Valley Landfill. Should the County's entire waste stream be diverted to Pumice Valley Landfill after 2023, it would be able to meet the County's solid waste disposal needs for approximately five years (2023 to 2028).

COMMENT 009-12

- Section 4.11.1.3, page 4-259 states, "The Benton Crossing Landfill is owned and operated by the County of Mono." This is not correct. A lease between LADWP and Mono County covering use of LADWP property as the Benton Crossing Landfill has expired and is in the process of being renewed. In a communication by MCDPW to LADWP, it was stated that it would take 10-15 years to permit a new landfill to replace the Benton Crossing Landfill. Despite LADWP's desire to close the facility by 2015, negotiations have led LADWP management to pursue extending the capacity of Benton Crossing provided that Mono County would close Benton Crossing Landfill, relocate to an entirely new location and obtain permits for that new facility by 2023. However, the proposed lease has not been drafted or submitted to our Board and City Council for review and approval. The Final Program EIR should include an analysis and proposal for the location of the new facility. The EIR should also provide updated information on the status of the lease renewal and a tentative date as to when it will be approved.

RESPONSE 009-12

Section 4.11.1.3, Solid Waste, of the Revised Draft Program EIR, acknowledges that Benton Crossing Landfill is located on land leased by Mono County from the Los Angeles Department of Water and Power (LADWP). Mono County Department of Public Works (MCDPW) has indicated to the Town that they are currently in the process of renewing a long-term lease with LADWP for this property that would extend through the end of 2023 (Personal Communication with Evan Nikik, Public Works Director, MCDPW, October 26, 2006). As discussed in Response to Comment No. 009-12, MCDPW intends to close Benton Crossing Landfill in 2023 as LADWP has requested. MCDPW expects to have a fully permitted and constructed regional facility to handle the waste stream of the entire County once Benton Crossing Landfill closes in 2023. With regard to the location of a new solid waste disposal facility, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development

review/permitting process. Information regarding the exact location of the regional facility will be disclosed by MCDPW when an appropriate location has been secured. Accordingly, when Mono County secures a location for the regional facility, as the Lead Agency, it would ensure preparation of the appropriate environmental documentation to analyze potential impacts associated with its construction and operation.

COMMENT 009-13

- The other lease on City property, Pumice Valley Landfill, is scheduled to expire in 2006. LADWP management is willing to present to its Board of Water and Power Commissioners a new lease extending the term consistent with Mono County's plans for use of the facility as a transfer station and landfill that accepts construction waste only. In the event that Mono County proposes other uses for Pumice Valley (i.e., as a replacement to Benton Crossing Landfill and/or as a regular landfill) those uses must be evaluated in the Final Program EIR. The EIR should also provide updated information on the status of this lease renewal.

RESPONSE 009-13

Mono County Department of Public Works (MCDPW) has indicated to the Town that they are currently in the process of renewing a long-term lease with LADWP for Pumice Valley Landfill that would extend through the end of 2028 (Personal Communication with Evan Nikik, Public Works Director, MCDPW, October 30, 2006). As discussed in Response to Comment No. 009-12, MCDPW does not intend to utilize Pumice Valley Landfill as a replacement to Benton Crossing Landfill once Benton closes as MCDPW expects to have a fully permitted and constructed regional facility to handle the waste stream of the entire County by 2023. MCDPW would only utilize Pumice Valley Landfill as a regular landfill after 2023 as a contingency plan in the event that the future regional facility is not operational by that time. (Pumice Valley Landfill is currently permitted to only receive 4 tons of waste per day.) Furthermore, in August of 2005, the Mono County Board of Supervisors approved the Pumice Valley Landfill Supplemental EIR (SCH No. 2004102104) which analyzed the impacts associated with expanding the landfill to increase its life span to 2028. The Supplemental EIR also analyzed the impacts associated with the contingency plan to divert the County's entire waste stream to Pumice Valley Landfill for a five-year period beginning January 2024. The Supplemental EIR concluded that impacts would be less than significant with the incorporation of mitigation measures.

COMMENT 009-14

- The cost and planning associated with permitting a new landfill site is significant. Section 4.9.1, page 4-216 states that the resident population of the Town in 2000 comprised 55% of the County population (7,094 out of 12,853), which has increased 6.6 percent to 61.6% of the County population as of 2004. Page 4-217 of the same section states that population intensity of the Town for 2004, defined as the PAOT (people at one time) representing an average winter

Saturday as 34,265 people, is forecasted to increase to approximately 60,700 people by 2024 (an increase of 77 percent). The number of housing units is forecasted to increase from 9,871 to 16,710 (69 percent). Section 4.11.1.3, page 4-259 states that the Benton Crossing Landfill “receives an average of 108 tons per day (tpd) of nonhazardous and hazardous solid waste, with peak daily loading rate of 400 tpd. The maximum daily permitted throughput is 500 tons per day.” Peak daily loading of 400 tpd is pinpointing to days associated with population intensities as discussed above (i.e. average winter Saturdays). Therefore, as the population intensity in Mammoth, represented as a PAOT, increases from 34,265 to approximately 60,700 over the next 20 years, the average and peak daily loading rate at the landfill should also increase by 77 percent. It is unclear whether this was considered in Mono County’s estimate to the Town. The Final Program EIR must demonstrate and provide calculations that support your findings that no significant impact is expected. Since the majority of the county’s waste is produced by, and coming from the Town, then the Town should plan and mitigate for the development of a new landfill for the future.

RESPONSE 009-14

Please refer to Response to Comment No. 009-12 where the calculations used by Mono County Department of Public Works to support their findings with regard to solid waste disposal for the Town are provided. As indicated in Response to Comment No. 009-12, the projected increase in population is considered in the analysis.

COMMENT 009-15

- Thank you again for the opportunity to comment on the Draft Program EIR for your General Plan Update. Should you have any questions about our comments, please contact Mr. Milad Taghavi of my staff at (213) 367-1032.

RESPONSE 009-15

The comment is conclusionary in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 010

Shute, Mihaly & Weinberger LLP
Richard S. Taylor, Esq.
396 Hayes Street
San Francisco, CA 94102

COMMENT 010-1

We write on behalf of our client, Advocates For Mammoth ("AFM"), to comment on the Revised Draft Program Environmental Impact Report ("EIR") prepared by the Town of Mammoth ("Town") for the proposed 2005 General Plan Update ("GPU"). We have been asked to comment on the Air Quality and Water Supply portions of the EIR. As discussed in detail below, we have found that both sections are flawed in several crucial respects. We therefore request that the Town revise the document and recirculate it for further public consideration and comment pursuant to Public Resources Code section 21092.1.

RESPONSE 010-1

The comment is general in nature. The Town has conducted its own independent evaluation of the EIR and has determined that the EIR has been prepared in accordance with CEQA and CEQA Guidelines and was based upon the most current data that was available at the time the Draft EIR was circulated. Detailed responses to the comments in this letter are provided below. Please see Response to Comment No. 010-2 through 010-38. Based on the Town's evaluation of the analyses contained in the EIR and the responses to the comments received, the clarifications and additional information contained in the Revised Final Program EIR do not rise to the level of significant new information pursuant to Public Resources Code Section 21092.1. In addition, the Town has determined that based on CEQA Guidelines Section 15088.5, no recirculation of the EIR is necessary because the information provided in the responses do not disclose new or more severe impacts than what was previously disclosed and the information provided merely clarifies and elaborates upon the information provided in the Revised Draft Program EIR.

COMMENT 010-2

We have also been asked to comment on the proposed density transfer provision in GPU Policy LU.1.a. As discussed below, that Policy includes several ambiguities that could obstruct its implementation. We provide recommendations to resolve those ambiguities.

RESPONSE 010-2

The comment is general in nature with regard to the policy contained in the Draft General Plan Update. Please see Response to Comment Nos. 010-54 through 010-61 for detailed responses to the specific comments relating to density transfers.

COMMENT 010-3**I. THE EIR'S ANALYSIS OF GPU IMPACTS IS INADEQUATE.**

An EIR must be detailed and complete and reflect a good faith effort at full disclosure. The document should provide a sufficient degree of analysis to inform the public about the proposed project's adverse environmental impacts and to allow decision makers to make intelligent judgments. CEQA Guidelines § 15151. In reviewing the legal sufficiency of environmental review documents, the courts have emphasized that an EIR must support with rigorous analysis and substantial evidence the conclusion that environmental impacts will be insignificant and will be adequately mitigated. *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990). As described below, the EIR fails to comply with this standard.

RESPONSE 010-3

CEQA Guidelines Section 15151 provides the standards for adequacy of an EIR. As indicated in the comment, "An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." The section continues to indicate that the analysis is not expected to be exhaustive. The CEQA Guideline section also addresses the issue of disagreement among experts, which can occur. The Guidelines indicate that such a disagreement does not render an EIR inadequate. The section also indicates that "The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The comment is general in nature with regard to the adequacy of the document. However, it is important to keep in mind that, as indicated in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. As such, the level of analysis contained in the Revised Partial Draft EIR relates to a program-level EIR and is not the same level of analysis that can be achieved for a specific development project. Please see Response

to Comment Nos. 010-4 through 010-38 for responses to the individual comments contained in this letter.

COMMENT 010-4

A. Air Quality

1. Mitigation Measure 4.2-1 Does Not Eliminate the GPU's Conflict With the AQMP.

Issue 4.2-1 states that the GPU would have a significant impact if it would conflict with the Air Quality Management Plan ("AQMP") or obstruct its implementation. EIR at 4-32. The EIR admits that, at build-out, the GPU would produce "vehicle miles traveled" ("VMT") far in excess of the 106,600 VMT standard established by a control measure in the AQMP----159,961 VMT. *Id.* at 4-32 to 4-33. The VMT standard is also set forth in the Mammoth Lakes Municipal Code. Muni. Code § 8.30.110. Mitigation Measure 4.2-1 purports to reduce this impact to a less than significant level. EIR at 4-36.

As discussed below, this measure improperly defers the specification of mitigation requirements until after approval of the GPU, but regardless of that deferral, the measure does not in fact mitigate the identified impact. The mitigation measure would not prevent the Town from approving development that would produce more than the 106,600 VMT ceiling established in the AQMP and Municipal Code. So long as the GPU may produce more than the 106,600 VMT standard, the GPU must be considered to be inconsistent with the plain terms of both the AQMP and the Municipal Code. As the EIR admits, this is a significant impact.

Furthermore, the EIR's proposal to violate the control measure included in the AQMP also raises serious legal questions under the federal Clean Air Act. The AQMP is part of California's EPA-approved State Implementation Plan ("SIP"). EIR at 4-32. Accordingly, EPA has reviewed and approved each of the control measures in the SIPIAQMP, including the control measure limiting growth to less than 106,600 VMT. *See* 42 U.S.C. § 7410(a)(3)(B); 57 Fed. Reg. 13,498 (1992). Refusal to comply with an EPA-approved SIP control measure, as Mitigation Measure 4.2-1 proposes, could subject the Town or State to federal sanctions. *See* 42 U.S.C. §§ 7410(m), 7509(a)(4). It could also leave the Town open to a citizen suit or other enforcement action under the Clean Air Act.

RESPONSE 010-4

The Great Basin Unified Air Pollution Control District (GBUAPCD), the agency responsible for development of the Air Quality Management Plan (AQMP), investigated a number of strategies for reducing and controlling emissions in order to demonstrate attainment and continued compliance with the National Ambient Air Quality Standards (NAAQS) for Particulate

Matter with an aerodynamic diameter of 10 microns or less (PM₁₀). The GBUAPCD verified, through analyses of ambient monitoring samples, that a variety of sources in and around the Town of Mammoth Lakes contribute to local levels of PM₁₀.

Specifically the GBUAPCD identified wood stoves, fireplaces, and re-entrained dust from roadways, including dust from cinders used for traction during periods of inclement weather, and tailpipe emissions from fossil fuel combustion in on- and off-road vehicles as contributors to ambient levels of PM in the Town of Mammoth Lakes. The GBUAPCD determined that days with poor air quality could be caused by either: 1) wood burning as the primary contributor, with minor contributions from resuspended road dust and cinders and tail pipe emissions, or 2) both wood burning and resuspended road dust and cinders as major contributors.

Additionally, the GBUAPCD analyzed meteorological conditions which occurred during periods of elevated ambient PM levels and discovered that all of the measured NAAQS exceedances occurred during stagnant air conditions, which are characterized by periods of low average wind speed, and on weekends (Friday, Saturday, or Sunday) or during the holiday period around Christmas and New Years, when there is a large influx of visitors.

The GBUAPCD analyzed two scenarios in detail, a wood-burning dominated design day and a road-dust dominated design day. Based on this understanding of the emission sources and meteorological conditions that contribute to elevated ambient levels, the GBUAPCD analyzed a number of strategies to control both primary sources of emissions, wood burning and road dust. As a result, the Town enacted municipal codes to implement the AQMP, such as limiting the number and type of wood burning appliances allowed to be installed (Sections 8.30.030 and 8.30.040), requiring replacement or removal of older solid fuel burning units in existing housing units upon sale of property (Sections 8.30.050 and 8.30.060), establishing opacity limits (Section 8.30.070), banning trash and coal burning (Section 8.30.080), establishing criteria for mandatory curtailment on burning (Section 8.30.090), enhanced public education regarding clean air strategies (Section 8.30.100), mandatory street sweeping, requiring measures for new developments to reduce vehicle miles traveled (VMT) and a limit on town-wide peak VMT to 106,600 (Section 8.30.110).

This limit allows for growth in total VMT from those levels experienced in the 1980s by accounting for contemporaneous, practicable reductions from the other identified sources (e.g. wood burning stoves and fireplaces). If reductions from other sources outpace those predicted in the AQMP, the total VMT could exceed 106,600 without jeopardizing attainment/maintenance of the NAAQS. For example, each wood burning fireplace or stove emits, based on data provided in the AQMP, between 154 and 615 grams of PM₁₀ per day, depending on the type of device and amount of wood typically burned. This is equivalent to the roadway dust generated by 6 to 26 vehicle miles traveled. It is therefore conceivable that a mandatory “No Burn” policy would result in appreciable emissions reductions, which could offset emissions increases from vehicles.

It should be noted, prior to any Town pursuit of an amendment to Municipal Code 8.030.110 to raise the limit on VMT above 106,600 in the future, the GBUAPCD would need to update the AQMP, demonstrating that the emissions reductions are permanent and quantifiable, and that the roll-back model with the lower stationary source emissions and proposed higher VMT would not predict ambient levels of PM₁₀ in excess of the NAAQS for both the wood burning and road dust dominated scenarios. A revised future AQMP would then need to be reviewed and approved by the United States Environmental Protection Agency (USEPA), to become part of the State Implementation Plan (SIP), allowing the Town and GBUAPCD to revise the specified rules.

In the Revised Draft Program EIR, the Draft General Plan Update was predicted to result in a maximum VMT at build-out of 159,961 miles, which if not properly mitigated would be in unlawful violation of the current AQMP and Municipal Code. However, the GPU contains a number of proposed Implementation Measures, most aimed at reducing VMT in accordance with Municipal Code Section 8.30.110. As Implementation Measure I.7.B.b.1 states in the Draft General Plan Update, “new development shall be required to mitigate its impacts on air quality through design, participation in Town air pollution reduction programs, or other measures that assure compliance with adopted air quality standards.”

Other Implementation Measures contained in the Draft General Plan Update ensure that the Town will be actively involved in researching, designing, and implementing mitigation measures applicable to both private and public activities so that near-term development also incorporates VMT mitigating features, to the extent practicable. In any event, the Town may not grant approval to any project which would create peak VMT in excess of the applicable limit, currently capped at 106,600 since it would violate the Municipal Code as well as the AQMP.

As a result of comments, Mitigation Measures 4.2-1 and 4.2-2 from the Revised Draft Program EIR have been clarified or expanded in the Final Program EIR. Mitigation Measure 4.2-1 of the Final Program EIR limits Town-wide VMT to the level contained in the Municipal Code and requires project-level VMT analyses and early consultation with the Town so as to include appropriate VMT-reducing measures into a project’s design. Mitigation Measure 4.2-2 of the Final Program EIR compels the Town to conduct surveys and monitor the effectiveness of VMT-reducing measures annually, and places a cap on future development below levels anticipated in the General Plan Update so as to ensure that the Town does not exceed the 24-hour National Ambient Air Quality Standard of 150 micrograms per cubic meter (µg/m³) for PM₁₀. The principal purpose of the AQMP is to make sure the Town achieves that same federal standard. Consequently, with these Mitigation Measures, the General Plan Update is not in conflict with the AQMP but rather ensures achievement of its goals and purpose.

Mitigation Measure 4-2.1 and 4.2.2 do not defer mitigation but are imposing it now on this General Plan Update by requiring a cap on development when it is determined that the Town would

exceed the federal standard of PM₁₀. This is a Program EIR which anticipates that future projects will tier off of its analysis to include more specificity of mitigation measures as each development project is planned and designed. The inclusion of a broad and significant cap on development that is to be annually monitored and then implemented on a project basis is exactly the type of mitigation encouraged at the Programmatic EIR level.

Nothing contained in the EIR or Mitigation Measure 4.2-1 (as presented in either the Revised Draft or Final Program EIR) proposes to violate the VMT control measure contained in the AQMP or Municipal Code. The cap on development imposed by Mitigation Measures 4.2-1 and 4.2-2 together with existing regulations will ensure that the purpose and not just the letter of the AQMP will be achieved.

Utilizing the same modeling methodology, existing Town-wide VMT (in 2004) is 74,051, or approximately 70 percent of the VMT limit contained in the AQMP. Through public comments submitted during the Revised Draft Program EIR public review period, it was discovered that the operative assumptions for VMT within traffic analysis zone (TAZ) 114, which is a large area generally located south of Meridian Boulevard in the Town's southeastern corner, were in error and overstated. The traffic model, which was used to estimate future traffic conditions including VMT based on predicted Town growth, was rerun to account for these errors. Please refer to Response to Comments 005-8 (transportation and circulation issue area) for the derivation of these revisions. The corrections to the underlying assumptions in TAZ 114 resulted in a revised and corrected estimate of peak Town-wide VMT at 128,270 at build-out of the Draft General Plan Update, rather than the indicated level of 159,961 VMT reported in the Revised Draft Program EIR. In addition, the assumptions used in the traffic model provided for density transfers in which development rights in certain more outlying parts of Town could be transferred to more central locations where they would increase allowable density in the receptor locations. While VMT from the transfers in the receptor locations was correctly provided for, the modeling failed to delete the VMT from the outlying transfer locations. Thus, the revised level of 128,270 VMT is also overstated. However, the General Plan Update may not establish a policy to promote density transfers. Therefore, the VMT that was associated with the transfer locations may or may not be appropriate. If the transfer policy is not adopted, the VMT that was loaded in the more central receptor locations needs to be eliminated. An additional modeling run has not been undertaken for this purpose. With this correction, it is apparent that the magnitude of VMT reductions needed to be compliant with the limit contained in Municipal Code and allow full-build out under the General Plan Update would be considerably less and more manageable than reported in the Revised Draft Program EIR.

Because the Draft General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details, it is not practical to quantify the reductions attributable to the Implementation Measures at this time. Specific performance criteria for approval of development projects is established by Municipal Code, AQMP, and corresponding GBUAPCD

Rules, in particular that the VMT limit of 106,600 VMT demonstrated as the NAAQS threshold will not be exceeded absent reliable evidence that such exceedance will not produce actual NAAQS exceedances. In summary, the Draft General Plan Update would result in a peak unmitigated VMT of approximately 116,000128,270. The Town, as demonstrated by the Implementation Measures listed in the Revised Draft Program EIR, will manage VMT and resultant air pollutant emissions from mobile and stationary sources via a feasible and equitable mitigation program backed by a commitment to restrict development if necessary. The primary obligation of the Town is to adhere to the rules provided under the Municipal Code and AQMP. The GBUAPCD drafted the AQMP as commitment to obtain and maintain avoid exceeding the NAAQS. Therefore, the Town does not have an obligation to reduce emissions below the NAAQS, but rather to follow the rules and regulations presented by the GBUAPCD. Due to the nature of the Draft General Plan Update, the impact of specific mitigation measures cannot be accurately quantified at this time. Regardless, the Town shall not grant approval to any project in violation of its Municipal Code and the corresponding GBUAPCD Rule enacted to implement the AQMP. Thus, build-out under the Draft General Plan Update would not obstruct the implementation of the AQMP.

COMMENT 010-5

2. Mitigation Measure 4.2-1 Improperly Defers Specification of Mitigation.

Because an EIR is intended to apprise the decision maker and the public of a project's environmental effects *before* a decision on the project is made, *Citizens of Goleta Valley v. Bd. Of Supervisors*, 52 Cal. 3d 553, 564 (1990), the EIR may not defer identification of mitigation for potentially significant effects until after the decision on the project has been made. CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296, 307 (1988). Courts have allowed deferral of mitigation only in very limited circumstances. "[F]or kinds of impacts for which mitigation is known to be feasible, *but where practical considerations prohibit devising such measures early in the planning process . . .*, the agency can commit itself to eventually devising measures that will satisfy *specific performance criteria* articulated at the time of project approval." *Sacramento Old City Ass'n v. City Council*, 229 Cal. App. 3d 1011, 1028-29 (1991) (emphases added).

Mitigation measure 4.2-1 improperly defers specification of mitigation until after GPU approval without any valid justification for that deferral. The measure defers modeling and establishment of a limit of total VMT to achieve the federal PM₁₀ standard. The measure also fails to specify how the "offset credits" referred to in the measure would be calculated and with the use of the word "should" rather than "shall," makes the use of such credits advisory rather than mandatory. The EIR also fails to identify any "practical considerations [that] prohibit devising [mitigation] measures" before GPU approval or "specific performance criteria" to guide selection of mitigation. *Id.*

RESPONSE 010-5

Neither the Draft General Plan Update, nor the Revised Draft Program EIR, nor, in particular, Mitigation Measure 4.2-1 improperly defer mitigation until some future time after a decision on the “project” has been made. In fact, Mitigation Measure 4.2-1 (now contained in Mitigation Measure 4.2-2 in the Final Program EIR) is quite clear, “The Town shall limit the total VMT to a level that, when modeled, shows that PM₁₀ levels are less than the federal standard of 150 µg/m³.” This strict adherence to the NAAQS for PM₁₀ is the specific binding commitment based on a performance criterion contemplated in *Sacramento Old City Assn. v. City Council*, where practical considerations prohibit devising specific project-level measures early in the planning process..

Even though Mitigation Measure 4.2-1 achieves the goals outlined by the court in *Sacramento Old City Assn. v. City Council*, we must note that the Sacramento case involved a project EIR for a specific convention center project as distinguished from a Program EIR involving a General Plan Update. Consequently, the degree of specificity with respect to the project-level mitigation considered in that case is not the required standard for evaluating the sufficiency of performance criteria within a General Plan EIR. Furthermore, the establishment of a performance standard coupled with the imposition of periodic monitoring is a well-recognized and accepted means of mitigating impacts (*Laural Heights Improvement Association v. Regents of the University of California*, 47 Cal.3d 376 (1988) (*Laural Heights I*)).

The fact that the Draft General Plan Update is a long-range plan intended to guide growth in the Town, that it does not specify any particular projects and that the Revised Draft Program EIR is a “Program EIR” not a “Project EIR,” all provide the practical considerations contemplated in the *Sacramento Old City Assn. v. City Council* case as to why more specific measures may not be credibly defined at this time. However, the outcome is still clear. The Draft General Plan Update will not be allowed to cause exceedances of the federal standard for PM₁₀, even if some restriction of development otherwise contemplated by the General Plan Update is ultimately required.

The use of a performance standard as is the case with Mitigation Measure 4.2-1 is entirely consistent with the type of mitigation measures imposed as part of a “first tier” approval such as a General Plan Update. This type of mitigation measure is also entirely consistent with State CEQA Guidelines Section 15126.4, which provides that mitigation measures may specify performance standards which would mitigate the significant effect and which may be accomplished in more than one way. Mitigation Measure 4-2.1 provides a performance standard of limiting VMT to a level that, when modeled, shows PM₁₀ levels are less than the federal standard. It applies this standard to projects that will result in 500 or more daily trips, as well as requires independent review of PM₁₀ levels on an annual basis. As is appropriate for a Program EIR, the measure permits development of the specific means to effectuate that standard to be tailored to each specific development project. The wide variety of individual projects (residential, commercial, industrial, visitor-serving) that may

be developed under the General Plan preclude the imposition of a “one-size-fits-all” project level mitigation measure as part of this General Plan Update. However, the imposition of an overall cap on PM₁₀ levels to which all development projects will be considered is appropriate at this time.

Nevertheless, the Revised Draft Program EIR does identify nine separate Implementation Measures or strategies contained in the Draft General Plan Update that, when implemented, can be expected to reduce vehicle miles traveled in the Town and the resultant emissions therefrom. These implementation strategies include:

- Promoting land use patterns that reduce VMT and encourage integration of residential and non-residential uses.
- Providing and promoting in-town workforce housing.
- Encouraging higher density residential and mixed-use development within close proximity of commercial centers.
- Modifying the street sweeping program.
- Making circulation system improvements.
- Encouraging strategic growth in mass transit facilities.
- Installing pedestrian walkways and multi-use trails.
- Encouraging clustering of land use density near established transit stops.
- Developing a transportation and circulation system that maintains and preserves air quality in and around the Town.

In addition, Mitigation Measure 4.2-1 establishes a system for assessing individual proposed projects’ impacts on peak VMT prior to approval, and for evaluating predicted PM₁₀ levels and mitigated VMT annually, beginning immediately. Collectively, these Draft General Plan Update Implementation Measures define the strategies that the Town will explore for purposes of specifying particular mitigation measures which will be applied to specific projects, and the annual testing evaluation and study prescribed in Mitigation Measure 4.2-2 insures that the Town always knows where it is relative to the federal PM₁₀ standard, recognizing that at present it is no where close. Collectively, these strategies and measures do not defer mitigation of potentially significant impacts since the specific performance criterion therefore is plainly established in Mitigation Measure 4.2-1. The Town shall not grant approval to any project which would cause peak VMT to exceed 106,600, which has been established as the maximum VMT level that will not exceed the federal PM₁₀

standard. If and when it can be reliably determined that a larger VMT level may be sustained without exceeding the NAAQS, due to derivation of “offset credits” associated with reduced other emission sources or to refined analytic inputs and/or methodologies, then appropriate amendments to the Town Municipal Code and AQMP may be considered.

The mandatory nature of Mitigation Measure 4.2-1 is beyond question. “The Town **shall** evaluate PM₁₀ on an annual basis. The Town **shall** limit total Town VMT The Town **shall** require a VMT analysis for specific projects VMT analysis **shall** be required to demonstrate compliance with the federal standard . . .” (emphasis added.) The only time the word “should” is used in the mitigation measure is when the measure allows the Town to permit inclusion of offset credits to the VMT, meaning that an exception to the VMT is not mandatory but should be considered. The use of the term “should” in the context of this exception makes the mandatory nature of the limits even more stringent because there is no assurance that offsets will be allowed.

COMMENT 010-6

In fact, it is clear that the Town could now limit development in the GPU to achieve a VMT limit that would allow the Town to meet the federal PM₁₀ standard. The air quality analysis in Appendix C states that “[t]he model predicts compliance with the federal standard tip to a daily VMT of 130,000.” EIR, App. C, at 2; *accord id*, at 8, tbl. 6. The EIR states that build-out of the GPU, however, would produce 159,961 VMT. EIR at 4-33. The EIR provides no explanation for its failure to include a mitigation measure that proposes to limit development to a level that would produce 130,000 VMT. Because the traffic model allows prediction of VMT for various levels of growth, the Town could easily calculate the reductions in new development required to reduce VMT to 130,000 or below.¹

¹ *Even if the Town were to adopt such a measure, however, it would not cure the GPU’s inconsistency with the AQMP and the refusal to implement an EPA-approved SIP control measure. A GPU that allows 130,000 VMT is still facially inconsistent with the 106,600 VMT limit set forth in the AQMP and Municipal Code. Moreover, the measure would require modification of the land use portions of the GPU to ensure that the GPU remains internally consistent.*

Although the GPU “implementation measures” might further reduce PM₁₀ emissions to some degree, the fact that their benefits cannot be presently determined does not justify a conclusion that the impact is less than significant. The implementation measures are as vague as Mitigation Measure 4.2-1 and provide no performance criteria to guide future specification. For example, measure 1.7.B.c.1 directs the Town to “conduct pilot projects and work with all applicable agencies to determine the feasibility of utilizing alternative traction control methods.” EIR at 4-34. The EIR touts this insubstantial measure in concluding that the GPU’s impact on compliance with the federal PM₁₀ standard is less than significant. EIR at 4-40 n.14. The EIR provides no basis to judge the effectiveness of this measure. Rather it is a “mere expression[] of hope” that the Town will be able

to devise a way around the problem of entrained road cinders. *Lincoln Place Tenants Ass'n v. City, of Los Angeles*, --- Cal. App. 4th ---, 2005 WL 1635178, at * 10 (July 13, 2005). CEQA requires more than that to mitigate significant impacts. *Id.*

The appropriate approach here would be to limit development to a level that would produce no more than 130,000 VMT, as discussed above and then revisit the issue after the implementation measures have in fact been implemented.² Development levels could then be adjusted, if appropriate, to reflect the reductions in emissions, if any, achieved by the implementation measures.

² Furthermore, because ;Mitigation Measure 4.2-1 provides for ongoing modeling using the AQMP model, the implementation measures will not justify a conclusion that a higher VMT may be sustained while nonetheless achieving the federal ambient standard: the AQMP model does take the implementation measures into account.

RESPONSE 010-6

As indicated in Response to Comment No. 010-4 the corrected maximum VMT at buildout of the Draft General Plan Update would be approximately 128,270. Specific projects will be proposed and implemented over the next 20 years, resulting in a gradual increase in Town wide VMT. The 2004 Town wide VMT was approximately 74,051. The GBUAPCD established a peak VMT limit of 106,600 miles in the AQMP after predicting the effect of contemporaneous, practicable reductions from other identified sources, such as wood burning stoves and fireplaces. Using its roll-back model, the GBUAPCD can evaluate various combinations of source reduction and VMT growth scenarios to determine if a higher peak VMT would demonstrate maintenance of the federal PM₁₀ standard. For example, if it can be demonstrated that reductions in excess of those predicted in the AQMP have occurred or additional control measures will be enacted to ensure excess emission reductions, those “offset credits” may be converted to additional VMT allowance. The calculation of these reductions would follow established (GBUAPCD, USEPA, CARB, etc.) methodologies, including: updating the survey of solid fuel burning appliances to establish the rate at which non-certified units have been replaced, removed, or rendered inoperable; reviewing and updating emission factors and methodologies for some source categories; or mandating stricter control measures such as more effective street sweeping or mandatory “no burn” days. Because the growth of emissions in the Town is tied to growth of VMT primarily resulting from population and visitor growth, the Town and the AQMP have established a specific performance criterion that such growth must comply with, namely, that no project approvals will be granted that will result in peak VMT in excess of the levels known to cause exceedance of the federal PM₁₀ standard. This performance criterion is neither vague nor insubstantial.

As indicated in the Revised Draft Program EIR, the Town used the GBUAPCD’s model to verify that a planning scenario of 130,000 VMT could demonstrate compliance with applicable PM₁₀ standards, assuming further reductions from other source categories. An example of such reduction is a recently adopted (December 4, 2006) amendment to GBUAPCD Rule 431 which now

establishes a prohibition within the Town on wood burning on designated “No Burn” days. Thus, during periods of anticipated high ambient PM levels only the use of pellet stoves would be allowed, reducing fireplace emissions and their contribution to ambient concentrations to negligible levels, and reducing stove emissions by approximately one-quarter of the planning levels established in the 1990 AQMP. Thus, an increase of approximately 22 percent in VMT (106,600 to 130,000) with a proportional increase in PM re-entrainment would result in a total predicted maximum PM₁₀ level of 149.3 ug/m³ which is still below the federal PM₁₀ standard of 150 ug/m³ (See page C-8 of the Revised Draft Program EIR Air Quality Appendix). An updated inventory of stoves and fireplaces performed annually per Mitigation Measure 4.2-2 will be needed to verify the assumptions in this modified planning scenario. While the foregoing information indicates that 130,000 VMT could be accommodated in the future with achievement of reductions in other emissions sources without exceeding the federal PM₁₀ standards, the existing limit of 106,600 VMT remains the limit until such time as it is lawfully modified. If the Town seeks to increase the VMT limit over 106,600 to accommodate full build-out as envisioned in the Draft General Plan Update, the Town and GBUAPCD will be required to demonstrate continued maintenance of the federal PM₁₀ standards through the process of revising the Municipal Code, GBUAPCD Rule and the AQMP.

Mitigation Measure 4.2-1 and 4.2-2 are not a “mere expression of hope” but contain specific performance based standards. The Town is required to impose these standards on projects, achieve it in the short and long term, and monitor for compliance on an annual basis. Because this is a Program EIR, rather than a project EIR, it is permissible to use this type of performance based criteria as mitigation of potentially significant impacts. The fact that the EIR also mentions a variety of other implementation measures that the Town is or will be undertaking to address the impacts of entrained road cinders does not make the Mitigation Measure’s application to development projects ineffective. In addition, the fact that the EIR does not impose the mitigation measure that the commentator would prefer does not make the measures imposed invalid. CEQA does not require the imposition of every imaginable alternative or mitigation measure. Rather, the focus is whether the measures provided are feasible and effective. (See, *Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District*, 24 Cal.App.4th 826 (1994)).

COMMENT 010-7

3. Issue 4.2-2 Misstates Emission Reductions From Stationary Sources.

The discussion of Issue 4.2-2 states that emissions from stationary sources “would decrease” relative to current conditions because of three AQMP control measures implemented by the Municipal Code: prohibition of wood burning appliances in multi-family units, curtailment of solid fuel combustion on designated poor air quality days, and a program for the replacement of existing wood burning stoves for EPA-approved stoves with lower emissions. EIR at 4 39. The first two measures are already in effect and have been in effect since the early 1990s. See Muni. Code §§ 8.30.030,

8.30.090. Thus they cannot be said to *reduce* stationary source emissions from current levels. Only the third measure can effect an improvement to existing emissions levels by requiring replacement of existing sources with cleaner sources. However, that requirement applies only upon a change in ownership of the property on which an affected source is located. Muni. Code § 8.30.050(A). Moreover, the air impact study (EIR., App. C) notes that the "great majority" of solid fuel appliances are already EPA--compliant. EIR, App. C, at 2.

The EIR and air impact study also note that the Air Pollution Control District is *proposing* a series of measures to further reduce PM₁₀ emissions. *Id.*; EIR at 4-30. The air quality model assumes that these measures will be adopted and implemented as proposed but provides no support for this assumption beyond the conclusory statement that "[t]hose measures are expected to be adopted." EIR, App. C, at 2. Likewise, the EIR concedes that no implementation schedule for the measures has been adopted. EIR at 4-30. As a result, it is speculative to rely on these measures to reduce Town air emissions. *Cf.* EIR at 4-267 (concluding that reliance on unapproved recycled water program as a water source for GPU development would be "speculative"). Accordingly, the EIR's air quality model must be revised to eliminate reliance on these measures.

RESPONSE 010-7

As indicated in the discussion regarding Issue 4.2-2 in the Revised Draft Program EIR, it is reasonable to expect some conservation of then-current emissions from stationary sources when the Revised Draft Program EIR was drafted. While Town prohibition of wood burning appliances in multi-family units and curtailment of solid fuel combustion on poor air days has been in effect for some time as noted in this comment, emissions improvement in the latter category should still be expected. In fact, on December 4, 2006, the GBUAPCD amended Rule 431 to prohibit, which goes beyond curtailment, wood burning in any appliance or device, including EPA certified units, on declared "No Burn" days. This act by the GBUAPCD is an example of how a proposed measure becomes law and why expecting improvement in ambient air quality due to the implementation of proposed measures is reasonable. Improvements in ambient air quality may also be expected from a third category cited in the discussion of Issue 4.2-2 and mentioned in the comment, namely, the replacement of non-certified wood burning appliances upon property sale. While the AQMD air quality model assumed that 90 percent of the non-certified units extant in 1989 would have been removed, replaced or rendered inoperable upon sale of property by 2004, the air pollution contribution from this source will be improved with the conversion of the remaining 10 percent. An updated survey of the extent to which active conversion of no-certified appliances has occurred will be a necessary step in the implementation of Mitigation Measure 4.2-2. This mitigation measure proposes annual calculation of PM₁₀ levels including review of VMT from vehicles and emissions reductions from such sources as wood stoves, fireplaces or alternative road traction materials. In order to undertake such annual calculation, the AQMD air quality model will necessarily be updated in response to new circumstances (i.e., current survey data regarding the rate of non-certified appliance removal and replacement) that will contribute to improved understanding of the

relationship between emissions sources and ambient air quality. In any event, while expectation of future emissions reductions from stationary sources is reasonable, continued compliance with the federal PM₁₀ standard is not dependant on these expectations, as the Town will restrict future development as ultimately necessary to manage Town wide VMT at levels that ensure compliance.

COMMENT 010-8

4. The EIR Errs In Concluding That the Town Will Attain the Federal PM₁₀ Standard With Build-out of the GPU.

Although the EIR concedes that state PM₁₀ and federal ozone standards will continue to be violated under the GPU, EIR at 4-40, it concludes that the GPU will not cause violations of the federal PM₁₀ standard. In fact, because, the identified mitigation is inadequate, the Town is likely to violate the federal standard. Under the thresholds of significance in the EIR, this violation of an air quality standard is a significant impact. Nevertheless, contrary to the EIR's conclusion, the impact is not unavoidable.

RESPONSE 010-8

As has been very clearly affirmed in the responses to this Commentor's earlier comments (Please refer to Responses to Comment Nos. 010-4 through 010-6.), the Draft General Plan Update may not lawfully cause an exceedance of the federal PM₁₀ standard because both the Municipal Code and the AQMP limit Town wide VMT to 106,600 which has been demonstrated to comply with the federal PM₁₀ standard. Moreover, Mitigation Measure 4.2-2 reaffirms this commitment with the following fiat: "The Town shall evaluate PM₁₀ levels on an annual basis using the AQMP model. The Town shall limit the total Town VMT to a level that, when modeled, shows PM₁₀ levels are less than the federal standard of 150 µg/m³." This is conclusive. There will be no exceedance of the federal PM₁₀ standard. The State 24-hour PM₁₀ standard, which is only one-third of the federal standard, will continue to be violated, as will the federal ozone standard due primarily to transport of pollution emitted in the San Joaquin Valley over the Sierra Nevada, as indicated in the Revised Draft Program EIR.

COMMENT 010-9

Table 4.2-2 demonstrates that on "road-dust dominated days," ambient PM₁₀ concentrations are expected to reach 174.5 ug/m³, well over the 150 ug/m³ federal standard. EIR at 4-38. The EIR suggests that the GPU "implementation measures" will produce some reduction in PM₁₀ levels, but concedes that these reductions are impossible to predict. EIR at 4-40 n.14. The Town thus has no basis for concluding that they will be effective at avoiding violations of the federal standard. Indeed, given *existing* ambient conditions on road-dust dominated days (142.4 ug/m³) are only a hair's breadth away from a violation of the federal standard, the implementation measures would need to have an enormous impact to offset the impacts of the growth planned in the GPU.

Mitigation Measure 4.2-2 does not eliminate the impact either. This measure is identical to Mitigation Measure 4.2-1. *Compare* EIR at 4-40 *with id.* at 4-36. That measure is little more than a hope that the Town, in the future, will somehow reduce VMT to a level that would achieve compliance with the federal standard. As described previously, that measure is invalid under well-established CEQA principles. Also previously noted, the air quality impact study concludes that the Town can achieve the Federal standard at traffic levels of up to 130,000 VMT, yet the EIR fails to propose limiting planned development to a level that would not exceed that VMT value. This is a feasible and presently identifiable way to mitigate the GPU's impact.

RESPONSE 010-9

Ambient monitoring demonstrates that the maximum 24-hour PM₁₀ concentration experienced in the last 10 years at the station in Town is 134 ug/m³, approximately 89 percent of the NAAQS. With a projected peak VMT under Build-out of the Draft General Plan Update of approximately 128,270, the maximum modeled unmitigated concentration is estimated to be approximately 160 ug/m³, which is approximately 7 percent above the federal standard of 150 ug/m³. With mitigation measures, Implementation Measures, and compliance with the Municipal Code, VMT will not be allowed to exceed 106,600. Further reductions in emissions from stationary sources, such as those mandated under “No Burn” days, may further mitigate the projected peak PM₁₀ concentrations under full build out. Thus, mitigated emissions are expected to result in maximum ambient concentrations at or below the federal standard of 150 ug/m³. In any case, if based upon annual modeling of then current conditions it can be demonstrated that the federal PM₁₀ standards is at risk, the Town will restrict future development as necessary to ensure that Town wide VMT complies with the federal PM₁₀ standard. Also, the Town and GBUAPCD may pursue revising the AQMD and associated Municipal Code and Rules, if it can be reliably demonstrated that reductions from other source categories have occurred and that increased allowable VMT to a level above 106,600 would not result in a predicted NAAQS exceedance.

COMMENT 010-10

5. The EIR Fails To Properly Analyze the Increase in Emissions of Ozone Precursors Caused By the GPU.

Issue 4.2-3 notes that the Town violates the state ambient air quality standards for ozone and concludes that those violations are attributable to ozone transported from the Central Valley across the Sierra to the Town. EIR at 4-41. As a result, the Town is expected to continue to violate the ozone standard whether or not the GPU is implemented. *Id.* It therefore concludes that the GPU's cumulative impact is significant and unavoidable. *Id.* at 4-43. Likewise, Issue 4.2-2 describes the exceedance of the state ozone standard as a significant and unavoidable impact of the GPL. *Id.* at 4-40.

While the EIR is undoubtedly correct to conclude that this impact is significant, a conclusion of significance cannot take the place of description and analysis of the impact. See *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal. App. 4th 182 (1996) (invalidating EIR that had failed to adequately analyze water supply impacts but found them to be significant and unavoidable). The EIR provides no information whatsoever about ozone emissions anticipated to be caused by the GPU. The public and decision maker thus cannot determine whether the GPU will increase such emissions by one percent, 1,000 percent, or 1,000,000 percent. With such information, the Town might decide to scale back planned development under the GPL to reduce ozone precursor emissions. That is precisely the kind of information that CEQA intends an EIR to provide.

Once the EIR has included this information, it must determine whether the increase in ozone precursor emissions is a significant impact in its own right, irrespective of whether the Town will meet the federal or state ozone standard. See *Cmtys. for a Better Env't v. Cal. Res. Agency*, 103 Cal. App. 4th 98, 110-14 (2002) (holding that an EIR may not rely on a regulatory standard to the exclusion of an independent analysis of whether a project involves significant impacts); *Berkeley Keep Jets Over the Bay Comm. v. Bd. Of Port Comm'rs*, 91 Cal. App. 4th 1344, 1377-82 (2001) (holding that EIR cannot avoid discussion of airport noise impacts on residents by concluding that residents would experience noise less a [sic] federal standard). For example, the public health impacts of an increase in ozone precursors produced by the GPU could justify a conclusion of significance whether or not the Town attains the state ozone standard.

Issue 4.2-4 takes steps in this direction by nominally addressing the impact of GPU-generated emissions on sensitive receptors. In fact, however, the impact merely reiterates the analysis of attainment or nonattainment with state and federal standards discussed in the previous impacts. As *Communities for a Better Environment* and *Berkeley Keep Jets Over the Bay* attest, this approach falls short of CEQA's requirements. A regulatory standard cannot supplant independent analysis of whether the project will produce a significant impact and the identification of mitigation for that impact.

Because the EIR relies exclusively on the state and federal regulatory standards, it fails to properly consider whether mitigation for impacts to sensitive receptors is possible. Since the Town will exceed the state ozone and PM₁₀ standards regardless of the GPU, it concludes that the effect is significant and unavoidable. EIR at 4-44. But a proper analysis that looks beyond the standards could show that mitigation is possible. For example, reductions in density of development and attendant reductions in traffic might reduce ozone precursor emissions sufficiently to mitigate the GPU's impact to sensitive receptors. We cannot know, of course, so long as the EIR provides no information about ozone emissions under the GPU.

RESPONSE 010-10

The increase in emissions of ozone precursors, along with other criteria pollutants such as PM₁₀, carbon monoxide (CO) and sulfur dioxide (SO₂), resulting from buildout under the Draft General Plan Update, as compared to existing conditions have been calculated and are presented in Table 3 below. Data from the California Air Resources Board representing the total emissions estimated to be generated in Mono County for 2005 are also presented in Table 3. As shown, the increase in emissions represents a 1 percent increase for both PM₁₀ and SO₂, 2 percent change for CO, 5 percent increase for VOCs, and 4 percent increase for NO_x.

Table 3

**Increase in Annual Emissions at Full Buildout
Under the Draft General Plan Update (tpy)**

Source Category	NO_x	VOC	PM₁₀	CO	SO₂
Mobile	16	3	110	38	0.1
Stationary	<u>19</u>	<u>138</u>	<u>49</u>	<u>314</u>	<u>1.0</u>
Total	35	141	159	352	1.1
Mono County 2005	978	2,873	14,155	19,206	110
Percent increase	7%	6%	1%	3%	1%

Source: PCR Services Corporation, 2007.

The County has not prepared Countywide dispersion analyses to determine what the ambient concentrations of pollutants generated in the County would be. Therefore, it is not possible to relate the incremental increase in tons per year for the various criteria pollutants attributable to the Draft General Plan Update to the monitored ambient air concentrations in the Town of Mammoth Lakes. In addition, the GBUAPCD has not established thresholds to determine significance of project specific emissions increases. Emissions from mobile sources are generally proportional to VMT. The Implementation Measures under Issue 4.2-1, which would reduce peak VMT, would also reduce emissions of CO, PM₁₀, SO₂, NO_x, and VOCs. However, as mentioned above, the Draft General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details needed to quantify emissions reductions attributable to the Implementation Measures at this time. Wind patterns in the San Joaquin Valley region continually transport air into the GBVAB. Daily wind patterns blow air through the warmer valleys and up the western side of the Sierras. The transported air cools at night and falls down the eastern slopes of the mountains. This pattern occurs throughout the year and is the source of transported air pollutants including ozone. There is no ozone implementation plan for attainment in Mono County, nor is one required under State law. As outlined in the 2001 CARB Ozone transport review, the CARB determined the contribution of transported pollution as overwhelming, significant, inconsequential, or some combination of the three. The CARB Ozone Transport Review states that;

“Transport from the central portion of the (San Joaquin) Valley is responsible for ozone violations in Mammoth Lakes”, and that the resulting impacts on the Town’s air quality were classified as “overwhelming”. According to the CARB ozone levels should improve in the air basin only when substantial mitigation measures are more fully implemented in upwind air basins. Local sources are not considered to have a considerable impact on ambient levels due to the climactic patterns of the eastern slopes of the Sierras. Given that the primary source of ground level ozone in Town are not under Town or GBUAPCD jurisdiction, the conclusion that additional emissions of ozone precursors resulting from local growth may present a significant and unavoidable impact is the correct determination.

The commentor cites to *Berkeley Keep Jets Over the Bay v. Board of Port Commissioners*, 91 Cal.App.4th 1344 (2001) wherein the EIR at issue involved an airport master plan project which was found deficient for, among other reasons, its failure to evaluate the health effects of toxic air contaminants from airplane jets on persons who live in close proximity to the airport. The court reached this conclusion because there was substantial evidence presented during the proceedings involving the project of the potential health effects from such activity all of which was ignored during the EIR process resulting in a conclusion in the EIR that the health impacts were “unknown.” In contrast, this General Plan EIR discloses the past, current and anticipated occurrence of ozone and its precursors within the Town and concludes that the Town’s exceedance of the state ozone standard is a significant and unavoidable impact of the General Plan Update. Further, in response to the commentor’s inquiry, additional clarification of the information has been provided resulting in additional support for the Town’s initial conclusion of a significant and unavoidable impact.

COMMENT 010-11

B. Water Supply

In describing a proposed project and analyzing its environmental impacts, an EIR must provide a thorough discussion of the water supplies relied on to serve the project and the impacts of reliance on those supplies. In recent years, courts have become increasingly sensitive to the adequacy of EIRs' analysis of project water supplies. See *Cal. Oak Found. v. City of Santa Clarita*, --- Cal. App. 4th ---, 2005 WL 2864673 (Nov. 2, 2005); *In re Bay-Delta EIR*, 133 Cal. App. 4th 154 (2005); *Santa Clarita Org. for Planning the Env't v. County of Los Angeles*, 106 Cal. App. 4th '15 (2003) ("SCOPE"); *Planning & Conservation League v. Dep't of Water Res.*, 83 Cal. App 4th 892 (2000); *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal. App. 4th 182 (1996); *Santiago County Water Dist. v. County of Orange*, 118 Cal. App. 3d 818 (1981). Moreover, that analysis is no where more critical than in Mammoth, which is located in the arid rain shadow of the Sierra Nevada. As discussed below, the EIR's discussion of water supply is inadequate in several respects.

RESPONSE 010-11

The Town concurs with the importance of a water supply analysis. The Town has coordinated with MCWD during the preparation of the Revised Draft Program EIR. As with the February 2005 EIR, MCWD completed a water assessment so that the Town and MCWD could understand the water supply and water demand associated with the Draft General Plan Update. Section 4.11 of the Revised Draft Program EIR contains a summary of the water supply assessment prepared by MCWD. Please note that the water supply assessment has been updated in the Revised Final Program EIR based on MCWD's letter (see Comment Letter No. 006) and the adoption of an updated Urban Water Management Plan (UWMP) in 2005. Please also note that the Revised Draft Program EIR complies with the requirements of the California Supreme Court's decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) by acknowledging that there is uncertainty as to the long-term supply of water in single and multiple dry years and by providing for the likely sources of water supply and water savings to address that uncertainty. The comment is general in nature. Please see detailed responses to the detailed comments that follow with regard to water supply.

COMMENT 010-12**1. The EIR Does Not Adequately Describe Existing Water Sources Relied on to Serve Planned Development.**

An EIR must describe the sources of water that the agency anticipates will serve planned development; such water sources must be considered part of the project description. *In re Bay-Delta EIR*, 133 Cal. App. 4th at 232; *Stanislaus Natural Heritage*, 48 Cal. App. 4th at 199-200, 205-06; *Santiago County Water Dist.*, 118 Cal. App. 3d at 829-30. The EIR must also include analysis of the reliability of the supplies relied upon. *Cal. Oak Found.*, 2005 WL 2864673, at *10; *SCOPE*, 106 Cal. App. 4th at 722. The EIR here states that future development projected in the GPU will be served by substantially the same sources of water used to serve existing development: "surface water diverted from the Mammoth Creek watershed, plus eight ground water production wells within the Town." EIR at 4-265. The "Existing Conditions" discussion in Section 4.11 provides a cursory discussion of the groundwater resource that the Town has thus far relied upon to serve urban uses and even less discussion of the surface water resources in the Mammoth Creek watershed. This discussion is inadequate.

RESPONSE 010-12

With regard to groundwater sources, MCWD completed and adopted a Groundwater Management Plan (GWMP) in 2005 that describes a monitoring and operation plan for the long-term use of local groundwater and surface water resources. The intent of the GWMP is to ensure that groundwater resources are managed in a manner that ensures sufficient, high quality groundwater resources while minimizing potential environmental impacts. As indicated in Section

4.11 of the Revised Draft Program EIR, the District pumps groundwater from the Mammoth Basin watershed, which is located within the Long Valley Groundwater Basin identified by the Department of Water Resources as part of the South Lahontan Hydrologic Region. The Mammoth Basin is located on the eastern side of the Sierra Nevada Mountain Range. Surface elevations range from a high of about 12,000 feet at Mammoth Crest to 7,000 feet at the downstream easterly extremity. Mammoth Basin is the watershed of Mammoth Creek and is bounded on the south by the drainage divide of Convict Creek; on the west by the Mammoth Crest; on the north by the drainage divide of Dry Creek; and on the east extending along the watershed of Hot Creek. The area of the Mammoth Basin is about 71 square miles and extends approximately 13 miles west to east and 9 miles north to south. Elevated areas on the north and west that are comprised largely of extrusive igneous rocks generally form the Mammoth Basin; a central trough filled with alluvial and glacial debris; and an abrupt southern flank of igneous intrusive and metamorphic rocks. The central trough area opens and drains to the east to the Owens River and Lake Crowley. Section 4.11 of the Revised Draft Program EIR provides information with regard to groundwater pumping that occurred in the past 5-year period. As indicated in Section 4.11, MCWD pumped a total of 8,367 acre-feet of groundwater, averaging 1,673 acre-feet per year from the District's eight procumbent wells that are located within the boundaries of the District's service area serving the Town. The maximum volume pumped occurred in 2002 and amounted to 2,717 acre-feet. To update the information, during the 5-year period between 2002 and 2006, the District pumped a total of 10,327 acre-feet of groundwater, averaging 2,065 acre-feet per year. The maximum historic volume continues to have occurred in 2002, which had a total of 2,717 acre-feet of groundwater pumped. Table 4 shows detailed volumes of water pumped from each well over the past five years.

Table 4

**Historical Volumes (Acre-Feet) Of Groundwater
Pumped From Individual Production Wells**

Well No.	2002	2003	2004	2005	2006
1	132	184	71	188	297
6	184	454	347	554	1
10	1086	602	500	577	135
15	592	807	381	244	390
16	141	107	239	55	0
17	310	172	138	100	229
18	77	114	58	226	1
20	196	80	187	167	13
Total	2719	2520	1921	2111	1066

Note: Groundwater pumpage reflects the metered amount of water pumped from individual wells, which tends to vary slightly from the flow measured through the treatment plants.

Source: Water Supply Assessment for 2006 Revised Snowcreek Master Plan, MCWD, January 2006

With regard to surface water, as indicated in Section 4.11 of the Revised Draft Program EIR, current water supplies from surface sources are 2,760 acre-feet per year. The District currently has the right, through two licenses and one permit, to divert a total of 2,760 acre-feet of water annually from Lake Mary, located in the Mammoth Lakes Basin. The authorized amount of water that the District can divert under its surface water rights are set at a maximum instantaneous diversion of 5.039 cubic feet per second (cfs) and a maximum annual diversion of 2,760 acre-feet. As part of this total, the District is allowed to store 606 acre-feet from April 1 to June 30 and an additional 54 acre-feet from September 1 to September 30 of each year. The District's water rights are restricted by several management constraints that influence the amount of surface water that can be diverted. These include the bypass flow requirements in Mammoth Creek and lake level management of Lake Mary. The primary influence upon the amount of water that the District may store or divert are the bypass flow requirements in Mammoth Creek that are included as part of the District's water rights. The District measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. The District is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at the District's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and the District must bypass all incoming flows to Lake Mary.

As indicated in Section 4.11, while the District must currently operate under the bypass flow requirements, there is potential for these requirements to become modified in the future due to their temporary nature. The District is currently preparing an EIR that evaluates the environmental effects of the proposed bypass flow requirements for Mammoth Creek. The outcome of this EIR and the resulting decision by the State Water Resources Control Board could modify the existing temporary bypass flows to a different regime that could result in less surface water being available to the District. Potential reductions in surface water supplies in the future are a possibility, but the amount of these reductions is currently unknown. A further discussion of future water supplies to satisfy demand in the event the bypass flow rate for Mammoth Creek changes is provided in Response to Comment No. 010-21.

COMMENT 010-13

a. The EIR Does Not Adequately Describe the Groundwater Resource or the Reliability of That Resource as a Water Source For the Planned Development.

The EIR does not adequately describe the existing condition of the ground-water tapped by the eight wells. In *Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal. App. 4th 99 (2001), the court invalidated an EIR that failed to accurately describe the "baseline" condition of an aquifer relied on to serve the proposed project. Here, the EIR provides only a meager discussion of existing groundwater conditions. The document estimates that 4,000 acre-feet per year

("afy") of groundwater is available for extraction by the Mammoth Community Water District ("MCWD"), EIR at 4-254, 4-255, tbl. 4.11-1,³ but provides no justification for the number or explanation of how this number was derived. This number cannot be derived from past withdrawals, which averaged only 1,673 afy in the previous five years, with a maximum of 2,717 afy in 2002. *Id.* at 4-255. Moreover, the document does not describe aquifer recharge. As a result, the reader and decision maker have no basis for concluding that extraction of 4,000 afy can be sustained without causing overdraft and "mining" of the aquifer. The EIR thus provides no basis for concluding that the aquifer can support the demands placed upon it by the development proposed in the GPU. The EIR thus lacks the analysis of water supply *reliability* required by the case law. *See Cal. Oak Found.*, 2005 WL 2864673, at * 10; SCOPE, 106 Cal. App. 4th at 722.

³ Table 4.11-1 refers to "GWTP #1" and "GWTP #2" but defines neither. We assume they refer to the groundwater treatment plants referred to in Section 4.6 and thus consolidate groundwater withdrawals from the various groundwater wells. Please confirm that this assumption is correct.

RESPONSE 010-13

The MCWD Groundwater Management Plan indicates that future extractions from the Mammoth Basin available to meet planned growth in the community are projected to total 4,000 acre-feet per year under normal precipitation conditions. A study conducted for the MCWD ("Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow", Wildermuth Environmental, Inc., November 2003) indicates that a total volume of 3,800 acre-feet annually could be pumped from the Mammoth Basin during a three-year dry period.

Past withdrawals from groundwater wells are not a measure of safe yield in the Basin. The surface water and groundwater supplies are used to meet the actual demand. As shown in Table 4.11-1 of the Revised Draft Program EIR, the current (2005) projected water supply is 6,760 acre-feet per year. As shown in Table 5 on page 103, in 2000 water demand was 3,236 acre-feet. The demand in 2006 was similar with a total demand of 3,225 acre-feet. In comparison, the 2006 projected water supply was 6,760 acre-feet, or approximately 3,500 acre-feet above the demand. The actual supply represents supplies that were made available to the community based upon demands. With regard to recharge, groundwater recharge to the Basin is derived from the deep percolation of precipitation and applied water and the infiltration along Mammoth Creek and other tributaries.⁵

As indicated in Section 4.11 of the Revised Draft Program EIR, during dry-year periods, groundwater levels within the Mammoth Basin decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and

⁵ *Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow*, Wildermuth Environmental, Inc., 2003

Table 5
Past and Current Water Supplies

Water Supply Sources	1995	2000 (Actual)	2006 (Actual)	2006 (Projected Maximum)
Lake Mary	1,725	1,971	2,159	2,760
Well #1	47	19	297	500
GWTP #1	890	672	528	2,000
GWTP #2	230	574	241	1,500
Total	2,892	3,236	3,225	6,760

Units of Measure: acre-feet per year

Note: Actual water supplies in 1995, 2000, and 2006 represent supplies that were made available to the community based upon demands. Groundwater pumpage reflects the metered amount of water pumped from individual wells, which tends to vary slightly from the flow measured through the treatment plants.

Source: SB 610 Water Supply Assessment for the 2006 Revised Snowcreek Master Plan, MCWD, January 2006

tend to fully recover after two years of normal precipitation. Based on MCWD staff review of recent production well data which followed two wet water years, it appears that many of the District's wells have recovered to historical minimum levels.⁶ Two of the eight production wells have fully recovered to levels higher or shallower than those seen when these wells were first drilled. Two wells have recovered to within about 10 feet of historical minimums, two wells have recovered to within 30 feet of historical minimums, and one well has recovered to within 60 feet and another to within 75 feet.

Reviewing monitor well data shows similar trends with an even stronger recovery rate. Of the District's 15 monitor wells that have been providing data for the time period between four and fifteen years, eight showed that they have met or exceed the highest or shallowest historical water levels. Three have recovered to within one foot of historical highs, two have recovered to within 3 – 4 feet of historical highs, one recovered to within 14 feet and one recovered to within 27 feet. Monitor wells and production wells both show fluctuations in level based upon pumping and recharge and District wells do not show an overall decline in level. It is also important to note that just because a well has not recovered to historical minimums, does not imply that overdraft has occurred and negative impacts are occurring. The MCWD notes in its UWMP that the total useful storage in the Mammoth groundwater basin has been estimated by one study to amount to 135,100 acre feet (MCWD's UWMP pages 12-13). The District maintains an active monitoring program that has recently been improved and expanded to ensure that negative impacts are not occurring to, for example, surface water and springs. In addition, previous studies prepared by the District's consultants indicated that 3,800 acre feet in dry years and 4,000 acre feet in normal and wet years

⁶ *Historical minimums are the highest water levels seen in the wells since they were installed.*

could be safely withdrawn to meet 2020 projections without causing an overdraft in the basin or impacting biological habitats. Previous studies prepared by the District indicate that 3,800 AF in dry years and 4,000 AF in normal and wet years could be safely withdrawn. To add confidence to these figures, the District is currently in the process of completing a groundwater model of the Mammoth Basin that can be used as another tool to help answer these questions.

With regard to Table 4.11-1, the GWTP #1 and GWTP #2 are the MCWD's Groundwater Treatment Plants # 1 and #2. The Final Program EIR includes a note in Table 4.11-1 to define GWTP. Groundwater withdrawals from the various wells are consolidated in the numbers.⁷

COMMENT 010-14

To provide the requisite evaluation of the reliability of groundwater supplies for the planned development, the EIR must describe MCWD's water rights in the groundwater and the rights of competing users of that groundwater. Because the wells deliver groundwater for use on parcels other than those from which the water is drawn, those uses must be characterized as appropriative rather than overlying. See *City of San Bernardino v. City of Riverside*, 186 Cal. 7 (1921); see also *City of Pasadena v. City of Alhambra*, 33 Cal. 2d 908, 927 (1949). Under California's common law system of groundwater rights, appropriative rights must give way when necessary to serve overlying users, e.g., agricultural users who pump groundwater for irrigation or stock watering on the same parcel from which the water is pumped. See *City of Pasadena*, 33 Cal. 2d at 926. Accordingly, in the event of overdraft, an overlying user could legally compel appropriative users, such as the Town's planned urban users, to curtail withdrawals. The EIR must evaluate the likelihood that overlying users---existing or potential⁴---or senior appropriative users could demand that MCWD reduce its withdrawals.

⁴ A newly initiated overlying use may trump an existing appropriative use. See *Wright v. Goleta Water Dist.*, 174 Cal. App. 3d 74, 86-871, 89 (1985).

In evaluating the impacts on other groundwater users--and the potential effects of those users on the Town's water supply--the EIR should also address the risk of well interference. Heavy pumping by MCWD in dry years could form a significant cone of depression that could interfere with other groundwater users. The cone of depression formed by other users' withdrawals could likewise affect MCWD wells. These risks must be addressed.

RESPONSE 010-14

The reliability of MCWD's surface and groundwater supplies is not likely to be challenged by the overlying rights of new additional large-scale users of water for several reasons. First, as

⁷ GWTP #1 includes Wells 6, 10, 15, and 18. GWTP #2 includes wells 16, 17, and 20. Well #1 is not routed through the treatment plants.

indicated in the GWMP, there are only four other wells in the area besides MCWD's wells. In 1992, Depsey Construction Corporation drilled a well on their property to provide water for irrigation of the Snowcreek Golf Course. This well is capable of producing a maximum of 200 gallons per minute, although Dempsey Construction has rights to pump up to 450 gallons per minute for irrigation of open space.⁸ Based on the Wildermuth, 2003 study, the Snowcreek well produces about 100 acre-feet per year and ranges from a low of about 30 acre-feet per year to a maximum of about 165 acre-feet per year. In addition, there have been two private domestic wells drilled on residential lots within the District's service area. Both wells are located in the Old Mammoth area, one near Crawford Street, and the other near the intersection of Summit Street and Ski Trail Lane. In 1996 the US Forest Service installed an extraction well in the Lakes Basin that is located near the extreme western boundary of the Mammoth Basin watershed. Groundwater is extracted from this well for domestic use in campgrounds and the amount is considered minimal. When considering the total quantities of water from all four of these non-MCWD wells compared to the amount of water derived from the groundwater basin, these four wells constitute a very small percentage of the total water extracted.

Second, there are no plans for the commencement of major industrial or agricultural uses overlying the affected groundwater basin that would compete for water with MCWD. Unlike other areas of the state that have the potential for widespread agricultural use of land using high quantities of water, the land area overlaying the groundwater basin used by MCWD is limited by the land uses allowed by the General Plan Update or are located on National Forest Lands with limited land uses, such as cattle grazing, and not intended for commercial agricultural uses or large industrial plants. In addition, there are no pending plans or anticipated plans for large quantity water users within the basin area.

Third, with respect to the largest water user of the four non-MCWD wells, the MCWD is planning to provide a reclaimed water system. Although it is not certain that such a system will be built and will include the Snowcreek golf course, there is a potential for a reduction of well water extraction from non-MCWD wells if that reclaimed water system is developed.

With regard to a cone of depression, the Annual Groundwater Monitoring Report for 2005-2006, notes on page 3 that the "cone of depression due to pumping of District wells was limited in size, and did not extend east of the easterly District monitor well (no. 24)." A cone of depression occurs in all aquifers when water is pumped from a well and the cone of depression around District's wells does not extend beyond the District's production well field.

⁸ As part of the 1977 Arcularius Agreement, Snowcreek has the right to drill a well on its property and obtain up to 450 gallons per minute from this well for irrigation purposes. These water rights were granted when the Arcularius family gave up water rights it had in Mammoth Creek.

None of the District's water supply wells has exhibited well interference, which is when the cone of depression for two wells overlap. Ken Schmidt's annual groundwater monitoring reports have shown some interaction between several production wells that are located in close proximity to each other.

COMMENT 010-15

The document also fails to discuss groundwater quality as a potential constraint on the availability of groundwater to serve planned development. Section 4.6 notes that water quality is a constraint for groundwater use in the Town, particularly with respect to total dissolved solids, hardness, and several minerals. See EIR at 4-148. The document provides no quantitative data regarding groundwater quality, though MCWD plainly has that data available from testing groundwater quality for compliance with applicable maximum contaminant levels ("MCLs"). The EIR must provide this data and compare it to primary and secondary MCLs. Furthermore, the EIR provides no discussion of groundwater quality *over time*, or any other basis for concluding that groundwater quality will remain as it is throughout the planning period, rather than deteriorating.⁵

⁵ That the wells currently draw water of differing quality (two wells produce water for consumption without treatment while six wells require treatment), EIR at 4-148, suggests that water quality in the aquifer is not uniform. Increased withdrawals may draw poorer quality water from elsewhere in the aquifer into the well fields.

Similarly, the EIR includes no discussion whatsoever of MCWD's groundwater treatment. If groundwater quality were to deteriorate with increased withdrawals, would treatment remain feasible? What environmental impacts would be caused by increased or intensified treatment? Would, for example, reverse osmosis treatment become necessary, an expensive process with numerous environmental impacts of its own?

RESPONSE 010-15

Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR addresses groundwater quality. As indicated in Section 4.6.1.8 of the Revised Final Program EIR, one well contains high quality water that can be pumped directly into the water distribution system for direct use. Water from the remaining wells is treated since the water has a higher dissolved mineral content and calcium carbonate hardness. The groundwater also contains iron and manganese at levels that exceed State Health Department standards. Naturally occurring arsenic has also been detected in all wells above its detection level of 2.00 ug/L. Iron, manganese and arsenic are removed from the water at the District's groundwater treatment plants prior to the water being pumped into the water distribution system. As indicated in MCWD's 2005 Water Quality Report, concentrations of arsenic ranging from 74 ug/L to 130 ug/L (above the Maximum Contaminant Level (MCL) of 50 ug/L) were detected in samples from Well No. 17 during June, August and October 2002 sampling events.

The MCWD has an extensive groundwater monitoring program to ensure that the quality of the water is in compliance with the applicable standards. To date, the water quality has not significantly affected the water supply. In addition, as indicated in Section 4.6 of the Revised Draft Program EIR, implementation of measures contained in the Draft General Plan Update as well as compliance with federal, state and local water quality and waste discharge requirements would provide adequate protection for water resources and would ensure that water quality standards and waste discharge requirements would not be violated. Section 4.6 of the Revised Draft Program EIR provides information regarding the District's groundwater treatment facilities. Given the programs in place to protect the water quality, it is speculative to assume that groundwater quality would deteriorate and that additional treatment would be necessary. CEQA Guidelines Section 15145 indicates that if a lead agency finds that an issue is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

COMMENT 010-16

b. The EIR Does Not Adequately Describe the Surface Water Resource or the Reliability of That Resource as a Water Source For the Planned Development.

The EIR also provides no information about the surface water resources that are projected to serve the project. All that the document provides is an estimate of surface supplies of 2,760 afy in normal years, EIR at 4-254, 4-255, and 1,200 afy in multiple dry years, EIR at 4-258, tbl. 4.11-3 n.a. This perfunctory treatment provides no basis for the reader to evaluate the reliability of the alleged supplies. "Water is too important to receive such cursory treatment." *SCOPE*, 106 Cal. App. 4th at 723, *quoted in In re Bay-Delta EIR*, 133 Cal. App. 4th at 232. For example, although the document projects significantly lower deliveries after three dry years, it does not describe to what extent and under what circumstances surface water deliveries may be curtailed. The document must identify, with specificity, the constraints on MCWD's water rights and explain how those constraints affect allowable diversions in dry years.

As noted previously, courts have repeatedly emphasized the need for analysis of water supply reliability in an EIR.⁶ *See Cal. Oak Found.*, 2045 WL 2864673, at * 10; *SCOPE*, 106 Cal. App. 4th at 722. The EIR must be revised to include information about MCWD's water right in Lake Mary water, past deliveries under that right, any potential constraints on the exercise of that right, and foreseeable actual deliveries--not paper entitlements--under normal and drought conditions. *See SCOPE*, 106 Cal. App. 4th at 722. It must also discuss existing and anticipated water quality in Lake Mary water to allow the public and decision makers to determine whether water quality is likely to constrain future water use.

⁶ The water supply assessment in Appendix E sheds no further light on this subject, and even if it did, it could not substitute for analysis in in [sic] the *text* of the EIR. *See Cal. Oak Found.*, 2005 WL 2864673, at * 11 (citing *SCOPE*, 106 Cal. App. 4th at 722-23). MCWD's Urban Water Management Plan ("UWMP") states that

MCWD's surface water rights "are subject to several constraints and conditions imposed in the permits issued to the District by the State Water Resources Control Board and in a Master Operating Agreement between the District and the U.S. Forest Service." UWMP at 5. The EIR must identify these constraints and evaluate their potential effects on future deliveries.

RESPONSE 010-16

As stated in Section 4.11.1.1 of the Revised Draft Program EIR, Lake Mary is the primary source of surface water for the MCWD service area. Surface water is delivered from the Lake Mary Treatment Plant to the MCWD water system through a 12-inch pipeline along Lake Mary Road. Water availability from the lake is inconsistent as a result of periods of drought, as well as constraints on lake level drawdown and stream flow requirements for Mammoth Creek. As such, MCWD has obtained water rights from the State Water Resources Control Board (SWRCB) to divert and store surface water from Lake Mary.

Two of the MCWD's three water rights are licensed and one is permitted. License 5715 allows for the direct diversion of 25,000 gpd from May 1 to November 1. License 12593 authorizes the direct diversion of two cubic feet per second (cfs) year round. Under both licenses, the total amount of water diverted cannot exceed 1,463 acre-feet per year. In addition, under Permit 17332, MCWD is authorized to divert three cfs year round. Also under the permit, the SWRCB limits MCWD's storage rights to 660 acre-feet per year, of which 606 acre-feet may be collected between April 1 and June 30. The remaining 54 acre-feet may be collected once each year from September 1 to September 30. MCWD is limited by SWRCB to a maximum three feet drawdown of Lake Mary between June 1 and September 15, and a total maximum annual drawdown of 5.7 feet. In addition, under its two licenses and one permit, MCWD may divert a maximum of 2,760 acre-feet each year from Lake Mary, at a maximum diversion rate of 5.0 cfs from November 2 to April 30, and 5.039 cfs from May 1 to November 1. As indicated above, the District's water rights are restricted by several management constraints that influence the amount of surface water that can be diverted. The constraints include the bypass flow requirements in Mammoth Creek and lake level management of Lake Mary. The primary influence upon the amount of water that the District may store or divert are the bypass flow requirements in Mammoth Creek that are included as part of the District's water rights. The District measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. The District is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at the District's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and the District must bypass all incoming flows to Lake Mary.

While the District must currently operate under the bypass flow requirements, there is potential for these requirements to become modified in the future due to their temporary nature. The District is currently preparing an EIR that evaluates the environmental effects of the proposed

bypass flow requirements for Mammoth Creek. The outcome of this EIR and the resulting decision by the State Water Resources Control Board could modify the existing temporary bypass flows to a different regime that could result in less surface water being available to the District. However, the potential reductions in surface water supplies in the future are a possibility, but the amount of these reductions is currently unknown. Based on the uncertainty of the amount of surface water that will be required for bypass flows, a further discussion of future water supplies to satisfy demand is provided in Response to Comment No. 010- 21.

With regard to water quality in Lake Mary, please see the discussion in Section 4.6.1.7 of the Revised Draft Program EIR. In addition, MTBE was detected in August 1999 and August 2000 sampling events at levels that exceeded the Secondary Maximum Containment level of 5 ug/L (parts per billion); however, MTBE levels were below the primary MCL of 13 ug/L. Subsequent sampling since September 2000 has shown no further detection of MTBE.

As indicated in Response to Comment No. 010-25, compliance with federal, state and local regulations regarding water quality as well as the implementation measures contained in the Draft General Plan Update, it is speculative to assume that surface water quality would deteriorate. CEQA Guidelines Section 15145 indicates that if a lead agency finds that an issue is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

COMMENT 010-17

c. The EIR Must Discuss the Potential Effect of Climate Change on the Town's Water Supply.

In analyzing the reliability of the water supplies relied upon to support development under the GPU, the EIR must take into account the risk that the precipitation that feeds both surface water and groundwater resources in the region may change. Such forward-looking analysis is particularly appropriate in a programmatic document for a long-range plan such as the GPU. Specifically, in light of the known risk of climate change, the Town cannot safely assume that the past will serve as an accurate predictor of future water availability.

Climate experts anticipate that, in the coming decades, global warming will produce changes in the timing and character of precipitation in the western United States. See T.P. Barnett et al., *Potential Impacts of a Warming Climate on Water Availability in Snow-Dominated Regions*, 438 Nature 303 (Nov. 17, 2005); Joel B. Smith et al., *Potential Consequences of Climate Variability and Change For the Western United States*, in US Global Change Research Program, *Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change* 219, 226 (2001). (A copy of the Barnett et al. article is attached hereto as Exhibit A, and the Smith et al. chapter is attached hereto as Exhibit B.) Of particular importance here, it is anticipated that precipitation that currently falls as snow and is retained in the Sierra snowpack throughout the winter will increasingly be replaced by rain, which is not retained in the snowpack. Increased

ambient temperatures are likely to compound this problem by causing the snowpack to melt earlier in the year than at present. For example, one model suggests that "snowmelt would occur more than two weeks earlier than currently in the East Fork of the Carson River and North Fork of the American River in the Sierra Nevada," which climate models "suggest would occur by the 2030s." Smith et al. at 226 (citing A. E. Jeton et al., Water-Resources Investigations Report 95-4260, *Potential Effects of Climate Change on Streamflow, Eastern and Western Slopes of the Sierra Nevada, California, and Nevada*, (U.S.G.S. 1996)).

The state's system of managing surface water supplies relies on the retention of water in snowpack and gradual release of that water throughout the spring and summer months. To the extent snow is replaced with rain or the snowpack begins to melt earlier in the year, this already-taxed system could be significantly affected:

These changes in runoff have important consequences for water management. Any changes in runoff timing or variability could possibly cause problems. Earlier spring runoff is likely to increase risk of spring flooding, complicate seasonal allocation schedules, and create problems for matching supply and demand and meeting environmental in-stream flow requirements in the summer. It is likely to be problematic for the current reservoir system to store earlier spring runoff for use in the summer unless new operating rules and regimes are implemented, and it is not clear that such a change would be sufficient to reduce spring flooding and increase summer supplies. This may be especially true in California, where both climate models used in this Assessment show a substantial increase in runoff, particularly in the winter.

Smith et al. at 226-27 (citations omitted); *see also* Barnett et al. at 305 ("There is not enough reservoir storage capacity over most of the West to handle this shift in maximum runoff and so most of the 'early water' will be passed on the oceans.").

Compounding the problem of earlier, uncaptured runoff, recent studies suggest that global warming would cause significant decreases in the volume of runoff. *See* P.C.D. Milly et al., *Global Pattern of Trends in Streamflow and Water Availability in a Changing Climate*, 438 *Nature* 347 (Nov. 17, 2005) (describing results of an "ensemble of 12 climate models" suggesting "10-30% decreases in runoff in ... mid-latitude western North America by the year 2050"). (A copy of Milly et al. is attached hereto as Exhibit C.)

Given these anticipated changes in the timing and volume of runoff, new water storage options, such as new or expanded reservoirs, might be needed to maintain water supplies at even their existing levels. Simultaneously, however, as courts and experts have noted, such large scale water projects have become increasingly less viable. *See In re Bay-Delta EIR*, 133 Cal. App. 4th at 232

("[G]iven today's climate of antipathy toward massive water storage projects and recent effort to decommission existing dams and reservoirs, any attempt to expand water storage by the use of dams or reservoirs will likely meet with stiff resistance."); Smith et al., at 228 ("Although building additional flood controls or storage infrastructure to address the need to store earlier runoff for the summer may be more attractive under climate change, environmental and cost constraints could serve as impediments."). Water supply planners therefore cannot reasonably rely on the development of such projects to protect existing levels of supply.

The EIR relies on surface water both directly to supply the growth planned in the GPU and indirectly to replenish groundwater, particularly after multiple dry years during which groundwater withdrawals have increased. In large part, this surface water derives from the Sierra snowpack, which feeds streams in the Mammoth Basin. The EIR must address the risk that climate-change-induced alterations in the hydrologic cycle will affect the water supplies relied on to serve GPU-planned growth. This analysis must include an assessment of the capacity of storage in the Mammoth Basin to compensate for earlier snowmelt and a change in the form of some winter precipitation from snow to rain.

RESPONSE 010-17

The potential effects of increasing atmospheric concentrations of carbon dioxide and other greenhouse gases (GHG) and the observed increase in the average temperature of the Earth's atmosphere and oceans have been the subject of considerable technical analysis and political debate. The natural phenomena (e.g.; temperature, rainfall) that together form the climate of a particular region, vary from day-to-day and year-to-year. The variation in climate can be a result of natural, internal processes or in response to external forces from both human and non-human causes, including solar activity, volcanic emissions and GHG. There is little controversy that the Earth's atmosphere has warmed over the last century. The detailed causes of this change remain an active field of research. However, there is an increasing amount of scientific evidence that identifies GHG as a primary cause of the recent warming. This conclusion can be controversial, especially outside the scientific community.

As indicated in Section 4.11 of the Revised Draft Program EIR, the MCWD provides water from both surface and ground water sources. Global warming, which could affect the water supply, has not been addressed frequently in EIRs in the past since the implications of global warming (i.e., effects on the water supply) are very long-term (that is, beyond the buildout year of a particular project) the empirical implications remain highly speculative, and the solutions are broader in scale than at a local level. However, on June 1, 2005, Governor Schwarzenegger issued Executive Order S-3-05, which addresses global warming at a state level. Executive Order S-3-05 establishes greenhouse gas emission reductions for California and requires biennial reports on potential climate change effects on several areas, including water resources. The Executive Order establishes the following greenhouse gas (GHG) emission reduction targets: by 2010, reduce GHG emissions to

2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. In addition, the Order states that the Secretary of CalEPA shall coordinate oversight of the efforts made to meet the targets with various other agencies. In September 2006, the Governor approved Assembly Bill (AB) 32, which is known as the California Global Warming Solutions Act of 2006. AB 32 recognizes that the potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems. The legislation clearly states in Section 38501(d) that “National and international actions are necessary to fully address the issue of global warming.”

The act requires that the State Air Resources Board (CARB) adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990 and establish a mechanism to achieve this limit by 2020. The bill also requires CARB to adopt regulations for reporting and verifying statewide GHG emissions and to monitor and enforce compliance with the GHG emissions program. However, the GHG emission limits will not be established by the ARB until January 1, 2008.

While global warming is clearly an issue, the information from experts differs in terms of the timing of when effects from global warming would be likely to occur. The paper entitled *Potential Impacts of a Warming Climate on Water Availability in Snow-Dominated Regions* (Barnett, Adam, Lettenmaier), which is included as part of the comment letter, includes a section entitled impacts on regional water supplies. The analysis of impacts for the Western USA indicates that “The most significant impact of a general warming was found to be a large reduction in the mountain snow pack and a substantial shift in stream-flow seasonality, so that by 2050, the spring stream-flow maximum will come about one month earlier in the year.” The implications of this change in the timing of peak stream-flow is that “There is not enough reservoir storage capacity over most of the West to handle this shift in maximum runoff and so most of the ‘early water’ will be passed on to the oceans.” If the water is not stored and is passed on to the ocean, the water supply could be impacted. A different timing is presented in another paper included as part of the comment letter. The paper entitled “Potential Consequences of Climate Variability and Change for the Western United States” (Smith, Richels, Miller) indicates that “...California runoff will increase by the 2030s by about three-fifths and double by the 2090s.” Implications presented in this paper include spring flooding, complications with regard to seasonal allocation schedules for water, and difficulty matching supply and demand and meeting environmental in-stream flow requirements in the summer. The point is also made that a change in the timing and quantity of spring runoff could result in problems for the existing reservoir system unless new operating rules and regimes are implemented. The paper also states that such a change may not be sufficient to reduce spring flooding and increase summer water supplies. The paper also presents a contrary view and that is

the possibility that increased runoff would create more water supplies for the West. The rationale for this conclusion is that a wetter climate could reduce the demand for surface water and groundwater for such purposes as irrigation and watering lawns.

Research and other efforts are also occurring at a local level. For example, the Sierra Nevada Alliance, an organization founded in 1993, has prepared a publication regarding climate change entitled *Sierra Climate Change Toolkit* (2005). The publication focuses specifically on the Sierras. The publication addresses global warming and touches on the issue of reducing GHG emissions. The focus of the document is to explain how communities in the Sierras can plan ahead for the changes that are going to occur.

Given that the implications with regard to water supply are still somewhat in the future (i.e., 2030 or 2050), there appears to be time to address the issue. A white paper prepared by the California Climate Change Center provides a discussion of adaptive actions that could be undertaken to address the issue of water supply (*Climate Warming and Water Supply Management in California*, March 2006). The adaptive actions address traditional water supply reservoir operations, aqueducts, and treatment plants, to urban and agricultural water use efficiency practices, to conjunctive use of surface and ground waters, to desalination, to water markets and portfolios of such actions that go together well to provide more stable and productive use of a region's water supply.

In addition, with regard to GHG emissions, the overall solution will need to be regional in scale. However, that is not to say that local jurisdictions should not address the concept of GHG emissions. There are various measures that can reduce the GHG emissions, which include water conservation measures; the installation of drought tolerant plants; recycling; energy conservation measures such as passive heating, natural cooling, solar hot water systems, and reduction in paving; and the use of electric vehicles. The Town of Mammoth Lakes currently implements some of these measures. In addition, the April 2005 Draft General Plan Update contains a chapter entitled *Environmental Sustainability*. The goals, objectives, and policies and implementation measures presented in the chapter support the Guiding Principle I of the Vision Statement, which is "The Mammoth Lakes community places a high value on the sustainability and continuity of our unique relationship with the natural environment. As stewards of the natural environment, we support that relationship with our visitors as one way of maintaining our high quality of life." In other words, the Town recognizes the importance of the preservation and protection of the natural environment. The chapter addresses hydrological, biological, energy, visual, open space, and air quality resources. The chapter contains energy reduction policies and air quality protection policies that would serve to reduce GHG emissions. The following are some of the applicable policies and implementation measures with regard to the reduction of GHG emissions:

Policy I.1.C.a: The Town shall actively promote energy demand reduction in all sectors of the community.

Implementation Measures

I.1.C.a.1: The Town shall encourage reduction of energy demand in existing buildings by facilitating energy audits, disseminating information on available conservation methods and cost savings, and developing incentives for efficiency improvements.

I.1.C.a.2: The Town shall optimize energy efficiency in all public building construction and building retrofit by adopting “Mammoth Lakes-specific green building policies and standards,” similar to, or patterned on LEED Standards (Leadership in Energy and Environmental Design) with the goal of exceeding State of California Title 24 minimum requirements by 30 percent.

I.1.C.a.5: Town policies will support the utilization of fuel efficient vehicles and development of housing close to work, commercial services, recreation areas, and transit routes to reduce fuel consumption.

Policy I.1.C.b: The Town shall work to increase supply and greater use of renewable energy resources.

Implementation Measures:

I.1.C.b.1: The Town shall develop and implement standards that enable and encourage the application of passive and active solar in new and existing residential and commercial buildings, and incorporate solar energy provisions into the Town’s development and design approval process.

I.1.C.b.3: The Town shall work collaboratively with other public agencies and private stakeholders to develop a geothermal heating district for the Town and, in pursuit of this, shall seek additional funding sources to initiate geothermal heating projects.

I.1.C.b.4: The Town shall establish regulatory framework to encourage and facilitate the use of geothermal heating, including provisions for installation and operation of district heating, and requirements and future buildings be constructed with heating systems that can readily convert to geothermal.

I.1.C.b.5: The Town shall encourage the use of renewable fuels, such as biodiesel, and develop a regulatory framework and incentives to facilitate the use of these resources.

Policy I.7.B.a: Improve air quality through land use planning decisions.

Implementation Measures:

I.7.B.a.2: The Town shall promote land use patterns that reduce the number and length of motor vehicle trips.

I.7.B.a.3: To the extent feasible, the Town shall continue to provide and promote the development of workforce housing in-town so that Mammoth's workforce has ease of access to their places of employment.

I.7.B.a.4: Higher density residential and mixed-use development shall be encouraged adjacent to commercial centers, mountain portals and transit corridors to reduce vehicle trips.

While there is state legislation addressing global warming, there are no accepted thresholds for significance relative to global warming. There is still uncertainty with regard to the standards, effective mitigation, and how much mitigation may be needed in the event an impact were to be identified. Therefore, efforts today to determine significance for CEQA purposes and reasonable, feasible mitigation would be speculative at best. In February 2007 the Town Council adopted a resolution to join the U.S. Mayors Climate Protection Agreement, which commits the Town to specific measures to reduce its greenhouse gas emissions. As regards the implications of global warming vis a vis the magnitude of the normal snowpack and the timing and rate of ITS runoff, and the resultant effects on MCWD's available water supplies, much remains to be learned. Since additional storage at Lake Mary probably is not feasible and added subsurface storage in the Mammoth Basin may be limited due to the fractured nature of underlying bedrock, other solutions including increased reliance on conservation, may be necessitated.

COMMENT 010-18

d. The EIR Does Not Address the Reliability of Water Supply In the Event of a Drought Longer Than Three Years.

Apparently taking the lead of the water supply assessments prepared by MCWD for the GPU, the EIR limits its "multiple dry year" water supply and demand projections to a three-year dry spell. *E.g.*, EIR at 4-267 tbl. 4.11-5. The EIR includes no analysis or substantial evidence to support this artificially limited planning horizon. Limiting analysis of drought effects on water supply reliability to only a three-year drought ignores the fact that droughts of longer than three years have occurred

recently in California. For example, the 1987 to 1992 drought was six years long, twice as long as the "multiple dry year" scenario analyzed in the EIR.

The EIR must not limit its analysis of dry conditions to a three year period. Although the EIR need not analyze a catastrophic worst case scenario, such as a twenty-year or hundred-year drought, a drought beyond three years is reasonably foreseeable given recent experience. That recent experience suggests that a six-year drought would be a more reasonable stopping point for the analysis. Three years, however, is not.

RESPONSE 010-18

As indicated in Response to Comment 010-11, an updated Urban Water Management Plan (UWMP) was adopted in 2005. The 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District's water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District's water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

As indicated in the analysis in Section 4.11 of the Revised Final Program EIR, a shortfall with regard to water supply would result at buildout of the Draft General Plan. However, the MCWD has numerous programs in place to reduce the water demand, including restrictions that are

imposed during a drought. In addition, the MCWD is pursuing ways to increase the future water supplies, such as through the use of recycled water. Please see Response to Comment No. 010-21 for further discussion of future water supplies to satisfy demand.

COMMENT 010-19

2. The EIR Does Not Adequately Describe the Projected Water Demand at GPU Build-out.

An integral part of any EIR's analysis of the water supply for a project is an accurate estimate of the demand associated with the project. *See Santiago County Water Dist.*, 118 Cal. App. 3d at 830-31. The EIR here reproduces a table from the revised water supply assessment that provides estimates of water demand for land use categories in five-year increments under the existing General Plan. EIR at 4-266 tbl. 4.11-4. The table does not provide equivalent data for the GPU. That missing data must be provided so that the public and decision maker can see how the proposed changes in land use designations will affect water demand.

More troubling, however, is the fact that none of the EIR's water demand estimates appears to include the demand associated with the Sierra Star Golf Course. Table 4.11-4, for example, includes a "Golf Course" sector, but that sector includes only the Snowcreek Golf Course. EIR at 4-266 tbl. 4.11-4, n.a. As the document acknowledges, the provision of recycled water to Sierra Star is currently "speculative." *Id.* at 4-267. Accordingly, the EIR must assume that Sierra Star demand will be part of total Town demand at GPU build-out. Tables 4.11-4 and 4.11-5 should be revised to include Sierra Star demand. Given that MCWD has supplied an average of 356 afy over the last three years to the golf courses, Mammoth Community Water District, *Water Assessment for Draft Town of Mammoth Lakes General Plan 13* (undated) ("First Water Supply Assessment"), inclusion of their full demand in the EIR's supply and demand calculations would likely erase the modest 31 afy surplus that the EIR now claims.

Moreover, the First Water Supply Assessment (omitted from EIR Appendix E; see below) indicates that the Snowcreek Golf Course will be expanding from nine to 18 holes, "which will create an additional demand of approximately 200 acre-feet per year." *Id.* The EIR does not address this increase. Because the use of recycled water to irrigate golf courses in the Town is still speculative, this 200 afy must be accounted for in the EIR.⁷ *See Cal. Oak Found.*, 2005 WL 2864673, at *13 (invalidating EIR for residential development because the EIR relied on water transfers for which environmental review had not been completed; finding no substantial evidence of sufficient supply).

7. The assessment is somewhat ambiguous about whether Snowcreek would take the additional 200 afy from MCWD or from its own wells. In either event, the EIR must address that demand, either as part of the demand that must be supplied by MCWD or as demand that will nonetheless have cumulative impacts on the aquifer.

RESPONSE 010-19

Table 4.11-4 of the Revised Draft Program EIR summarizes the past, current, and projected water use including the water demand for the Draft General Plan Update. Table 4.11-4 of the Revised Draft Program EIR provided a comparison of the water demand under the existing General Plan and the Draft General Plan Update. For clarification purposes, Table 4.11-4 has been revised in the Revised Final Program EIR to provide the water demand by sector for the Draft General Plan only. The estimated water demand is based on the average annual water use per unit, which is used for planning purposes such as estimated future demands and UWMP projections. The consumption rates were developed for the Draft General Plan Update Water Supply Assessment based upon the categories that were provided by the Town, such as multi-unit non-transient. To develop rates for these categories, several MCWD billed categories were combined to determine useage for the Town-defined categories. In addition, the consumption rates were based upon the 2004 demand rates, which represented the most current information at the time of the analysis. Table 6 on page 119 provides a comparison of the MCWD billing unit type, the unit type used in the Draft General Plan Update and EIR, the factors by use as well as a comparison with the numbers provided in Table 4.11-4 of the Revised Final Program EIR. As indicated in Section 4.11 of the Revised Draft Program EIR, the estimated water demand from maximum buildout that could occur under the Draft General Plan Update would be 4,898 acre-feet per year.

With regard to the golf courses, MCWD prepared a Water Supply Assessment for the 2006 Revised Snowcreek Master Plan, which was adopted by the District Board in January 2006. As indicated in the Water Supply Assessment, the Snowcreek Master Plan includes the addition of nine holes of golf course, which would be located outside of the District's service area. The developer has stated that it would prefer to utilize recycled water for irrigation of the nine holes. However, the alternatives of utilizing an existing private well or another source of groundwater have also been discussed. The Water Supply Assessment only considers the uses within the District service area. However, the Water Supply Assessment acknowledges that the source of irrigation water utilized for the golf course expansion could affect the District's groundwater supplies and the availability of groundwater to serve new development if water is withdrawn from the basin for irrigation. However, if recycled water were to be used, the irrigation would not affect the District's groundwater supplies. The 2005 UWMP does not include the expansion of the Snowcreek golf course as it is outside of the District's service area. Table 6 of the 2005 UWMP provides the past, current and projected water use by water use sector. For golf courses, the past (2000) and current (2005) water use information used in Table 6 is based upon the actual water demands for those

Table 6

Factors Used for Calculating Water Demand and Comparison of Categories of Uses

Unit Type (On MCWD Billing)	Unit Type (Table 3-5 of Revised Draft Program EIR)	No. of Units at Buildout	Daily Average Consumption (gpd) ^a	Total Annual Demand (acre-feet)	Projected Water 2025 Annual Water Demand (Table 4.11-4 from Revised Final Program EIR)	Water Use Sector (Table 4.11-4 from Revised Final Program EIR)
Single Family	Single Family Transient/Non-Transient	2,477	240	665	696	Single Family ^b
Mobile Home	Mobile Home	144	191	29		
Apt./duplex/triplex, etc.	Multi-Unit Non Transient	2,091	181	424	424	Multi-Family ^c
Condo/dorm/motel	Multi-Unit Transient	11,998	140	1,880	997	Condominium ^d
					881	Motel/Hotel ^e
Commercial/Laundry/Restaurant	Industrial/Commercial/Office	1,858,549 sf	0.3	660	660	Commercial ^f
Golf Course				400	400	Golf Course ^g
Other				80	80	Other ^h
Unaccounted				760	760	Unaccounted
TOTAL				4,898	4,898	

^a The consumption rates were developed for the Draft General Plan Update Water Assessment based upon the categories that were provided by the Town, such as multi-unit non-transient. To develop rates for these categories, several billed categories had to be added together. These rates were based upon the most current information at the time of the analysis, the 2004 demands.

^b Single family = single family transient and non-transient + mobile home

^c Multi-family = Multi-unit non transient

^d Condominium = Portion of multi-unit transient

^e Hotel/Motel = Portion of multi-unit transient

^f Commercial = Industrial, commercial, office. Public sector is included in commercial.

^g Golf course water use based on existing demand from Sierra Star and Snowcreek Golf Courses. This value would be reduced by recycled water use in the future.

^h Other = treatment plant process water, fire fighting, line cleaning, etc.

1 acre-foot = 325,850 gallons

Sources: MCWD and PCR Services Corporation, 2007

years. In 2000, golf courses used 297 acre-feet while in 2005 golf courses used 255 acre-feet. The projected figures of 400 acre-feet per year, which is used for years 2010 to 2025 are estimated maximum demands from Sierra Star and Snowcreek golf course based on maximum water supplied to these locations historically. Generally, in drier water years, additional water is needed for these customers. The 400 acre-feet per year is based on the maximum historical supply provided to both golf courses in 2001, which was a relatively dry water year. The use of 400 acre-feet is 103 to 145 acre-feet above the past water demand from golf courses in 2000 and 2005, respectively. As indicated in the Water Supply Assessment for the Snowcreek Master Plan, the District provided an average of 85 acre-feet per year over the past seven years to the Snowcreek golf course.

With regard to the use of recycled water for large turf irrigation, MCWD Board certified a Final EIR in March 2007, which analyzes the use of recycled water for irrigation on existing and future golf courses as well as at Shady Rest Park. The Recycled Water Project plans for providing recycled water to both golf courses and Shady Rest Park. Recycled water use at Shady Rest Park and Sierra Star Golf Course would result in a direct offset of potable water. Recycled water provided to the Snowcreek Golf Course would be provided to a portion of the existing nine holes and possibly the entire additional nine holes planned for development. Recycled water provided to the additional nine holes planned at the Snowcreek Golf Course would not offset any current demands for potable water. Overall, it is anticipated that the amount of potable water that could be made available through the implementation of this project is about 400 acre-feet annually. However, depending upon customer demands, the recycled water project could potentially supply about 550 acre-feet annually to large turf irrigators in the community during the summer irrigation season. It is currently estimated that the total project would take three construction seasons to fully complete. Therefore, recycled water is projected to be available for use by the summer of 2010.

The total estimated cost of a recycled water project for the purpose of golf course irrigation amounts to approximately \$11,000,000. This project would provide the capability to produce 1.55 million gallons per day of recycled water. The Mammoth Mountain Ski Area (Sierra Star Golf Course) has already paid a connection fee of \$1,040,000 for their portion of recycled water once it is made available. The remaining costs of the project would be paid through additional connection fees and through the District's water capital expansion program budget. The District has also calculated a preliminary rate for recycled water, which would cover the operating and maintenance costs, as well as for facility and equipment depreciation. This rate amounts to \$1.55 per 1,000 gallons.

Permits that would be required to provide recycled water for irrigation include a waste discharge permit from the Regional Water Quality Control Board and a design and use permit from the State Department of Health Services.

COMMENT 010-20**3. The Water Supply and Demand Forecasts Do Not Match Build-out of the GPU.**

The GPU plans for development in the Town to the year 2024. *E.g.*, EIR at 3-16 (referring to build-out in 2024). By contrast, the water supply analysis estimates of water supply and demand only to 2020. *E.g.*, EIR at 4-265, 4-266 tbl. 4.11-4. This flaw can be considered an inadequacy of the EIR's analysis of water supply impacts or an "instability" in the project description. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977); *see also* 1 Kostka & Zischke, *Practice Under the California Environmental Quality Act* § 12.21, at 483 (2004) ("The EIR project description, and the accompanying analysis, must be consistent throughout the EIR. If the project description is inconsistent (e.g., if a project is described differently in different sections of the EIR), these shifts prevent the EIR from serving as a vehicle for intelligent public participation, in the decision-making process."). The EIR must analyze the water supply impacts of the project as defined in the document, which anticipates build-out occurring in 2024.

RESPONSE 010-20

As indicated in Section 3, Project Description, of the Revised Draft Program EIR, buildout of the Draft General Plan is assumed to be 2024. Section 3, which provides a summary of the April 2005 Draft General Plan Update, provides a stable project description. Section 4.11 of the Revised Draft Program EIR did not present a different buildout scenario from what was presented in Section 3 of the Revised Draft Program EIR. Section 4.11 contained a different buildout year. Since completion of the Revised Draft Program EIR, MCWD has prepared and adopted an updated Urban Water Management Plan (UWMP), which provides an analysis of water supply to 2025. While Section 4.11 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, there is no change in the conclusions reached in the Revised Draft Program EIR based on the change in water supply year. In fact, the additional five years provides time for additional water demand management or additional water sources to result in an increase in water supply.

COMMENT 010-21**4. The EIR Does Not Adequately Describe the Demand Management Measures and New Sources of Supply Projected to Allow Projected Demand to Meet Supply.**

The EIR identifies a shortfall of supply in the summer months at GPU build-out if recycled water is not used for turf irrigation. EIR at 4-267 fig. 2. As just noted, moreover, the EIR underreports the true extent of the shortfall in a variety of ways. The EIR also correctly states that because MCWD's plans for the use of recycled water for turf irrigation have not yet been fully approved, the EIR cannot rely on recycled water as being sufficient to remedy the shortfall. *See* EIR at 4-267.

Where, as here, a source of supply (or, in this case, demand reduction) is uncertain or unreliable, the agency must identify alternative supplies that are anticipated to make up the shortfall. *See Cal. Oak Found.*, 2005 WL 2864673, at *12; *Napa Citizens for Honest Gov't v. Napa County Bd. Of Supervisors*, 91 Cal. App. 4th 342, 372-74 (2001); *Stanislaus Natural Heritage*, 48 Cal. App. 4th at 205-06. The EIR takes only baby steps in that direction, cursorily identifying other conservation measures and a potential new source of supply, but those steps fall short of the mark.

With respect to the proposed conservation measures, the document does no more than provide a table indicating that "water conservation" has the potential to reduce demand by 397 afy. EIR at 4-269. The conservation measures are not described nor is their reliability discussed. The document thus prevents the public and decision maker from evaluating the likelihood that the measures will be adequate to compensate for what would otherwise be a water shortage. Moreover, by stating demand reductions in *annual* terms, the document does not support a conclusion that the measures would reduce demand adequately in the *summer months* when demand is expected to outstrip supply. The discussion of system water loss reduction is similarly flawed, supplying no information about the likelihood that the reductions will be realized or when over the course of a year they are likely to be realized. The document's discussion of alternative supplies from the Dry Creek Watershed is even more cursory. *See* EIR at 4-268. It provides no information whatsoever about the source or its likely reliability. This summary treatment is inadequate. *See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Ag. Ass'n*, 42 Cal. 3d 929, 935 (1986) (holding that "[t]o facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions"); *see also SCOPE*, 106 Cal. App. 4th at 723 ("Water is too important to receive such cursory treatment.").

Without this analysis, it appears that there is inadequate supply to support projected demand in summer months at build-out of the GPU (even assuming that total annual supply exceeds annual demand). Yet it is clear that CEQA does not allow the EIR to simply admit a shortfall and "call it a day." As the court in *Stanislaus Natural Heritage* concluded, the EIR must "recogni[ze] that water must be supplied, [and] that it will come from a specific source or one of several possible sources." 48 Cal. App. 4th at 206. A full description of the sources of water for the planned development is essential for an accurate accounting of the environmental impacts caused by reliance on those water sources. As noted below, moreover, the "concurrence" requirement in mitigation measure 4.11-1 does not compensate for this inadequate analysis.

RESPONSE 010-21

The revised water supply assessment, which is contained in Section 4.11 of the Revised Final Program EIR and is based on the 2005 UWMP, shows that sufficient supplies would be available in the future during normal and multiple dry year scenarios assuming future supplies are provided. Shortfalls seen in this table in single dry years would be met through landscape watering

restrictions, which have historically reduced demands by 25 percent during summer irrigation periods.

The anticipated future supplies include the use of recycled water, future well development, water conservation, and pipeline replacement resulting in water loss reductions. As indicated in Section 4.11 of the Revised Draft Program EIR, there are uncertainties regarding the implementation of each of these water supplies. As with the development of any water supply, the District will need to evaluate and respond to any environmental concerns associated with the future water supply projects, as well as obtain any applicable governmental approvals, and address other considerations that may surround the water supply projects. In addition, given that the analysis is for a 20-year timeframe, other currently undefined water supply projects may be determined to be appropriate to replace and/or supplement those described in this assessment.

It is important to mention that all the cases cited in this comment involve project-level EIRs as distinguished from Program EIRs involving General Plan Updates. For example, in *California Oak Foundation v. City of Santa Clarita*, 133 Cal. App. 4th 1219 (2005), the court invalidated an EIR for an industrial park, in part because the EIR relied on faulty assumptions of the availability of water from the State Water Project. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, 91 Cal.App.4th 342, 372-74 (2001), the court invalidated a specific plan for development near an airport, in part based on faulty assumptions of the availability of water supplies from the State Water Project or availability of supplies from a city. In *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal.App.4th 182 (1996), the court invalidated a specific plan for a large development project, in part because a firm water supply could not be identified for development beyond the first five years of the project. In *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Association*, 42 Cal.3d 929 (1986), the court held that a subsequent EIR was required when a project was changed to construct an amphitheater on a fairground. In that case, the court held that an EIR must contain facts and analysis not just bare conclusions and opinions. Finally, in *Santa Clarita Organization for Planning The Environment v. County of Los Angeles*, 106 Cal.App.4th 715 (2003), the court invalidated an EIR for a mixed use residential and commercial project, that relied heavily on entitlements for water from the incomplete State Water Project.

In the recent California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Ranch Cordova*, (2007), the court reviewed many of the cases cited above and indicated that the burden of identifying likely water sources for a project varies with the stage of project approval involved, with the necessary degree of confidence involved for approval of a conceptual plan much lower than for the issuance of building permits. If uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, the EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives – including alternative water sources and the option of

curtailing the development if sufficient water is not available for later phases – and discloses the significant foreseeable environmental effects of each alternative as well as mitigation measures to minimize each adverse impact. Here, the General Plan Update is not the approval of a specific development project. Furthermore, the degree of uncertainty has been disclosed. Alternative means of developing additional sources and of reducing consumption have been discussed and a mitigation measure has been imposed (Mitigation Measure 4.11-1) that fully mitigates the impact of a potential shortage of long term water supplies by precluding development that would result in a water shortage and that development must occur in tandem with the development of necessary water supply sources.

Plans for Acquiring Additional Future Water Supplies

Under Water Code 10911 it is required, that if, as a result of its assessment, the public water system concludes that its water supplies are, or will be, insufficient, the public water system shall provide to the city or county its plans for acquiring additional water supplies.

New Groundwater Supplies

Overall, depending upon supplies needed, about 1,000 acre-feet of additional groundwater supplies may be developed in the future from either the Mammoth Basin watershed or the Dry Creek watershed. Volumes of groundwater projected to be available from the Dry Creek watershed are estimated at 1,500 acre-feet per year during normal years and 1,245 acre-feet per year during multiple dry year periods. The District is evaluating whether or not there is additional water available to be pumped from the Mammoth Basin without causing environmental impacts. One estimate of groundwater basin capacity indicates that the total useful storage in the Mammoth Basin is approximately 135,100 acre feet (MCWD's UWMP page 12-13). Continued monitoring of the Mammoth Basin over the next two years should provide sufficient data to evaluate the potential of additional groundwater that could be safely pumped from the basin.

Development of new groundwater supplies in the Dry Creek watershed and the Mammoth Basin are projected to cost approximately \$16,790,198. Both of these projects are budgeted in the District capital expansion fund, which is funded by new water connection charges. Any new groundwater supplies would require permits and approvals from the State Department of Health Services and the U.S. Forest Service where potential well sites are located on federal land. New groundwater wells would require both State of California and federal environmental review.

The potential for new groundwater supplies is currently under evaluation by the MCWD. The evaluation of the potential for increased withdrawal from the Mammoth Basin should be

completed within two years. Potential groundwater extraction from the Dry Creek watershed is currently budgeted to begin within the five-year period commencing in 2014.

Recycled Water

The MCWD collects and treats all wastewater generated in the Town of Mammoth Lakes as well as in surrounding U.S. Forest Service campground and permittee areas located in the Lakes Basin and Sherwin Creek area. In 2005 the MCWD collected and treated 1.65 million gallons per day of wastewater. Currently, the treated wastewater is discharged to Laurel Pond, a pond located approximately 5.5 miles southeast of Mammoth Lakes on U.S. Forest Service land. Disposal occurs at the pond through percolation into the ground and through evaporation into the atmosphere. The use of recycled water has been identified as a potential source of water supply for golf course and park irrigation. Environmental studies have been completed regarding potential impacts on the District's current disposal area at Laurel Pond. A Final EIR was certified by the MCWD Board in March 2007, which analyzes the use of recycled water for irrigation on existing and future golf courses as well as at Shady Rest Park.⁵ The District's priority for use of recycled water is to offset potable supplies currently used for golf course and park use.

The District currently supplies untreated groundwater for irrigation of the Snowcreek and Sierra Star Golf Courses and supplies potable water to Shady Rest Park. The volume of groundwater supplied to the Sierra Star Golf Course over the past seven years (2000 to 2006) has averaged 238 acre-feet per year. The volume of groundwater supplied to the Snowcreek Golf Course over the past seven years has averaged 85 acre-feet per year. Water supplied to Shady Rest Park over the past four years averaged about 30 acre-feet per year. The maximum water supplied to these locations in dry water years has totaled about 440 acre-feet.

The Recycled Water Project plans for providing recycled water to both golf courses and Shady Rest Park. Recycled water use at Shady Rest Park and Sierra Star Golf Course would result in a direct offset of potable water. Recycled water provided to the Snowcreek Golf Course would be provided to a portion of the existing nine holes and possibly the entire additional nine holes planned for development. Recycled water provided to the additional nine holes planned at the Snowcreek Golf Course would not offset any current demands for potable water. Overall, it is anticipated that the amount of potable water that could be made available through the implementation of this project is about 400 acre-feet annually. However, depending upon customer demands, the recycled water project could potentially supply about 550 acre-feet annually to large

⁵ *A pilot project was conducted in 2001 at the Mammoth Pacific Geothermal Power Plant utilizing recycled water for cooling purposes. The power plant was able to increase efficiency and the use of recycled water for cooling purposes appears to be promising. Estimated demand for future recycled water needs could amount to approximately 600 acre-feet per year for cooling purposes at the power plant.*

turf irrigators in the community during the summer irrigation season. The total estimated cost of a recycled water project for the purpose of golf course irrigation amounts to approximately \$11,000,000. This project would provide the capability to produce 1.55 million gallons per day of recycled water. The Mammoth Mountain Ski Area (Sierra Star Golf Course) has already paid a connection fee of \$1,040,000 for their portion of recycled water once it is made available. The remaining costs of the project would be paid through additional connection fees and through the District's water capital expansion program budget. The District has also calculated a preliminary rate for recycled water, which would cover the operating and maintenance costs, as well as for facility and equipment depreciation. This rate amounts to \$1.55 per 1,000 gallons.

Permits that would be required to provide recycled water for irrigation include a waste discharge permit from the Regional Water Quality Control Board and a design and use permit from the State Department of Health Services.

It is currently estimated that the total project would take three construction seasons to fully complete. Therefore, recycled water is projected to be available for use by the summer of 2010.

Reductions in Water Demand

In addition to increasing water supply, the UWMP contains discussions regarding various opportunities to reduce the water demand. The District's water demand management measures that have been implemented include the following:

- Plumbing Standards and Retrofits - The District's Water Service Code requires the installation of water conservation devices in new buildings and those that require permits for remodeling. These devices include showerheads, faucet aerators for sinks, and water conservation toilets.
- Commodity Rates - Each District customer pays a monthly water fee, which consists of a minimum service charge and a quantity rate charge. All residential customers pay a minimum service charge of \$11.46 per month, while commercial customers pay a minimum service charge that is based on the size of water meter serving their property. Quantity rate charges are imposed in addition to the minimum service charge. The quantity rate charge ranges from a minimum of \$1.05 per 1,000 gallons of water used to \$7.40 per 1,000 gallons depending on the volume of water used per month.
- Public Information - As part of the District's Water Service Code, a public relations officer has been empowered to provide the public with information in an effort to promote knowledge and understanding of the area's water situation in general and

methods to conserve the water supply. Information about all District Board meetings and all other important District activities are promptly routed to the appropriate sources for local news and information.

- **Ultra-Low-Flush Toilets** - The District reinstated a toilet rebate program in 2006 which customers may receive a cash rebate for installing an ultra-low-flush toilet in place of older model water-wasting toilets. All new construction in the community is required to meet current plumbing code standards, which mandate low-flush toilets.
- **Water Audits and Incentives** - Through its water meter radio read system and computer monitoring of pressure zones and water storage tanks, the District performs water audits to determine the locations of leaking pipes in the distribution system.
- **Efficient Washing Machine Rebate Program** - The District will be evaluating the potential benefits of establishing an efficient washing machine rebate program. Water use records will be evaluated to estimate water savings from replacement of older washing machines. A standard of 40 percent reduction in water usage, and 50 percent reduction in energy consumption using a high-efficiency washer would be used in estimating projected savings. The District will also evaluate adding a new policy to its water code that would require efficient washing machines for new construction. The power supply company (Southern California Edison) would be contacted to see if they would be interested in partnering with the District in providing rebates to customers.

The following opportunities to reduce water demand, which are also addressed in the UWMP, are anticipated to be implemented in the future by the District:

- **Interior/Exterior Water Audits** – The audit would include a checklist to review such items as inspection of interior showerheads, fixtures, and toilets for leakage and efficiency. Replacement of inefficient devices with updated conservation devices would be offered. Water irrigation systems would be inspected for use of efficient irrigation equipment and watering practices would be reviewed. A written report would be prepared and advice offered to assist the customer in reducing water consumption.
- **Large Landscape Audits** – The audit of large landscape areas, which include condominium projects, parks, ball fields, and school landscape areas, would include a checklist for inspection of irrigation system sprinkling and control equipment, calculation of water usage per 1,000 square feet of landscaping, use of evapotranspiration data, type of vegetation, and general review of watering practices. A written recommendation would be provided to increase water use efficiency. Since many landscaped areas, both residential and large landscape areas, are maintained by

private landscape companies, representatives of these companies would be contacted and included in the audits and recommendations prepared by the District.

- School Education - Local school education programs have been enacted in the past and will continue to be considered for the future to teach local students about the importance of conserving water. An annual budget of \$18,500 has been approved for the 2007/2008 fiscal year for water conservation/education purposes.

In addition, the District has been implementing an aggressive main water pipeline replacement program to replace old leaking water pipes since 2001. Over the past several years, an average of 10,000 feet of pipeline per year have been replaced. This project is budgeted for approximately \$2,300,000 per year over the next 8 years. The District funds water line replacement projects through its capital replacement program, which is derived from primarily property tax revenues. Local permits are required for the excavation of pipelines in the public roadways and the District coordinates directly with the Town to obtain the necessary approvals. The District has also invested in underground pipeline leak detection equipment. In addition, the District performs routine leak detection surveys to locate leaks for repair before the leaks appear at the surface. The District estimates a water demand reduction of about 300 acre-feet per year from the implementation of the distribution system leak-detection project at buildout of the community.

In addition, the UWMP contains the District's water shortage contingency plan. Water conservation measures are included in the District's Water Code. Therefore, the implementation of measures, such as landscape irrigation restrictions, would occur by action of the Board of Directors. The District has certain mandatory prohibitions that require the public to become water conscious and to conserve water. The four water conservation measures that are required for all District customers at all times are as follows:

1. Water from the District's potable water system allowed to pool, pond, or run-off of applied areas is considered a waste of water and as such is not permitted.
2. Leaks occurring on the customer side of each meter in the District's potable water system are considered a waste of water and as such are not permitted.
3. Any hose, including those used to wash vehicles, used in conjunction with the District customer's water service shall be equipped with an automatic shut-off device, except that no such shut-off device shall be required for irrigation purposes.
4. District water supplied through the District's potable water system, which is used for watering vegetation outside of any building, shall not be permitted between the hours of 10:00 A.M. and 5:00 P.M. Projections of available water supply are prepared each

year after final snowpack measurements are made on April 1. At that time, if projections indicate possible water supply insufficiencies, the District's Board of Directors may declare the existence or threatened existence of a drought and may then implement any level of restrictions as deemed necessary throughout the irrigation season.

During water shortages, the District implements mandatory prohibitions. Table 1 on page 8 lists the prohibitions that are implemented by the District during water shortages. As shown in Table 1, there are five levels of prohibitions that the District can implement based on the duration and severity of the drought.

In 1992, the District implemented water restrictions that included limiting landscape irrigation to 3 days per week. This restriction resulted in an average reduction in water demand of 25 percent for the irrigation period of June through September. At build-out of the community under the April 2005 Draft General Plan Update, the projected reduction in water demand from implementation of water conservation measures would be about 500 acre-feet annually.

In conclusion, based on the revised water supply assessment contained in Section 4.11 of the Revised Final Program EIR, with the inclusion of future water supplies, demand reduction measures, and implementation of the water shortage contingency plan, the projected water demand from buildout of the Draft General Plan Update would not exceed the water supply. However, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the Draft General Plan Update would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence of water supply prior to development, would serve to reduce the impact to a less than significant level. Included in that mitigation measure is a requirement that the Town shall work with MCWD to ensure that land use approvals are phased in tandem with the development of necessary water supply sources and that this requirement be made a policy of the General Plan Update. With this measure, full mitigation is provided of any deficiency of water supplies to serve future development.

COMMENT 010-22

5. The EIR Includes No Evaluation of the Environmental Impacts of the Town's Use of Water to Serve New Development.

Strikingly absent from the discussion of water supply -- and from elsewhere in the document -- is any treatment of the environmental impacts expected to be caused by the use of water to serve the development planned for in the GPU. Courts have repeatedly held that CEQA requires such analysis. *See In re Bay-Delta EIR*, 133 Cal. App. 4th at 233 (holding that an EIR "must include an analysis of the impacts of supplying . . . water, from whatever source"); *Stanislaus Natural*

Heritage, 48 Cal. App. 4th at 199 (holding that environmental consequences of supplying water to 5,000 unit subdivision with no on-site water must be analyzed); *Santiago County Water Dist.*, 118 Cal. App. 3d at 830 (holding that EIR must analyze the environmental impacts associated with supplying water to sand and gravel mine).

RESPONSE 010-22

Section 4.11 of the Revised Draft Program EIR provides a water supply assessment for the buildout of the April 2005 Draft General Plan Update. The analysis considers the maximum water demand that would occur at buildout and compares the water demand with the water supply. The analysis has been updated in Section 4.11 of the Final Program EIR to reflect the 2005 UWMP adopted by the District after completion of the Revised Draft Program EIR. As indicated in the analysis, future water supply and/or reduction in demand would be necessary in order for the supply to match the estimated demand. As indicated in Section 4.11 of the Revised Final Program EIR with the inclusion of future water supplies, demand reduction measures, and implementation of the water shortage contingency plan, the projected water demand from buildout of the Draft General Plan Update would not exceed the water supply. However, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the Draft General Plan Update would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence of water supply prior to development, would serve to reduce the impact to a less than significant level.

With regard to future supply and an analysis of potential impacts that could result from the provision of future water supplies, locations of future wells have not yet been determined. In addition, given that there are several options available to the MWCD for obtaining future sources of water, and the choice among those options has not yet been made by the MWCD and such additional wells are not expected to come on line until 2020, it is not possible or practical to address the potential impacts of particular future wells locations or the infrastructure necessary to support the future wells at this time. CEQA Guidelines Section 15003(i) states that CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. It could take a number of years to obtain the data necessary to clearly determine the best source and approach for increasing the water supply. Please see Response to Comment No. 010-23 for additional discussion regarding future water supply.

COMMENT 010-23

The EIR fails to identify the potential impacts of reliance on groundwater to serve planned development. The document does not indicate whether the Town's increased withdrawals can be sustained without drawing down the aquifer. Nor does it supply any information about other users of the aquifer who might be affected by the Town's intensified use. At the least, greater drawdown of the aquifer in dry years could require other users of the aquifer to deepen their wells. As noted

above, the document also does not describe the effect of increased withdrawals on water quality in the aquifer. Finally, although additional wells appear to be necessary to serve future demand, see EIR at 4-256, 4-257 tbl. 4.11-3, the document does not disclose the potential locations of those wells or the impacts of building those wells or the delivery infrastructure necessary to connect them to the Town's distribution system.

RESPONSE 010-23

With regard to other users, as indicated in Response to Comment No. 010-14, there are four other wells in the area besides MCWD's wells. The well that provides water for irrigation of the Snowcreek Golf Course is capable of producing a maximum of 200 gallons per minute, although Dempsey Construction has rights to pump up to 450 gallons per minute for irrigation of open space.⁶ Based on the Wildermuth, 2003 study, the Snowcreek well produces about 100 acre-feet per year and ranges from a low of about 30 acre-feet per year to a maximum of about 165 acre-feet per year. In addition, there have been two private domestic wells drilled on residential lots within the District's service area. These wells are used for irrigation of single-family residences and the use is considered minimal. In 1996 the US Forest Service installed an extraction well in the Lakes Basin that is located near the extreme western boundary of the Mammoth Basin watershed. Groundwater is extracted from this well for domestic use in campgrounds and the amount is considered minimal.

As indicated in Section 4.6 of the Revised Draft Program EIR, the Mammoth Hydrologic Basin has complex hydrogeologic conditions. With regard to safe yield of the aquifer, as indicated in Section 4.11, the Mammoth Basin has not been identified by DWR as being overdrafted. In order to prevent the basin from being overdrafted, the District maintains an extensive groundwater and surface water monitoring system. Groundwater levels are monitored in 8 production wells and in 14 shallow and deep monitor wells in around the service area. Four of the monitor wells are equipped with water level transducers and data loggers for continuous monitoring. Data loggers were installed on all eight production wells in early 2005 to monitor groundwater levels on a continuous basis. The data acquired from the data loggers are connected to the District's supervisory control and data acquisition (SCADA) system, which allows operators to control pumping flows and well levels. The monitoring program provides information about groundwater pumping, surface water flows, spring flows, and possible connections between these elements. The purpose of the District's expanded monitoring program is to obtain a better understanding of the hydrogeologic system and to determine a safe yield for the basin.

With regard to water quality, as indicated above the MCWD has an extensive groundwater monitoring program, which also ensures that the quality of the water is in compliance with the

⁶ *As part of the 1977 Arcularius Agreement, Snowcreek has the right to drill a well on its property and obtain up to 450 gallons per minute from this well for irrigation purposes. These water rights were granted when the Arcularius family gave up water rights it had in Mammoth Creek.*

applicable standards. To date, the water quality has not significantly affected the water supply. In addition, as indicated in Section 4.6 of the Revised Draft Program EIR, implementation of measures contained in the Draft General Plan Update as well as compliance with federal, state and local water quality and waste discharge requirements would ensure that provide adequate protection for water resources and would ensure that water quality standards and waste discharge requirements would not be violated. Section 4.6 of the Revised Draft Program EIR provides information regarding the District's groundwater treatment facilities. Given the programs in place to protect the water quality, it is speculative to assume that groundwater quality would deteriorate and that additional treatment would be necessary. CEQA Guidelines Section 15145 indicates that if a lead agency finds that an issue is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

With regard to future wells, locations have not yet been determined. As discussed in Response to Comment No. 009-6, Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2020. The future wells could be located in the Mammoth Basin, where one estimate indicates that the total useful storage in the Mammoth groundwater basin is approximately 135,100 acre feet (see page 12-13 of the MWCD's UWMP), or in other surrounding basins such as the Dry Creek Basin, located northeast of the Town. Given that there are several options available to the MWCD for obtaining future sources of water, and the choice among those options has not yet been made by the MWCD and such additional wells are not expected to come on line until 2020, it is not possible or practical to address the potential impacts of particular future wells locations or the infrastructure necessary to support the future wells at this time. CEQA Guidelines Section 15003(i) states that CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. It could take a number of years to obtain the data necessary to clearly determine the best source and approach for increasing the water supply.

COMMENT 010-24

The document also fails to acknowledge the potential significance of impacts of groundwater withdrawals on surface water flows. The document concedes that "[t]here is no verification . . . that pumping this volume of water will not impact surface water or spring flows." EIR at 4-256. It also mentions comments submitted by the Department of Fish and Game and the University of California identifying impacts to surface waters and associated ecosystems as a matter of concerns.⁸ *Id.* The first water supply assessment also concluded that "[a]dditional withdrawal of groundwater from the Mammoth Basin continues to be questionable as to whether or not there is available water to be pumped without causing environmental impacts." First Water Supply Assessment at 15.

- 8 The document does not include a citation for these comments, nor are they included in Appendix B with other comments on the draft PEIR. As a result, the reader cannot evaluate the substantiality of these concerns. The EIR must identify where the public may find these comments for review. See CEQA Guidelines § 15148 ("The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.").

In light of the acknowledged uncertainty regarding the potential impact of groundwater withdrawals on surface streams, the EIR should presume the impact to be significant and identify mitigation to respond to that impact. Such mitigation might involve, for example, imposing a moratorium on new development (pending MCWD's obtaining new supplies or imposing new demand management measures) if MCWD monitoring reveals an effect of groundwater withdrawals on surface waters.

RESPONSE 010-24

As indicated in Section 4.6 of the Revised Draft Program EIR, the Mammoth Hydrologic Basin has complex hydrogeologic conditions. As indicated in the Groundwater Management Plan for the Mammoth Basin Watershed (2005), in response to concerns over potential impacts to streamflow and spring flow rates from the groundwater pumping, the District has prepared groundwater monitoring reports annually since 1993. The reports provide an evaluation of groundwater level, surface flow, and water quality monitoring data accumulated throughout the year. The results from each of these reports have been unable to detect a connection between District groundwater pumping and streamflows in Mammoth Creek or springs within the Mammoth Basin.

The reference to CDFG and the University of California concerns expressed with regard to potential impacts from groundwater pumping are historic and were not related to the Notice of Preparation or the February 2005 Draft EIR for the General Plan Update. As discussed in Response to Comment No. 009-2, the comments date back to 1992 when CDFG and the University of California expressed concern regarding potential impacts of the District's groundwater pumping program on wildlife, vegetation, and fishery resources of Mammoth Creek, the Hot Creek headsprings, and Valentine reserve. Under agreements with CDFG and the University of California, the District installed a groundwater monitoring program in 1993 in order to assess the potential hydrologic connectivity between groundwater and surface water. Hydrogeologic evaluations have been conducted for the District by Kenneth D. Schmidt and Associates each year through the present beginning in 1993. All of the reports and data referred to are available at the MCWD office.

Through well monitoring and aquifer tests the evaluations attempted to discern whether the District's groundwater pumping affected flows from North Spring at Valentine Reserve, flows from the Hot Creek headsprings, and stream flows in Mammoth Creek. From data collected as part of the monitoring program Schmidt concluded that groundwater pumping from the District's new production wells did not influence flows in North Spring at Valentine Reserve, at the Hot Creek

headsprings, or in Mammoth Creek. In October 1997, at the request of CDFG, the District also conducted a short-term aquifer test involving Well #15. Schmidt's review of the data from the test determined that there were no effects on stream flow, groundwater levels, or the springs at the Valentine Reserve. On behalf of CDGD, the U.S. Geological Survey reviewed the available data. Chris Farrar of the USGS has commented (1995, 1996, 1997) that in his opinion, the results of the annual groundwater monitoring and aquifer tests are inconclusive in proving or disproving a causative connection between the District's groundwater pumping and discharge rates of springs at Valentine Reserve, the Hot Creek headsprings, and Mammoth Creek.⁷ Farrar indicates that patterns in spring and stream flows may show some correlation to groundwater pumping, but that the available data could not definitively distinguish between a change in spring or stream flows due to groundwater pumping or due to natural variation in precipitation. In addition, Farrar suggested that interpretation of the results of the summer 1993 aquifer tests was complicated by variations in releases to Mammoth Creek, groundwater pumping at wells other than the test well, and variations in pumping rates before, during and after the aquifer test at the test well and other nearby wells. Farrar also noted that the wet hydrologic conditions of the period following the winter of 1992 through 1993 would greatly affect groundwater conditions in the area. He noted in the 1997 report that "in any year with precipitation comparable to 1996, it is unlikely that groundwater pumpage in Mammoth basin at rates similar to past MCWD pumpage would cause any measurable effect in flow or water temperature at the fish hatchery springs." The year 1996 was considered a normal year, with streamflows and April 1 snowpack figures both slightly below average.

Mark J. Wildermuth conducted a local groundwater study for the proposed Snowcreek Golf Course expansion project (1996). The Wildermuth study evaluated the potential effects of groundwater pumping expected under the golf course expansion project on the Hot Creek headsprings. Based on a review of available data, Wildermuth concluded that "historical groundwater extraction in the western part of the Mammoth basin has not noticeably impacted the discharge at the AB and CD headspring (the Hot Creek headsprings)." Wildermuth also analyzed stream flows in Mammoth Creek and measured at the LADWP gage and found no evidence of an influence of groundwater pumping on flows in Mammoth Creek, concluding that "groundwater extraction has not impacted the surface discharge measured at this location – groundwater levels are too deep to influence streamflows.

In summary, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and

⁷ MCWD/US Forest Service, *Draft EIR/EIS for Changes in Mammoth Creek Instream Flow Requirements, Change of Point of Measurement, and Change of Place of Use*, November 2000.

the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headspring. However, USGS evaluation of the data indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources. Although MCWD is aware of the need to obtain a better understanding of the hydrogeologic system., the information provided in the EIR and in these responses to comment letters is the most current and available data on this subject.

Section 4.11 of the Revised Draft Program EIR indicates that the existing water supply is sufficient to meet the existing demand. As with the information contained in the Revised Draft Program EIR, the revised water assessment in the Final Program EIR indicates that buildout of the Draft General Plan Update could result in potentially significant impacts to the water supply. As indicated in Section 4.11, the District is taking steps to reduce the water demand through water conservation, decreasing the water loss in the system, and the use of recycled water. However, due to the uncertainty of the demand reduction sources and the potential future supply, buildout of the Draft General Plan Update would result in a significant impact. Section 4.11 contains a mitigation measure, which requires that the Town work with MCWD to ensure that land use approvals are phased with the development of the necessary water supply sources. In other words, development shall not proceed without demonstration of sufficient water supply.

COMMENT 010-25

Finally, the document does not indicate whether MCWD's water treatment facilities and distribution infrastructure have sufficient spare capacity to accommodate increased groundwater and surface water flows. The document should describe the current capacities of that treatment and distribution infrastructure and impacts that might be caused by any necessary expansion of that infrastructure.

RESPONSE 010-25

The design capacity of the Lake Mary Treatment Plant is 3.2 million gallons per day (mgd) and each of the two groundwater treatment plants have a capacity of 4.3 mpd. The capacity of the distribution system varies from area to area throughout the Town. The District has developed a model of the system. The model provides an understanding of improvements that would be needed as the Town develops towards buildout. The necessary improvements are funded by the District's collection of connection fees. Improvement and replacement projects are funded by the property tax revenues. Prior to the implementation of any necessary system improvements, the District would conduct any necessary environmental review. If environmental review were to be needed, the District would be the lead agency. No specific improvements have been identified at this time. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of

Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific improvement projects, associated with the growth that could occur under the Draft General Plan Update would occur when the improvement is warranted.

COMMENT 010-26

6. The Proposed "Concurrence" Requirement in Mitigation Measure 4.11-1 Does Not Excuse the EIR's Failure to Adequately Describe the Water Supplies Projected to Serve Planned Development or to Discuss the Environmental Impacts of Reliance on Those Supplies.

Mitigation Measure 4.11-1 imposes a "concurrence" policy to be added to the GPU that purports to prohibit the Town from approving new development in the absence of water available to serve the development. EIR at 4-270. Even assuming the efficacy of this measure, it cannot substitute for a full analysis of water sources on which the Town anticipates relying to serve the planned development or for the missing evaluation of environmental impacts likely to be caused by reliance on those sources of supply.

In *Stanislaus Natural Heritage*, the court addressed precisely such a mitigation measure. The court concluded that the agency could not rely on such a measure to defer analysis of water supply to later project-specific approvals:

It is not mitigation of a significant environmental impact o[f] a project to say that if the impact is not addressed then the project will not be built. The decision not to build may well rest upon the absence of a suitable water source. *However, the decision to approve the EIR of this project does require recognition that water must be supplied, that it will come from a specific source or one of several possible sources, of what the impact will be if supplied from a particular source or possible sources and if that impact is adverse how it will be addressed.*

48 Cal. App. 4th at 205-06 (emphasis added). In other words, an EIR may not paper over its failure to identify a sufficient water supply for proposed development by adopting a mitigation measure that conditions future development on finding an adequate supply. Such a measure constitutes an improper deferral of environmental review. Nor may the EIR use such a mitigation measure to avoid analyzing the physical environmental impacts of reliance on an anticipated source or sources of water supply.

RESPONSE 010-26

As discussed in Response to Comment No. 010-21, in the recent California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Ranch Cordova*, (2007), the court indicated that the burden of identifying likely water sources for a project varies with the

stage of project approval involved, with the necessary degree of confidence involved for approval of a conceptual plan much lower than for the issuance of building permits. If uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, the EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives – including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases – and discloses the significant foreseeable environmental effects of each alternative as well as mitigation measures to minimize each adverse impact.

Here, the General Plan Update is not the approval of a specific development project. Furthermore, the degree of uncertainty has been disclosed. Alternative means of developing additional sources and of reducing consumption have been discussed and a mitigation measure has been imposed (Mitigation Measure 4.11-1) that fully mitigates the impact of a potential shortage of long term water supplies by precluding development that would result in a water shortage and requiring that “. . . land use approvals are phased in tandem with the development of necessary water supply sources.” Because the Town will not process applications for development without a “Will Serve” letter from the Mammoth Community Water District, the phrase “phased in tandem” in this mitigation measure plainly means that new development can only be approved following the demonstration of adequate, available water supplies by MCWD, not concurrently with such a demonstration. With this measure, full mitigation is provided ensuring that future development will not induce water shortages.

COMMENT 010-27

7. The EIR Fails to Identify the Level of Significance After Mitigation.

The subsection labeled "level of significance after mitigation" does not characterize the significance of the impact with implementation of the "concurrence" mitigation measure discussed above. Rather, it says only that the mitigation measure would "reduce potential impacts." EIR at 4-270. Without a final characterization of significance, the decision maker cannot decide whether the GPU has significant and unavoidable impacts and thus whether the GPU should be rejected or modified, an alternative selected, or findings of overriding significance made. See CEQA Guidelines § 15064(a) ("Determining whether a project may have a significant effect plays a critical role in the CEQA process."); see also Pub. Res. Code § 21100(b)(1) (requiring an EIR to set forth "[a]ll significant effects on the environment of the proposed project").

For the reasons discussed above, we believe that there is more than ample substantial evidence to show that the GPU's water supply impacts remain significant after implementation of mitigation measure 4.11-1. Accordingly, the EIR must incorporate additional feasible mitigation, including the measures proposed here.

RESPONSE 010-27

The conclusion reached in the Revised Draft Program EIR with regard to water supply is that the Draft General Plan Update would result in a significant impact with regard to water supply due to the uncertainty of the implementation as well as the effectiveness of the future programs. Mitigation Measure 4.11-1 is provided to ensure that development does not occur that would result in a water demand that exceeds the available water supply. With the incorporation of the mitigation measure, the impact would be reduced to a less than significant level. The text in the section entitled Level of Significance After Mitigation has been revised in the Revised Final Program EIR to clarify and affirm the conclusion.

The Town does not concur with the comment that the impact would remain significant and unavoidable. As for suggested mitigation, Comment No. 010-24 suggests that a mitigation measure should be added that imposes a moratorium on new development (pending MCWD's obtaining new supplies or imposing new demand management measures) if MCWD monitoring reveals an effect of groundwater withdrawals on surface waters. Such a moratorium is not considered necessary as other more effective means are already in place. MCWD has already adopted a policy to establish a ten percent contingency in which it will not allocate ten percent of available water supplies to new development, in order to safely manage the resources in the case of less certain climatic conditions, periodic system failure, etc. Presently, the Town will not process applications for new development absent a "Will Serve" letter from MCWD. While, the Town and MCWD collaborate closely, ultimately it is MCWD's responsibility to determine what development can and cannot be served. This system has been and is expected to continue to be effective in managing water supplies as a critical resource without incurring significant adverse impact.

COMMENT 010-28**8. The EIR Contains Several Omissions.**

First, the EIR states that the water supply assessments and urban water management plan ("UWMP") prepared by the MCWD pursuant to SB 610 are attached to the EIR as appendices. EIR at 4-253. Although the second, revised assessment is attached as Appendix E, neither the first assessment nor the UWMP is included anywhere in the document. Because the revised assessment is an [sic] "a supplement to [MCWD's previously submitted water assessment." EIR, App. E, at 1, the second assessment is not useful without the first. Although we were able to track down copies of the first assessment and UWMP, those documents should be included in the EIR as promised.

Second, the EIR's discussion of groundwater omits two graphs referred to in the text, a graph depicting MCWD's historic water withdrawals and historic groundwater levels measured in MCWD wells. EIR at 4-255, 4-256. These omissions substantially undercut the EIR's informational function.

These missing components require recirculation of the EIR. In *Ultramar, Inc. v. South Coast Air Quality Management District*, 17 Cal. App. 4th 689 (1993), the Air District had omitted 12 pages of material from the 288-page draft environmental document when it was circulated for public review. Though the Air District had subsequently made that material available for public review during the public review period, the court invalidated the Air District's certification of the document on the grounds that the public had been deprived of the full opportunity to review the document guaranteed by CEQA. *Id.* at 701-04. Here too, the Town risks invalidation of the EIR if it fails to recirculate the document fully intact.

RESPONSE 010-28

The first water supply assessment has been included in the Revised Final Program EIR. The first water supply assessment was available in the February 2005 Draft EIR for the General Plan Update but was omitted from Appendix E in error. The MCWD adopted an updated Urban Water Management Plan (UWMP) in 2005. The 2005 UWMP is hereby incorporated by reference. The 2005 UWMP is available on the MCWD website and in hard copy form at the district offices. Section 4.11 of the Revised Final Program EIR has been revised to incorporate the graphs.

The Town does not concur that the missing components result in a need to recirculate the EIR. As indicated above, the first water supply assessment, while omitted from the October 2005 Revised Draft Program EIR, the assessment was provided in the February 2005 Draft EIR. With regard to the graphs, the graphs were contained in the UWMP. The UWMP is a public document that is available at the District office as well as on the District's website. The omission of the information did not preclude the public from obtaining the information or conducting a review of the water supply assessment.

COMMENT 010-29

II. CORRECTION OF THE FLAWS IN THE EIR WILL REQUIRE THAT THE DOCUMENT BE RECIRCULATED FOR PUBLIC REVIEW AND COMMENT.

The above comments demonstrate significant and pervasive flaws in several portions of the EIR. Amelioration of those flaws will require recirculation of the EIR as a revised draft EIR.

The addition of significant new information to an environmental document requires that the document be recirculated for further public review prior to certification. Pub. Res. Code § 21092.1. Section 21092.1 requires recirculation where an "EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" *Laurel Heights Improvement Ass'n of San Francisco, Inc. v. Regents*, 6 Cal.4th 1112, 1129 (1993).

To remedy the document's flaws here, significant new information will need to be added to the document. The EIR's flaws require substantial new analysis of impacts and the identification of new significant and unavoidable impacts or the proposal of new mitigation measures to respond to impacts that were previously-----and erroneously-----considered to be less than significant. Such changes require recirculation under section 21092.1 and *Laurel Heights*.

RESPONSE 010-29

The Town does not concur that recirculation of the EIR is necessary. Information has been added to the Revised Final Program EIR in response to comments received on the Revised Draft EIR. However, the new information that has been added in the Final Program EIR provides clarification or further substantiation of information contained in the Revised Draft Program EIR. In some instances, the new information provides an update to reflect changes that have occurred between the preparation of the Revised Draft Program EIR and the Final Program EIR. However, the new information provided does not result in a change in the conclusions reached in the Revised Draft Program EIR. In other words, no new significant and unavoidable impacts have been identified in the Final Program EIR that were not identified in the Revised Draft Program EIR. The Final Program EIR contains some revisions to the mitigation measures that strengthen the measure, further clarify the measure, or provide a measure that had not been previously identified for an already disclosed significant impact. However, the revisions in the mitigation measures are not to respond to impacts that were previously considered less than significant. In summary, based on an independent evaluation of the EIR by the Town, the Town has determined that the EIR is adequate and has been prepared in accordance with the applicable Public Resources Code sections and CEQA Guidelines. No recirculation of the EIR is necessary.

COMMENT 010-30**III. THE GPU'S DENSITY TRANSFER POLICY IS VAGUE AND INCOMPLETE.**

GPU Policy LU.1.a provides for transfers of density within the GPU's higher density land use designations. As drafted, that Policy creates several gaps and ambiguities that could cause problems in later implementation. We believe, however, that the Policy may be readily modified to eliminate these problems.

RESPONSE 010-30

The comment relates to a specific policy regarding density transfers in the Draft General Plan Update. The comment is general in nature with regard to the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-31

First, Policy LU.1.a does not limit the density that may be transferred. The EIR asserts that "density may be increased up to double" under the Policy, EIR at 4-177, but the Policy includes no such limitation. We believe that the Policy should be specific about the maximum density increases allowable under the Policy. The following finding would achieve that goal:

#) [SIC] The transfer will not result in an allowable density on the receiving property of greater than twice the density authorized for the property in the General Plan.

RESPONSE 010-31

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-32

Second, the Policy does not ensure that the sending or "generating" property will not be developed after the transfer at its original density. The Policy requires a finding that the generating property is undeveloped or will be developed simultaneously with the receiving site. Policy LU.1.a.(1). This allows sending sites to remain presently undeveloped but would allow future development of those sites. To clarify and ensure that future development will be subject to reduced density following the transfer, the Policy should add the following finding:

#) [SIC] The Town will not authorize development of the generating parcel at a density that exceeds the density remaining after the transfer, and such development would be inconsistent with the General Plan.

RESPONSE 010-32

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-33

Third, we are concerned that Policy LU.1.a(3) may be read to add nothing to LU.1.a(2). Subsection (3) provides that a density transfer must "result[] [sic] in a townwide decrease in vehicle miles

traveled." Subsection (2) dictates that a receiving site must be located with 500 yards of a ski lift, which the draft GPU suggests (albeit implicitly) will encourage walking and use of public transit. Given this explanation, a project proponent may argue that every transfer to a receiving site within 500 yards of a lift will, by definition, reduce VMT. We recommend that the Policy be clarified to require that the transfer will result in a reduction in VMT *over and above* the reduction that can be expected to result from locating increased density within 500 yards of a ski lift.

RESPONSE 010-33

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-34

Fourth, subsection (5) requires that "the transfer would be neutral with respect to population or result in a decrease of PAOT." Given that differences in terminology are typically read to intend different meanings, "population" and "PAOT" may be read to refer to have different meanings. For example, "population" might be read to refer to permanent residents rather than PAOT. If so, a transfer that traded permanent housing for transient might comply with the Policy even if total PAOT were nevertheless increased, because the permanent resident population would decline. We recommend changing the language in subsection (5) to read, "the transfer would maintain or reduce PAOT."

RESPONSE 010-34

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The intent is to not increase the PAOT. Therefore, the comment does not alter the analyses contained in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-35

Fifth, subsection (9) requires transfers to "further[] [sic] the goals and objectives of the General Plan" followed by three examples from the GPU. This provision may be read to mean that the transfer must be merely consistent with GPU policies, rather than affirmatively advancing such policies and providing improvement over the status quo. For example, the provision refers to "Protecting environmentally sensitive sites." A project applicant might this language read to mean

[sic] that a transfer may be approved so long as it does not harm such sites. Based on discussion in the EIR, it appears that the provision was intended to require affirmative improvement over the status quo. See EIR at 3-16.

RESPONSE 010-35

The comment relates to the policy regarding density transfers in the Draft General Plan Update. The language in Section 3.0 of the Revised Draft Program EIR summarizes the language in the Draft General Plan Update. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-36

We are also concerned that the three "goals and objectives" referred to appear to be merely examples. The EIR, by contrast, interprets them to be exclusive: "Transfers may only occur if . . . benefits are provided to the community by protecting environmentally sensitive sites, providing additional public services and amenities, or providing additional workforce housing." *Id.* We recommend making the list of goals exclusive (as the EIR interprets it) and expanding the list of goals if necessary. Accordingly, we recommend the following language:

The transfer results in an improvement over and above existing conditions by affirmatively furthering one or more of the following goals and objectives of the General Plan:

- a) Protecting environmentally sensitive sites,
- b) Providing additional public services and amenities,
- c) Providing additional workforce housing, or
- d) [insert additional goals]. [sic]

RESPONSE 010-36

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-37

Finally, the last, unnumbered paragraph of Policy LU.1.a is ambiguous and grammatically incorrect. The word "provide" appears to be a mistake and should be deleted. It is also unclear whether this paragraph is meant to be a subparagraph of LU.1.a(9) or an alternative standard applicable to workforce housing that need not comply with findings (1) through (9). In either event, it appears that the intent is to make density transfers easier for workforce housing projects. If so, the phrase "In addition to the policies outlined above" should be changed to read "Notwithstanding the policies outlined above."

RESPONSE 010-37

The comment relates to the policy regarding density transfers in the Draft General Plan Update and suggests a change in the language in the policy. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 010-38

For the reasons discussed above, AFM requests that the Town revise the EIR to rectify its flaws. The necessary revisions to the document also demand that the revised document be recirculated for public review and comment. Pub. Res. Code § 21092.1.

Thank you for your attention to this important matter.

RESPONSE 010-38

As indicated in Response to Comment No. 010-29, the Town does not concur that recirculation of the EIR is necessary. While information has been added to the Revised Final Program EIR in response to comments received on the Revised Draft EIR and revisions have been made to some of the mitigation measures, the revisions do not trigger recirculation. As indicated in Response to Comment No. 010-29, the new information provided does not result in a change in the conclusions reached in the Revised Draft Program EIR. Based on an independent evaluation of the EIR by the Town, the Town has determined that the EIR is adequate and has been prepared in accordance with the applicable Public Resources Code sections and CEQA Guidelines. Therefore, no recirculation of the EIR is necessary.

LETTER NO. 011

Advocates for Mammoth
John Walter, Chairperson
P.O. Box 2005
Mammoth Lakes, CA 93546

COMMENT 011-1

This response represents the comments from Advocates for Mammoth on the DPEIR, including the following overall concerns.

The DPEIR indicates that no feasible mitigation measures have been identified to reduce many of the impacts identified throughout the document. However, there is no quantitative analysis of the four alternatives which would provide decision makers with the complete facts on which to make decisions.

This leads to the misconception that any alternative has the same impacts, which is not correct. Surely, additional policies, implementation measures and mitigations can be considered.

RESPONSE 011-1

The purpose of the Revised Draft Program EIR is to analyze the potential effects of the Draft General Plan Update on the environment, and to determine the significance of those impacts. In accordance with CEQA Guidelines Section 15126.6(a), the Revised Draft Program EIR contains an analysis of a range of reasonable alternatives to the Draft General Plan Update. The alternatives were defined as required to feasibly attain most of the basic objectives of the project but to avoid or substantially lessen any of the significant effects of the project. The Revised Draft Program EIR provides an evaluation of the comparative merits of the alternatives. According to Section 15126.6(d) of the CEQA Guidelines, the discussion of alternatives shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. However, CEQA does not require that the analysis of alternatives is provided to the same level of detail as for the proposed project. To the extent feasible, Section 7.0 Alternatives of the Draft Program EIR provides quantitative analyses to assist decision makers with the facts on which to make decisions. Table 7-7 in the Revised Draft Program EIR provides a summary comparison of the impacts of the alternatives relative to the project. The table clearly identifies whether impacts of the alternative would be similar, less than, or greater than, the impact that would occur with the proposed project.

With regard to mitigation measures, the Revised Draft Program EIR presents mitigation measures that were identified to reduce impacts. In some instances no mitigation measures were

identified and therefore, the text provides that explanation. While the comment suggests that additional policies, implementation measures and mitigations could be considered, no specific suggestions have been provided.

COMMENT 011-2

The document is quick to point out significant environmental impacts that can not be mitigated, but there are no analyses or evaluations that explain what mitigations were considered. There is no discussion of why alternative mitigations were rejected that might mitigate these impacts to a level of insignificance or at least significantly reduced impacts. The smaller the project, the easier it will be to mitigate most of the impacts.

RESPONSE 011-2

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. The Revised Draft Program EIR includes mitigation measures that can be applied at the program level. However, site specific analysis of subsequent activities or development projects will be required within a project-level environmental documentation. If impacts were to be identified at the project level, project-specific mitigation measures would be considered and feasible measures would be incorporated into the project during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 011-3

An example of where additional steps to mitigate impacts could be taken and might reduce the level of impact to insignificant is Light and Glare. The residents clearly do not want to give up starry skies. Rather, we suggest that the Town toughen the regulations and follow through with enforcement. The following approaches would be practical and achievable options.

- No exceptions for unshielded bulbs (currently 40 watts is acceptable, which unshielded, is like a beacon).
- Complete shielding on fixtures. There is no analysis of the current status and how it should change after March 2006 when commercial and industrial compliance with the lighting ordinance is expected.
- Shield all lights including interior hallways on buildings over 35 feet tall.

- Have a cumulative wattage rule. Current rules allow one thousand watt lights, without an evaluation of the cumulative effect.
- Put time limit on holiday lights.

RESPONSE 011-3

As discussed in Issue 4.4-4 of the Revised Draft Program EIR, while the Town has policies and regulations regarding lighting, given the increase in development that would occur under the Draft General Plan Update, the General Plan Update would result in an increase in lights at night which would impact the night sky. Therefore, the General Plan Update would result in a significant impact with regard to the overall extent of night lighting. A new mitigation measure has been added to the Final Program EIR to require review and amendment of the Town's Lighting Ordinance to protect views of the night sky and to ensure that the intent of the Lighting Ordinance is met. Mitigation Measure 4.1-4 has been added to the Final Program EIR and reads as follows: "The Town shall review the existing Lighting Ordinance and revise the ordinance, where feasible, to protect views of the night sky and to ensure that the intent of the Lighting Ordinance is met. The Lighting Ordinance shall be amended to consider the feasibility of restrictions on lighting that include, but are not limited to: unshielded bulbs wattage restrictions, complete shielding on fixtures, shielding of all lights on buildings over approximately 35 feet tall, cumulative wattage limits, and holiday lighting timing limits." Even with the incorporation of the mitigation measure, policies and measures regarding lighting in the Draft General Plan Update as well as the Town's existing lighting regulations, development associated with the Draft General Plan Update would result in a significant impact with regard to night lighting due to the impacts to the night sky and a reduction in the quality of star-gazing.

COMMENT 011-4

Other examples of practical mitigations to the impacts ruled significant and unavoidable are.

- Aesthetics - retain the existing height limits rather than have no limit at all.

RESPONSE 011-4

The proposed Draft General Plan Update does not provide any provision to increase the height of buildings in comparison to the adopted General Plan. In addition, the Draft General Plan Update includes Implementation Measure I.5.B.b.5 that requires building heights to remain below the average tree tops in the forested portion of the community. This implementation measure would reduce impacts to scenic vistas and the Town's visual quality and character as discussed under Issue 4.1-1 and 4.1-3, respectively. While Implementation Measure VI.1.A.c.1 would allow exemptions to height limitations for development projects, this implementation measure further states that any such exemption would be subject to rigorous visual analysis acceptable to the Town, showing that

the exception is warranted in light of other community goals and benefits and does not significantly impact views.

COMMENT 011-5

- Noise - establish and enforce tough laws on outdoor events, diesel engines, and motorcycles, ban trucks on problem streets in residential neighborhoods like Forest Trail, and require sound barriers and or deflectors at venues.

RESPONSE 011-5

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. As indicated in Section 4.8 of the Revised Draft Program EIR, Chapter 8.16 of the Mammoth Lakes Municipal Code (Town Noise Ordinance) controls unnecessary, excessive and annoying noise in the Town. Specific prohibited acts are provided in Section 8.16.090, such as the use of loudspeaker system and playing of musical instruments, which would relate to outdoor events.

Implementation measures provided in the Draft General Plan Update would help reduce noise from the sources listed in the comment. Specifically, Implementation Measure I.4.A.a.2 requires noise created by new transportation noise sources, including roadway improvement projects, to be mitigated so as not to exceed 60 dB Ldn in outdoor activity areas of 45 dB Ldn within interior spaces of existing noise-sensitive land-uses. Implementation Measure I.4.A.a.4 requires noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated so as not to exceed the noise level standards at noise-sensitive uses. In addition, Implementation Measure 5.2 of the Noise Element already requires an acoustical analysis in those cases where a project potentially threatens to expose noise-sensitive land uses to excessive noise levels. Measure 5.5 requires the Town to request the California Highway Patrol, the sheriff's office and the Police Department to actively enforce California Vehicle Code sections relating to adequate vehicle mufflers and modified exhaust systems.

The Draft General Plan Update does not propose any specific development projects. However, site specific analysis of subsequent activities or development projects will be required within a project-level environmental documentation. If impacts were to be identified at the project level, project-specific mitigation measures would be considered and feasible measures would be incorporated into the project during the development review/permitting process, prior to any approvals for development being granted. In addition, any specific development projects would be

required to comply with standards established in the Town's General Plan and noise ordinance, or applicable standards of other agencies. The implementation measures in the Draft General Plan Update are sufficient to reduce noise impacts to a less than significant level. However, the Town may choose to implement stricter regulations. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 011-6

- Air quality - actively enforce no burning days, use Developer Impact Fees to replace wood stoves for residents and in older rental condominiums, switch to geothermal heat, and expand the cinder sweeper program with sufficient water in the equipment so they are really effective.

RESPONSE 011-6

In creating the Draft General Plan Update, the Town is committed to investigate numerous ways to effectively reduce emissions of air pollutants. Implementation Measures I.7.B.c1, I.7.B.c2, and I.7.B.d.3 of the Draft General Plan Update are a commitment by the Town to investigate and implement improvements in the street sweeping program. Furthermore, Implementation Measures I.1.C.b.3, I.1.C.b.4, and VII.1.E.a.2 direct the Town to work collaboratively to pursue geothermal heating. In an entirely different air pollution direction the GBUAPCD amended Rule 431 to prohibit wood burning in any appliance or device, including EPA certified units, on declared "No Burn" days. The rule also establishes monetary penalties for non-compliance. These initiatives will in combination reduce air pollution emissions in the Town.

COMMENT 011-7

We would like to suggest, and participate, in a true "give and take" discussion of alternatives and solutions between decision makers that results in an Updated General Plan that allows for a balance between growth, economic stability, and protection of our natural surroundings as is outlined in the Vision Statement. We do not see that any option except "full speed ahead" development has been steadied in this DPEIR.

RESPONSE 011-7

The comment presents an opinion as to an approach that should be taken in the Draft General Plan Update process. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-8

We have also researched the entire document and have found the following specific items which need further analysis and review, by chapter or section. Comments are both general to the element, and also related to specific issues for the element.

RESPONSE 011-8

The comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 011-9 through 011-293 for individual responses to each of the comments.

COMMENT 011-9**Chapter 3 Project Description**

1. Project Location (on page 3-1) - please include the information that Mammoth Mountain Ski Area is a permittee of Inyo National Forest.

RESPONSE 011-9

The comment is acknowledged. A footnote has been added on page 3-1 of the Revised Final Program EIR to indicate that MMSA operates their facilities as a permittee of the Inyo National Forest.

COMMENT 011-10

2. Section 3.2 Existing Land Use Conditions (3-1) - the second paragraph is misleading in that all soccer, baseball and softball fields are outside the Town Urban Growth Boundary. Also there is no mention of the motocross area. Please show where this is included in the analysis.

RESPONSE 011-10

The comment is acknowledged. The intent of Section 3.2, Existing Land Use Conditions, is to provide a general overview of the existing conditions within the area. Motocross Track is also located outside of the UGB. Section 3.2 of the Revised Final Program EIR has been revised to clarify that most of the improved facilities are located within Shady Rest Park, which is located outside of the UGB but accessible to the residents of and visitors to Mammoth Lakes. Section 4.12, Recreation, of the Revised Draft Program EIR contains an analysis of recreational facilities and the potential impacts that could occur as a result of the implementation of the Draft General Plan buildout. Motorcross is an existing facility and as such is considered in existing conditions.

COMMENT 011-11

Also, the description is limited to the high end accommodations, when most of our visitors are Southern California weekend skiers, campers, hikers and fishermen. Please show where the non-resort parts of our community are analyzed.

Recreational opportunity capacities must be added-to this analysis. Promotion of recreational activities has not brought economic stability, since our winter economy is based primarily on snowfall. Please include analysis of more diverse economic stability options, and justification for the primary emphasis on resort activities.

RESPONSE 011-11

Section 3.2, Existing Land Use Conditions, of the Revised Draft Program EIR is intended to provide a general overview of the existing land uses within the Town and the planning area. The various sections of Section 4.0, Description of Environmental Setting, Project Impacts and Mitigation Measures, contains the analysis of the Draft General Plan Update, including the analysis of the non-resort parts of the community.

With regard to recreational opportunities, Section 3.2 provides an overview of the recreational opportunities in the area. The section indicates that the Mammoth Lakes area is enjoyed by skiers, snowboarders, hikers, sightseers, fishermen and other outdoor enthusiasts. The purpose of the EIR is to analyze the potential environmental impacts that could occur as a result of the implementation of the Draft General Plan Update. The Draft General Plan Update provides a proposal for buildout of the Town based on the Town's vision. The concept of a diverse economy is incorporated in the Draft General Plan Update as indicated in the text in Section 3.9 of the Revised Draft Program EIR. As indicated in Public Resources Code Section 21002.1(a), "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." As such, an EIR does not evaluate the economics of a project. The comment presents an opinion as to an approach that should be taken in the Draft General Plan Update. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-12

3. Section 3.4 Purpose of the Plan - please clarify that there were over 100 attendees at each of the community work shops.

RESPONSE 011-12

The comment is acknowledged. Section 3.4, Purpose of the 2005 Updated General Plan, of the Final Program EIR has been revised to clarify that there were over 100 attendees at each of the public workshops.

COMMENT 011-13

Also, please include the results of the modeling/population levels based on land use that were collected at the third workshop, but have never been published.

RESPONSE 011-13

The modeling/population levels based on land use were calculated at the third workshop by individuals using an excel spreadsheet. The number was then indicated with a dot on a board. This was a manual exercise and a photograph was taken at the workshop to document the process. This was a community preference exercise that impacted the choice of the Draft General Plan Update. However, the input from the third workshop is not relevant to the environmental analysis of the April 2005 Draft General Plan Update.

COMMENT 011-14

Further, include the comments collected at the fourth workshop that presented, for the first time, what is essentially the current draft of the General Plan Update.

RESPONSE 011-14

The comments collected at the fourth workshop are with regard to the Draft General Plan Update. The summary of the comments are available for review at Town offices. As such, the comments relate to the General Plan process and are not relevant to the environmental analysis of the April 2005 Draft General Plan Update. No further response is necessary.

COMMENT 011-15

4. Section 3.7 Land Use Chapter (3-9) - please show how the first two paragraphs of this section are included in the Land Use section of Chapter 4, as is stated here.

RESPONSE 011-15

This comment is not clear. Section 3.7 of the Revised Draft Program EIR describes the Land Use Chapter of the General Plan Update. There is no cross reference to Section 4.7, Land Use and Planning, of the Revised Draft Program EIR.

COMMENT 011-16

5. Section 3.7.J Population Density and Intensity (3-14) - this section must discuss trends and the influence of weather and economic conditions on visitor population. There is no way of knowing if ski area use in the referenced population year is "typical" or not.

RESPONSE 011-16

As indicated in Section 3.1, Project Location, of the Revised Draft Program EIR, the Town of Mammoth Lakes is a mountain resort community. As indicated in the Draft General Plan Update, the Town is a four-season resort community. The purpose of the Draft General Plan Update is to guide the buildout of the community. Because of the resort nature of the Town, estimated population cannot be based solely on estimated residents associated with buildout of the Town.

As described in Section 3.7.J, Population Density and Intensity, of the Revised Draft Program EIR, the General Plan Update and thus, the EIR, is based on permanent population as well as people at one time (PAOT). The discussion in Section 3.7.J provides background on the methodology of the population projections. The average winter Saturday is based on a typical year. The Town acknowledges that weather and economic conditions influence the number of persons that visit the Town. However, the General Plan Update and the EIR are based on buildout of the community and typical capacity and do not account for years in which the weather may not be as positive and thus the number of visitors may be reduced.

COMMENT 011-17

6. Section 3.7.I Key Land Use Policies (3-16) - we presume that this is a typographical error, and should be 3.7L.

RESPONSE 011-17

The Town acknowledges the comment. Key Land Use Policies should be 3.7.K, not 3.7.L as suggested in the comment. The Revised Final Program EIR has been revised to correct the heading reference to read as follows: 3.7.K Key Land Use Policies.

COMMENT 011-18

Also, please compare the rate of building for the Updated Plan to the current activity levels in the analysis.

RESPONSE 011-18

It is assumed that this comment is with regard to the timing of the buildout of the General Plan. As indicated in Section 3.7.J, under the subheading Future Population Projection

Assumptions, the Draft General Plan Update projects that the Town would be fully built out in 20 years. This projection is based on the current level of construction activity and the number of units remaining to be developed. The projection assumes a higher rate of development than the community has seen over the past 20 years, but is justified based on recent activity as indicated by the issuance of building permits and the applications submitted for major development projects. In 2004, 730 units were developed.

COMMENT 011-19

Please also demonstrate where fractional ownership units are considered, included and analyzed in Table 3-4. See also Section 4.9 for additional comments on this concern.

RESPONSE 011-19

Fractional ownership units are a subset of housing that occurs in the Town. However, whether or not a unit is fractional ownership does not affect the number of residents that would occupy the unit. The General Plan Update, as with the existing General Plan, is based on the number of residential units and the populations, either permanent or PAOT, that would occupy the units. Therefore, for purposes of the General Plan Update and the analysis contained in the Revised Draft Program EIR, the number of fractional ownership units is not provided. Please see Response to Comment Nos. 011-135 through 011-148 for responses to comments on Section 4.9, Population, Housing and Employment.

COMMENT 011-20

Also, please correct the totals between Tables 3-4 and Table 3-5. Further, please explain how this table demonstrates density and provide the data that supports the assumptions.

RESPONSE 011-20

Table 3-4 and Table 3-5 contain some internal inconsistencies. Table 3-5 has been revised in the Revised Final Program EIR to reflect the correct totals with regard to number of units and population, which were provided in Table 3-4. In addition, it is assumed that the second sentence refers to Table 3-5 as notes that should have been included in the table were inadvertently omitted. The notes providing the assumptions were included in Table 3-4. Table 3-5 has been revised in the Final Program EIR to include the notes. In addition, notes on Table 3-4 have been revised to clarify the meaning. These revisions do not alter the analyses or conclusions contained in the Revised Draft Program EIR.

COMMENT 011-21

7. Section 3.8 Environmental Sustainability (3-17) - this is a great summary and tabulation of what the citizens asked for in workshops and hearings, and what GPAG and the Planning Commission seem to be asking for in the General Plan Update.

However, one important item that keeps moving downward in the priorities, until it is hard to find, is preserving large native trees and keeping buildings below the tree line. Please explain how these values can be so summarily dismissed in later sections as impacted and immitigable to achieve some vague and never justified or analyzed economic objective.

RESPONSE 011-21

Section 3.8, Environmental Sustainability Chapter, of the Revised Draft Program EIR provides a description of the Environmental Sustainability Chapter contained in the Draft General Plan Update. The comment is in support of this section of the Draft General Plan Update.

Implementation Measure I.5.B.b.5 requires that building heights remain below the average tree tops in the forested portion of the community. This implementation measure would reduce impacts to scenic vistas and the Town's visual quality and character as discussed under Issue 4.1-1 and 4.1-3, respectively. While Implementation Measure VI.1.A.c.1 would allow exemptions to height limitations for development projects, this implementation measure further states that any such exemption would be subject to rigorous visual analysis acceptable to the Town, showing that the exception is warranted in light of other community goals and benefits and does not significantly impact views. The Draft General Plan Update contains implementation measures that address preservation of large native trees. As discussed under issue 4.1.-1, Implementation Measures I.1.B.d.1, I.2.A.a.2, and I.2.A.a.4 encourage the preservation of native trees and would reduce impacts to scenic vistas in the Town. Issue 4.1-2 includes these implementation measures to protect existing trees identified as scenic resources. Issue 4.1-3 refers to these same three mitigation measures to reduce impacts to the existing visual quality and character of the Town.

COMMENT 011-22

Finally, no analysis is given to support the events, facilities, and services needed to enhance resort economy.

RESPONSE 011-22

The comment is not clear. The Draft General Plan Update is the Town's long-range, comprehensive planning document. It provides the blueprint from which to guide future development within the Town, as well as identifies its environmental, social, and economic goals, which includes enhancement of the resort economy. The Draft General Plan Update includes facilities and services that would be anticipated to be needed to support and enhance the resort

economy of the Town. The role of the Revised Draft Program EIR is to analyze the potential impacts that could occur from the incremental growth that would be allowed by the Draft General Plan relative to existing conditions.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Project-level environmental documentation examines the environmental impacts associated with construction and operation of a specific project.

COMMENT 011-23

8. Section 3.9 Community Health and Safety (3-19) - a diverse economy was strongly supported by the community in the work shops, but is essentially neglected in the DPEIR. Please include analysis and justification of this omission.

RESPONSE 011-23

The concept of a diverse economy is incorporated in the Draft General Plan Update as indicated in the text in Section 3.9 of the Revised Draft Program EIR. As indicated in Public Resources Code Section 21002.1(a), "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." As such, an EIR does not evaluate the economics of a project.

COMMENT 011-24

9. Section 3.11 Resort Economy (3-30) - please expand this section to include a discussion of the remaining facets of the economy. Citizens have expressed the desire for a diverse economy. Further, many believe that an economy based wholly on destination resort visitors is not stable, and is strongly affected by economic, political, and weather fluctuations: Also, please analyze how shifting demographics and a constantly changing emphasis on the "sport of the moment" is inherently unstable. The only hope for long term stability is to diversify.

RESPONSE 011-24

Section 3-11 (pages 3-20 and 3-21) of the Revised Draft Program EIR summarizes the Resort Economy Chapter of the Draft April 2005 General Plan Update. As indicated in Section 3.11, the Resort Economy Chapter contains over 100 goals, objectives, policies and implementation

measures, which are a product of public input and are designed to help realize the community's vision and support Guiding Principle IV of the Vision Statement and supporting goals, which are as follows:

“Mammoth Lakes is a year-round destination resort community based on diverse outdoor recreation and tourism.”

IV.1 The economy is strong and stable year round.

IV.2 There is a variety of facilities and programs that foster an understanding and appreciation of the natural environment.

IV.3 A wide variety of outdoor and indoor recreation is readily accessible to residents and visitors.

IV.4 Art and cultural facilities for residents and visitors offer diverse programming. IV.5 Open space in and adjacent to town is preserved and maintained for outdoor recreation activities.

As indicated in Response to Comment No. 011-23, an environmental impact report focuses on the significant effects on the environment of a project. As such, an EIR does not evaluate the economic validity of a project. The purpose of the EIR is to evaluate the potential environmental impacts that could result from the implementation of the Draft General Plan Update. The comment is acknowledged and will be forwarded to decisionmakers for their consideration.

COMMENT 011-25

10. Section 3.15 Updated Plan compared to Existing General Plan (3-23) - this comparison in [sic] not valid. Rather, the population and projected land uses actually envisioned and analyzed in the existing General Plan (48,000 PAOT) must be used in the comparisons to the new plan. Use of some later calculated values using today's land use and bonus assumptions is not acceptable.

RESPONSE 011-25

The existing General Plan was adopted in 1987. The Land Use Element of the General Plan provides information regarding the PAOT. In addition, the Draft EIR for the General Plan (January 1986) provides an analysis of land use impacts and addresses the PAOT. The 1987 General Plan and its EIR contain a set of assumptions with regard to development that could occur under the 1987 General Plan. Figure 17 of the Draft EIR indicates that population at full development at 100 percent occupancy would be 58,581 persons. However, the analysis then made two assumptions that lowered the PAOT by about 10,290 persons. The analysis assumed that only 80 percent of allowed development would occur and that there would be 80 percent anticipated occupancy.

Therefore, Figure 17 shows that the 1987 General Plan would provide for an increase of 18,292 persons added to the existing 30,000 PAOT, resulting in a total rounded PAOT of 48,000. However, a more accurate analysis for comparison purposes with the Draft General Plan Update would assume full buildout and 100 percent occupancy. These assumptions would result in a PAOT of 58,580 (28,580 increase added to the existing 30,000).

In addition, two important changes occurred since the adoption of the 1987 General Plan that would increase the PAOT over the 58,580 that could occur assuming 100 percent development and 100 percent occupancy. The first change is that at the time of the adoption of the 1987 General Plan the airport was in the unincorporated area. Since 1987 the airport has been annexed into the Town. The hotel development that would be allowed to occur in the airport area would account for an increase of approximately 1,000 PAOT. The second change is that since the adoption of the 1987 General Plan the State Density Bonus Law was enacted. The State Law, which is codified in Government Code Section 65915 through 65918, requires that jurisdictions allow a 35 percent increase in density in exchange for the provision of specified amounts of affordable housing. As this is a State mandated allowance the increase in population that could result must be considered. The State Density Bonus would account for an increase in PAOT of approximately 2,600 persons. Therefore, the PAOT of 58,580 plus the 3,600 increase that could occur due to the airport annexation and State Density Bonus would result in a total PAOT of approximately 62,180. Section 3.0 of the Revised Draft Program EIR assumes 61,375 PAOT under the 1987 General Plan, which provides a conservative estimate of the buildout that could occur. As indicated in Section 3.15 of the Revised Draft Program EIR, the Draft General Plan Buildout, which assumes 100 percent buildout of the Plan and includes the airport and the State Density Bonus, could result in a PAOT of approximately 60,700. Therefore, buildout of the Draft General Plan Update would allow for a similar PAOT as could occur under full buildout of the 1987 General Plan.

COMMENT 011-26

4.1 Aesthetics Light & Glare:

11. Inconsistent with General Plan - the Aesthetics Chapter of the General Plan includes the following policies and implementation measures with potential impacts which are not addressed or analyzed in the DPEIR;

- area parking districts
- development of Old Mammoth Road commercial area/definition of the Old Mammoth Commercial Corridor
- narrower roads in Old Mammoth
- narrowing roadways for traffic calming

RESPONSE 011-26

The first bullet point in the comment is assumed to refer to Implementation Measure VI.4.A.a.2. This implementation measure requires that area parking districts are utilized to create more efficient public and private parking and encourage pedestrian activity. This implementation measure would maintain a scale and design consistent with the Town's goal of a pedestrian friendly environment and small resort-town character. It would also help avoid strip-style development. Thus, this implementation measures positively contributes to maintaining the Town's existing visual quality and character.

The second bullet point refers to development along Old Mammoth Road. Policies VI.3.A.a. and VI.3.B.a recognize that the area of the Old Mammoth Road and Main Street intersection is an important entryway into the Town. As such, these policies would create a positive and distinct entry into the Town and develop policies for the Old Mammoth road commercial area to promote a pedestrian environment and small resort-town character. Implementation Measures VI.3.A.a.1 and VI.3.A.a.2 state that the Town shall develop design guidelines to assure a well-planned and attractive entrance to the Town in this area. Implementation Measures VI.3.B.a.1 and VI.3.B.a.2 require that the Town develop an area plan and mixed-use pedestrian scale zoning and development standards for the Old Mammoth Commercial Area. These policies and implementation measures do not provide for specific development projects, but rather policy-level planning documentation that would guide future development in this area. These policies and implementation measures positively contribute to promoting the Town's small resort-town character.

The third and fourth bullet points regarding narrower roads refer to Implementation Measures VI.1.A.a.2 and VI.2.C.a.5, respectively. Narrow roads are aesthetic characteristics that represent the distinct forested character of the old Mammoth residential area and the overall small-town character of Mammoth Lakes. By encouraging narrower roads, these implementation measures positively contribute to maintaining the Town's existing visual quality and character.

In summary, the referenced policies and implementation measures are part of the Draft General Plan Update and as such have been analyzed in the Revised Draft Program EIR. These policies and implementation measures would not result in aesthetic impacts, but would rather positively contribute to maintaining and promoting the Town small-town character.

COMMENT 011-27

12. Subjective impacts - throughout this section, the analysis depends on a statement that aesthetics, light and glare are subjective measures. The General Plan mentions an Implementation and Monitoring Plan will be adopted in conjunction with the General Plan, but no copy is provided for analysis.

RESPONSE 011-27

Aesthetics refers to the overall visual qualities of an area or within a given field of view. As quantitative standards are not available to analyze visual quality and individuals respond differently to changes in the visual environment, the evaluation of aesthetic impacts can be termed a subjective exercise due to widely varying personal perceptions. What may be considered an improved visual scene to one person may be considered an adverse visual condition to another. Nonetheless, the aesthetic impacts are adequately analyzed in the Revised Draft Program EIR. The Implementation and Monitoring Plan is not being circulated with the Draft General Plan Update or this Final EIR. The Implementation and Monitoring Plan will be developed by the Town to monitor the status and ensure the implementation of the policies and implementation measures in the General Plan Update. The Implementation and Monitoring Plan is a tool that will be used by the Town to map the effectiveness of the Draft General Plan Update. As such, this Plan is not required under the CEQA Guidelines to be circulated. However, Public Resources Code Section 21081.6 requires a public agency to adopt a program for monitoring or reporting the mitigation measures after an EIR is certified. In accordance with this requirement, the Town of Mammoth Lakes has included within this Final Program EIR a Monitoring and Reporting Program (MMRP). The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Revised Draft Program EIR are implemented thereby minimizing identified environmental effects.

COMMENT 011-28

Further, the following paragraph appears on page 4-12: "As indicated previously, the standards used to evaluate the significance of impacts..." Please provide the page number for this previous indication, as the entire document has been searched without finding this reference.

RESPONSE 011-28

The sentence referred to in the comment is in Section 4.1.3 of the Revised Draft Program EIR. The sentence indicates that the standards used to evaluate aesthetics impacts are qualitative rather than quantitative. The reference in the sentence on page 4-12 of the Revised Draft Program EIR is to the introductory paragraph of Section 4.1, Aesthetics, Light and Glare, on page 4-3 of the Draft EIR. The introduction to the section indicates that quantitative standards are not available to analyze visual quality. As such, the analysis is subjective rather than objective.

COMMENT 011-29

13. Issue 4.1-1 (4-12): Substantial Adverse Effects On Scenic Vistas - various zoning regulations are the only mitigations listed, without proof that any of these policies would result in less degradation of light pollution. For example, a view corridor study is championed as the way to reduce the impact, without any evidence of requirements, guidelines, etc. That have been analyzed to reach this conclusion. No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-29

As discussed under Issue 4.1-1, all major development projects are subject to undergo environmental review and design review on a site-specific basis pursuant to CEQA to ensure that facilities and structures would be sited in a way that would not have substantial adverse effects on scenic vistas. In addition, policies and implementation measures are contained in the Draft General Plan Update to ensure that no new development is permitted on prominent ridgelines and bluffs (I.5.B.b.4), building heights remain below average tree tops in the forested portions of the community (I.5.B.b.5), and new construction is determined through the development review process to ensure that the scale is appropriate and appropriate with adjacent land uses, including preservation of existing views, light and solar access. The maintenance of the existing UGB will further assist in limiting development from additional areas of the Town that could have an effect on a scenic vista. Therefore, the policies and implementation measures contained in the Draft General Plan Update, along with project-specific environmental and design review by the Town, would reduce impacts to scenic vistas to a less than significant level. Therefore, no mitigation measures are provided in the Revised Draft Program EIR.

Issue 4.1-4 analyzes impacts regarding light and glare. This section identifies implementation measures that would reduce potential light and glare impacts. Additionally, all new development would be required to comply with the requirements of the Town's Lighting Ordinance contained in Section 17.34 of the Town's Municipal Code. While the Town has policies and regulations regarding lighting, given the increase in development that would occur under the General Plan Update compared with existing conditions, the General plan Update would result in an increase in lights at night which would impact the night sky. Therefore, the General Plan Update would result in a significant impact with regard to night lighting and a reduction in the quality of star-gazing for residents and visitors. No feasible mitigation measures have been identified to reduce the impact. Thus, light and glare impacts are concluded to be significant and unavoidable. Aesthetics refers to the overall visual qualities of an area or within a given field of view. As quantitative standards are not available to analyze visual quality and individuals respond differently to changes in the visual environment, the evaluation of aesthetic impacts can be termed a subjective exercise due to widely varying personal perceptions. What may be considered an improved visual scene to one person may be considered an adverse visual condition to another. Accordingly, a qualitative rather than a quantitative analysis is provided for Issue 4.1-1.

COMMENT 011-30

14. Issue 4.1-2 (4-15): Substantial Damage To Scenic Resources - again, various zoning regulations are the only mitigations listed, without proof that any of these policies would result in compliance with the California State regulations for scenic highways. No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-30

The Revised Draft Program EIR under Issue 4.1-2 identifies implementation measures from the Draft General Plan Update that would reduce potential impacts to scenic resources. The analysis also prescribes mitigation measures to ensure that impacts to scenic resources are reduced to a less than significant level. The mitigation measures identified under Issue 4.1-2 include: Mitigation Measures 4.1-1, which requires the Town to extend the existing easement along Mammoth Creek to the remaining undeveloped parcels to protect scenic resources along this corridor; and Mitigation Measure 4.1-2, which requires the Town to amend the Design Review Guidelines to include standards to assure that public and private facilities in the vicinity of the Main Street (SR203) and the Old Mammoth Road intersection are designed to present an attractive face to the road. These mitigation measures are not zoning regulations but rather are mitigation measures that would apply to all future development in the Town. No development would occur along the US 395 corridor under the Draft General Update with the exception of development at the Mammoth Yosemite-Airport. The Town does recognize the State and County land use and design requirements applicable to the scenic highway status for US 395. Accordingly, the list of mitigation measures under Issue 4.1-2 in the Final EIR has been revised to include Mitigation Measure 4.1-3, which states "The Town through its environmental and design review process shall ensure that development at the Mammoth Yosemite-Airport visible from Highway 395 is consistent with State and County scenic highway regulations." As discussed in Response to Comment No. 011-27, the analysis of aesthetic impacts is a subjective exercise. Therefore, no quantitative analysis can be provided. In addition, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 011-31

15. Issue 4.1-3 (4-17). Substantial Degradation to the Existing Visual Character or Quality - "...due to the permanent change in visual character of newly developed areas of the Town, it is concluded that impacts to the Town's visual character and quality are significant and unavoidable". Provide analysis of the degree of impact based on each of the four plan options cited in Chapter 7. No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-31

Chapter 7.0, Alternatives, of the Revised Draft Program EIR includes a discussion and analysis of the three alternatives to the Draft General Plan Update. As required by CEQA Guidelines Section 15126.6(d), alternatives need not be analyzed in the same depth as the proposed project, however, sufficient information must be provided to allow meaningful evaluation, analysis, and comparison with the project. The three alternatives analyzed in Chapter 7 of the Revised Draft

Program EIR include the No Project Alternative, the Workforce/Affordable Housing Alternative and the Reduced Development Alternative. Each alternative discussion includes an evaluation of aesthetic impacts regarding the Town's visual quality and character. A comparative analysis of impacts to the proposed General Plan Update is provided consistent with CEQA section 15126.6(d). The Draft General Plan Update and each of the three alternatives would result in a change in the visual character and quality of the community through the development of vacant lands and the redevelopment of other lands. The types and intensity of developments under the No Project Alternative and the Workforce/Affordable Housing Alternative would be similar to the types of development that would occur under the Draft General Plan Update. Thus, the extent of aesthetics impacts regarding to the Town's visual quality and character under the No Project Alternative and the Workforce/Affordable Housing Alternative would be similar to the Draft General Plan Update. The degree and extent of impacts associated with Reduced Development Alternative would be less than the Draft General Plan Update because it would not allow as much growth or development as the General Plan Update. While applicable policies and implementation measures have been identified to reduce impacts to the Town's visual quality and character, as with the Draft General Plan Update, due to the permanent change in visual character of newly developed areas of the Town, impacts to the Town's visual character and quality would be significant and unavoidable for each alternative. No mitigation measures have been identified to reduce the significance of this impact for the Draft General Plan Update or each alternative. As discussed in the introductory paragraph of Section 4.1, Aesthetics, of the Revised Draft Program EIR, aesthetics refers to the overall visual qualities of an area or within a given field of view. As quantitative standards are not available to analyze visual quality and individuals respond differently to changes in the visual environment, the evaluation of aesthetic impacts can be termed a subjective exercise due to widely varying personal perceptions. What may be considered an improved visual scene to one person may be considered an adverse visual condition to another. Accordingly, a qualitative rather than a quantitative analysis is provided for aesthetic impacts.

COMMENT 011-32

16. Issue 4.1-4 (4-20): New Source Of Substantial Light Or Glare Which Would Adversely Affect Day Or Nighttime Views - "Significant and unavoidable adverse impacts on night sky visibility" is not adequately mitigated by the Town Lighting Ordinance. Further, there is no analysis of the cost for enforcement of this ordinance. Show quantitative proof of the efficacy of this implementation measure.

RESPONSE 011-32

The Revised Draft Program EIR concludes that even with the policies and measures regarding lighting in the Draft General Plan Update, as well as the Town's lighting regulations, development associated with the Draft General Plan Update would result in a significant impact with regard to night lighting due to the impacts to the night sky and a reduction in the quality of stargazing. As discussed in Response to Comment No. 011-3, a new mitigation measure has been

added to the Final Program EIR to require review and amendment of the Town's Lighting Ordinance to protect views of the night sky and to ensure that the intent of the Lighting Ordinance is met. Mitigation Measure 4.1-4 has been added to the Final Program EIR and reads as follows: "The Town shall review the existing Lighting Ordinance and revise the ordinance, where feasible, to protect views of the night sky and to ensure that the intent of the Lighting Ordinance is met. The Lighting Ordinance shall be amended to consider the feasibility of restrictions on lighting that include, but are not limited to: unshielded bulbs wattage restrictions, complete shielding on fixtures, shielding of all lights on buildings over approximately 35 feet tall, cumulative wattage limits, and holiday lighting timing limits." Even with the incorporation of this mitigation measure, and policies and measures regarding lighting in the Draft General Plan Update as well as the Town's existing lighting regulations, development associated with the Draft General Plan Update would result in a significant impact with regard to night lighting due to the impacts to the night sky and a reduction in the quality of star-gazing.

The enforcement of the lighting ordinance would occur through the City's design and building review processes of future development projects. The cost significance of enforcing the ordinance was considered and evaluated at the time the ordinance was adopted. Future amendments to the ordinance would also consider enforcement costs at the time of adoption. Thus, it is not necessary to further analyze such costs within this environmental analysis.

COMMENT 011-33

4.2 Air Quality

This analysis does not completely satisfy the requirement of CEQA to disclose to the public the actual impact of the plan in quantitative terms. The analysis contains unsupported assumptions and extrapolations. The claim that emissions will stay the same or be reduced while peak populations increases by about 75% is hardly credible.

RESPONSE 011-33

Please refer to Response to Comment No. 010-10 regarding full quantitative analyses of particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), sulfur dioxide (SO₂) and carbon monoxide (CO). According to the AQMP p. 5-4, PM₁₀ emissions from vehicle tailpipes contribute <1 ug/m³, which comprises 0.5 percent (negligible) of the total measured ambient PM₁₀ levels on a road dust dominated design day. On a wood burning dominated day, vehicle tailpipe emissions are predicted to contribute 5 ug/m³, approximately 2.4 percent, of the measured PM₁₀ concentrations. Thus, a sizeable increase in vehicle tailpipe emissions would not significantly increase the ambient concentrations of PM₁₀ experienced in the Town. It should be noted that an increase in vehicles miles traveled, which is directly proportional to the number of cars on the road and/or distances driven, will increase the road dust contribution to ambient PM₁₀ levels.

This is why the GBUAPCD and the Town choose to limit VMT to a townwide cap of 106,600, which allows for growth from existing (2004) VMT levels of approximately 74,051, without predicted exceedances of the federal PM₁₀ standard.

COMMENT 011-34

CEQA requires comparison of the impact of a project with existing conditions, not conditions many years earlier with fewer and unenforced controls, or conditions hypothesized in some older plan. The courts have held that General Plans are hypothetical. An EIR must compare the actual impacts of a project with existing conditions, and not merely say that the impacts are less than some other plan or previous proposal.

RESPONSE 011-34

The incremental increase in emissions of NO_x, VOC, PM₁₀, CO and sulfur dioxide (SO₂), resulting from buildout under the Draft General Plan Update above existing development have been calculated and are presented in Table 3 on page 97. Data from the California Air Resources Board representing the total emissions estimated to be generated in Mono County for 2005 are also presented in Table 3 on page 97 as an indication of existing conditions. As shown, the increase in emissions represents a one percent increase for both PM₁₀ and SO₂, two percent change for CO, five percent increase for VOCs, and four percent increase for NO_x.

COMMENT 011-35

The violation of emissions standards inherent in this plan involves serious public health effects and risk of litigation by those injured as well as state and federal authorities. It also violates the duty of Town government to assure public safety. Besides the injury to citizens, there are direct costs in medical expense and lost work time. Mitigation measures proposed are well intentioned, but for most of them there is no analysis of their actual effectiveness in terms of reducing pollutant concentrations.

RESPONSE 011-35

The Town's duty under CEQA is to disclose potential impacts of the Draft General Plan Update and to provide feasible mitigation measures to reduce those impacts. The Revised Draft Program EIR fulfills the Town's obligation to do so. The Revised Draft Program EIR discloses that exposure to air pollutants can cause health effects.

The facts that the Draft General Plan Update is a long-range plan intended to guide growth in the Town, that it does not specify any particular projects and that the Revised Draft Program EIR is a "Program EIR" not a "Project EIR," provide practical considerations as to why more specific mitigation measures may not be creditably defined at this time. Nevertheless, the Revised Draft Program EIR does identify nine separate Implementation Measures or strategies contained in the

Draft General Plan Update that, when implemented, can be expected to reduce vehicle miles traveled in the Town and the resultant emissions therefrom. The Revised Draft and Final Program EIRs also impose two mitigation measures to further address these potential impacts. The Draft General Plan Update will not be allowed to cause exceedances of the federal standard for PM₁₀, even if some restriction of development otherwise contemplated by the General Plan Update is ultimately required.

Please also refer to Response to Comment No. 010-5 regarding these implementation strategies.

COMMENT 011-36

1. Is the Model Still Valid? - The entire analysis relies on a 15-year-old Air Quality Management Plan and its air quality model. The AQMP was made during a drought period with notoriously low visitation. There is no reason to believe that it is adequate for modern conditions. In particular, the DPEIR says that the model predicted that the PM₁₀ pollution is dominated by wood-burning and road dust, based on measurements made many years ago.

One of the most fundamental principles of science is that a theory that does not agree with experiment is invalid. The air quality model is only a theory, and if it does not agree with measured data, it is wrong. If the mitigations currently in force had been effective, violations of the PM₁₀ standard would not have occurred. We conclude that the mitigation model is invalid. We believe that tailpipe emissions, particularly from diesel machines, may be substantially underestimated.

We ask that this model be revalidated using recent data now that visitation has increased by 50% or more. The analysis should include emissions during a snow clearance day. The AQMP is obsolete and should be revised and reissued before the General Plan Update is approved.

RESPONSE 011-36

The Great Basin Unified Air Pollution Control District (GBUAPCD), the agency responsible for development of the AQMP, has determined that the model itself is still valid. The contribution from each source was determined for each design day using a Chemical Mass Balance Model as described in Section 4.2.3 of the 1990 Air Quality Management Plan (AQMP) for the Town of Mammoth Lakes. Utilizing emission factors specific to the AQMP the model is currently the best method to represent future conditions for the Town. The GBUAPCD identified wood stoves, fireplaces, and re-entrained dust from roadways, including dust from cinders used for traction during periods of inclement weather, and tailpipe emissions from fossil fuel combustion in on- and off-road vehicles as contributors to ambient levels of PM in the Town of Mammoth Lakes. The GBUAPCD determined that days with poor air quality could be caused by either: 1) wood burning as the primary contributor, with minor contributions from resuspended road dust and

cinders and tail pipe emissions, or 2) both wood burning and resuspended road dust and cinders as major contributors. Based on the Chemical Mass Balance Model results, tailpipe emissions were found to be negligible for the road dust dominated day and a minor contributor for the wood burning dominated day. Additionally, the GBUAPCD analyzed meteorological conditions which occurred during periods of elevated ambient PM levels and discovered that all of the measured NAAQS exceedances occurred during stagnant air conditions, which are characterized by periods of low average wind speed, and on weekends (Friday, Saturday, or Sunday) or during the holiday period around Christmas and New Years, when there is a large influx of visitors. The GBUAPCD analyzed two scenarios in detail, a wood-burning dominated design day or road-dust dominated design day. GBUAPCD analyses determined that the last exceedance of the NAAQS (1993) occurred on a holiday weekend with light winds, just as the AQMP predicts. At that time, the municipal code sections implemented to reduce PM emissions over the long term had not yet taken full effect. Since 1993, there has not been an exceedance of the federal standard in the Town of Mammoth Lakes. This is a result of the Municipal Code sections and the long term curtailment of PM emission from wood burning stoves coming into effect. Municipal Code Section 8.30.050 requires that non-certified wood stoves and fireplaces be replaced, removed, or rendered inoperable upon sale of the property. It is reasonable to assume that the mitigation measures had not taken effect only three years after implementation of the AQMP. Further reductions can be expected as a result of the recent amendments to Rule 431. These amendments state, as of December 4th, 2006, that mandatory "no burn" days will be declared by the town during periods of anticipated high ambient PM levels. These "no burn" days would only allow pellet stoves, reducing fireplace emissions and their contribution to ambient concentrations to negligible levels, and reducing stove emissions by approximately one-quarter of the planning levels established in the AQMP.

Mitigation Measure 4.2-2 commits the Town to annual emission surveys that would provide for continual maintenance of the strategies outlined in the AQMP.

COMMENT 011-37

2. Dilution and Dispersion - The volume used in the analysis appears to be very large, corresponding to a cube almost 8 km on a side. Yet road dust is generated in a relatively small volume along roadways, and wood smoke is produced mainly in the residential areas of town. What is the maximum concentration of pollutant to which a resident is exposed on a windless day before the pollutants diffuse away?

RESPONSE 011-37

This comment is not relevant to the analysis performed in support of the Revised Draft Program EIR. The comment appears to be related to the AQMP model itself.

COMMENT 011-38

The PM₁₀ monitors are located in the Gateway Center, where substantial dilution of pollution created farther to the west can be expected, and so this hardly the worst-case monitoring location. As the AQMP says in its description of the monitoring data, the worst events occurred on weekends when there is both heavy visitor traffic and low winds. As noted above, most of the conclusions were reached in drought years and low visitation seasons. The traffic converges near the Village, with contributions from people driving both to the Main Lodge and Carryon Lodge. Because of the confined space in the Village, we can expect peak pollutant contributions in that area.

For purposes of monitoring wood smoke, monitors should be placed in areas of dense residential concentration, such as along Dorrance Drive and Sierra Nevada Roads. Events occur when winds are low, and by the time pollutants reach the Gateway Center they are substantially diluted. With winds from any direction but southwest pollution from these residential sources is blown away from the Gateway Center.

RESPONSE 011-38

The existing monitoring location on the roof of Gateway Center was selected by the GBUAPCD adhering strictly to USEPA Guidance and is believed by the GBUAPCD to accurately represent ambient Air Quality in the Town. The monitoring locations are compliant with USEPA siting criteria published in EPA Guidance for Network Design and Optimum Site Exposure for PM_{2.5} and PM₁₀ (EPA-454/R-99-022, December 1997). This guidance states that 1) A monitor cannot be placed in an area that is inordinately impacted by a single source of PM, and 2) monitors should not be placed near obstructions, such as trees or buildings, which may hinder the monitor's ability to capture accurate data. In addition, the GBUAPCD took into account local meteorological conditions and topography when selecting monitoring sites. For example, the existence of an inversion layer may prevent certain locations at higher elevations within the Town from being representative of the Town as a whole. In meteorology, an inversion layer is a deviation from the normal change of atmospheric temperature with height. Usually, the air near the surface of the Earth is warmer than the air above it, largely because the atmosphere is heated from below as solar radiation warms the earth's surface, which in turn then warms the layer of the atmosphere directly above it. During the winter months in the high Sierras the angle of the sun causes the heating of air aloft which in turn causes temperature inversions to occur more often. The existence of an inversion layer has a profound impact on air circulation and consequently air pollution. The inversion layer effectively divides the two air masses. The warmer air above dilutes air pollution into the upper atmosphere similar to the way pollution dilutes under normal conditions. The cooler air under the inversion layer recirculates, trapping pollution and condensing it in the trapped air mass. While the lower portions of the Town are located at elevation 7,750 feet, the Village is located at elevation 8,500 feet in the higher end of Town. As a result, the Village is located periodically above the inversion layer that occurs in this area. Due to this meteorological

phenomenon particulate monitoring above the inversion layer would not be the best representation of the ambient conditions in the Town as a whole.

COMMENT 011-39

Not only should there be improved monitoring, the creation and dispersion of pollutants created along traffic paths should be modeled consistent with the traffic model. In spite of an earlier request, this modeling has not been done.

RESPONSE 011-39

The PM₁₀ model used in the Revised Draft and Final Program EIRs to predict potential impacts is based on results obtained at the monitoring station determined by the GBUAPCD to be representative of exposure for the population of the Town. Modeling along major traffic paths may not accurately capture the potential contribution from stationary sources, such as wood burning stoves and fireplaces.

COMMENT 011-40

Monitoring was done only every week day, meaning that there is substantial chance of missing such peak weekends as President's Day, when high pollution events are expected to occur.

RESPONSE 011-40

As stated in Section 4.2.1.1 of the Revised Draft Program EIR, the PM₁₀ monitoring station collects data every third day to demonstrate compliance with ambient standards and reports the findings to the USEPA. The monitor therefore, collects data on both weekdays and weekend days to accurately capture the ambient concentrations under all conditions including, over time, peak holiday weekend days. This is compliant with USEPA siting criteria published in EPA Guidance for Network Design and Optimum Site Exposure for PM_{2.5} and PM₁₀ (EPA-454/R-99-022, December 1997).

COMMENT 011-41

There appears to be no reason to conclude that the conditions in the Village area will not exceed the federal PM₁₀ standard almost continually, by a factor of several times, not only at the present time but even more so at the projected high population at build out. No evidence is presented that the proposed mitigations will be sufficient.

RESPONSE 011-41

The Village area was not selected as the site of worst case or most representative impacts, based on meteorology and topography. The Village is located at an elevation of approximately 8,500 feet. This is 750 feet higher in elevation than the lower parts of town at 7,750 feet. As a

result, the Village tends to be above the inversion layer that occurs in this area. An inversion layer is a deviation from the normal change of atmospheric temperature with height. Usually, the air near the surface of the earth is warmer than the air above it, largely because the atmosphere is heated from below as solar radiation warms the earth's surface, which in turn then warms the layer of the atmosphere directly above it. During the winter months in the high Sierras the angle of the sun causes the heating of air aloft which in turn causes temperature inversions to occur more often. The existence of an inversion layer has a profound impact on air circulation and consequently air pollution. The inversion layer effectively divides the two air masses. The warmer air above dilutes air pollution into the upper atmosphere similar to the way pollution dilutes under normal conditions. The cooler air trapped under the inversion layer recirculates, trapping pollution and condensing it in the trapped air mass. Thus, air quality in the vicinity of the Village and at higher elevations may actually be superior to that in lower Town elevations.

COMMENT 011-42

3. Method of Enforcement - The DPEIR states that emissions will be reduced by limiting vehicle miles traveled, comparing emissions computed with the model to VMT. This approach is circular. The measured emissions must be used.

RESPONSE 011-42

The corrected maximum VMT at buildout of the Draft General Plan Update would be approximately 128,270. Specific projects will be proposed and implemented over the next 20 years, resulting in a gradual increase in Town wide VMT. The Town wide VMT in 2004 was approximately 74,051. The GBUAPCD established a peak VMT limit of 106,600 miles in the AQMP after predicting the effect of contemporaneous, practicable reductions from other identified sources, such as wood burning stoves and fireplaces. Mitigation Measures 4.2-1 and 4.2-2 commit the Town to annual surveys of emissions and VMT. Implementation Measures I.7.B.b.1 and I.7.B.c.3 would allow for the Town to review VMT on a project by project basis. The Town would not grant approval to any project in violation of its Municipal Code and the corresponding GBUAPCD Rule enacted to implement the AQMP. Therefore, build-out under the Draft General Plan Update would not obstruct the implementation of the AQMP.

COMMENT 011-43

4. Vehicle Miles Traveled - The major mitigation proposed is to limit vehicle miles traveled, but the traffic analysis predicts an increase. Therefore, the General Plan Update violates the AQMP and its obligation to the APCD to enforce its provisions.

RESPONSE 011-43

Please refer to Response to Comment No. 010-4 regarding VMT increases potentially violating the AQMP. The Great Basin Unified Air Pollution Control District (GBUAPCD), the

agency responsible for development of the Air Quality Management Plan (AQMP), investigated a number of strategies for reducing and controlling emissions in order to demonstrate attainment and continued compliance with the National Ambient Air Quality Standards (NAAQS) for Particulate Matter with an aerodynamic diameter of 10 microns or less (PM₁₀). The GBUAPCD verified, through analyses of ambient monitoring samples that a variety of sources in and around the Town of Mammoth Lakes contribute to local levels of PM₁₀. Specifically the GBUAPCD identified wood stoves, fireplaces, and re-entrained dust from roadways, including dust from cinders used for traction during periods of inclement weather, and tailpipe emissions from fossil fuel combustion in on- and off-road vehicles as contributors to ambient levels of PM in the Town of Mammoth Lakes. The GBUAPCD determined that days with poor air quality could be caused by either: 1) wood burning as the primary contributor, with minor contributions from resuspended road dust and cinders and tail pipe emissions, or 2) both wood burning and resuspended road dust and cinders as major contributors. Additionally, the GBUAPCD analyzed meteorological conditions which occurred during periods of elevated ambient PM levels and discovered that all of the measured NAAQS exceedances occurred during stagnant air conditions, which are characterized by periods of low average wind speed, and on weekends (Friday, Saturday, or Sunday) or during the holiday period around Christmas and New Years, when there is a large influx of visitors.

The GBUAPCD analyzed two scenarios in detail, a wood-burning dominated design day or road-dust dominated design day. Based on this understanding of the emission sources and meteorological conditions that contribute to elevated ambient levels, the GBUAPCD analyzed a number of strategies to control both primary sources of emissions, wood burning and road dust. As a result, the Town enacted amendments to the Municipal Code to implement the AQMP, such as limiting the number and type of wood burning appliances allowed to be installed (Sections 8.30.030 and 8.30.040), requiring replacement or removal of older solid fuel burning units in existing housing units upon sale of property (Sections 8.30.050 and 8.30.060), establishing opacity limits (Section 8.30.070), banning trash and coal burning (Section 8.30.080), establishing criteria for mandatory curtailment on burning (Section 8.30.090), enhanced public education regarding clean air strategies (Section 8.30.100), mandatory street sweeping, requiring measures for new developments to reduce vehicle miles traveled (VMT) and a limit on town-wide peak VMT to 106,600 (Section 8.30.110).

This limit allows for growth in total VMT from those levels experienced in the 1980s, by accounting for contemporaneous, practicable reductions from the other identified sources (e.g. wood burning stoves and fireplaces). If reductions from other sources outpace those predicted in the AQMP, the total VMT could exceed 106,600 without jeopardizing attainment/maintenance of the NAAQS. However, prior to any Town adaptation of an amendment to Municipal Code 8.030.110 to raise the limit on VMT above 106,600 in the future, the Town and AQMP would need to be updated, demonstrating that the emissions reductions are permanent and quantifiable, and that the roll-back model with the lower stationary source emissions and proposed higher VMT would not predict ambient levels of PM₁₀ in excess of the NAAQS for both the wood burning and road dust

dominated scenarios. A revised future AQMP would then need to be reviewed and approved by the United States Environmental Protection Agency (USEPA), to become part of the State Implementation Plan (SIP), allowing the Town and GBUAPCD to revise the specified rules.

In the Revised Draft Program EIR, the Draft General Plan Update was predicted to result in a maximum VMT at build-out of 159,961 miles, which if not properly mitigated would be in unlawful violation of the current AQMP and Municipal Code. However, the GPU contains a number of proposed Implementation Measures, most aimed at reducing VMT in accordance with Municipal Code Section 8.30.110. As Implementation Measure I.7.B.b.1 states in the Draft General Plan Update, “new development shall be required to mitigate its impacts on air quality through design, participation in Town air pollution reduction programs, or other measures that assure compliance with adopted air quality standards.” Other Implementation Measures contained in the Draft General Plan Update ensure that the Town will be actively involved in researching, designing, and implementing mitigation measures applicable to both private and public activities so that near-term development also incorporates VMT mitigating features, to the extent practicable. In any event, the Town may not grant approval to any project which would create peak VMT in excess of the applicable limit, currently capped at 106,600 since it would violate the Municipal Code as well as the AQMP.

In the Final Program EIR Mitigation Measures 4.2-1 and 4.2-2 places a cap on future development below levels anticipated in the General Plan Update so as to ensure that the Town does not exceed the federal standard for Particulate Matter with an aerodynamic diameter of 10 microns or less (PM₁₀). The principal purpose of the AQMP is to make sure the Town achieves that same federal standard. Consequently, with this Mitigation Measure, the General Plan Update is not in conflict with the AQMP but rather ensures achievement of its goals and purpose.

In the more than 15 years since the AQMP was adopted, the Town has implemented and continues to implement a variety of measures designed to work in combination to reduce PM₁₀. Mitigation Measure 4.2-2 goes beyond a static VMT standard to impose a new and significant cap on development when the development would result in an exceedance of the federal standard.

COMMENT 011-44

5. What Limitation? - There is no discussion of just how the miracle of limiting traffic will be accomplished. In fact the traffic analysis does not mention this limitation, but predicts much higher traffic levels. Could one option be that Highway 203 will be closed to motor vehicles except for residents and season pass holders? Please provide details on how the limitation will be accomplished in fact instead of in theory. A mitigation that is not feasible is no mitigation at all. A calculation below shows that substantial mitigation using bus transport is also infeasible.

RESPONSE 011-44

Please refer to Response to Comment Nos. 010-6 and 010-7. The GBUAPCD established a peak VMT limit of 106,600 miles in the AQMP after predicting the effect of contemporaneous, practicable reductions from other identified sources, such as wood burning stoves and fireplaces. The existing limit of 106,600 VMT remains the limit until such time as it is lawfully modified. If the Town seeks to increase the VMT limit over 106,600 to accommodate full build-out as envisioned in the Draft General Plan Update, the Town and GBUAPCD will be required to demonstrate continued maintenance of the federal PM₁₀ standards through the process of revising the Municipal Code, GBUAPCD Rule and the AQMP.

The Draft General Plan Update identifies nine separate Implementation Measures or strategies contained in the Draft General Plan Update that, when implemented, can be expected to reduce vehicle miles traveled in the Town and the resultant emissions therefrom. These implementation strategies include:

- Promoting land use patterns that reduce VMT and encourage integration of residential and non-residential uses.
- Providing and promoting in-town workforce housing.
- Encouraging higher density residential and mixed-use development within close proximity of commercial centers.
- Modifying the street sweeping program.
- Making circulation system improvements.
- Encouraging strategic growth in mass transit facilities.
- Installing pedestrian walkways and multi-use trails.
- Encouraging clustering of land use density near established transit stops.
- Developing a transportation and circulation system that maintains and preserves air quality in and around the Town.

COMMENT 011-45

6. Use the Actual Peak Day - Because some emission standards are for the peak conditions, it is invalid to use an "average peak" winter weekend for reference. The actual worst-case peak holiday weekend must be used. This might give results larger by a factor of two or more.

RESPONSE 011-45

The Town does not concur with the comment. As described on page 4-92 of the Transportation and Circulation section of the Revised Draft Program EIR, the average peak traffic conditions for a winter Saturday afternoon were analyzed. The study represents the chronic worst-case traffic situation to give an accurate picture of the typical traffic upon buildout. The actual worst-case peak scenario occurs so infrequently that it is not representational of buildout traffic conditions and is inappropriate for design purposes since it would commit land and other resources to physical capacity. The traffic analysis is designed to evaluate the potential impacts a project will have when the street system is loaded with the average of the 13 highest traffic days of the year, including holiday weekends.

COMMENT 011-46

7. Wood-Burning and Road Dust - Please clarify whether the stove inventory is for 1990 or the present. The projected growth is only about 1% for the Project Alternative, with many more dwelling units proposed. Please provide an explanation.

RESPONSE 011-46

Please refer to Response to Comment No. 010-7 regarding stove inventory and projected growth. As indicated in the discussion regarding Mitigation Measure 4.2-2 in the Revised Draft Program EIR, it is reasonable to expect some conservation of then-current emissions from stationary sources when the Revised Draft Program EIR was drafted. While Town prohibition of wood burning appliances in multi-family units and curtailment of solid fuel combustion on poor air days has been in effect for some time as noted in this comment, emissions improvement in the latter category should still be expected. In fact, on December 4, 2006, the GBUAPCD amended Rule 431 to prohibit, which goes beyond curtailment, wood burning in any appliance or device, including EPA certified units, on declared “No Burn” days. Improvements in ambient air quality may also be expected from a third category cited in the discussion of Issue 4.2-2 and mentioned in the comment, namely, the replacement of non-certified wood burning appliances upon property sale. While the AQMD air quality model assumed that 90 percent of the non-certified units existent in 1989 would have been removed, replaced or rendered inoperable upon sale of property by 2004, the air pollution contribution from this source will be improved with the conversion of the remaining 10 percent to EPA certified units. An updated survey of the extent to which active conversion of non-certified appliances has occurred will be a necessary step in the implementation of Mitigation Measure 4.2-2. This mitigation measure proposes annual calculation of PM₁₀ levels from such sources as wood stoves, fireplaces or alternative road traction materials. In order to undertake such annual calculation, the AQMD air quality model will necessarily be updated in response to new circumstances (i.e., current survey data regarding the rate of non-certified appliance removal and replacement) that will contribute to improved understanding of the relationship between emissions sources and ambient air quality. In any event, while expectation of future emissions reductions from stationary sources is reasonable, continued compliance with the federal PM₁₀ standard is not

dependant on these expectations, as the Town will restrict future development as ultimately necessary to manage Town wide VMT at levels that ensure compliance.

Municipal Code Section 8.30 details the rules established to limit stove inventory as the Town grows. For example, Section 8.30.030 limits new hotel or condominium units to one wood burning fireplace/stove in the common area, which is subject to Town inspection. The allowed one stove needs to be an EPA Phase 2 fireplace or pellet stove. Additionally, upon the sale of property, the owner is required to replace non-certified stoves with either pellet stoves or EPA certified replacements.

COMMENT 011-47

There is no reason to assume that road dust is not a problem on wood burning days, or that wood burning is not a problem on road dust days. The worst case occurs when the conditions occur simultaneously. When this happens, the federal standard is exceeded, even with mitigation for the alternative.

RESPONSE 011-47

The GBUAPCD verified, through analyses of ambient monitoring samples that a variety of sources in and around the Town of Mammoth Lakes contribute to local levels of PM₁₀. Specifically the GBUAPCD identified wood stoves, fireplaces, and re-entrained dust from roadways, including dust from cinders used for traction during periods of inclement weather, and tailpipe emissions from fossil fuel combustion in on- and off-road vehicles as contributors to ambient levels of PM in the Town of Mammoth Lakes. The GBUAPCD determined that days with poor air quality could be caused by either: 1) wood burning as the primary contributor, with minor contributions from resuspended road dust and cinders and tail pipe emissions, or 2) both wood burning and resuspended road dust and cinders as major contributors. Both scenarios assume some contribution from road dust and wood burning, with one of the contributors producing more than the other. The AQMP on page 5-8 details source contributions for wood smoke dominated days and road dust dominated days. On a wood burning dominated day, 5 ug/m³ (2.4 percent) would be attributable to vehicles, 54 ug/m³ (25.7 percent) to fireplaces, 58 ug/m³ (28.6 percent) to wood stoves, 5 ug/m³ (2.4 percent) to road dust, and a 5 ug/m³ (2.4 percent) contribution from background sources. On a road dust dominated day, negligible concentrations (0 percent) would be attributable to vehicles, 54 ug/m³ (25.7 percent) to fireplaces, 58 ug/m³ (27.6 percent) to wood stoves, 93 ug/m³ (44.3 percent) to road dust, and a 5 ug/m³ (2.4 percent) contribution from background sources.

Therefore, as this comment states, the model has already accounted for the relative contribution of both road dust and wood burning emissions occurring simultaneously.

COMMENT 011-48

These calculations assume 50% compliance on no-burn days. We understand that town surveys have shown much lower compliance, low enough to make emissions exceed standards. Please provide measured, not assumed, evidence of the compliance factor.

RESPONSE 011-48

No violations of the federal PM₁₀ standard have occurred in the Town since 1993. This indicates that while human actions are difficult to predict, the level of compliance with no-burn requirements is sufficient to prevent violations of the ambient standard.

Additionally, the Town of Mammoth Lakes passed regulations aimed at reducing the impacts of solid fuel appliances. These ordinances are detailed in Section 4.2.2.3 of the Final Program EIR and are summarized below. These regulations prevent the installation of new solid fuel burning appliances that are not EPA certified. Municipal Code Section 8.30.030 prohibits the installation of solid fuel devices not meeting the EPA's requirements for Phase II certification. Municipal Code Section 8.30.040 prohibits the installation of more than one solid fuel device on any property, prohibits the use of solid fuel appliances as the primary form of heat in new construction projects, requires a permit to install any solid fuel appliance, and requires inspections to ensure compliance of all new solid fuel appliances. Municipal Code Section 8.30.050 requires the replacement of non-certified appliances upon sale or transfer of property. Municipal Code Section 8.30.090 requires mandatory curtailment of all burn activities if conditions indicate a violation of the federal PM₁₀ standard could occur. Municipal Code Section 8.30.100 requires public education programs to raise awareness about pollution reduction measures. The cumulative impacts of these measures are expected to decrease the quantity, increase the efficiency, and decrease the emissions of solid fuel appliance in the Town. The public education measures are intended to increase compliance on no-burn days.

While Town prohibition of wood burning appliances in multi-family units and curtailment of solid fuel combustion on poor air days has been in effect for some time, emissions improvement in the latter category should still be expected. In fact, on December 4, 2006, the GBUAPCD amended Rule 431 to prohibit, which goes beyond curtailment, wood burning in any appliance or device, including EPA certified units, on declared "No Burn" days. This amendment invokes fines with non-compliance, providing ample impetus for compliance. This act by the GBUAPCD is an example of how a proposed measure becomes law and why expecting improvement in ambient air quality due to the implementation of proposed measures is reasonable.

COMMENT 011-49

The road dust calculations assume zero tailpipe emissions. It is difficult to believe that road dust will be spread by zero-emission vehicles. Please include an updated tailpipe emissions estimate for

present-day vehicles including diesels (more on diesels below). The vehicle mix must be characteristic of Mammoth, representing light trucks and SUVs, not low-emission urban cars.

RESPONSE 011-49

Based on the results of Chemical Mass Balance Model used in the AQMP and described in Section 4.2.3 of the 1990 AQMP, tailpipe emissions were found to be a negligible contributor to ground level concentrations of PM₁₀ on the road dust dominated day and a minor contributor on the wood burning dominated day. Tailpipe emission factors were derived from the applicable version of the EMFAC model, which calculates tailpipe emissions using fleet mix in addition to a variety of other factors. The fleet mix was assumed for Mono County, which represents the most representative vehicle mix available for the Town of Mammoth Lakes. The tailpipe emission factors as well as the other emission factors utilized in the calculations in the Revised Draft and Final Program EIRs are conservative values that are more likely to overstate than understate the associated results.

COMMENT 011-50

An aggressive program to replace uncertified stoves would be more effective than the present gradual replacement program. There is no evidence showing that permitting the use of pellet stoves will make any substantial difference in emissions. Please provide an analysis of these points.

RESPONSE 011-50

The AQMP predicted that 90 percent of the wood burning units present in 1990 would be converted or rendered inoperable by 2004. The GBUAPCD investigated the option of an aggressive program, and determined it was not needed as significant reductions from all source categories were achieved by 1993.

Emissions from pellet stoves are considerably lower than emissions from conventional wood stoves as reported in the fifth edition of the EPA's AP-42 Emissions Inventory. Emissions factors for conventional wood burning stoves range from 12.1 to 15.3 grams of PM₁₀ for every kilogram of wood burned. Emissions factors for pellet stoves range from 2.1 to 4.4 grams of PM₁₀ for every kilogram of pellets burned. In addition to the lower emission rate, the fuel usage rate for pellet stoves is lower, resulting in an overall reduction in fuel consumption. The replacement of any wood stove with a pellet stove will directly decrease PM₁₀ emissions.

COMMENT 011-51

8. Road Dust Mitigations - What will be the actual effect of the proposed mitigations on road dust pollution? Clarify what the plan is. Please include an analysis of whether the diesel street sweepers emit more particulates than they sweep up.

RESPONSE 011-51

The Draft General Plan Update contains nine separate Implementation Measures or strategies, that can be expected to reduce vehicle miles traveled in the Town and the resultant emissions therefrom, if implemented. These implementation strategies include:

- Promoting land use patterns that reduce VMT and encourage integration of residential and non-residential uses.
- Providing and promoting in-town workforce housing.
- Encouraging higher density residential and mixed-use development within close proximity of commercial centers.
- Modifying the street sweeping program.
- Making circulation system improvements.
- Encouraging strategic growth in mass transit facilities.
- Installing pedestrian walkways and multi-use trails.
- Encouraging clustering of land use density near established transit stops.
- Developing a transportation and circulation system that maintains and preserves air quality in and around the Town.

With the correction in projected peak VMT under buildout of the Draft General Plan Update to approximately 128,270, the modeled unmitigated concentrations under the road dust dominated planning scenario is estimated to be approximately 162 ug/m^3 , 8 percent above the federal standard of 150 ug/m^3 . With mitigation measures, Implementation Measures, and compliance with the Municipal Code, VMT will not be allowed to exceed 106,600. Thus, mitigated emissions are expected to result in maximum ambient concentrations at or below the federal standard of 150 ug/m^3 . In any case, if based upon annual modeling of then current conditions it can be demonstrated that the federal PM_{10} standards is at risk, the Town will restrict future development as necessary to ensure that Town wide VMT complies with the federal PM_{10} standard. Also, the Town and GBUAPCD may pursue revising the AQMP and associated Municipal Code and Rules, only if it can be reliably demonstrated that reductions from other source categories have occurred and that increased allowable VMT to a level above 106,600 would not result in a predicted NAAQS exceedance.

Street sweeping is responsible for a minimum 34 percent reduction in roadway dust, from every vehicle that drives on a swept surface. Since roadway dust contributes significantly more to PM_{10} concentrations than tailpipe emissions, there is a net benefit to sweeping.

COMMENT 011-52

9. Diesel Machines - The discussions of the contribution of diesel machines, including buses, is not quantitative. Understanding diesel emissions requires understanding of the snow clearance process.

RESPONSE 011-52

According to the AQMP p. 5-8, PM₁₀ emissions from vehicle tailpipes contribute <1 ug/m³, which comprises 0.5 percent (negligible) of the total PM₁₀ measured ambient levels on a road dust dominated design day. On a wood burning dominated day, vehicle tailpipe emissions are predicted to contribute 5 ug/m³, approximately 2.4 percent, of the measured PM₁₀ concentrations. The California Air Resource Board developed EMFAC2007 software to estimate mobile source emissions. Tailpipe emission factors are based on various parameters, such as ambient temperature, calendar year, model year, speed, and fleet mix. Fleet mix, which is the relative distribution of registered vehicles by type (automobiles, medium duty, heavy duty, gasoline, diesel, etc.) is collected at the County level from Department of Motor Vehicle records. Therefore, the emission factors used to quantify the increase in emissions due to mobile sources took into account diesel on-road vehicles, such as buses, school buses, snow removal equipment, and delivery trucks.

COMMENT 011-53

10. Snow Clearance Day - Please analyze another scenario, the peak holiday weekend blizzard scenario, where everyone is trying to get to or from the mountain in stalled traffic with engines idling and with snow clearance vehicles active in the entire town. These vehicles are working hard, not just merely driving on the road and their emissions and horsepower requirements are determined by the work they must do. There is no analysis of this most important contribution to peak PM₁₀ and PM_{2.5} emissions.

A single 864 hp wheeled loader produces about 6 kg of PM₁₀ emissions per 24-hour day, and such vehicles do operate day and night in storms. There is a very large fleet of such vehicles in town, operated by the Town itself, the County, Caltrans, Mammoth Mountain, and a number of private contractors. The emissions are again concentrated on roadways. Wood burning occurs at the same time, and traction material is spread simultaneously. Transportation of snow by loader and truck occurs for several days after a storm, typically on maximum road-dust days.

Please provide a quantitative analysis of the emissions under this scenario, and analyze the effect of the mitigation attainable by using lower-emission equipment (including all equipment, not just that owned by the Town). The emissions for such equipment are available from the EPA and others. An inventory of the types, numbers, and sizes of loaders, plows, trucks and other vehicles is required.

RESPONSE 011-53

Analysis of the PM₁₀ monitoring data by the GBUAPCD determined the relative contribution of vehicle exhaust, including soot from diesel powered snow clearing equipment, roadway dust, and wood burning activities. If the above described scenario lead to high ambient concentrations of PM₁₀, it has already been included in the analyses. The relationship between the rate at which emissions are generated or emitted and ground level concentrations is not necessarily linear. For example, during periods of heavy precipitation as described above, particulate matter is removed from the air as the precipitation falls. Additionally, increases from one source of emissions can be offset by decreases from other sources. It is reasonable to expect the number of vehicles on the roads town-wide to be lower than average based the closure of roadways, schools and businesses due to severe weather. Furthermore, emissions from woodburning, due to the temperature and release height from chimneys, are expected to disperse further and dilute more before falling to ground level, than roadway dust.

According to the AQMP p. 5-8, PM₁₀ emissions from vehicle tailpipes contribute <1 ug/m³, which comprises 0.5 percent (negligible) of the total PM₁₀ measured ambient levels on a road dust dominated design day. On a wood burning dominated day, vehicle tailpipe emissions are predicted to contribute 5 ug/m³, approximately 2.4 percent, of the measured PM₁₀ concentrations. Therefore, mitigating exhaust emissions may have little impact on peak PM₁₀ concentrations in Town.

COMMENT 011-54

11. Diesel Buses - Replacing low-emission automobiles with diesel buses may not provide a significant reduction in pollution. To get 6,000 people to the Main Lodge in two hours requires 120 50-passenger busloads, one bus every minute. The buses will be in stop-and-go traffic and will be idling when loading and unloading. Please provide a quantitative comparison of the emission from buses and cars. Because the present bus travel replaces a negligible amount of automobile traffic, there is no effective mitigation of vehicle-caused emissions. The calculated emissions appear too low by a factor of two at least, and so the Town needs to replace almost 60,000 vehicle miles per day (half the total). Assuming that each bus makes a 10-mile trip every hour, and is equivalent to perhaps 20 cars, light trucks, or SUVs, some 250 buses are required each 16-hour day. Because there is no room for this many buses, and the cost would be in the tens of millions of dollars plus operation and maintenance, this proposed mitigation is infeasible. The only realistic solution is to adopt an alternative with fewer people in town at one time.

RESPONSE 011-54

The California Air Resource Board developed and maintains a model, EMFAC2007, to calculate emission factors from on-road mobile sources. Emission factors were generated, utilizing the EMFAC2007 software, specifically for automobiles and buses. The following table compares

emissions for 20 light duty gasoline powered vehicles to one bus at representative speeds. As shown in the Table 7 below, for th

e same speed, 20 vehicles emit a larger quantity of all five criteria air pollutants than one bus over an equal distance.

Table 7

Mono County Criteria Pollutant Emission Comparison (grams/mile)

Speed	Vehicle Type	VOC	CO	NO_x	SO_x	PM₁₀
20 mph	20 LDV ¹	12.04	184.64	20.28	0.10	0.44
	1 Bus ²	2.74	13.78	15.64	0.02	0.28
30 mph	20 LDV ¹	7.80	148.84	18.06	0.08	0.28
	1 Bus ²	1.64	8.83	13.43	0.02	0.19

¹ Mono County Light Duty Vehicle (LDV) Emission Factors

² Due to the similar nature of El Dorado County, EMFAC2007 urban bus emission factors were used since EMFAC2007 does not calculate urban bus emission factors for Mono County.

All Bus Factors Assume Bio-Diesel (10 percent Bio)

Source: PCR Services Corporation, 2007

It should be noted that tailpipe emissions contribute negligibly to ambient PM₁₀ levels (see response to comment above). Reentrained roadway dust is a factor of the number of miles traveled. Thus, fewer vehicles will generate less air borne dust.

COMMENT 011-55

12. Ozone - Please provide a quantitative estimate of the cumulative impact of ozone sources envisioned in the General Plan Update, in addition to the ozone transported from the San Joaquin Valley. What will be the effect of mitigation measures adopted in the Valley as a result of recent laws and regulations?

RESPONSE 011-55

Please see Response to Comment No. 010-10 regarding quantification of criteria pollutant emissions and ozone transport.

The increase in emissions of ozone precursors, along with other criteria pollutants resulting from buildout under the Draft General Plan Update have been calculated and are presented in Table 3 on page 97 in Response to Comment No. 010-10. Data from the California Air Resources Board representing the total emissions estimated to be generated in Mono County for 2005 are also presented in Table 3 on page 97 and provide a quantified indication of existing Countywide

conditions. As shown, the increase in emissions represents a 1 percent increase for both PM₁₀ and SO₂, two percent change for CO, five percent increase for VOCs, and four percent increase for NO_x. The GBUAPCD has not established quantitative thresholds to determine significance of project specific emissions increases. Therefore, the Revised Draft Program EIR concluded qualitatively that emissions of ozone precursors and particulate matter would result in significant and unavoidable impacts with regard to state ambient air standards. As stated in the Response to Comment No. 010-10, the CARB has determined that "Transport from the central portion of the (San Joaquin) Valley is responsible for ozone violations in Mammoth Lakes", and that the resulting impacts on the Town's air quality were classified as "overwhelming". According to the CARB ozone levels should improve in the air basin only when substantial mitigation measures are more fully implemented in upwind air basins. At this time, it is too speculative to quantify reductions that may occur from those mitigation measures. Local sources are not considered to have a considerable impact on ambient levels due to the climactic patterns of the eastern slopes of the Sierras.

COMMENT 011-56

13. Issue 4.2-1 Conflict with or Obstruction of Applicable Air Quality Plan (4-32) - The Town's plan is to increase traffic, not to reduce it. This DPEIR expects an increase in vehicle traffic. Mitigation based on a reduction in traffic is inconsistent. Please evaluate the emissions using the traffic predicted for peak winter holiday visitation, not "typical" winter Saturday. Please provide substantial evidence that there is any mitigation that can reduce emission to meet standards.

RESPONSE 011-56

As described on page 4-92 of the Transportation and Circulation section of the Draft General Plan Update, the average peak traffic conditions for a winter Saturday afternoon were analyzed. The study represents the chronic worst-case traffic situation to give an accurate picture of the typical traffic upon buildout. Worst-case scenarios are considered acute situations and do not give a representative picture of buildout traffic. This is consistent with the most up-to-date methodologies for traffic studies. The traffic analysis is designed to evaluate the potential impacts a project will have on the typical peak traffic.

The Draft General Plan Update would result in a peak unmitigated VMT of approximately 128,270. The Town, as demonstrated by the Implementation Measures listed in the Revised Draft and Final Program EIRs, will manage VMT and resultant air pollutant emissions from mobile and stationary sources via a feasible and equitable mitigation program backed by a commitment to restrict development if necessary. The primary obligation of the Town is to adhere to the rules provided under the Municipal Code and AQMP. The GBUAPCD drafted the AQMP as commitment to avoid exceeding the NAAQS. Therefore, the Town does not have an obligation to reduce emissions below the NAAQS, but rather to follow the rules and regulations presented by the GBUAPCD. Due to the nature of the Draft General Plan Update, the impact of specific mitigation measures cannot be accurately quantified at this time. Regardless, the Town shall not grant

approval to any project in violation of its Municipal Code and the corresponding GBUAPCD Rule enacted to implement the AQMP. Thus, build-out under the Draft General Plan Update with the mitigation measures imposed would not obstruct the implementation of the AQMP.

COMMENT 011-57

14. Issue 4.2-2 Violate Any Air Quality Standard or Contribute Substantially To an Existing or Projected Air Quality Violation (4-36) - the assertion that tailpipe emissions are not significant is not backed up by substantial evidence. As noted above, the 1990 Ono model is 15 years old and was validated during a severe drought with reduce visitation and snow clearance.

RESPONSE 011-57

The contribution from each source was determined for each design day using a Chemical Mass Balance Model as described in the 1990 AQMP for the Town of Mammoth Lakes. The two design days were developed to analyze the two situations that might result in an air quality violation: a road dust dominated day and a wood burning dominated day. Based on the Chemical Mass Balance Model results, tailpipe emissions were found to be negligible for the road dust dominated day and a minor contributor for the wood burning dominated day.

The AQMP on page 5-8 details source contributions for wood smoke dominated days and road dust dominated days. On a wood smoke dominated day, 5 ug/m³ (2.4 percent) would be attributable to vehicles, 54 ug/m³ (25.7 percent) to fireplaces, 58 ug/m³ (28.6 percent) to wood stoves, 5 ug/m³ (2.4 percent) to road dust, and a 5 ug/m³ (2.4 percent) contribution from background sources. On a road dust dominated day, negligible concentrations (0 percent) would be attributable to vehicles, 54 ug/m³ (25.7 percent) to fireplaces, 58 ug/m³ (27.6 percent) to wood stoves, 93 ug/m³ (44.3 percent) to road dust, and a 5 ug/m³ (2.4 percent) contribution from background sources.

COMMENT 011-58

15. Issue 4.2-3 Result In A Cumulatively Considerable Net Increase Of Any Criteria Pollutant For Which The Project Region Is Non-Attainment Under An Applicable Federal Or State Ambient Air Quality Standard (including Releasing Emissions Which Exceed Quantitative Thresholds For Ozone Precursors) (4-41) - Ozone is not discussed in detail, although ozone emission standards are exceeded. Please provide an analysis of ozone emissions. Tables 4.2.2 and 4.2.4 are inconsistent. Table 4.2.2 implies that only stoves and road dust contribute to PM₁₀ emission. Table 4.2.4 shows that vehicle emissions dominate.

RESPONSE 011-58

The increase in emissions of ozone precursors, along with other criteria pollutants resulting from buildout under the Draft General Plan Update have been calculated and are presented in Table 3 on page 97 in Response to Comment No. 010-10. Data from the California Air Resources

Board representing the total emissions estimated to be generated in Mono County for 2005 are also presented in Table 3 on page 97 and provide a quantified indication of existing Countywide conditions. As shown, the increase in emissions represents a 1 percent increase for both PM₁₀ and SO₂, two percent change for CO, five percent increase for VOCs, and four percent increase for NO_x.

Please refer to Response to Comment No. 011-55 for more details regarding ozone emissions, standards, and impacts. Table 4.2-4 referred to in the comment does not exist in the Revised Draft Program EIR. The Town assumes the comment refers to Table 4.2-3. Tables 4.2-2 and 4.2-3 are not inconsistent. A "wood burning dominated day" has contributions from road dust, and a "road dust dominated day" has contributions from wood burning. Please see Response to Comment No. 011-57 and/or the AQMP for details. The vehicle emissions category listed on Table 4.2-3 includes roadway dust.

COMMENT 011-59

No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-59

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. As such, the effectiveness of specific implementation and mitigation measures cannot be accurately quantified at this time. The Town is committed to performing early consultation with developers to identify and quantify reduction strategies at the project level. Furthermore, the Town shall not grant approval to any project in violation of its Municipal Code and the corresponding GBUAPCD Rule enacted to implement the AQMP, which effectively mitigates growth to levels that are protective of clean air standards. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

The fact that the Draft General Plan Update is a long-range plan intended to guide growth in the Town, that it does not specify any particular projects and that the Revised Draft Program EIR is a "Program EIR" not a "Project EIR," all provide the practical considerations as to why more specific measures may not be credibly defined at this time. However, the outcome is still clear. The Draft General Plan Update will not be allowed to cause exceedances of the federal standard for

PM₁₀, even if some restriction of development otherwise contemplated by the General Plan Update is ultimately required.

The use of a performance standard as is the case with Mitigation Measures 4.2-1 and 4.2-2 is entirely consistent with the type of mitigation measures imposed as part of a “first tier” approval such as a General Plan Update. This type of mitigation measure is also entirely consistent with State CEQA Guidelines Section 15126.4 which provides that mitigation measures may specify performance standards which would mitigate the significant effect and which may be accomplished in more than one way. Mitigation Measure 4.2-2 provides a performance standard of limiting VMT to a level that, when modeled, shows PM₁₀ levels are less than the federal standard. It applies this standard to projects that will result in 500 or more daily trips, as well as requires independent review of PM₁₀ levels on an annual basis. As is appropriate for a Program EIR, the measure permits development of the specific means to effectuate that standard to be tailored to each specific development project. The wide variety of individual projects (residential, commercial, industrial, visitor-serving) that may be developed under the General Plan precludes the imposition of a “one-size-fits-all” project level mitigation measure as part of this General Plan Update. However, the imposition of an overall cap on PM₁₀ levels to which all development projects will be considered is appropriate at this time.

COMMENT 011-60

16. Issue 4.2-4 Expose Sensitive Receptors to Substantial Pollutant Concentrations (4-43) - PM₁₀ and ozone emissions can cause acute respiratory distress. This issue is not treated. Emissions of these pollutants already exceed standards. Please quantify the risk at various locations throughout town. Of particular concern would be residents within close proximity to all arterials identified in the Transportation & Circulation Section.

RESPONSE 011-60

The health effects of ozone and particulate matter were considered by the California Air Resource Board (CARB) when creating the CAAQS. The GBVAB is classified as nonattainment of the PM₁₀ and ozone standards. However, the GBUAPCD has not established quantitative regional significance criteria to assess increases in PM₁₀ or ozone precursors. Therefore, the Revised Draft Program EIR discusses impacts in a qualitative manner. The Revised Draft Program EIR concludes that impacts are significant and unavoidable with regard to the CAAQS for both ozone and PM₁₀.

COMMENT 011-61

No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-61

The comment refers to the mitigation measures for Issue 4.2-4. As indicated in the Revised Draft Program EIR, Issue 4.2-4 refers to Mitigation Measure 4.2-1 to reduce impacts from air emissions. Please refer to Response to Comment No. 011-59 for a discussion regarding program level EIRs and the quantification of mitigation measures that can occur at this point in time.

COMMENT 011-62

17. Issue 4.2-5 Create Objectionable Odors Affecting a Substantial Number of People (4-44) - there is no quantitative analysis of the actual impact. Is there a significant impact or not? Particular attention should be paid to odors from diesel vehicles operating up steep grades at 8000 ft. or higher.

RESPONSE 011-62

As the Draft General Plan Update does not directly increase the number of diesel vehicles operating in the Town of Mammoth Lakes, there is no impact expected with regard to odors from the implementation of the Draft General Plan Update. Objectionable odors are considered air contaminants by the APCD Rule 109.B.2, and compliance with Rule 402 prohibits the discharge of air contaminants that cause injury, detriment, nuisance, or annoyance to any considerable number of people. Operators of potentially odorous sources are required to comply with Rule 402.

COMMENT 011-63

The Project will rely on an increasing number of buses to limit use of private vehicles, which will most likely be operated by diesel engines. Odors will increase significantly. Please provide information on studies on the effect of altitude on the makeup and toxicity of diesel exhaust. Also, please include data and analysis of the MMSA pilot project to use biodiesel and any related improvements in objectionable odors.

RESPONSE 011-63

Please see Response to Comment No. 011-62 for a discussion regarding odors. Altitude, along with other parameters such as temperature and speed, does effect emission rates, and the EMFAC model contains correction factors to account for these factors. The MMSA pilot project focused on the feasibility of using biodiesel in the harsh winter climate, and does not contain data on the emissions of pollutants or odors.

COMMENT 011-64

No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-64

The comment addresses mitigation measures relative to odors. However, as indicated in Section 4.2 of the Revised Draft Program EIR, the Draft General Plan Update would not create objectionable odors affecting a substantial number of people. Therefore, no mitigation measures are required.

COMMENT 011-65

Please note we have asked our attorneys, Shute, Mihaly & Weinberger LLP, to provide a review and comments on the legality of this section. You will receive their comments in a separate letter. We have reviewed their comments and completely concur with their response.

RESPONSE 011-65

The comment is acknowledged. The Town received the letter prepared by Shute, Mihaly & Weinberger LLP which provided comments on Section 4.2, Air Quality, of the Revised Draft Program EIR. Please see Comment Letter No. 10 as well as Response to Comment Nos. 010-4 through 010-10 for responses to comments regarding air quality.

COMMENT 011-66**4.3 Biological Resources**

1. Inconsistency with General Plan - The DPEIR must address the impact of the doubling of the resort population on the surrounding country. A wait and see attitude is not a quantitative analysis. Please provide appropriate data and results of the impacts.

RESPONSE 011-66

The Revised Draft Program EIR concludes that buildout of the Draft General Plan Update could result in potential indirect impacts to biological resources within the Planning Area. As indicated in the discussion regarding Issue 4.3.1,

"In addition to the limited potential for direct impact on biological resources within the Urban Growth Boundary, the Updated Plan has potential for indirect impact upon resources beyond the UGB and even the Planning Area. Such potential is associated with incidental contact or intrusion impacts produced by growing resident and visitor recreational activities in areas surrounding the UGB, particularly during non-winter months. While excessive use of these areas is not indicated at present, the project does provide for a considerable growth increment. While the peak people at one time data (PAOT) is dominated by wintertime visitation, increases in non-winter months must also be expected. In the absence of data clearly establishing otherwise, it is conservatively concluded that such increased wilderness and open lands usage as may be indirectly caused by the Updated Plan could have a

significant impact upon one or more of the special status wildlife or plants species previously listed in Table 4.3-1 and Table 4.3-3."

The Town does not have jurisdiction to implement mitigation measures outside of the Town boundaries. The Revised Draft Program EIR also acknowledges that restricting access to the areas in question could reduce the potential for indirect impacts but such restriction would conflict directly with other equally important policies to enhance recreational opportunities.

The Inyo National Forest (INF) is the Federal Agency with jurisdiction over all or most of the public land surrounding the Town's urban growth boundary. The INF indicates that current information regarding recreation trends in California show that there is a stronger correlation between regional population change, that is, in Southern California, and public lands recreation in the INF than between Town population change and local areas public lands. Indeed, into the foreseeable future, the INF cites population growth in southern California as the primary driver for growth in Eastern Sierra public lands recreation. Published information that supports this assessment in local wilderness and forest resources management plans includes the "Inyo National Forest Land Management Plan," the "Bureau of Land Management Bishop Resource Area Resource Management Plan," and the "John Muir/Ansel Adams and Dinkey Lakes Wilderness Plan." Please refer also to Comment No. 001-18 regarding this subject. Because substantive direct impact on the biotic resources of the surrounding county is not expected due to implementation of the General Plan Update, mitigation measures to be undertaken by the Town of Mammoth Lakes are not recommended.

COMMENT 011-67

2. 4.3.3 Threshold of Significance (4-73) - this section includes the statement that under Appendix G of the CEQA Guidelines "...the project would be considered to have a significant impact if the project would interfere with migratory wildlife corridors". The impact on deer migration within the town boundary is very significant.

Page 4-61 # 2. The Mammoth Pass Herd migrates through the Snowcreek Development, Old Mammoth, the Bluffs and the Lakes Basin to Mono Pass which is not "south of the Urban Boundary" as is stated. Mitigation is not less than significant. Deer are throughout town all year, especially on the Golf Courses and in the Snowcreek area. For this issue, the mitigation ought to be to provide open spaces for deer migration, restricted development in migration corridors, no gated communities, and speed limit reduction along town roads.

RESPONSE 011-67

As stated in the comment, one of the thresholds of significance used in the EIR analysis to determine if implementation of the Draft General Plan Update would have a significant impact on biological resources is whether or not the project would "interfere substantially with the movement

of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites” (Revised Draft Program EIR, page 4-73).

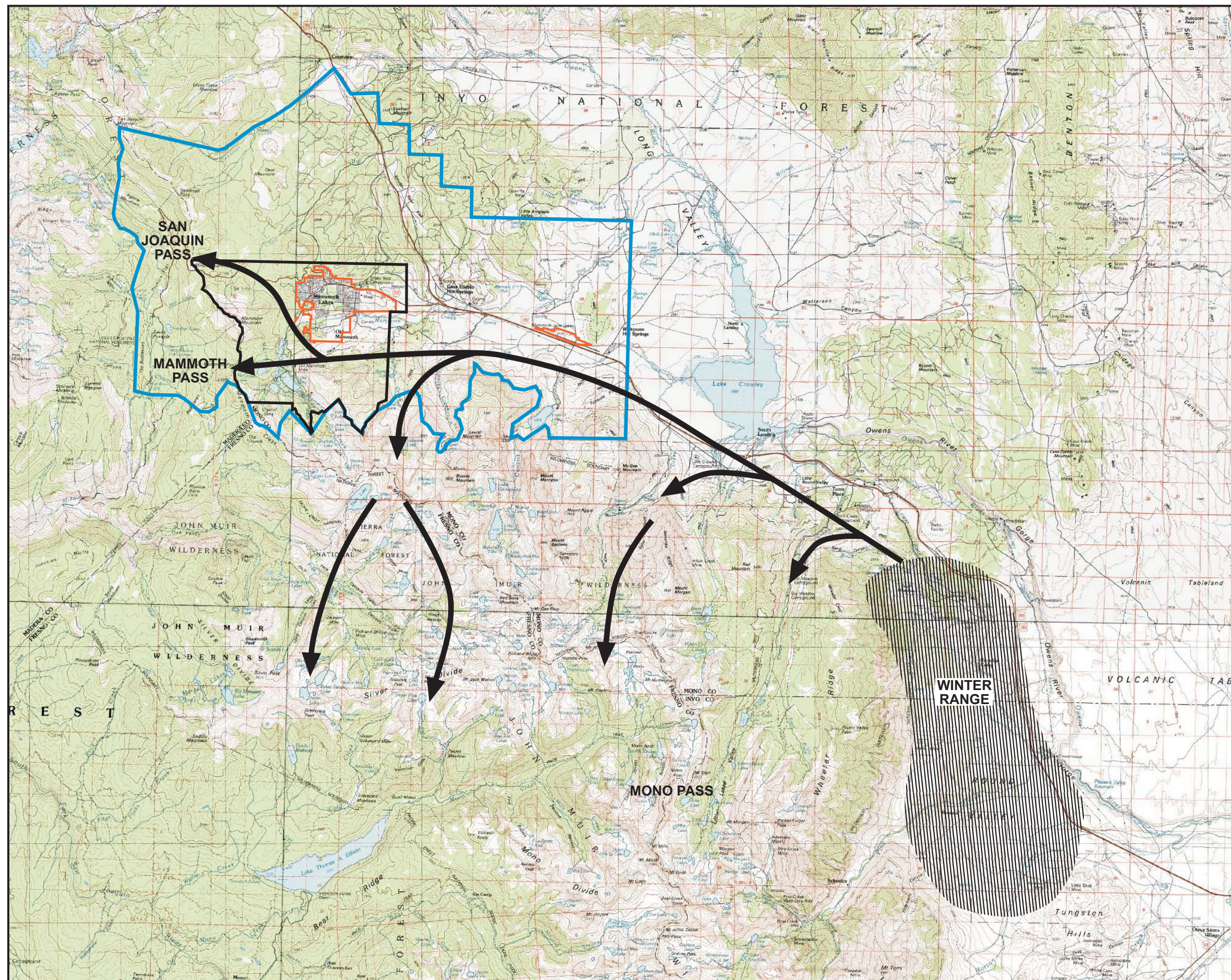
An impact to biological resources shall be considered significant if “the project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered rare, or threatened species, ...” based on Section 15065 of the CEQA guidelines.

The Environmental Assessment for the Upper Basalt Geothermal Exploration Project (BLM 2004) was consulted as suggested in Comment 011-74 and other comments. As a point of clarification, there is no deer herd that is named the Mammoth Pass Deer Herd. Rather, a portion of the Round Valley Deer Herd utilizes the Mammoth Pass during migration and it is assumed that it is this portion of the Round Valley Deer Herd that is the focus of the comment. Individuals within the Round Valley Deer Herd pass south of the Town to access the Mammoth Pass and dispersed movement may occur through the Town to access the San Joaquin Pass. While it is recognized that dispersing individuals of the Round Valley Deer Herd occur within the Town limits, proposed developments in the southeastern portion of the Town are not expected to significantly impact the herd by interfering with its movement. Figures 1 and 2 on pages 190 and 191 show the deer migration routes.

Proposed development in the southeastern portion of the Town includes a resort complex and nine-hole golf course within and adjacent to the existing Snowcreek development. Since the current golf course does not preclude the presence of deer (rather, the comment states that deer regularly use the golf course), the addition of nine holes is also expected to be utilized by deer.

The addition of these development areas (approximately 30 acres) adjacent to current development may slightly shift the overall herd migration area to the south but would not substantially impact the herd, the migration routes, or the holding area to a point where the herd population is threatened. Therefore, the potential impact does not exceed the significance threshold and the impact to deer migration is considered a less than significant impact.

Nonetheless, pursuant to CEQA and the Draft General Plan Update, specifically Implementation Measure I.1.B.d.4, the Town shall require project-specific analysis and environmental documentation for new developments and redevelopment projects within the Town



Town of Mammoth Lakes

The winter range and spring migration routes of the Round Valley Mule Deer Herd presented in this figure are taken directly from the Management Plan for the Sherwin Grade Deer Herd (Thomas 1985). The original figure was scanned and overlaid on a USGS topographic base map and the location of the winter range and migration routes were estimated and hand-drawn to create this figure.

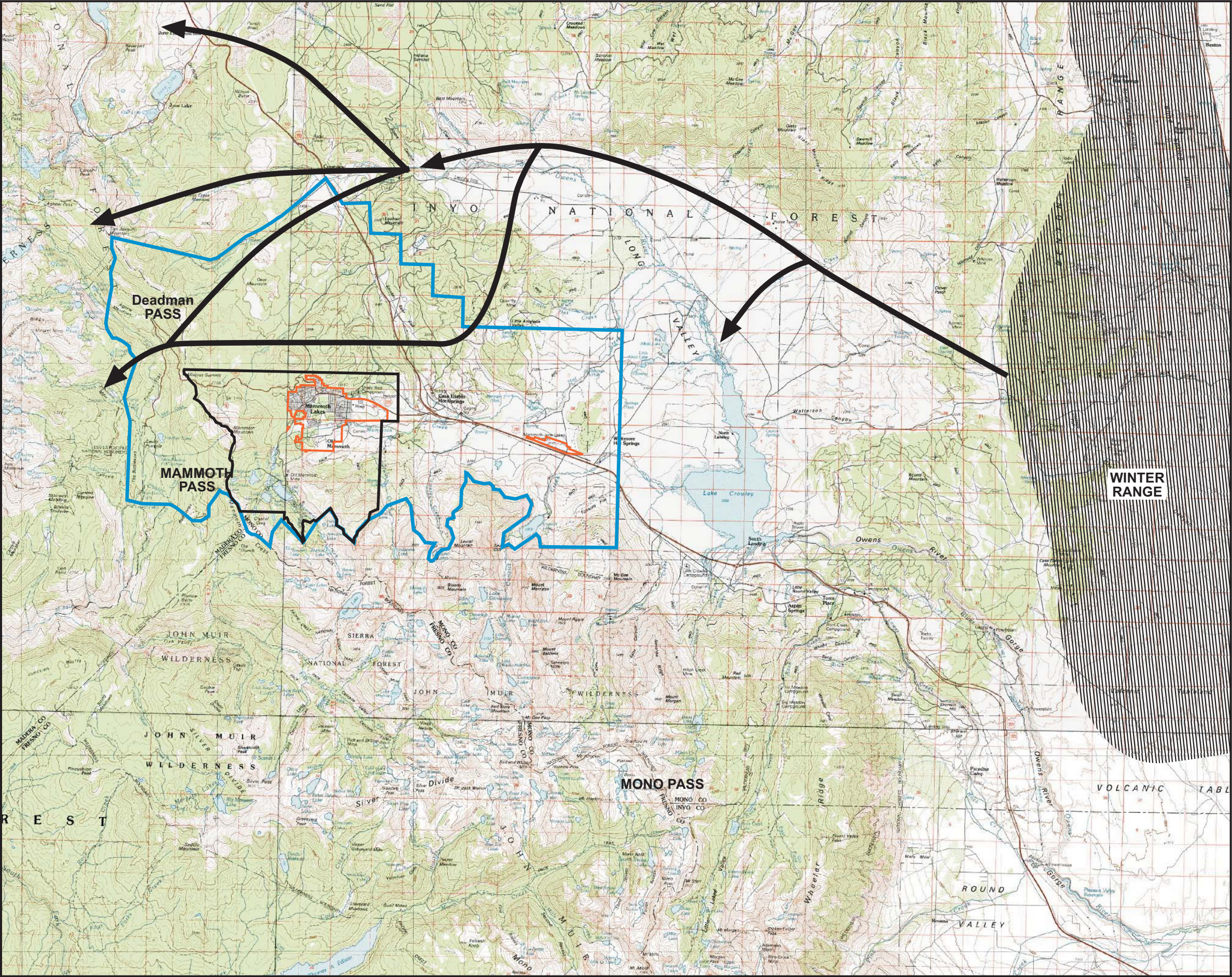
Legend

- Planning Area
- Municipal Boundary
- Urban Growth Boundary
- Winter Range
- Spring Migration Routes

0 4,000 8,000 Meters

Base Map: Benton, Yosemite, Shaver Lake, and Bishop 100k Quadrangles.
Source: Thomas, 1985.

Figure 1 Round Valley Mule Deer Herd Spring Migration Route and Winter Range



Town of Mammoth Lakes

The winter range and spring migration routes of the Casa Diablo Mule Deer Herd presented in this figure are taken directly from the Migration and Seasonal Habitats of the Casa Diablo Deer Herd, Casa Diablo Deer Study (Taylor 1988). The original figure was scanned and overlaid on a USGS topographic base map and the location of the winter range and major migration trails were estimated and hand-drawn to create this figure.

- Legend**
- Planning Area
 - Municipal Boundary
 - Urban Growth Boundary
 - Winter Range
 - Major Spring Migration Trails



Base Map: Benton, Yosemite, Shaver Lake, and Bishop 100k Quadrangles.
Source: Taylor, 1988.

Figure 2 Casa Diablo Mule Deer Herd Spring Migration Route and Winter Range

that could potentially impact deer migration. The Town shall require the inclusion of project design features, mitigation measures, or conditions of approval in order to facilitate continued deer movement through the Town. Such measures could include the exclusion of fencing, the control of pets, and reduced speed limits to avoid vehicular mortality.

COMMENT 011-68

Policies and Implementation (4-75 & 4-76) need to be modified as noted below:

- I.1.B.d.2 - "Species, habitat and natural community preservation/conservation strategies shall be prepared" - Details of strategies must be listed.

RESPONSE 011-68

Implementation Measure I.1.B.d.2 provides a requirement that is to be met when discretionary development is proposed on lands with special status plant and animal species and natural communities and habitats. The implementation measure requires a site specific plan be prepared. The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-69

- I.1.B.d.3 - "2 [sic]) use of fences, or other barriers and buffer zone" - Eliminate all fences to promote wildlife migration.

RESPONSE 011-69

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-70

- I.1.B.e.1 - Be specific - what are the "good wildlife habitat management practices" referenced?

RESPONSE 011-70

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the

comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-71

- 1.2.A.a.1 - New development is not defined - be more specific.

RESPONSE 011-71

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-72

- 1.1.B.g.3 - Mammoth Creek ...maintain minimum setbacks - how many feet? Be specific.

RESPONSE 011-72

The Draft General Plan Update provides the long-range buildout of the Town based on the Town's vision. As such, the General Plan does not provide the level of detail, such as setbacks. The Town Municipal Code contains the development standards, such as setbacks, height limits, lot coverage, which regulate the development so as to achieve General Plan vision. The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-73

3. Issue 4.1-2 (4-15): Substantial Adverse Effect on Species - this issue states that "The Town has no jurisdiction to implement mitigation beyond its boundaries ...therefore no mitigation measures are recommended. Not so: summer impact with only a small increase in visitors will be very significant. This DPEIR must have a section with an analysis of the impact on the surrounding government owned country, with input from the Forest Service and National Park Service.

RESPONSE 011-73

It appears that the comment is referring to Issue 4.3.1 rather than Issue 4.1.2 (page 4-15 of the Revised Draft Program EIR). Issue 4.3.1 addresses potential direct and indirect impacts on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or the USFWS. Issue 4.1.2 addresses potential impacts with regard to scenic resources, including but not limited to, trees, rock outcrops, and historic

buildings within a state scenic highway. Section 4.3, Biological Resources, of the Revised Draft Program EIR contains an analysis of the potential impacts on biological resources within the surrounding area as a result of growth that would occur under the Draft General Plan Update. The Revised Draft Program EIR concludes that buildout of the Draft General Plan Update could result in potential indirect impacts to biological resources within the Planning Area due to the increase in population. As indicated in the discussion regarding Issue 4.3.1,

"In addition to the limited potential for direct impact on biological resources within the Urban Growth Boundary, the Updated Plan has potential for indirect impact upon resources beyond the UGB and even the Planning Area. Such potential is associated with incidental contact or intrusion impacts produced by growing resident and visitor recreational activities in areas surrounding the UGB, particularly during non-winter months. While excessive use of these areas is not indicated at present, the project does provide for a considerable growth increment. While the peak people at one time data (PAOT) is dominated by wintertime visitation, increases in non-winter months must also be expected. In the absence of data clearly establishing otherwise, it is conservatively concluded that such increased wilderness and open lands usage as may be indirectly caused by the Updated Plan could have significant impact upon one or more of the special status wildlife or plants species previously listed in Table 4.3-1 and Table 4.3-3."

The Town does not have the jurisdiction to implement mitigation measures outside of the Town boundaries. The document also acknowledges that restricting access to the areas in question could reduce the potential for indirect impacts but such restriction would conflict directly with other equally important policies to enhance recreational opportunities. Thus, no mitigation measures are recommended.

COMMENT 011-74

The incomplete analysis of Mule Deer in this section is also not adequate. This DPEIR should show the same level of quality in the analysis of the planning area as was presented in the "Upper Basalt Geothermal Exploration Project", November 2004, Mammoth Pacific, LP. Please provide a complete analysis.

RESPONSE 011-74

The Environmental Assessment (EA) for the Upper Basalt Geothermal Exploration Project (BLM 2004) was consulted as suggested in the comment. The studies referenced in the EA and the General Plan Update EIR provide similar information regarding the location of the winter range, migration route, and holding area of the Round Valley Herd of mule deer. These areas were discussed in the Revised Draft Program EIR (pages 4-60 and 4-61) and provided adequate

information for the purposes of CEQA to make a significance determination. Please refer to Response to Comment No. 011-67 for a discussion regarding deer migration.

COMMENT 011-75**4.4 Geology, Seismicity, Soils, and Mineral Resources**

1. Section 4.4.1.1. Regional Geology (4-89) - Delete the sentence: "The caldera and other geologic features such as Devil's Postpile etc." Devils Postpile, Mammoth Rock, Crystal Crag are not geologically young with an active recent history.

RESPONSE 011-75

This sentence acknowledges that the region around Mammoth Lakes is active geologically in regards to earthquakes and volcanic activity. As stated in Section 4.4.1.1 in the Revised Draft Program EIR, persistent earthquake and volcanic activity over the past four million years have formed the eastern Sierra landscape in the vicinity of Long Valley Caldera and the Mono Basin. Such activity, which has resulted in geologic features such as Devils Postpile, Mammoth Rock, and Crystal Crag within the past four million years, is considered to be young in terms of geologic time. Therefore, this sentence will be retained in the Final Program EIR.

COMMENT 011-76

2. Section 4.4.1.5 Volcanism (4-93) - Mammoth Mountain is an active volcano and a new eruption can happen at any time - not "the thousands of years" stated. In this region the last volcanic activity occurred 250 years ago and a new eruption in the Inyo-Mono craters is possible at any time. This would mean ash falls in Mammoth and also a fire hazard. Please include an analysis of this hazard.

RESPONSE 011-76

As stated in Section 4.4.1.5, the most recent a volcanic eruption in the region occurred in 1890 approximately 35 miles north of the town. Another eruption occurred in approximately 1,400 A.D. within four miles of the Town. As discussed in Section 4.4.1.7 under "Volcanic Hazards," the possibility of a volcanic event in the Mono-Long Valley area has resulted in increased monitoring of seismic and non eruptive volcanic activity, and in increased efforts by local, state, and federal offices to prepare emergency response plans. The potential hazards from future eruptions of volcanoes in the area are being studied by the United States Geological Survey (USGS) and they have estimated the chances of an eruption in the Planning Area in any given year a small possibility. The Safety Element of the Mono County General Plan (1993) indicates a one in a 1,000 annual likelihood of volcanic eruption in the vicinity of the Town. Thus, based on historic volcanic activity and studies conducted by the (USGS) as described in the Safety Element of the Mono County General Plan, the Revised Draft Program EIR states that a volcanic eruption in the region is very likely in the next "thousands of years."

Issue 4.4-1 in the Revised Draft Program EIR addresses hazards associated with volcanic activity. As indicated in the discussion under Issue 4.4-1, a comprehensive daily monitoring program of activity along known faults helps scientists to assess the volcanic hazards in the Long Valley area and to recognize the early signs of possible eruptions. The USGS, in cooperation with the California Office of Emergency Services and local jurisdictions in eastern California, has established procedures to promptly alert the public to a possible eruption. The following implementation measures in the Draft General Plan Update address hazards associated with volcanic activity: II.3.A.b.5, II.3.A.b.7, and II.4.D.a.1. In addition, as indicated in the Revised Draft Program EIR, the Town cooperates with USGS in the continuing efforts of monitoring volcanic activity, which provides for early warning of a potential eruption.

The Town adopted an Emergency Operations Plan in 2001, which is updated periodically. Implementation of the measures contained in the Draft General Plan Update would ensure that the public is notified of volcanic-related hazards as soon as possible. If ash or other volcanic materials were to be recognized as a potential fire hazard, the emergency notification and information system would inform the public of such hazards. Potential fire-related hazards associated with volcanic activity, including ash, would vary depending on the quantity, location and temperature of volcanic materials that could inundate or fall within the Mammoth Lakes locale. Preventative measures such as emergency response preparedness and notification, as well as development of structures in accordance with applicable local and State fire regulations, as discussed in Section 4.5, Public Safety and Hazards, in the Revised Draft Program EIR would minimize the risks to life and/or property associated with volcanic hazards, including fire hazards from ash, to the extent feasible. Accordingly, impacts have been identified as less than significant with implementation of the applicable policies and implementation measures in the Draft General Plan Update and site-specific environmental review.

COMMENT 011-77

Further, there is no analysis of the Mammoth Pass and Red Cones area. Long period earthquakes and magma emplacement at this location with possible basaltic magma eruption in the near future should be included. An eruption would mean a fire hazard for the Town.

RESPONSE 011-77

The Draft General Plan Update proposes no specific development projects. The Revised Draft Program EIR addresses potential hazards from earthquake and volcanic events on a programmatic level, rather than a site-specific level. As such, specific analysis of particular locations such as the Mammoth Pass and Red Cones area are not addressed in the Revised Draft Program EIR. The Mammoth Pass and the Red Cones Area are located southwest of the Urban Growth Boundary (UGB) and beyond the Municipal Boundary, but located within the Planning Area as illustrated In Figure 1-1 of the Revised Draft Program EIR. The Draft General Plan Update requires that detailed recommendations regarding specific techniques and designs to reduce,

eliminate or avoid geotechnical hazards be provided by the reports of geotechnical investigations for specific projects within the Town. Development within the Town is required to comply with the California Building Code as well as Section 12.08.080 of the Town Municipal Code, which requires engineered plans and a soils report to be submitted with an application for a grading permit. Site development plans would be reviewed by the Town to determine conformance with specific recommended geotechnical procedures. Therefore, potential impacts associated with the exposure of people or structures to seismic hazards, including rupture of a known earthquake fault, strong seismic ground shaking, and seismic related ground failure, including liquefaction, would be reduced to the extent possible and would be less than significant.

With regard to volcanic activity, Issue 4.4-1 in Section 4.4.4 of the Revised Draft Program EIR acknowledges that potential impacts to the Town include inundation by ash deposition, lava, or lahars, or complete destruction from a catastrophic eruption. As discussed under Issue 4.4-1, the Town cooperates with USGS in the continuing efforts of monitoring volcanic activity, which provides for early warning of a potential eruption. In addition, the Town adopted an Emergency Operations Plan in 2001, which is updated periodically. With the policies and implementation measures in the Draft Mammoth General Plan Update, the exposure of people or structures to volcanic activity and associated carbon dioxide would be reduced to a level of less than significant. Please refer to Response to Comment No. 011-76 for a discussion of fire-related hazards associated with volcanic activity.

COMMENT 011-78

3. Issue 4.4-1 Expose People or Structures to Risk (4-104) - the report includes "Potential impacts to the Town include inundation by ash deposits, lava, or lahars, or complete destruction from catastrophic eruption"...with a level of significance after Mitigation that "No mitigation measures are required." Further, there is the statement that impacts regarding ground failure, landslides, and volcanic activity, as well as carbon dioxide from natural sources would be less than significant.

There is no analysis of new development is [sic] on steep hillsides, where the weight of large homes could start landslides, or of building in undesirable "wet" areas. Any of these sensitive zones would be impacted by seismic and volcanic activities.

RESPONSE 011-78

In regards to Issue 4.4-1, the Revised Draft Program EIR states that, "Potential impacts to the Town include inundation by ash deposition, lava, or lahars, or complete destruction from a catastrophic eruption." The issue addresses a series of natural disasters, including volcanic activity, seismic activity, landslides, liquefaction, and carbon dioxide. As indicated in the discussion regarding Issue 4.4-1, the Draft General Plan Update contains numerous policies and implementation measures that would be implemented by the Town with regard to future

development. With the policies and implementation measures in the Updated Plan, the exposure of people or structures to volcanic activity, seismic activity, landslides, liquefaction and carbon dioxide would be reduced to a level of less than significant. Since the policies and implementation measures would serve to reduce the potential impacts to less than significant, no mitigation measures are required. Please also refer to Response to Comment Nos. 011-76 and 011-77 for a discussion of volcanic-related hazards.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. As indicated in the discussion regarding Issue 4.4-3, development within the Town is required to comply with the California Building Code as well as Section 12.08.080 of the Town Municipal Code, which requires engineered plans and a soils report to be submitted with an application for a grading permit. Site development plans would be reviewed by the Town to determine conformance with specific recommended geotechnical procedures. Field inspection would be conducted by the Town during earthwork and construction operations. Therefore, with the implementation of State and local regulations, potential impacts associated with hillside developments would be reduced to less than significant levels.

With regard to landslides, while there is no record of landslide activity in the Town, the Updated Plan includes a policy to limit the creation of new parcels on slopes over 30 percent. Section 17.16.040A6 of the Municipal Code does not permit building sites with slopes greater than 30 percent. With this requirement, as well as the requirement for a soils report and the implementation of construction techniques identified in geotechnical reports, potential impacts associated with exposure of people or structures to landslides would be less than significant.

COMMENT 011-79

Policies: II.4.C.a.2 Evacuation Routes should include an analysis of keeping the Mammoth Scenic Route to the north open all year, and establishing a new evacuation route on Sherwin Road to Highway 395, also open all year.

RESPONSE 011-79

Policy II.4.C.a.2 of the Draft General Plan Update states "The Town shall establish appropriate evacuation routes and incorporate them into the Emergency Preparedness and Response Plan." As discussed in Issues 4.4-1 and 4.4-5 within Section 4.5, Public Safety and Hazards, of the

Revised Draft Program EIR, the Town adopted an Emergency Operations Plan in 2001 to address emergency responses within the Town. The Emergency Operations Plan, which addresses evacuation routes, is updated periodically.

The Scenic Route is a secondary access and egress route that is kept open year around. The need for an additional evacuation route is not identified in the Emergency Operations Plan. In addition, if the levels of service (LOS) standards for roadways within the Town are upheld, there is no requirement for an additional evacuation route. If LOS becomes degraded in the future, there is the potential to plow and pave Sherwin Road, if needed, in the future. Please refer to Section 4.13, Transportation and Circulation, in the Revised Draft Program EIR for a discussion of LOS standards within the Town. The comment regarding suggested evacuation routes is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-80

4.5 Public Safety & Hazards

1. Use of Mammoth Creek Park - the inconsistencies between Flood Hazards in the previous GPU and DPEIR have been removed. In fact, the entire section on Flood Hazards no longer appears in the DPEIR. Please explain the removal of the previously identified impact, and reasons therefore.

RESPONSE 011-80

It is not clear what is meant by the use of Mammoth Creek Park and inconsistencies between flood hazards in the previous GPU and DPEIR. The discussion and analysis of flood hazards were moved from the Public Safety and Hazards section in the 2005 Draft EIR to Section 4.6, Hydrology and Water Quality, in the Revised Draft Program EIR. The Revised Draft Program EIR discusses existing areas prone to flooding in Section 4.6.1.5. Section 4.6.2.1 includes regulatory information regarding the national Flood Insurance Act. Issue 4.6.3 analyzes impacts associated with the alteration of existing drainage patterns, which could substantially increase the rate of surface runoff in a manner that would result in flooding. Issue 4.6-6 analyzes impacts associated with the placement of housing in 100-year flood hazard areas mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood delineation map. Issue 4.6-7 analyzes flooding impacts that could occur as a result of placing structures in a 100-year flood hazard area. Each of these three issue areas identifies implementation measures in the Draft General Plan Update that would minimize the affects of flooding within the Town.

COMMENT 011-81

2. Structural Fire Hazards - No analysis is made of structural fire hazards with the anticipated development characteristics (narrow roadways, closely spaced dwellings and businesses, taller buildings, and lack of escape routes). Further the uncertainty of the water supply, transient visitor

use, severe winter weather, and seasonal road conditions that restrict access in the previous DPEIR have been removed. Please provide the analysis and justification for removal of these known problems.

RESPONSE 011-81

Structural fire hazards are addressed in Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR. As described in Section 4.5, Mammoth Lakes Fire Protection District (MLFPD) implements fire-safe regulations such as requiring adequate clearance of flammable vegetation around individual structures to prevent the spread of fire between wildlands and structures. In addition, MLFPD requires that adequate road widths and load capacities are provided and maintained to ensure the ready movement of fire engines, bulldozer transport units, and other heavy firefighting equipment. Furthermore, all development projects would be required to comply with the Uniform Fire Code, and through the environmental and project review process, would be subject to review by MLFPD to ensure adequate fire protection is provided. Issues such as building height and proximity of structures would be considered in the review of new development by the Town and the MLFPD. Therefore, the analysis in the Revised Draft Program EIR concludes that potential impacts from structural fires would be less than significant.

With regard to road widths and evacuation routes, as indicated in Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR, the Town has an adopted Emergency Operations Plan (EOP) (2001) for emergency response within the Town. The Plan meets the state's Standardized Emergency Management System (SEMS) requirements for state law. Threats and emergency response are thoroughly described and outlined in the Town's Emergency Operations Plan. Key points of the plan include the identification of critical areas in the town that represent hazards, areas for meeting and staging in an emergency event, communications, and emergency evacuation. In addition, as indicated in Section 4.5, development under the Draft General Plan Update would not impair implementation or physically interfere with the EOP, because no circulation changes are being proposed which conflict with the procedures set forth in the plan.

Section 4.11, Public Utilities, of the Revised Draft Program EIR, concludes that with the implementation of Mitigation Measure 4.11-1, which requires that the Town not approve new development applications that would result in a water demand in excess of available supplies, impacts associated with lack of water supply would be reduced to a less than significant level. Therefore, water supply was not addressed as an issue with respect to fire protection. The issue of transient visitor use is addressed within Section 4.11. Impacts to fire protection services are analyzed based on build-out of the Draft General Plan Update as described in Chapter 3.0, Project Description. As discussed in Chapter 3.0, build-out of the General Plan Update would result in approximately 60,727 people at one time, including transient visitors. With regard to the issues of severe winter weather and seasonal road conditions, these issues are generally addressed in Section 4.5, Public Safety and Hazards, and Section 4.10, Public Services (specifically Section 4.10.1.5

Roadway Maintenance and Snow Removal), of the Revised Draft Program EIR, respectively. Please refer to Response to Comment No. 011-82 for additional information pertaining to this issue.

COMMENT 011-82

Further, provide a traffic analysis which includes estimates of fire department response times as a function of traffic levels at worst-case holiday traffic peaks.

RESPONSE 011-82

In keeping with the industry standard, Mammoth Lakes Fire Protection District (MLFPD) makes every effort to respond to emergency calls within four to six minutes (Personal Communication with Tom Heller, Fire Marshall, MLFPD, September 28, 2006). However, due to the number of variables that could potentially affect response times in the Town (i.e., distance, weather conditions, peak or non-peak time of year, time of day), it is difficult to estimate response times. Given the location of the two existing fire stations and the number of roadways within the Town, it is not anticipated that fire protection service response times would fall below acceptable levels.

As indicated in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR, in accordance with Policy and Implementation Measure II.1.D.1.6, the Town would strategically site future fire stations at locations that facilitate prompt response times. A third fire station is planned to be constructed near Main Lodge in the future. The location of this future station would continue to help facilitate prompt response times in and around the Main Lodge area as well as the rest of the Town. Section 4.10 of the Revised Draft Program EIR provides an analysis of emergency response.

However, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with large-scale development plans such as the Town of Mammoth Lakes General Plan Update. The project does not specifically propose any development projects that would eliminate the ability for emergency vehicles to access areas of the Town. Subsequent analysis of specific development projects is required at an individual level within project-level environmental documentation during the development review/permitting process. However, the overall redundancy in the Mammoth Lakes roadway system provides good emergency access.

In addition, Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR contains a detailed traffic analysis based on the Town's methodology and thresholds. As indicated in the analysis, with the incorporation of mitigation measures and incorporation of the applicable policies and implementation measures contained in the Draft General Plan Update, traffic impacts

would be reduced to a less than significant level. Therefore, traffic would not adversely impact the response times for service providers. The MLFPD also has Project No. ST-26 Emergency Vehicle Intervention Improvements that would provide emergency response vehicles the ability to control signal phases during an emergency response.

COMMENT 011-83

3. Evacuation - The previous discussion of the inability of our transportation and circulation system to handle mass evacuations has been replaced with a list of possible reasons for an evacuation, but no analysis is provided in this version of the DPEIR. The referenced Emergency Operations Plan does not include information or scenarios on using roadways for mass evacuations. Please provide a quantitative analysis of the road capacity and appropriate scenarios.

RESPONSE 011-83

The February 2005 Draft Program EIR addressed emergency evacuation in Section 4.5, Public Safety and Hazards. Specifically, Section 4.5.1 in the February 2005 Draft EIR includes a discussion of existing conditions under fire hazards, which states "The Town's development characteristics (narrow roadways, closely spaced dwellings and businesses, and lack of escape routes) and location within a forest present unique fire hazard problems." Section 4.5.4 analyzed impacts regarding evacuation under the "Threshold" discussion of whether the General Plan Update would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

The Revised Draft Program EIR includes similar discussions regarding evacuations when compared to the February 2005 Draft EIR. Within Section 4.5.1.1 in Revised Draft Program EIR, the discussion of existing conditions under fire hazards states "The Town's development characteristics (narrow roadways, closely spaced dwellings and businesses, and limited points of entry/exit) and location within a forest present unique fire hazard problems." The discussion of impacts regarding evacuation hazards is under Issue 4.5-5 in the Revised Draft Program EIR. The Revised Draft Program EIR concludes that since the Draft General Plan Update does not propose any specific development projects, it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, including the Emergency Operations Plan. Furthermore, the Draft General Plan Update does not propose any circulation changes that would conflict with the procedures set forth in the Emergency Operations Plan. Nonetheless, the Draft General Plan Update includes Implementation Measure II.4.C.a.2, which requires the Town to establish appropriate evacuation routes, and incorporate them into the Emergency Operations Plan. The Emergency Operations Plan includes information or scenarios on using roadways for mass evacuations. In the event that a mass evacuation would be necessary, Town emergency operations staff would lead people out of Town depending on the nature and location of any potential hazards. The Town would not rely on traffic signals during a mass evacuation. The evacuation scenario would depend on the nature, location and extent of the

potential hazard and would be handled by the Town emergency operations staff accordingly. The commentor is referred to Issue 4.5-5 for further discussion and analysis of impacts regarding evacuation plans analyzed within the Revised Draft Program EIR.

COMMENT 011-84

4. Issue 4.5-1 Routine Transport, Use Or Disposal Of Hazardous Materials (4-127) - no specifics are provided on locations in which hazardous materials would be disposed, although land use patterns in the DPEIR would facilitate increased development of light industrial and commercial uses of hazardous materials. No data is provided on current levels of transport in order to determine actual impact. Please identify current and proposed disposal sites, and if appropriate, amend the Public Utilities section if such disposal would be at the Benton Crossing landfill. Or, if the materials are transported out of the area, please identify the transportation corridor and effect on Transportation and Circulation.

RESPONSE 011-84

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. As discussed under Issues 4.5-1, 4.5-2, and 4.5-3 within Section 4.5, Public Safety and Hazards, in the Revised Draft Program EIR, the Draft General Plan Update includes numerous policies and implementation measures to address the routine transport, use and disposal of hazardous materials. Future development projects would be subject to compliance with local, State and/or Federal regulations regarding the transport, use and disposal of hazardous materials. Depending on the type, location and quantity, hazardous materials would be disposed of at an approved or certified receiving/treatment facility. Such facilities could be located locally, regionally, or within other states depending on the nature of the materials to be disposed. Depending on the location of the site utilizing the materials and location of the treatment/receiving facility, the transportation corridor(s) could vary for each development project. Oversight by the appropriate agencies and compliance with the applicable regulations would maintain risks associated with hazardous materials at acceptable levels. With compliance with the applicable regulations and implementation of the identified policies and implementation measures in the Draft General Plan Update, the impacts regarding the routine transport, use or disposal of hazardous materials would be reduced to a less than significant level.

COMMENT 011-85

Further, there is no discussion of uses within the proposed expansion of the Industrial Park or quantitative analysis of the types of businesses which might be proposed.

RESPONSE 011-85

The comment is made in the context of the routine transport, use or disposal of hazardous materials. As indicated on page 4-127 of the Revised Draft Program EIR, "Since the Updated Plan does not propose any specific development projects, no specific type of hazard associated with the use of hazardous materials can be identified and the likelihood of a hazard presenting a serious health or safety hazard to the public cannot be determined at this time." The Revised Draft Program EIR acknowledges that buildout of the Town would result in an increase in the use and transport of hazardous materials and the generation of hazardous waste. As such, buildout would result in an increase in the potential for human exposure to these substances. All development project would be required to comply with all federal, state and local regulations regarding the handling, transport and management of hazardous materials and waste. Therefore, with federal, state and local regulations and the implementation measures contained in the Draft General Plan Update, the impacts regarding the routine transport, use, or disposal of hazardous materials would be reduced to a less than significant level.

COMMENT 011-86

5. Issue 4.5-2 Release of Hazardous Materials into the Environment (4-129) - no analysis is shown of appropriate sites for businesses in areas removed from and down gradient of sensitive land uses.

RESPONSE 011-86

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The Draft General Plan Update does not propose any specific development projects that would require the routine transport, use or disposal of hazardous materials. As discussed under Issues 4.5-1, 4.5-2, and 4.5-3 within Section 4.5, Public Safety and Hazards, in the Revised Draft Program EIR, the Draft General Plan Update includes numerous policies and implementation measures to address the routine transport, use and disposal of hazardous materials. Furthermore, future development in the Town would be required to conduct site-specific environmental review to analyze whether impacts regarding hazardous materials would occur to sensitive land uses. If such an impact would occur, site-specific design features and/or

mitigation measures would be required, as necessary, as part of the CEQA environmental review process. In addition, future development projects would be subject to compliance with local, State and/or Federal regulations regarding the transport, use and disposal of hazardous materials. Oversight by the appropriate agencies and site-specific environmental review would ensure that impacts to sensitive land uses are reduced to a less than significant level.

COMMENT 011-87

No analysis included of the proposed expansion of industrial park as noted in the land use section and public hearings. Also, no data is provided on current sites within Town limits or planning area. Finally, there is only a mention of prior incidents without an analysis of whether Town response in those incidents was adequate.

RESPONSE 011-87

As indicated in Response to Comment No. 011-86, the Revised Draft Program EIR is a program-level EIR, which provides an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project. The discussion in Issue 4.5-2 clearly indicates that new commercial and industrial development or the expansion of such uses would result in an increase in the use and transport of hazardous materials within the Town. However, the Draft General Plan Update does not propose any specific development projects and therefore, a detailed analysis cannot be conducted at this time. As the Revised Draft Program EIR is a program level EIR, future development in the Town would be required to conduct site-specific environmental review to analyze whether impacts regarding hazardous materials would occur to sensitive land uses. If such an impact would occur, site-specific design features and/or mitigation measures would be required, as necessary, as part of the CEQA environmental review process. In addition, future development projects would be subject to compliance with local, State and/or Federal regulations regarding the transport, use and disposal of hazardous materials. Oversight by the appropriate agencies and site-specific environmental review would ensure that impacts to sensitive land uses are reduced to a less than significant level.

COMMENT 011-88

6. Issue 4.5-3 Emit/handle Hazardous Materials Within 1/4 Mile of Existing or Proposed School (4-131) -No substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis.

RESPONSE 011-88

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the

Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. As discussed under Issue 4.5-3, the Draft General Plan Update includes numerous implementation measures to address the proper handling and use of hazardous materials. As stated in the Revised Draft Program EIR, should new development associated with implementation of the Draft General Plan Update involve the use of hazardous materials within one-quarter mile of an existing or proposed school, site-specific environmental review would be conducted to determine if hazardous emissions would impact the school site. In addition, the Town would consult with the School District pursuant to 14CCR Section 15186(b), which requires lead agencies of projects involving hazardous substances near schools to consult with the School District. The handling, storage and transport of hazardous materials would be to subject to all applicable local, State and/or Federal regulations to ensure that the school site would not be significantly impacted. Issue 4.5-3 does not require implementation of mitigation measures to reduce impacts associated with hazardous materials usage and/or emissions within one-quarter mile of an existing or proposed school since the analysis concludes that impacts, with the incorporation of applicable regulations and the policies and implementation measures contained in the Draft General Plan Update, would be less than significant.

COMMENT 011-89

7. Issue 4.5-5 Impair Implementation Of Or Physically Interfere With An Adopted Emergency Response Plan Or Emergency Evaluation Plan (4-135) - No data is provided to indicate any analysis of the capacity of evacuation routes based on increased permanent population or PAOT. Please supply a quantitative analysis.

RESPONSE 011-89

Please refer to Response to Comment No. 011-83 for a discussion of whether buildout of the Draft General Plan Update would impair implementation of or physically interfere with an adopted emergency response plan or emergency evaluation plan.

COMMENT 011-90**4.6 Hydrology and Water Quality**

1. Corrections To This Section - please make the following corrections for inclusion in the analysis:

- 4.6.1.4 - Use 1 acre rather than 43,560 sq.ft.

RESPONSE 011-90

The Town concurs that one acre equals 43,560 square feet. Section 4.6.1.4 has been revised in the Final EIR to add one acre parenthetically.

COMMENT 011-91

- 4.6.1.6 groundwater - same

RESPONSE 011-91

The comment is not clear as 43,560 square feet does not appear in Section 4.6.1.6 of the Revised Draft Program EIR.

COMMENT 011-92

- 4.6.1.6 - add the Deeper or Basalt aquifer

RESPONSE 011-92

The comment is vague as to what is being requested. Based on the Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow (Wildermuth, 2003), there are two distinct aquifer systems in the area where MCWD produces groundwater:

- A deep system that is highly responsive to MCWD groundwater production and responds slowly to recharge.
- A shallow system that is not impacted by MCWD groundwater production and responds rapidly to recharge.

COMMENT 011-93

- 4.6.1.8 Groundwater Quality - One supply well, #17, which waters Sierra Star golf course, contains enough arsenic to render it non-potable.

RESPONSE 011-93

As indicated in Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR, new federal Maximum Containment Level (MCL) were developed and must be met as of January 2006. The MCWD has installed arsenic removal at Groundwater Treatment Plants #1 and #2 to meet the new federal drinking water standard.

COMMENT 011-94

- The wellhead protection areas around the supply wells should be delineated on a map as well as in the narrative, and results of any testing for compliance with AB 3030 should be presented in the DPEIR.

RESPONSE 011-94

A Wellhead Protection Area (WHPA) is the surface and subsurface area surrounding a water well or a wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach groundwater. WHPA's can vary in size and shape depending on geology, pumping rates, and well construction.

As indicated in the MCWD Groundwater Management Plan for the Mammoth Basin Watershed (2005), since it is difficult to estimate groundwater times-of-travel in the Mammoth Basin, minimum protection zone radii for fractured rock aquifers have been utilized around the production wells. These three wellhead protection zones are Zone A, Zone B5, and Zone B10. The purpose of Zone A is to protect drinking water from viral, microbial, and direct chemical contamination. Zone A is defined by the surface area overlying the portion of the aquifer that contributes water to the well within a two-year time of travel. The purpose of Zones B5 and B10 is to prevent chemical contamination of the water supply and to protect the drinking water source for the long term. These zones are used to focus attention on possible chemical contamination that may exist near the well but at a greater distance than Zone A. Zone B5 encompasses the area between the two- and five-year time of travel. This zone provides for more response time for chemical spills than Zone A. Zone B10 encompasses the area between the five- and ten-year time of travel. The primary purpose of this zone (along with the recharge area) is to encourage decision-makers and planners to recognize the long-term aspects of the drinking water source. The ten-year time of travel allows for some attenuation or remediation of contaminant sites or, if necessary, time to develop alternate sources of supply.¹³ The wellhead protection zones depicted in Figures 3 through 10 on pages 209 through 216 of the Volume II of the Final Program EIR are designated by the State Department of Health Services and are calculated specifically for each well based upon pumping rate and screened intervals.

However, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project,

¹³ Written correspondence, Ericka Hegeman, MCWD Environmental Specialist, January 22, 2007.

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

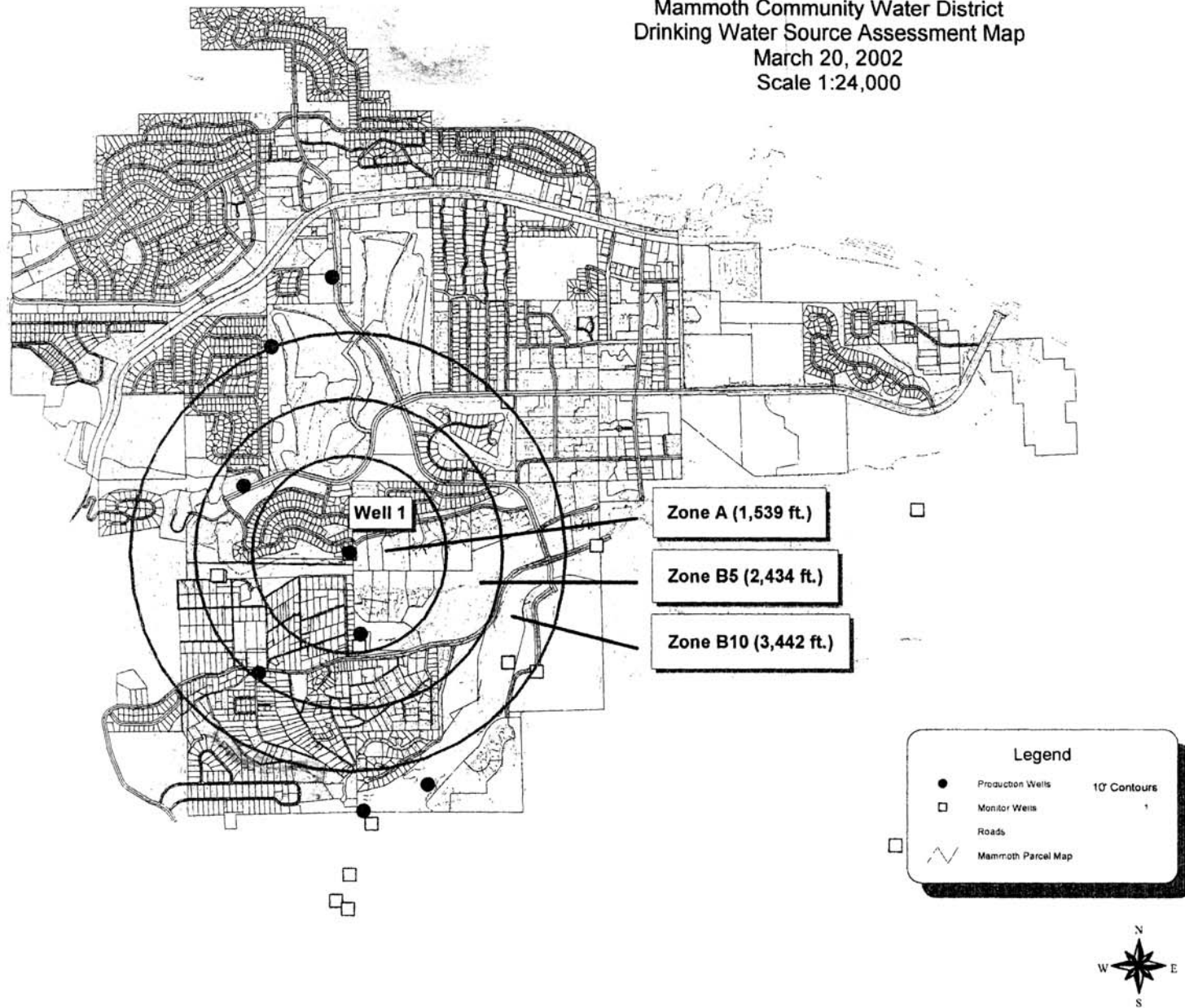


Figure 3 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 1

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

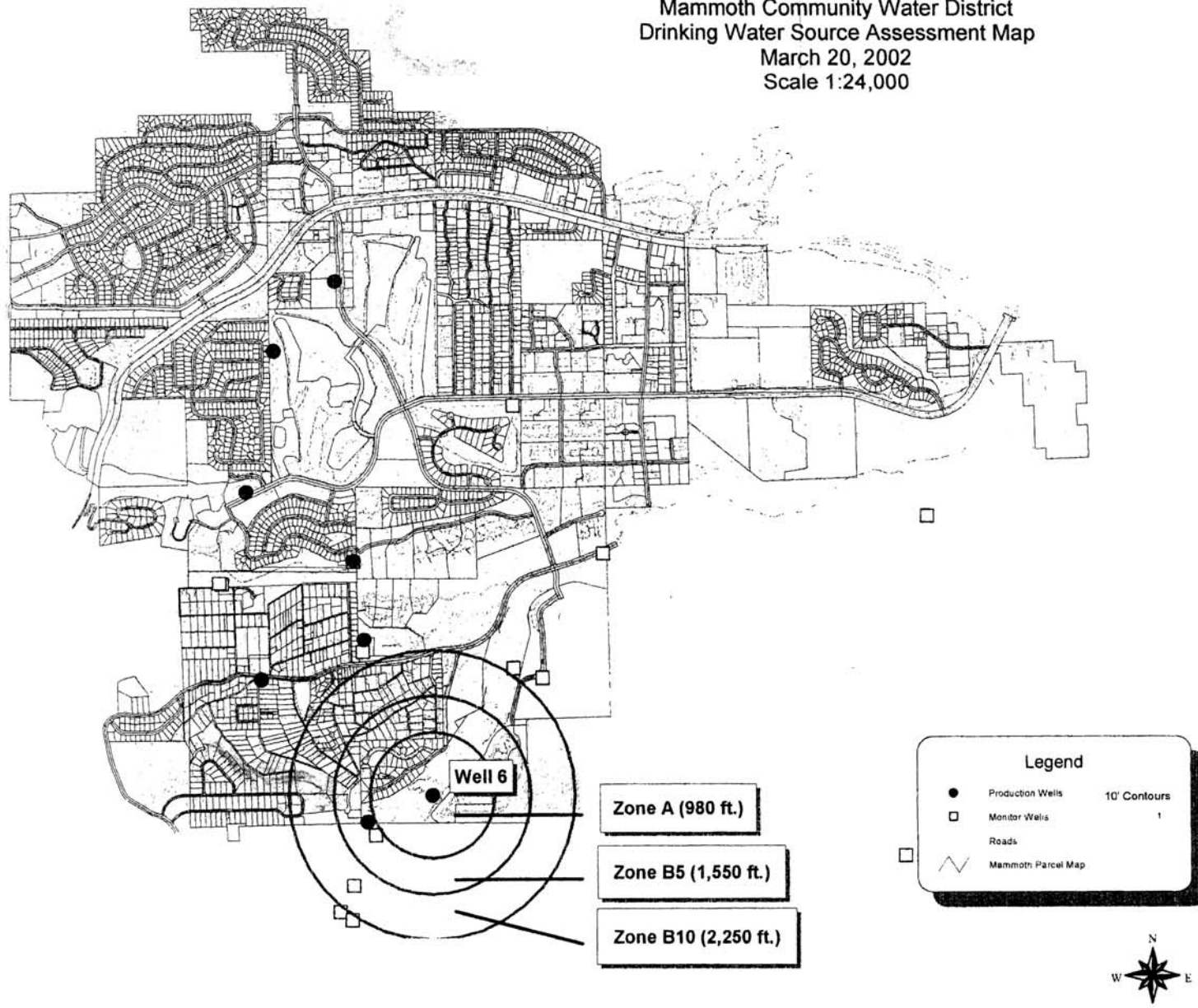


Figure 4

Mammoth Community Water District
Drinking Water Source Assessment Map
Well 6

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

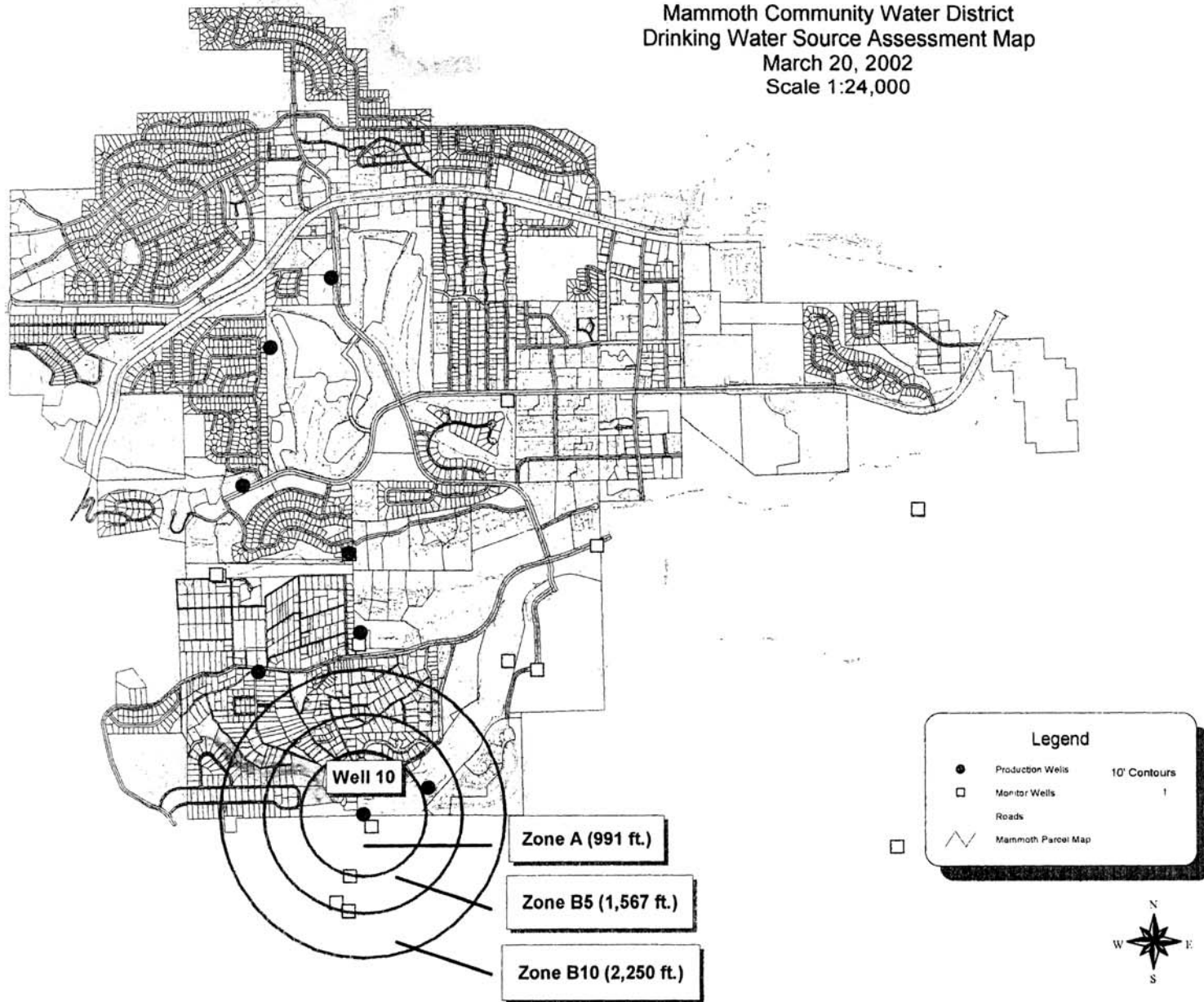


Figure 5 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 10

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

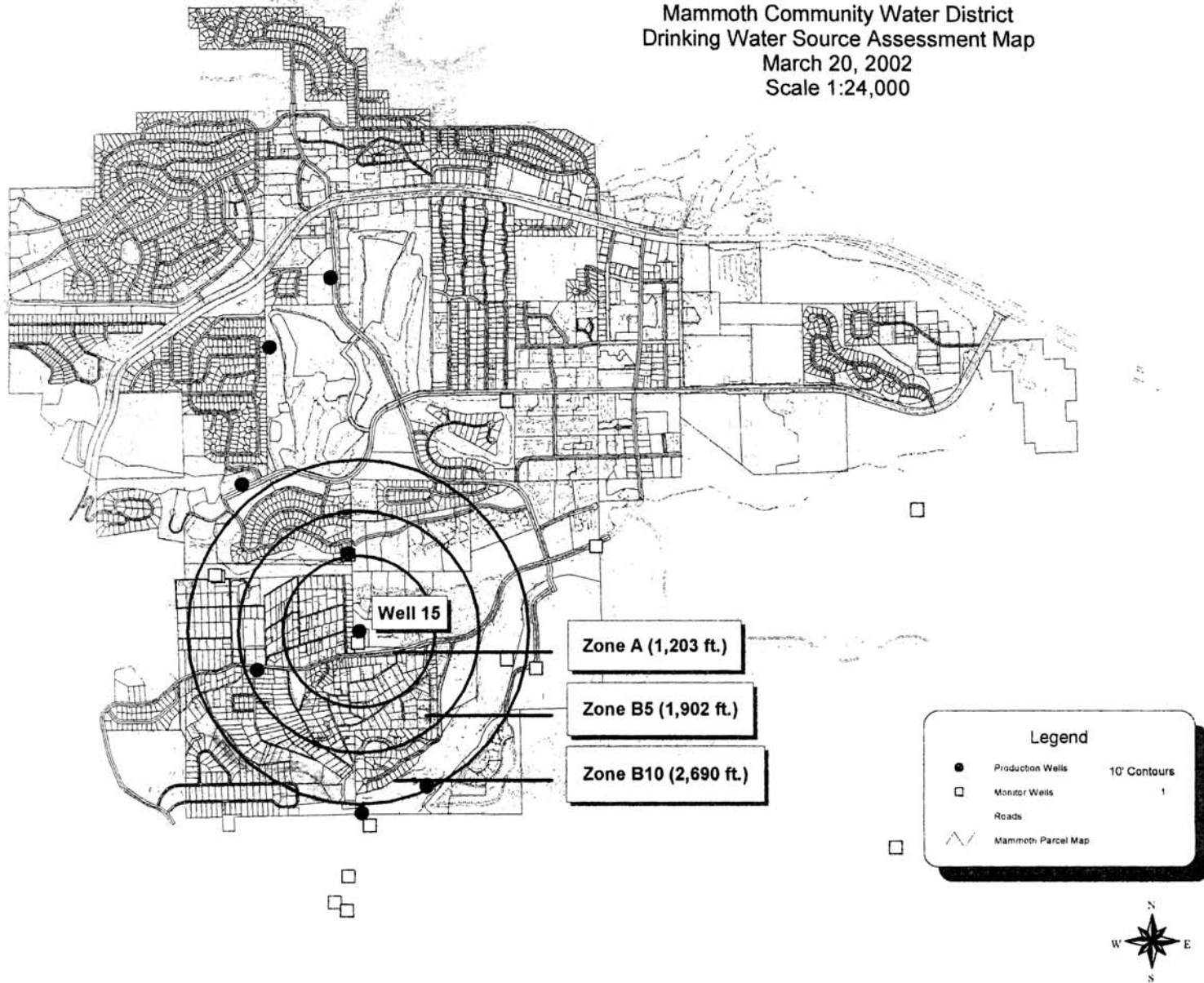


Figure 6 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 15

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

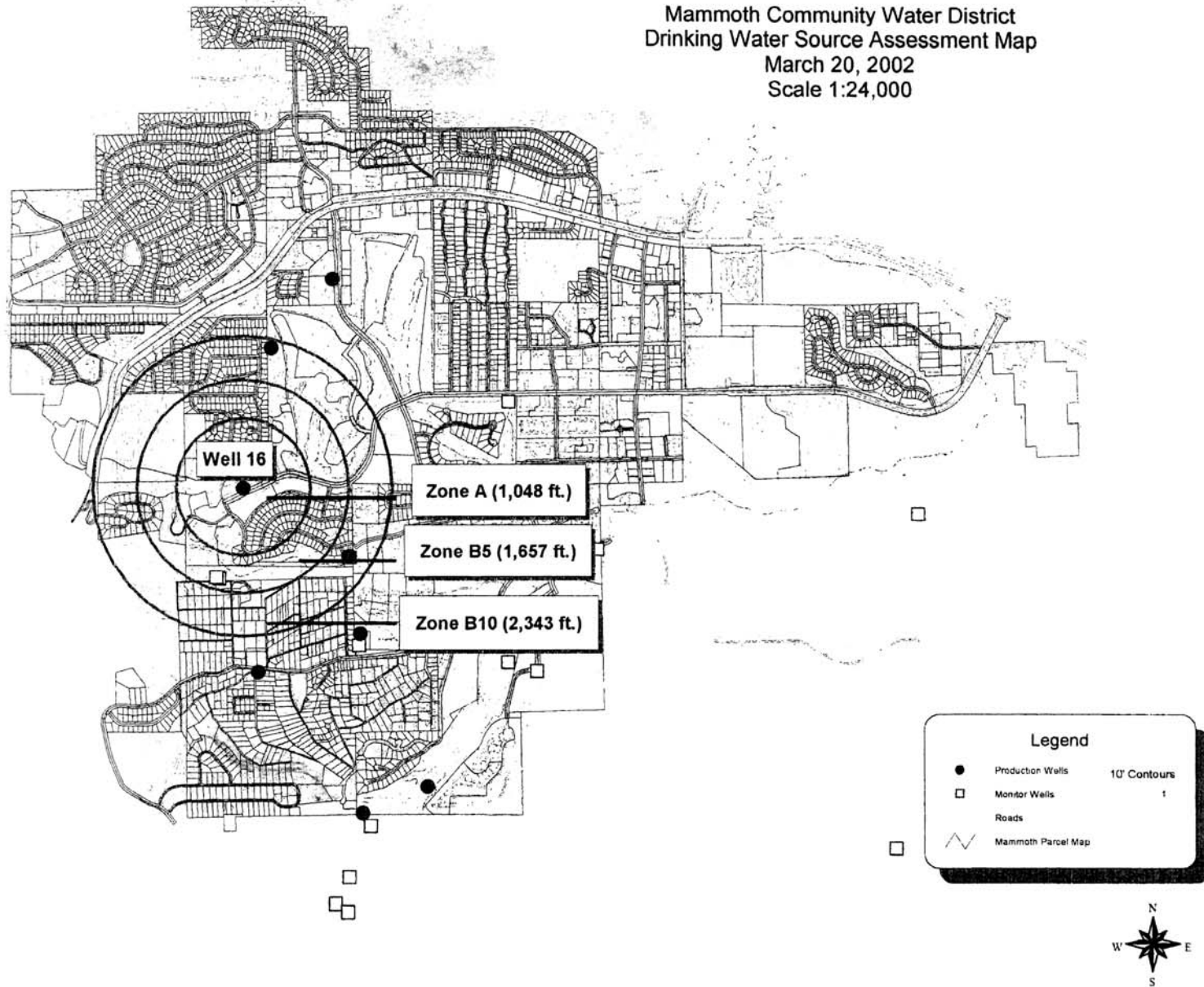


Figure 7 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 16

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

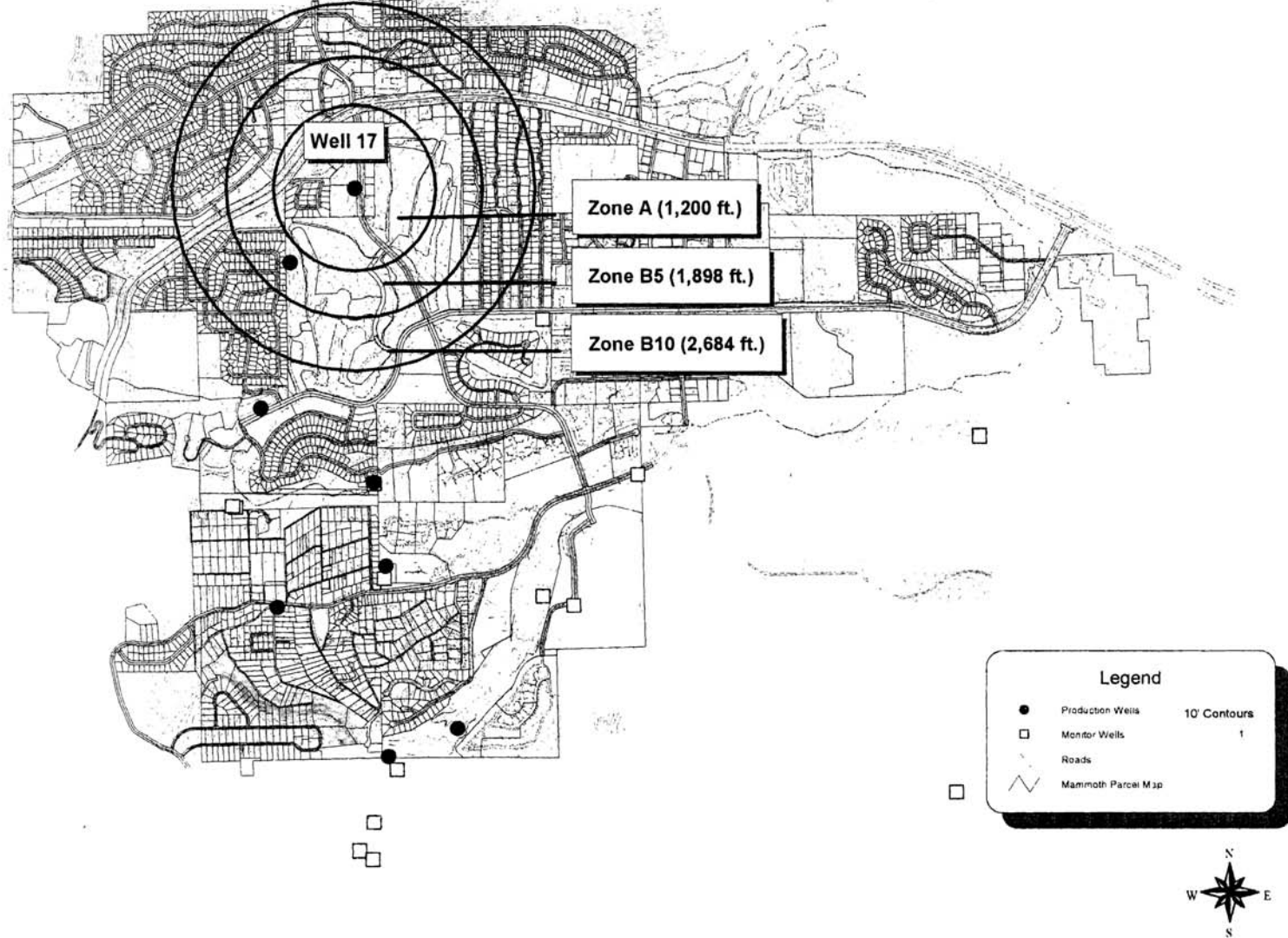


Figure 8 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 17

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

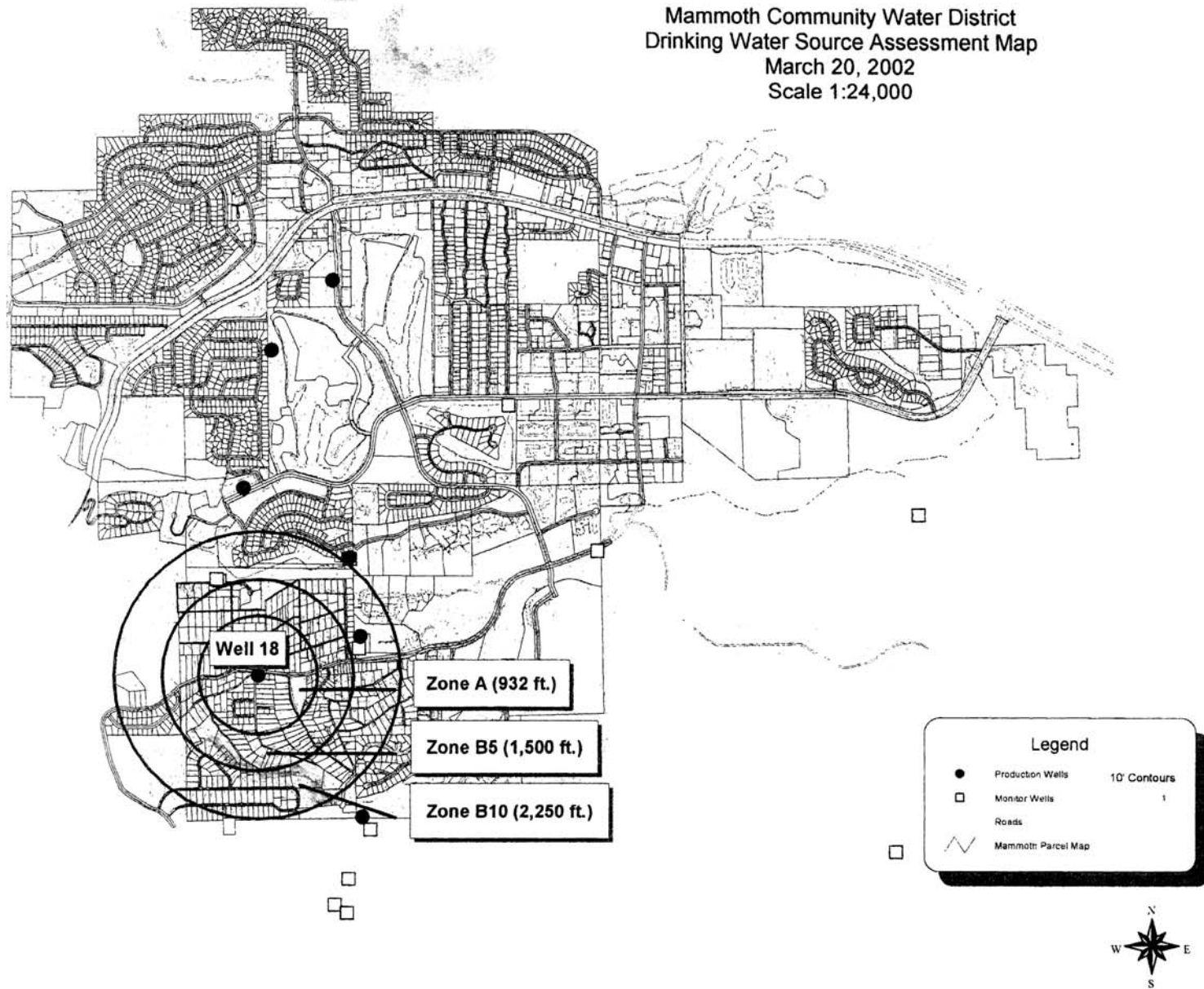


Figure 9 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 18

Mammoth Community Water District
Drinking Water Source Assessment Map
March 20, 2002
Scale 1:24,000

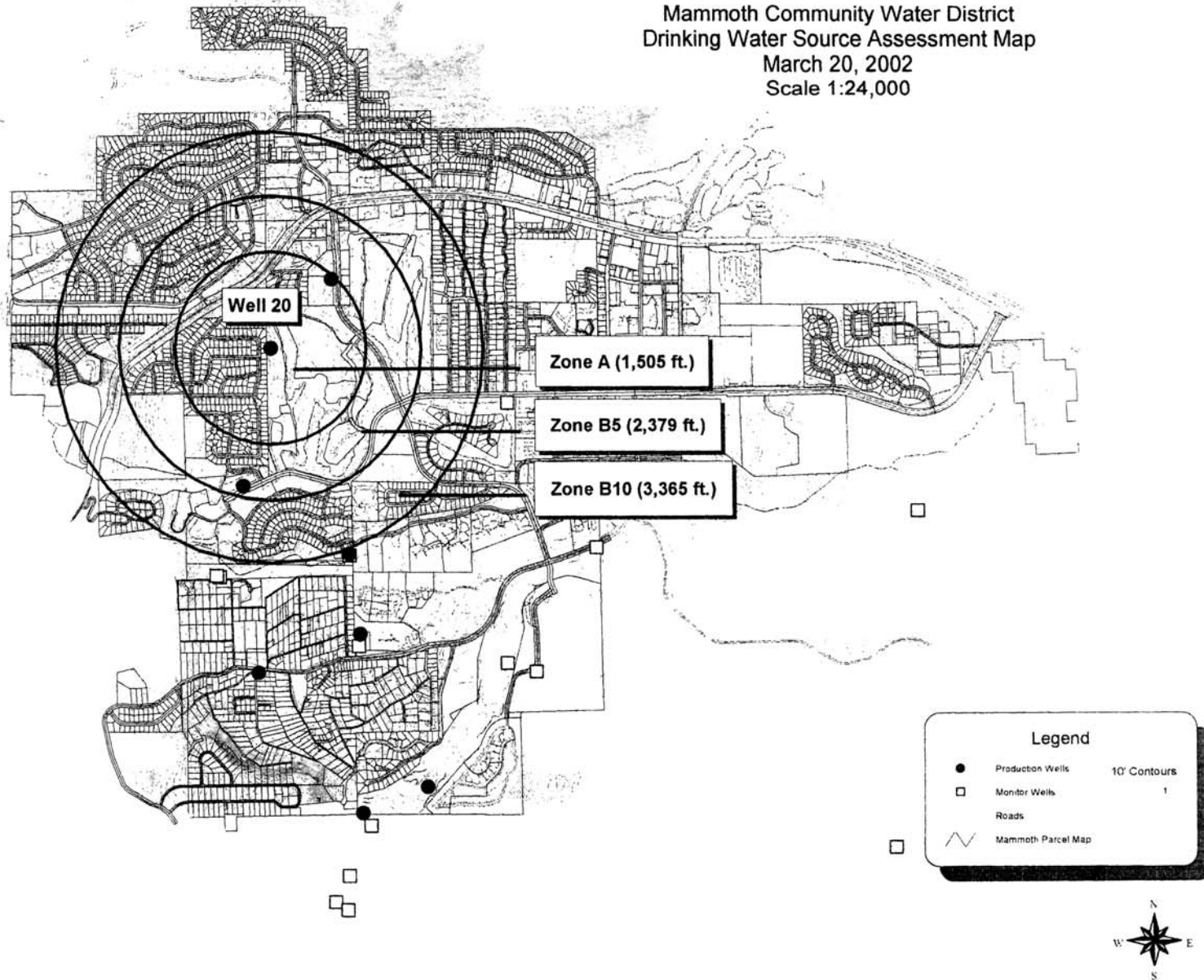


Figure 10 Mammoth Community Water District
Drinking Water Source Assessment Map
Well 20

such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, and specific development projects, following adoption of a new General Plan will occur within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The issue of wellhead protection would be considered at the time of proposed development to ensure that the production wells are adequately protected.

COMMENT 011-95

- Put north arrows and scales on all maps and show cross-sections on maps and their orientation.

RESPONSE 011-95

Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR contains two graphics. North arrows have been added. Both graphics have a scale. Cross sections are not relevant on these graphics.

COMMENT 011-96

- Madera County is to the west of Mono County.

RESPONSE 011-96

The comment is unclear as Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR does not refer to Madera County.

COMMENT 011-97**4.7 Land, Use and Planning**

1. Section 4.7.1.1 Existing Conditions (4-172) - Most of the Deadman Creek/San Joaquin Area is designated by Forest Service as Roadless, and has potential only for non-motorized recreation uses. Please correct this vague statement.

RESPONSE 011-97

Section 4.7.1.1 of the Final Program EIR has been revised to add the word non-motorized to describe the type of potential recreational development that could occur in the Deadman Creek-san Joaquin Area. The inclusion of the word does not alter the analyses contained in the EIR.

COMMENT 011-98

Since most of planning area land is Inyo National Forest, this section is incomplete without a discussion of this fact. Further, since devil's Postpile National Monument is in the Planning Area, if it is, it must be included in analyses of traffic, recreation etc.

RESPONSE 011-98

The fact that most of the land within the planning area is within the Inyo National Forest is disclosed in the document. As indicated in Section 4.7.2.4 of the Revised Draft Program EIR, "The majority of the land within the Planning Area is National Forest land administered by the Inyo National Forest..." Devil's Postpile National Monument is located outside of the Planning Area. Buildout that is anticipated to occur under the Draft General Plan Update would occur within the UGB. The Revised Draft Program EIR contains an analysis of potential impacts in the Planning Area that would occur as a result of the incremental growth that would be allowed under the Draft General Plan Update.

COMMENT 011-99

Please also include a discussion of whether Madera County included in requested review and did Town check for consistency with Madera for consistence with their current and long range plans and factor these into cumulative analysis.

RESPONSE 011-99

A copy of the Revised Draft Program EIR was sent to Madera County. Madera County provided a comment letter on the EIR, indicating that the County did not have any issues or concerns with the analyses contained in the Revised Draft Program EIR. Please see Letter No. 007 for the letter from Madera County.

COMMENT 011-100

Further, some of the land in the Sherwin Range and along San Joaquin Ridge is either Wilderness or Proposed Wilderness. Please show where impacts on these areas wilderness were analyzed.

RESPONSE 011-100

As indicated in Response to Comment No. 011-98, buildout that is anticipated to occur under the Draft General Plan Update would occur within the UGB. The Revised Draft Program EIR contains an analysis of potential impacts in the Planning Area that would occur as a result of the incremental growth that would be allowed under the Draft General Plan Update. The impact that could occur in the surrounding wilderness areas would be an impact on biological resources. Section 4.3, Biological Resources, of the Revised Draft Program EIR contains an analysis of potential indirect impacts that could occur to biological resources within the Planning Area as a result of the increase in population that would occur under the Draft General Plan Update.

COMMENT 011-101

Also, there is some Indian Trust Land down along Hot Creek just at planning boundary. Please show where the Bureau of Land Management (trustees of this land) were contacted and included in analyses.

RESPONSE 011-101

The Town acknowledges that there is some Indian Trust Land down along Hot Creek just at the boundary of the Planning Area. As indicated in Section 8.3, Agency Contacts, the Bureau of Land Management was contacted during the preparation of the Draft EIR. In addition, as indicated in Section 9, Environmental Impact Report Distribution, a copy of the Revised Draft Program EIR was sent to the Bureau of Land Management. As such, the Bureau of Land Management, as trustees of the Indian Trust Land, were included in the process.

COMMENT 011-102

San Joaquin ridge [sic] is Northwest of Town not north. The Sherwin Bowl is not a location; it is an aborted ski area proposal that has been eliminated from the General Plan Update. The wording should be "Sherwin Ridge of the Sierra Nevada".

RESPONSE 011-102

Section 4.7.1.1 has been revised to more clarify the San Joaquin Ridge is located to the northwest of the Town and to revise the reference to Sherwin Bowl as Sherwin Ridge of the Sierra Nevada. These edits, which serve to clarify the text of the EIR, do not alter the analyses contained in the EIR.

COMMENT 011-103

Finally, please show where the Motocross Track has been included in the description and in the analyses. In particular, please address air quality (dust & fumes), noise, traffic, water quality, and cumulative impact.

RESPONSE 011-103

The Motocross track is an existing use and as such is contained in the existing conditions. Motorcross has been in existence for about 30 years. An annual event is held there each year for about 10 days in June. A special use permit is required to hold the annual event. The annual event does not occur on a peak design Saturday, which falls in the winter. Therefore, no specific analysis for Motorcross is necessary.

COMMENT 011-104

2. Table 4.7.1 Comparison of Existing and Proposed Land Use Designations (4-174) - there is no justification given in the text for many of the changes reflected in the columns, including but not limited to:

- Under Resort, one of the changes listed is to allow higher densities within 500 yard of a ski lift based on pedestrian access. The use of 500 yard (which is over ¼ mile) is never justified or analyzed in the document. Considering that ski lifts are used in winter under adverse conditions requiring boots and carrying skis or boards, we believe that 500 yard is way too great a distance. If density transfers are allowed, and we don't think they should be, then we purport that 500 feet is the furthest distance that could be justified.

RESPONSE 011-104

Table 4.7-1 of the Revised Draft Program EIR provides a summary comparison of the existing land use designations contained in the 1987 General Plan and the proposed land use designations contained in the Draft General Plan Update. The purpose of the table is simply to provide a comparison so that the public and decisionmakers can easily see the relationship between existing and proposed land uses. The column entitled changes provides notes regarding the differences. As indicated in the column, for the R designation, the Draft General Plan Update would allow an increase in densities within 500 yards of a ski lift terminus through transfers from the HDR-2 or other Resort Properties. The table does provide the rationale for the change. The increase that would be allowed would be based upon pedestrian access to the ski lifts. With regard to the distance, a standard acceptable walking distance used by the traffic engineering profession is typically 1,325 or approximately one-quarter of a mile. However, the Town determined that 500 yards, or 1,500 feet, would be appropriate.

However, the Town may remove the provision of density transfers from the Draft General Plan Update. Should this occur, distance would no longer be an issue. The removal of the density transfers would also mean that the traffic analysis would overstate the potential impacts as the traffic model assumes density transfers as indicated in Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR. In addition, the traffic noise and air quality analyses are based on the traffic study, and therefore, should the density transfers be deleted, these analyses would also overstate the potential impacts.

COMMENT 011-105

- What is Industrial Low Density Residential? Is this purely a typographical error in table?

RESPONSE 011-105

Table 4.7-1 provides a comparison of existing and proposed land use designations. As indicated in Table 4.7-1, areas that are designated SP (Specific Plan) and IP (Institutional Public) under the existing General Plan are designated OS (open Space), IP (Institutional Public), NF (National Forest), NVSP (North Village Specific Plan), I (Industrial), LDR-2 (Low-Density Residential) or A (Airport). The table provides the abbreviation for the designations followed by the full title in a list format. The Industrial and Low-Density Residential words were not separated in the table, although the designations were provided preceding the words. As can be seen by the abbreviations, Industrial and Low-Density Residential are two separate designations. Table 4.7-1 has been revised in the Final Program EIR to clearly separate the descriptions of the designations.

COMMENT 011-106

3. Table 4.7.2 Incremental Development (4-175) - the current General Plan shows some residential units in the Resort zone. Where are these listed in the update? And, where do townhouses and fractional ownership units get listed? The uncertainty in the number of people per unit must be discussed. We believe that these values will tend to increase due to much larger and more deluxe units, timeshares and fractional ownership, and a maturing residential population with a changing ethnic mix with more children. A 10% variation in these assumptions could result in large population changes that must be included in the analyses.

RESPONSE 011-106

Table 4.7-2 of the Revised Draft Program EIR provides the incremental development in terms of residential units and population that would occur from existing conditions (2004) to buildout (2024) under the Draft General Plan Update. The information is presented by unit type, which includes single family non-transient, single family transient, multi-unit non-transient, multi-unit transient, and mobile homes. Townhouses and fractional ownership units would fall under the multi-unit non-transient or multi-unit transient category. With regard to the number of people per unit, as indicated on Table 3-4 the Town assumes 2.4 persons per unit for permanent (non-transient) residences and 4.0 people per unit for seasonal, visitor, lodging and second home (transient) residences.

With regard to variables that affect numbers of people per unit, the assumptions used in the Draft General Plan Update analysis reflect a change and update from the assumptions used in the 1987 General Plan. In addition, for analysis purposes the maximum development scenario was developed. In other words, transient housing, which would result in greater population, was assumed in any zone that allows transient housing even if it is feasible that non-transient housing could be developed. Therefore, the assumptions used for the Draft General Plan Update analysis are conservative and contain a built-in buffer for changes that may occur over time.

COMMENT 011-107

4. Special Conservation Planning (SCP) and Open Space Stream Corridor (OSSC) (4-175) - there are more conditions attached to these designations than listed in this section. The most important are the provisions for special reviews and consideration by the Planning Commission. These designations strongly reflect citizens, [sic] concerns with the impact on our natural environment and should be carefully analyzed. The elimination of these provisions must be carefully and fully justified.

RESPONSE 011-107

The purpose of the discussion of SCP, OSSC or RR on page 4-175 of the Revised Draft Program EIR is simply to describe the specific residential land use designation and their definitions. The descriptions are not intended to provide the provisions for special review or processes associated with the designations.

With regard to the Special Conservation Planning (SCP) areas within the Draft General Plan Update, all of the policies and objectives of the SCP overlay in the 1987 General Plan have been included in the Draft General Plan Update. With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, while the SCP overlay has been removed in the Draft General Plan Update, the protection policies remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy.

COMMENT 011-108

5. Open Space, Institutional/Public Facilities and Specific Plan Area-Updated Plan (4-178) - this topic is in the wrong place. It should be in the preceding Existing subsection not in the Updated Plan section.

RESPONSE 011-108

The comment is not clear. The organization of the referenced section in the Revised Draft Program EIR is to provide the designations within the existing General Plan and then the

corresponding designations that are being proposed in the Draft General Plan Update. Please see Table 4.7-1, which provides a descriptive comparison of the existing and proposed land use designations. Also, please see Figures 3-3 and 3-4 for the existing and proposed land use designations, respectively, to see the locations of the different land use designations.

COMMENT 011-109

Industrial use is never discussed as a topic in this section, although a never justified industrial park is mentioned.

RESPONSE 011-109

In the process of preparing the Draft General Plan Update, the Town determined that additional industrial land was necessary. The total area of Industrial designated land was, therefore, increased in approximate proportion to the expected increase in permanent population and peak persons at one time. In particular, an area in the eastern portion of the Town that is presently designated Institutional Public is proposed to be designated Industrial.

COMMENT 011-110

6. Fig 4.7.1 Town Owned Parcels (4-180) - this map does not include the Trails End Park. Also, please identify the parcel at Manzanita and Main Street with a label.

RESPONSE 011-110

The comment is acknowledged. Trails End Park was inadvertently omitted from the graphic. Figure 4.7-1 has been revised in the Final Program EIR to show the Trails End Park. The parcel at Manzanita and Main Street is now private land and therefore is not identified in Figure 4.7-1 as a Town owned parcel. In addition, Figure 4.7-1 has also been revised in the Final EIR to correct the label on the parcel at Old Mammoth Road and Tavern Road to reflect the Park-N-Ride lot rather than the Police Facility Site.

COMMENT 011-111

7. National Forest Land (4-181) - the existing RV park is never acknowledged in any text or map and yet it is within the area designated IP on the new Land Use Map. What is the intent for the RBI Park which plays a significant role for the Towns' summer visitors? Since it is within the UGB it, [sic] be included in impact analyses- traffic, air, water, population, cumulative impacts etc.

RESPONSE 011-111

The existing RV park is located on Federal land within the Town's UGB. As such, the RV park is not under the Town's jurisdiction. The site is designated IP on Figure 3-4, which shows the proposed land use designations. The PAOT for existing and future use of the land is loaded in the

traffic model. As an existing use, the use is accounted for in the existing conditions analyses, including traffic, air quality, water, and population. There are no known plans for changes to occur on the land at this point in time. Since the RV park is existing, the use does not meet the definition of a related project for consideration in the cumulative analysis.

COMMENT 011-112

The text of the last paragraph on this page states that the additional Industrial area and the additional Mammoth Lakes Foundation area uses are addressed in the DPEIR. However, we have been unable to find this discussion. No justification or discussion of these land exchanges can be found. Please provide details and analysis.

RESPONSE 011-112

The sentence indicating that the proposed uses, the potential industrial park and in the eastern one-third (approximately 22 acres) and the western portion (approximately 15 acres) of the area known as East Gateway site, are included in the EIR means that the analysis of the Draft General Plan Update buildout assumes maximum development that could occur on these lands. In other words, the trips associated with the development of the industrial park and potential residential uses on the western portion have been included in the traffic model. Therefore, the traffic analysis and analyses linked to the traffic numbers (i.e, air quality and noise) include the development of these lands. Likewise, the analyses that are dependent on build out population numbers would also include the potential future development of these lands. With regard to land exchanges, the Revised Draft Program EIR analyzes the potential environmental effects of buildout of the Draft General Plan Update. The Town acknowledges that land exchange would be required for the development of the industrial park as well as the additional mammoth Lakes Foundation area. No details regarding a land exchange are available at this time. Any proposed future development would require site-specific environmental review.

COMMENT 011-113

Also, the Mill City recreational tract, MMSA Main Lodge area and other FS Land clearly outside the UGB should be identified as such. If there is consideration for including these areas in the UGB, discussion and analysis must be included. If there is no consideration, these areas should not be under discussion.

RESPONSE 011-113

As indicated in the Revised Draft Program EIR, several parcels such as Mill City Recreation tract and MMSA Main Lodge, have been discussed as potentially available for land exchanges. However, as further indicated in the EIR, since none of these exchanges have been initiated, it is speculative to analyze such land exchanges in the Revised Draft Program EIR. The discussion

included in the Revised Draft Program EIR is to disclose the information that is known regarding these lands.

COMMENT 011-114

Please include a mention of the Shady Rest Affordable housing parcel, and that it [sic] considerable wetlands. Also include discussion of the strong community interest in designating a portion of this parcel as a Park.

RESPONSE 011-114

A discussion regarding the Shady Rest Affordable Housing parcel is included in the Revised Draft Program EIR. Please see page 4-182 of the Revised Draft Program EIR under the subheading entitled Shady Rest Affordable Housing. Policy I.1.B.c. states that "The Town shall protect wetlands, wet meadows and riparian areas from impacts related to development." As such, development of the parcel would need to consider preservation of the wetlands. Any activity within a jurisdictional wetland would be required to comply with applicable regulations, including a U.S. Army Corps of Engineers Section 404 Clean Water Act permit. The Town acknowledges the community's strong interest in designating a portion of the Shady Rest Affordable housing parcel as a park. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-115

8. Section 4.7.2.3 Airport Land Use Plan (4-185) - please include discussions of the fact that much of the land is committed by a Development Agreement and any effects of the fact that the airport is under County control through the ALUP. Also include the cumulative impacts.

RESPONSE 011-115

A Development Agreement was approved for the future development of the airport area. The Draft General Plan Update is consistent with the uses allowed under the Development Agreement. In other words, there is no conflict between the Draft General Plan Update and the Development Agreement. As indicated in Section 4.7.2.3, Airport Land Use Plan, of the Revised Draft Program EIR, "The Mammoth/June Lake Airport Land Use Plan (ALUP) establishes a comprehensive land use plan that defines the type and pattern of future development in the 28 square mile area surrounding the existing Airport." The section also clearly indicates that the ALUP was prepared by the County of Mono and federal agencies, together with the Mono County Airport Land Use Commission. The section provides a brief history of the airport and its annexation into the Town's UGB. As indicated in the Revised Draft Program EIR, the Draft General Plan Update is consistent with the adopted ALUP and with amendments to it.

With regard to cumulative impacts, the airport is appropriately analyzed as part of the Draft General Plan Update buildout since the airport is within the UGB and would develop in accordance with the Draft General Plan Update (as well as the Development Agreement and the ALUP). As such, the analysis for the airport development is contained in the buildout and not as a cumulative project.

COMMENT 011-116

9. Section 4.7.2.4 Inyo National Forest Plan (4-186) - this section is incomplete. Just allowing INF to comment should not relieve the Town from reviewing and analyzing the Forest Plan to make sure the proposed General Plan Update is consistent with the Forest Plan. Please compare and analyze the two plans.

RESPONSE 011-116

Section 4.7.2.4 of the Revised Draft Program EIR presents an overview of the Regulatory Framework. In other words, the section provides a discussion regarding other applicable plans that need to be considered. Issue 4.7-2 provides an analysis of the Draft General Plan Update relative to other applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. The Forest Plan is considered in this section. As indicated in Section 4.7.2.4, the majority of the land within the Planning Area is National Forest land administered by the Inyo National Forest. The Inyo National Forest Land and Resource Management Plan (the Forest Plan) establishes the management, direction, and long-range goals for the Inyo National Forest. The Forest Plan for the Inyo National Forest provides management direction, sets objectives, and provides a framework to address major public issues and management concerns. The forest is divided into 20 management areas, each with a different set of management prescriptions that apply to it, and each has specific direction. Chapter 4 of the Forest Plan provides the Forest Goals, Forest Objectives, Forest-wide Standards and Guidelines, Management Prescriptions, and Management Area Direction. As indicated in the Revised Draft Program EIR, the Town of Mammoth Lakes is within Management Area #9. The Management Area Direction contains nine issue areas, including: cultural resources, facilities, fish, geology, lands, recreation, visual resources, water, wildlife. Table 8 on page 227 provides an analysis of consistency of the Draft General Plan Update with the Forest Plan Management Area Direction for Management Area 9. As shown in Table 8, the Draft General Plan Update would not conflict with any of the management area directions.

Table 8**Consistency of the Draft General Plan Update with the Forest Plan Management Area Directions for Management Area 9**

Forest Plan Management Area Direction	Consistency with Management Direction
<u>Cultural Resources</u>	
• Maintain and enhance cultural resource interpretive sites such as Mammoth Creek cabin, VIS cabin, Indian Caves.	The Draft General Plan Update contains policies and implementation measures with regard to the preservation and protection of cultural resources. The interpretive sites mention in the Forest Plan Management Area Directions are located outside of the Town's UGB and therefore, would not be directly impacted by development that would occur under the Draft General Plan Update.
<u>Facilities</u>	
• Allow development of new ski base areas commensurate with local transportation system planning.	The Draft General Plan Update would not conflict with the direction. In fact, the necessary environmental review would include a traffic analysis to identify potential impacts on the transportation system.
<u>Fish</u>	
• Maintain productivity of the Hot Creek fishery in Section 25, Township 3 South, Range 28 East.	
• Maintain resources affecting Hot Creek Fish Hatchery.	
• Study Laurel Pond for introduction of fish in coordination with California Department of Fish and Game.	Laurel Pond is located approximately 5.5 miles southeast of the Town on Forest Service land. The Draft General Plan Update addresses development within the UGB.
• Manage according to Hot Creek Wild Trout Management Plan of 1986.	
<u>Geology</u>	
• Continue to cooperate with and coordinate geophysical exploration and research with the scientific community.	The Draft General Plan Update would not conflict with the Forest Service ability to cooperate with and coordinate geophysical exploration and research with the scientific community. As indicated in Section 4.4, a working group has been convened to explore geothermal possibilities. The Draft General Plan Update would not adversely impact the potential for future direct use, and may support efforts to that end.

Table 8 (Continued)

Consistency of the Draft General Plan Update with the Forest Plan Management Area Directions for Management Area 9

Forest Plan Management Area Direction	Consistency with Management Direction
Encourage continued geologic exploration and research relating to post-caldera formation, seismic and volcanic activity and the prediction of future seismic activity and volcanic eruptions.	The Draft General Plan Update, which provides the community's vision and direction for buildout of the Town, would not conflict with the Forest Service's ability to continue exploration and research relating to post-caldera formation.
Where appropriate, emphasize geothermal resources at interpretive sites or in guides that cover the area.	The Draft General Plan Update, which provides the community's vision and direction for buildout of the Town, would not conflict with the Forest Service's ability to emphasize geothermal resources at interpretive sites or in guides that cover the area. In fact, the Town supports the potential use of geothermal resources as discussed above.
<u>Lands</u>	
- Exchange Forest Service lands into the private sector for community expansion when: - The most appropriate use of the National Forest lands over the long term is in the private sector; - State, county, local and Forest Service planning processes identify and support conveying ownership of the parcel from National Forest System status to the private sector; and - The use intended for the federal land being exchanged meets the intent of the current approved Community General Plan.	
Allow no federal land exchanges north of State Route 203 with the Mammoth Lakes community during this planning period.	The Draft General Plan Update would not conflict with the Forest Service direction regarding land exchanges north of SR 203. The Draft General Plan Update addresses land exchanges but does not require such exchanges to occur and does not anticipate any exchange north of 203.
Present proposed developments on National Forest System lands to other governments for their comment when those governments have a vested interest in the proposal.	The Draft General Plan Update would not conflict with this direction regarding development on USFS land.
Allow development on National Forest System land when it is clearly demonstrated that the infrastructure of a community can support the demands of the proposed development and benefits from development outweigh adverse impacts on the community.	The Draft General Plan Update would not conflict with this direction regarding development on USFS land. The USFS and the Town cooperate regularly on development projects that could affect land outside their jurisdiction.

Table 8 (Continued)**Consistency of the Draft General Plan Update with the Forest Plan Management Area Directions for Management Area 9**

Forest Plan Management Area Direction	Consistency with Management Direction
<u>Recreation</u>	
• Provide trail interface opportunities with the community of Mammoth Lakes.	
• Maintain open-space areas adjacent to the Town of Mammoth Lakes for passive recreation use.	
• Prohibit dispersed camping throughout the Management Area.	The Draft General Plan Update would not conflict with this direction as the Draft General Plan Update provides the community's vision for buildout of the Town within the UGB.
• Prohibit development of Shady Rest Park beyond existing perimeter roads, and north of the powerline rights-of-way.	
• Allow development of Mammoth Creek Park by the Town of Mammoth.	The Draft General Plan Update would not conflict with this direction.
• Identify and program the expansion potential of the Shady Rest and Sherwin Creek Campground complexes and develop as funds become available.	
• Fully develop the interpretive potential of the Hot Creek geologic site as funds become available.	The Draft General Plan Update would not conflict with the Forest Service's ability to develop the interpretive potential of the Hot Creek geologic site. The Draft General Plan Update provides the community's vision for buildout of the Town within the UGB.
<u>Visual Resources</u>	
• Develop a corridor viewshed analysis and plans that include State Route 203 and U.S. 395.	The California Department of Transportation (Caltrans) has designated U.S. 395 as a scenic highway, which includes the stretch from the Mammoth-June Lake Airport to the Mammoth Scenic Loop. State Highway 203 is eligible for designation as a scenic highway in its entirety but has not been formally established as such. The Draft General Plan Update places emphasis on the scenic corridors. The area direction for the Forest Service would in fact support the efforts of the Town with regard to scenic highways. As such, the Draft General Plan Update would not conflict with this direction.
• Mitigate the visual impacts of existing major uses in the area seen from U.S. 395 and State Route 203 east of the Town, as this is the major gateway to the Mammoth area.	As indicated above, the Town places emphasis on the scenic highways and the Town's gateway. As such, the Draft General Plan would not conflict with this direction.

Table 8 (Continued)**Consistency of the Draft General Plan Update with the Forest Plan Management Area Directions for Management Area 9**

Forest Plan Management Area Direction	Consistency with Management Direction
<u>Water</u>	
Allow development on National Forest System lands in the Mammoth/June area where adequate water is available after natural resource needs are met. Allow for the exploration and development of new water sources on National Forest System lands for community purposes only when such opportunities have been exhausted on private lands.	The Draft General Plan Update would not conflict with this direction as the General Plan addresses development within the UGB.
Support state water quality control requirements and local ordinances to mitigate adverse impacts of urban runoff onto National Forest System lands.	The Draft General Plan Update contains numerous policies and implementation measures regarding water quality. All development projects would be required to comply with all applicable state and local requirements with regard to runoff.
<u>Wildlife</u>	
Continue to enhance and maintain waterfowl habitat at Laurel Pond.	The Draft General Plan Update would not conflict with this direction as development would not occur at Laurel Pond as this water body is located approximately 5.5 miles southeast of the Town on Forest Service land.
Maintain the integrity of key winter ranges, holding areas, migration routes, and fawning areas for mule deer.	The Draft General Plan Update contains several policies and implementation measures to reduce potential impacts to wildlife corridors and wildlife movement. Please see Issue 4.3-4 of the Revised Draft Program EIR. As indicated in Section 4.3, impacts on deer populations would be less than significant because project implementation would not impact migration corridors, or substantially reduce populations, and fragmentation of habitat would be reduced as development would occur within the UGB.
<i>Source: PCR Services Corporation, 2007</i>	

COMMENT 011-117

10. Issue 4.7-1 Physical Division of an Established Community (4-188) - there is no evidence or data provided to show that the many incompatibilities listed (noise, lighting, circulation etc.) will be significantly mitigated by the new "opportunities". In this section, as in others, the writers seem [sic] miss the point that it doesn't help much to provide bike paths and more pedestrian access during our peak winter visitor periods.

RESPONSE 011-117

The topic discussed under Issue 4.7-1 of the Revised Draft Program EIR is whether or not the Draft General Plan Update would result in a land use pattern that would physically divide an established community. As indicated in the discussion under Issue 4.7-1, the Draft General Plan Update would provide overall a similar land use pattern as to the pattern that exists on the ground as well as a pattern that is similar to the land use pattern in the adopted General Plan. In other words, the land use pattern would not be altered to such an extent that an established community would be split into two or more areas thereby not maintaining its current functionality. The discussion regarding incompatibilities relates to the intensification of development adjacent to existing land uses. As indicated in the Revised Draft Program EIR, the incompatibilities with regard to events and activities, noise and lighting levels, circulation patterns, parking availability and traffic volumes, and infrastructure needs, would most likely occur where residential neighborhoods adjoin resort nodes, including lands around North Village, Snow Creek and Juniper Ridge. The bike paths and pedestrian access that are referred to would serve to substantially offset the incompatibilities since these features would improve mobility and access as well as serve as buffers and transitions between adjacent uses. The policies and implementation measures of the Draft General Plan Update serve to create a community that is integrated and cohesive. The policies and implementation measures do not provide for a roadway or public project that would physically divide an established area within the community.

COMMENT 011-118

Comments on specific implementation measures are:

- I.3.A.1.a - Make sure the connection of trails is year round.

RESPONSE 011-118

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-119

- 1.3.A.1.b - Parking and or transit is necessary for the access to be meaningful, and must be included.

RESPONSE 011-119

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the

comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-120

- II.1.B.a - this measure allows "mini marts," but citizens have almost unanimously asked for a second supermarket which would also relieve congestion around Vons. Please show where is [sic] this concern is included in the DPEIR.

RESPONSE 011-120

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-121

- IV.1.A.b.1 and 2 - these measures clearly negate the concept of any meaningful UGB. Automatic consideration of exchanged land as non-contiguous development sites or adjustments to the boundary mean that there is no boundary.

RESPONSE 011-121

The Implementation Measures referred to in the comment deal with the Mammoth Yosemite Airport and access to the Town by air. However, the comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-122

- VII.1.A.a.6 and 8 - include "year round"

RESPONSE 011-122

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-123

We strongly disagree with the conclusion that the proposed development doesn't physically divide the community or any neighborhood. Looking at the map makes it obvious that the major nodes to be extensively developed as pedestrian friendly resorts (North Village, Lodestar, and Juniper Springs) require connector roads running through them. Mammoth Knolls, the Slopes and Majestic Pines residential neighborhoods will be cut off from the rest of the Town by the intense resort development. These neighborhoods are not planned for any substantial transit service in discussions to date and heavy winter snows often make pedestrian use other than down the middle of the street impossible. With intense development only getting started at Lodestar and NV and with the Eagle Lodge base facility yet to be built, it is almost impossible to get to and from Mammoth Knolls and either the Slopes or Majestic Pines neighborhoods.

RESPONSE 011-123

The Draft General Plan Update does not allow for building new streets, which could physically divide an established community within the Town. The land use pattern proposed in the Draft General Plan Update does provide for resort nodes where more intense development would be located. However, as indicated in Response to Comment No. 011-117, the Draft General Plan Update would provide overall a similar land use pattern as to the pattern that exists on the ground as well as a pattern that is similar to the land use pattern in the adopted General Plan. The purpose of providing bike paths and pedestrian walkways through resort areas is to provide non-vehicular access through a development area. The Town currently has an extensive transit network that will continue to expand as the growth occurs within the UGB.

COMMENT 011-124

The Transportation and Circulation section in this document does not consider the impact of over 20,006 resort visitors, most of whom the Town hopes will be pedestrian, on traffic flow to and from residential neighborhoods. Movement of pedestrians, through the proposed roundabouts in winter is also not considered. It is very shortsighted to say no mitigation is required since the problem is already severe and can only get worse.

RESPONSE 011-124

Within Section 4.13, Transportation and Circulation, Issue 4.13-4 analyzes impacts associated with hazards due to design features and Issue 4.13-7 analyzes impacts related to conflicts with adopted plans, policies or programs supporting alternative transportation. Within these discussions, the Revised Draft Program EIR considers numerous policies and implementation measures related to providing safe and efficient pedestrian facilities, which include the following: I.7.B.c.3, II.1.A.a.1, II.1.B.b.1, II.1.C.a.2, VI.1.D.a.1, VI.1.D.a.2, VII.1.A.a.1, VII.1.A.a.2, VII.1.A.a.3, VII.1.A.a.4, VII.1.A.a.5, VII.1.A.a.6, VII.1.A.a.7, VII.1.A.a.8, VII.1.B.a.4, VII.1.B.b.4, VII.1.B.c, VII.1.D.a.3, VII.2.A.a.2, VII.2.B.b.1 and VII.3.B.a.3.

Although more visitors and pedestrians would occur in the future, with implementation of the applicable policies and implementation measures in the Draft General Plan Update, pedestrian operation and safety Townwide would improve when compared to existing conditions. With regards to roundabouts, prior to the development of a roundabout, site-specific design review by the Town would ensure that pedestrian movement would occur in a safe and efficient manner at that particular location. In addition, the planning roadway capacities used in the EIR traffic analysis included a 1 to 7 percent reduction to roadway capacity due to the presence of pedestrian crossings. In addition MFP Project No. ST-22 Pedestrian Crossing Improvements would implement pedestrian crossing enhancements at key locations throughout town. These improvements could include a pedestrian activated signal if warrants are met in accordance with the Traffic Design Manual.

COMMENT 011-125

11. Issue 4.7-2 Conflicts with Adopted Plans and Ordinances (4-191) - the comparisons between plans must be based on what the current General Plan shows in term of number of units, population etc. and not some calculated number based on some updated assumptions. For instance, the current plan considers about 13,000 units not 17,396. It would also be more useful if the large increase in units from today were more clearly delineated.

RESPONSE 011-125

Table 3-5 of the Revised Draft Program EIR provides a comparison of the incremental development for buildout of the Draft General Plan Update and the existing General Plan. In addition, as indicated in Table 4.7-4 of the Revised Draft Program EIR, there are currently 9,871 dwelling units in the Town. The Draft General Plan Update would allow for an additional 6,839 dwelling units totaling 16,710 residential units. The existing General Plan allows for 17,396 residential units. The number of residential units that would be allowed by the existing General Plan at buildout accounts for the State density bonuses that are required by State law to be allowed in local jurisdictions. Using the previous number for the existing General Plan of approximately 13,000 units is not correct as it does not account for State legislation that is applicable but which occurred after the adoption of the existing General Plan. Please see Response to Comment No. 011-25 for a discussion regarding the potential buildout under the existing General Plan.

COMMENT 011-126

No justification can be found for the concluding sentence. "...increase in population... Would not conflict with the USFS Plan." The FS plan does not deal with the huge increase in visitors (over 20,000 more at one time over current numbers). In fact, the Forest Plans and policies set limits on how many people can use the ski area at one time, and most wilderness trailheads within the Town Planning Area already have daily quotas. These quotas are often filled with today's number of visitors.

RESPONSE 011-126

The Inyo National Forest Land and Resource Management Plan (the Forest Plan) establishes the management, direction, and long-range goals for the Inyo National Forest. The Forest Plan for the Inyo National Forest provides management direction, sets objectives, and provides a framework to address major public issues and management concerns. The Forest Plan considers population growth from a state-wide and regional perspective. As indicated in Section 3, Project Description, the Draft General Plan Update does not allow for growth beyond the growth that could occur under the existing General Plan. However, the USFS will continue to manage the resources within Inyo National Forest to ensure the protection of the resources. Maximum caps can and are applied to special use permits. For example, MMSA operates under a special use permit, which contains a maximum number of entries. In addition, as indicated in the comment, daily quotas are used and will continue to be used in order to protect the resources in the National Forest.

COMMENT 011-127

Also please recognize and discuss the potential restriction of vehicle traffic in the Lakes Basin and provide data on projected use at build out.

RESPONSE 011-127

The purpose of the Revised Draft Program EIR is to analyze the Draft General Plan Update as defined. The Revised Draft Program EIR provides an analysis of the April 2005 Draft General Plan Update. As the restriction of vehicular traffic was not identified as part of the project, it is not analyzed in the Revised Draft Program EIR. The prohibition of traffic in the Lake Basin is a separate issue that would need to be analyzed in a separate study. Regardless, the model assumes the development of 117 additional Resort Hotel rooms in the Lakes Basin TAZ. This increase in land use resulted in an increase in traffic volumes along Lake Mary Road entering the Lakes Basin area of 258 PM peak-hour trips on a typical winter Saturday. The summer volumes of approximately 4,200 ADT are considerably higher but the peak hour is expected to be similar to the typical winter Saturday.

COMMENT 011-128

No evidence is presented to indicate that the policies and regulations of FS are not conflicted in the DPEIR mitigation measures. A point by point discussion must be provided since INF controls the majority of the land within the Town planning area.

RESPONSE 011-128

The policies and implementation measures as well as the mitigation measures in the Revised Draft Program EIR would be applicable to development that would occur within the UGB. As such, there is no overlap between the Forest Service policies and the policies and implementation measures and mitigation measures in the Revised Draft Program EIR. The land within the Inyo

National Forest is primarily outside the UGB. As indicated in Section 3.7.I of the Revised Draft Program EIR, the Draft General Plan Update proposes a new land use category, National Forest (NF), which would be applied to lands administered by the Inyo National Forest that are outside the adopted UGB. National Forest lands within the UGB that are identified for IP uses are consistent with the Inyo National Forest land and Resource Management Plan Management Area 9 policies.

COMMENT 011-129**4.8 Noise**

1. Section 4.8.2.4 Existing Conditions (4-202) - please note the following: Recreation vehicles: There is no mention in DPEIR of the impact of increased recreation noise created from motorized recreational vehicles such as snowmobiles and dirt bikes. The State regulated allowable noise levels for OSV's [sic] and off-road vehicles are 95 Db. The OSV staging area is near the hospital, a noise-sensitive zone requiring limits of no more than 76ab daytime and 65dB at night. Also, no consideration has been given to the impact of recreational noise on other designated "sensitive areas" such as John Muir and Ansel Adams Wilderness and town residences. No study was done on these noises.

RESPONSE 011-129

As a point of clarification, the State regulated allowable noise level for OSVs and off-road vehicles is 96 dBA, but when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Thus, noise levels at greater distances than 20 inches are substantially lower. In general, noise levels from a stationary source (e.g., staging area for recreational vehicles) decrease by 6 dBA per doubling of distance. In addition, the Town's standards are in terms of L50 or approximately the equivalent of the average noise level. Thus, instantaneous noise from a motorized recreational vehicle pass-by event would not exceed the Town's noise standard. Existing noise from recreational activities was discussed on page 4-206 of the Revised Draft Program EIR and noise measurement data was provided in Table 4.8-7. Section 4.8 acknowledges an increase in the number and frequency of high-noise recreational vehicle use (such as snow jets, power boats, and motorized bikes), and other similar sources. The Draft General Plan Update would provide for additional growth, which would result in an increase in these types of outdoor activities. However, the USFS has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day. Enforcement of such maximum capacity rules would help limit potential recreational noise levels. Furthermore, as discussed in Section 4.12, Recreation, a number of Policies and Implementation Measures are contained in the General Plan Update to help alleviate issues such as overcrowding of recreational facilities. Specifically, Implementation Measure IV.1.A.c.1 would support the development of facilities and services that enhance mid-week visitation thus assisting to reduce weekend visitation which is currently the peak visitation time. In addition, the Draft General Plan Update does not propose any specific development projects. Any

specific development projects would be required to comply with standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Specific projects would be reviewed on a case by case basis and mitigation measures would be developed, if necessary.

COMMENT 011-130

Snow removal: No mention or study of noise generated from increased truck traffic to haul snow slue to fewer in-town storage areas as vacant lots are developed. It is possible, if not probable, that this noise would occur largely at night. Please provide an analysis of this impact.

RESPONSE 011-130

As discussed on page 4-203 of the Revised Draft Program EIR, Section 8.16.100 of the Noise Ordinance provides an exemption for the performance of emergency work such as may be required to prevent or alleviate personal or property damage caused by an emergency. Although not specifically cited as such in the Noise Ordinance, the Town considers snow removal activities for purpose of public safety as emergency work when it occurs on public roadways, in parking lots, or around places of business. As such, no further analysis is necessary.

COMMENT 011-131

2. Issue 4.8-3 Increase in Ambient Noise (4-209) - the increase is attributed to traffic doubling in volume. There are three generally accepted ways to mitigate exterior noise impacting inside a residence: closing windows, using ventilating systems or an air conditioning system, and increased (structure) set-back of the residence. None are viable in Mammoth, with its moderate temps in warm seasons (no air conditioning), dependence on natural air circulation, and premium on land (no room for setbacks). A fourth mitigation measure, the construction of buffers and landscaped berms, also disregards the current allowable densities and land availability. The impact on previously existing residences (developed without these mitigations) is not discussed,

RESPONSE 011-131

As indicated in Section 4.8 of the Revised Draft Program EIR, the Draft General Plan Update does not include any specific development projects. However, implementation measures provided in the Draft General Plan Update would serve to reduce traffic noise impacts. Specifically, Implementation Measure I.4.A.a.2 requires noise created by new transportation noise sources, including roadway improvement projects, to be mitigated so as not to exceed 60 dB Ldn in outdoor activity areas of 45 dB Ldn within interior spaces of existing noise-sensitive land-uses. In addition, Implementation Measure 5.2 of the Noise Element already requires an acoustical analysis in those cases where a project potentially threatens to expose noise-sensitive land uses to excessive noise levels.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The issue of traffic noise would be evaluated at a project-specific level. Recommended mitigation measures, such as those provided in the comment would be considered on a project-specific basis.

COMMENT 011-132

It has not been shown that "significant ambient noise levels are" unavoidable. Please analyze (1) no density bonuses, where not required by State law, that would mitigate traffic noise and (2) not putting additional workforce housing in IP areas, like the South Gateway, that would mitigate noise in a sensitive area (such as a school, library, or single family residential zone).

RESPONSE 011-132

The analysis provided in the Revised Draft Program EIR provided an estimate of traffic conditions that includes assumptions of density bonuses and workforce housing in IP areas. Elimination of those uses and programs is not necessary to achieve a less than significant impact. With regard to affordable housing in the IP zone, as discussed in Section 3.0, Project Description, of Volume I to the Final Program EIR the IP designation allows for public facilities and institutional uses. As these uses are among the largest employers within the Town, affordable housing, as defined by the Town, would be permitted on IP lands located south of Meridian Boulevard and east of Old Mammoth Road. The portions of the comment regarding allowing density bonuses beyond the minimums required by State law and affordable housing in IP zone expresses an opinion with regard to the Draft General Plan Update. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

Implementation measures provided in the Updated Plan would serve to reduce noise impacts to future residential uses within the IP from traffic noise. Specifically, Implementation Measure I.4.A.a.1 requires new development of noise-sensitive land uses shall not be permitted in areas exposed to existing or projected future levels of noise from transportation which exceed 60 dB Ldn in outdoor activity areas or 45 dB Ldn in interior spaces. In addition, Implementation Measure 5.2 of the Noise Element already requires an acoustical analysis in those cases where a project potentially threatens to expose noise-sensitive land uses to excessive noise levels. As indicated in Section 4.8 of the Revised Draft Program EIR, the Draft General Plan Update does not propose any specific development projects. Environmental review would be required for development projects.

In addition, any development projects would be required to comply with standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

COMMENT 011-133

In the section on noise levels due to ongoing construction, what is not discussed is the impact on sensitive areas adjacent to the areas that will experience this increased noise level. While these noises are called "temporary in nature" in the DPEIR, the construction projects will go on for periods exceeding 7 to 10 years.

RESPONSE 011-133

The Town Noise Ordinance identifies specific restrictions regarding construction noise. As outlined in Section 8.16.090 of the Town Noise Ordinance and presented in Table 4.8-4 of the Revised Draft Program EIR, the Town has established maximum exterior noise levels from the operation of equipment used in construction, drilling, repair, alteration or demolition work. All mobile and stationary internal-combustion-powered equipment and machinery is required to be equipped with suitable exhaust and air-intake silencers in proper working order. As discussed on page 4-213 of the Revised Draft Program EIR, construction activities associated with future specific projects would be temporary in nature and would occur in accordance with the Town Noise Ordinance during the daytime hours and within prescribed noise limits. While the Town concurs that construction activities associated with the Draft General Plan Update would continue for 20 years, it is not contemplated that a specific sensitive receptor would be exposed to construction noise levels for the same time period because construction would conclude at one location and would then occur at another site.

COMMENT 011-134

3. Issue 4.8-5 Airport Noise Levels (4-215) - It states that there are no noise sensitive land uses and no people living within the CNEL 65 area. There has been no discussion of future development in that area, only that "currently" there is no one living within the sensitive area. This section does not take into account future planned land use identified in the Airport Land Use Designation, identified in the General Plan to include 250 visitor lodging units, 50,000 feet of commercial development, and potentially an RV Park.

RESPONSE 011-134

As discussed on page 4-204 of the Revised Draft Program EIR, the Final SSEIR for the Mammoth Yosemite Airport Expansion Project has a relatively small size of CNEL 70 and 75 noise exposure areas. The area exposed to aircraft noise levels of CNEL 65 and higher remains within the airfield boundary of the Airport on either Airport property or vacant land controlled by the Airport through leases or use permits. There are no noise sensitive land uses and no people living within the

CNEL 65 noise exposure area. Implementation of the General Plan Update would not expose any new sensitive land uses to noise levels from the airport that would be incompatible.

As discussed in Section 4.7.2.3, Airport Land Use Plan, on page 4-185 of the Revised Draft Program EIR, the County of Mono and federal agencies, together with the Mono County Airport Land Use Commission, prepared and adopted the 1986 Mammoth/June Lake Airport Land Use Plan (ALUP). (The airport has since been renamed the Mammoth Yosemite Airport.) The ALUP establishes a comprehensive land use plan that defines the type and pattern of future development in the 28 square mile area surrounding the existing airport. It also creates an Airport Development District within which future airport development may occur. Surrounding land uses are planned with respect to airport compatibility and other factors. As such, the ALUP provides a framework for the orderly growth and development of the airport over the next 20 years. As discussed on page 3-14 of the Revised Draft Program EIR, the area is designated Airport (A). Facilities and services associated with aviation including hangars, fueling, and fixed base operator services are permitted uses. Supporting uses including automobile rental, transient lodging, retail uses, and a RV park may be permitted. The A zone is designated for 250 visitor accommodation units and approximately 50,000 square feet of commercial development.

COMMENT 011-135

4.9 Population, Housing & Employment:

1. Inconsistent with the General Plan - All of the following items are inconsistent, and must be corrected, then reanalyzed:

- Pg. 2-9 of the DPEIR states that the maximum density units for the North Village Specific Plan are 3,020 and maximum with density increases is 3,800. However, the General Plan, page 1-32 says the maximum is 3,320.

RESPONSE 011-135

The Revised Draft Program EIR is consistent with the Draft General Plan Update with respect to reference of the North Village Specific Plan. The Land Use Designations section of the Draft General Plan Update (page LU-9) indicates that the maximum density under the North Village Specific Plan is 3,020 rooms and 135,000 square feet of commercial. The maximum density with increases is 3,800 rooms and 220,000 square feet of commercial. Consistent with the Draft General Plan Update, Section 2.0 Executive Summary of the Revised Draft Program EIR (page 2-9) indicates that the maximum density under the North Village Specific Plan is 3,020 rooms and 135,000 square feet of commercial (equivalent to 300 rooms). The text in this section of the Revised Draft Program EIR goes on to indicate that the maximum density with increases is 3,800

rooms and 220,000 square feet of commercial. The maximum density was used in the analyses contained in the Revised Draft Program EIR.

COMMENT 011-136

- Page 4-220 of the DPEIR results in 60,727 total population, but Page LU-4 of the General Plan results in a total population of 60,680 for the same number of units.

Since different categories are used in the two tables, analysis cannot be done. Please make the two figures consistent and re-analyze all related impacts.

RESPONSE 011-136

As indicated in Table 4.9-4 of the Revised Draft Program EIR, buildout of the Draft General Plan Update is expected to result in approximately 60,700 total population. The estimated population figure of 60,700 has been utilized throughout the analysis contained within the Revised Draft General Plan Update. The population provided in the Draft General Plan Update is 47 persons less than the maximum number used in the analyses. Since the EIR used a slightly greater number (the addition of 20 people), the slight discrepancy does not alter the analyses contained in the EIR. In essence, the EIR provides a worst case analysis by assuming a slightly greater population.

COMMENT 011-137

- Fractional Ownership is not evaluated anywhere in the DPEIR. This type of development presumes 48 to 50 weeks of occupancy per year, but there is no discussion of the different impacts resulting from this higher occupancy use.

RESPONSE 011-137

Fractional ownership units are a subset of housing that occurs in the Town. However, whether or not a unit is fractional ownership does not affect the number of residents that would occupy the unit. The General Plan Update, as with the existing General Plan, is based on the number of residential units and the populations, either permanent or seasonal/visitor. As indicated in Table 3-4, population assumptions are 2.4 persons per non-transient unit and 4.0 persons per transient unit. The analyses are based upon an average winter Saturday and do not factor in the annual occupancy per year. This results in a greater assumed impact than the annual average and therefore, is more conservative. Therefore, for purposes of the General Plan Update and the analysis contained in the Revised Draft Program EIR, the number of fractional ownership units is not necessary.

COMMENT 011-138

- Single Family Transient is listed in the DPEIR in Table 4.7--2 without a definition. The term Single Family Transient is not found anywhere in the General Plan.

RESPONSE 011-138

According to Section 17.36 of the Town Municipal Code, Single-Family Transient encompasses all detached dwelling units located within the resort and specific plan zones which are permitted by master plan and/or specific plan conditions to be rented out on a nightly basis.

COMMENT 011-139

- Neighborhood Commercial Overlay in residential zones is described in the General Plan, page CHS-21, without any discussion of the impacts of this designation in the DPEIR.

RESPONSE 011-139

As indicated in the comment, the Draft General Plan Update allows for development of neighborhood commercial in residential zones. As indicated in Policy II.1.B.a, "Town regulations provide opportunities for neighborhood commercial zoning as an overlay in residential zones." However, "The overlay is not intended as an extension of general commercial development, and uses are restricted to those that provide commercial services to the immediate neighborhood. This overlay may be applied only to lots on arterial or collector streets and will be limited to a maximum of one or two sites per neighborhood, depending upon walking distance." Neighborhood commercial in the residential zones would therefore likely be developed in isolated pockets. The location of neighborhood commercial uses would be primarily driven by the market. As such, no locations have been determined at this time. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. In the event that neighborhood commercial within a residential zone is proposed in the future, site-specific environmental analysis would be conducted to ensure conformance with the General Plan.

COMMENT 011-140

- There is no analysis of the regional fair share requirements in the DPEIR, which are current state law, although this information is referenced in the General Plan Housing Chapter. The referenced numbers in the Housing Element for Regional Fair Share through 2008 are different from what is incorporated in the General Plan. Please correct the numbers, and also analyze the fair share through 2024, the projected date used elsewhere in the DPEIR.

RESPONSE 011-140

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The numbers used throughout the analysis contained in the Revised Draft Program EIR for the Draft General Plan Update are consistent and reflect the incremental increase in growth that would occur from existing conditions to the buildout of the Draft General Plan Update. Nonetheless, the Town of Mammoth Lakes Housing Element provides an analysis of the regional fair share requirements provided by HCD. Housing element law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of the regional housing need. The purpose of the Revised Draft Program EIR is to evaluate potential impacts associated with buildout of the Draft General Plan Update. Nevertheless, as indicated in the Draft General Plan Update, as a result of the successes of the last Housing Element and programs that have been put in place, a number of housing units have been built, which have counted toward the Town's fair share of the regional housing need for the 2001 to 2008 period. In addition, there is a significant land inventory available to meet the Town's fair share of the regional housing need. As demonstrated in Table H-17 of the Draft General Plan Update, the Town has already met its requirement for low and above moderate income groups. Furthermore, the Draft General Plan Update provides a conservative estimate of affordable housing to be developed in the future, and based on this analysis, the Town will meet its share of the regional housing need by calculating the number of units that have been built since 2001, units that have been approved and are likely to be built, units that are statutorily required to be built as a result of inclusionary zoning, and units that will be built on property owned by the Town of Mammoth Lakes and dedicated for housing purposes.

COMMENT 011-141

- The Draft General Plan Housing Chapter refers to an increasing number of Southern California residents desiring to retire in a town like Mammoth Lakes, but there is no analysis within this section of the DPEIR to recognize this growing segment and its impacts on the community.

RESPONSE 011-141

As described in Section 4.9 Population, Housing, and Employment, of the Revised Draft Program EIR, the purpose of the Draft General Plan Update is to provide for the orderly growth of the Town, define the limits to that growth and act as a mechanism to accommodate and control future growth. While it is acknowledged that the Housing Chapter of the Draft General Plan Update refers to an increasing number of southern California residents desiring to retire in a town like Mammoth Lakes, the Updated Plan would neither induce nor foster, that is, cause this growth to occur. As described in Section 6.0 Other CEQA Considerations of the Revised Draft Program EIR, the General Plan does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As these regions grow, and southern California, as the dominant source of this demand,

will be under tremendous growth pressure for the next 20 years, demand on the recreational potential in and around the Town of Mammoth Lakes would also continue to grow. The Town of Mammoth Lakes cannot stem the demand being generated in other regions, but can only determine how much and how well to accommodate it, on the one hand, and how much of that demand to deflect to other recreational locales on the other.

COMMENT 011-142

- Page 4-229 indicates GP policy limits Shady Rest parcel to workforce housing. But, GP LD-8 wording is "intended primarily for workforce housing".

RESPONSE 011-142

Section 4.9 Population, Housing, and Employment in the Final Program EIR reflects revisions that have been made to address this issue. Specifically, the Revised Draft Program EIR originally indicated, "... the Updated General Plan contains additional policies such as limiting Shady Rest to workforce housing..." The Final EIR clarifies that the Shady Rest parcel would not be solely limited to workforce housing, but rather, it would be *primarily* limited to workforce housing. Specifically, the Final EIR indicates that, "...the Updated General Plan contains additional policies such as limiting Shady Rest to primarily workforce housing..." consistent with the language in the Draft General Plan Update. The revision does not change the overall conclusions of the Revised Draft Program EIR with respect to environmental analyses.

COMMENT 011-143

For all of the above inconsistencies, please provide a consistent number, and then re-analyze the impacts in the DPEIR based on a consistent number.

RESPONSE 011-143

As indicated in Response to Comment Nos. 011-13, 16, 19, 125, 126, and 135 through 137, the Revised Draft Program EIR did not have inconsistencies with the Draft General Plan Update such that any reanalysis is required. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-144

2. Average Peak Population - assumptions are made about average peak population without data or a good methodology. Provide data and a quantitative analysis to support the population levels listed in the DPEIR.

RESPONSE 011-144

Data and quantitative analysis to support the average peak population assumptions is included in the Revised Draft Program EIR. Specifically, as described in Section 4.9 Population, Housing, and Employment of the Revised Draft Program EIR, the average peak population represents the total number of people at one time (PAOT), which is considered an average winter Saturday. For the purposes of projecting PAOT, the Town applied a person/unit occupancy, based upon the census average of 2.4 people per household, for all units occupied by permanent residents and a person/unit occupancy of 4.0 to all remaining visitor, second home, and seasonal resident units. This figure was verified by the Town of Mammoth Lakes annual visitor survey and further verified through analysis which is detailed in Section 4.9 of the Revised Draft Program EIR.

COMMENT 011-145

3. Affordable Housing Statistics Inconsistencies - there is no analysis of how many units are actually needed. Please supply a quantitative analysis of the true need.

RESPONSE 011-145

The comment relates to the Draft General Plan and not the environmental analysis contained in the Revised Draft Program EIR. As indicated in the Draft General Plan Update, as a result of the successes of the last Housing Element and programs that have been put in place, a number of housing units have been built, which have counted toward the Town's fair share of the regional housing need for the 2001 - 2008 period. In addition, there is a significant land inventory available to meet the Town's fair share of the regional housing need. As demonstrated in Table H-17 of the Draft General Plan Update, the Town has already met its requirement for low and above moderate income groups. Furthermore, the Draft General Plan Update provides a conservative estimate of affordable housing to be developed in the future, and based on this analysis, the Town will meet its share of the regional housing need by calculating the number of units that have been built since 2001, units that have been approved and are likely to be built, units that are statutorily required to be built as a result of inclusionary zoning, and units that will be built on property owned by the Town of Mammoth Lakes and dedicated for housing purposes.

COMMENT 011-146

4. Housing Statistics Inconsistencies with Housing Element - throughout the Population, Housing and Employment section of the DPEIR, figures are used which are not consistent with the numbers in the Housing [sic]. Correct these errors, and re-evaluation [sic] this section based on consistent numbers.

RESPONSE 011-146

The commentor does not provide specific examples wherein the Revised Draft Program EIR is inconsistent with the Housing Chapter of the Draft General Plan Update. The Housing Chapter of

the Draft General Plan Update identifies housing needs in the Town, details current housing supply, available sites suitable for development of new housing, and policies to promote the development of housing for all income groups. As described in Section 4.9, Population, Housing, and Employment, of the Revised Draft Program EIR, the purpose of the Draft General Plan Update is to provide for the orderly growth of the Town, define the limits to that growth and act as a mechanism to accommodate and control future growth. In accordance with CEQA, the Revised Draft Program EIR provides a program-level analysis of potential environmental impacts associated with incremental growth that could occur between exiting conditions and the buildout of the Draft General Plan Update. No corrections to the numbers contained in the Revised Draft Program EIR are necessary.

COMMENT 011-147

5. Carrying Capacity (4-230) - is not adequately analyzed in the DPEIR. Provide data to support the statement that "the region has not reached a carrying capacity with respect to human habitation".

RESPONSE 011-147

As described in the Revised Draft Program EIR, the Town includes an Urban Growth Boundary (UGB), which limits the geographic area in which growth could occur. While there is no universally accepted formula for determining carrying capacity, most definitions refer to the largest number of a given species that a habitat can support indefinitely. When that sustainable level is surpassed, the resource base and the dependent population begin to decline. The recent increase in population and housing growth in the Mammoth Area indicates that the region has not reached a carrying capacity with respect to human habitation. In other words, there has not been a decline in human population in the recent past, which would indicate an exceedance of the carrying capacity. In addition, there is still land within the UGB that can be developed and is designated for future development. In other words, there is still room for growth within the Town. The purpose of the Revised Draft Program EIR is to provide an analysis of the projected growth that could occur based on the April 2005 Draft General Plan Update. Furthermore, the Town is not changing or enlarging the area covered by the UGB so that the amount and location of growth is controlled within the UGB thereby protecting the Town's carrying capacity.

COMMENT 011-148

6. Child Care - is referenced throughout the General Plan, but not mentioned in DPEIR. Please include data and an analysis.

RESPONSE 011-148

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The Draft General Plan Update addresses the issue as it considers the needs of the community, and acknowledges the

need for the provision of additional child care facilities. Implementation Measures II.1.E.a.1, II.1.E.a.3, and II.1.E.a.4 have been proposed to facilitate development of additional child care facilities. Specific locations for child care facilities have not been identified or analyzed in the Revised Draft Program EIR. As indicated in Section 1.0, Introduction, of the Revised Draft Program EIR, this document is a program-level EIR, which provides an overall preliminary evaluation of potential environmental impacts associated with a series of related actions characterized as one large project.

COMMENT 011-149**4.10 Public Services**

1. Responsibility of the Town - The Town, as the Lead Agency, is required to comply with SB 610 and SB 221 of 2001. Under SB 610, if the water supply deemed [sic] "insufficient", which is the case in point with the MCWD describing their supply as "insufficient" and "minimal", then the lead agency will approve or disapprove the project. Please include an analysis of both code sections in the DPEIR.

RESPONSE 011-149

Section 4.11.2.1 of the Revised Draft Program EIR provides a discussion of applicable water regulations, including SB 610 and SB 221. SB 610 requires the preparation of a water supply assessment for specific projects. SB 610, which was codified in the California Water Code, §10910 et seq., describes requirements for both water supply assessments and Urban Water Management Plans (UWMPs) and applies to the CEQA process. SB 610 requires that for specified projects that are subject to CEQA, the urban water supplier must prepare a water supply assessment that determines whether the projected water demand associated with a proposed project was included as part of the most recently adopted UWMP. Included in the requirements for a water supply assessment are the identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, and prior years' water deliveries received by the public water system. The water supply assessment must address project supplies over a 20 year period and consider average, dry, and multiple dry years. In accordance with SB 610 and Section 10912 of the Water Code such projects that are subject to CEQA include:

- Proposed residential development of more than 500 dwelling units;
- Shopping center or business establishment employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- Commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;

- Hotel, motel, or both, having more than 500 rooms;
- Industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- Mixed-use project that includes one or more of the projects specified in this subdivision; or
- A project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project (typical water use for 500 dwelling units: one acre-foot per two to three units).

The water supply assessment must be approved by the public water system at a regular or special meeting and must be incorporated into the CEQA document. The lead agency must then make certain findings related to water supply based on the water supply assessment. In addition, under SB 610, an urban water supplier responsible for the preparation and periodic updating of an UWMP must describe the water supply projects and programs that may be undertaken to meet the total project water use of the service area. If groundwater is identified as a source of water available to the supplier, additional information must be included in the UWMP, such as: (1) a groundwater management plan; (2) a description of the groundwater basin(s) to be used and the water use adjudication rights, if any; (3) a description and analysis of groundwater use in the past five years; and (4) a discussion of the sufficiency of the groundwater that is projected to be pumped by the supplier. As required by SB 610, the Revised Draft Program EIR contains a water supply assessment for the proposed buildout of the Draft General Plan Update. Even if the assessment determines that there are not sufficient water supplies for the project, there is nothing to prevent the agency from approving the project, so long as the agency "include[s] that determination in its findings for the project."²

SB 221, on the other hand, requires written verification from the water service provider that sufficient water supply is available to serve a proposed subdivision or that the local agency make a specified finding that sufficient water supplies are or will be available prior to completion of a project. While SB 221 applies to residential subdivisions of 500 units or more, Government Code Section 66473.7(i) exempts “. . . Any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.” SB 221 applies at the time of procession a tentative map. Verification are considered "fail-safe" because, unlike projects subject to assessments, a tentative subdivision map may not be

² Water Code Section 10911, subdivision c.

approved if sufficient water supplies are not determined to be available. However, as indicated previously SB 221 applies only to residential subdivision of 500 units or more.

Therefore, SB 610 is applicable as the Draft General Plan Update would allow more than 500 additional residential units. The required water supply assessment was prepared by MCWD and is provided in Section 4.11 of the Revised Draft Program EIR.

COMMENT 011-150

2. Referenced Water Assessment Amendment, MCWD, 11-4-2005 - Please note the following:

- Detailed methodology (described as a "new methodology") - the computations and assumptions need to be provided in the DPEIR to provide confidence in these very critical water supply and demand numbers [sic]

RESPONSE 011-150

Table 4.11-4 of the Revised Draft Program EIR summarizes the past, current, and projected water use including the water demand for the Draft General Plan Update. Table 4.11-4 provides a comparison of the water demand under the existing General Plan and the Draft General Plan Update. For clarification purposes, Table 4.11-4 has been revised in the Revised Final Program EIR to provide the water demand by sector for the Draft General Plan only. The estimated water demand is based on the average annual water use per unit, which is used for planning purposes such as estimated future demands and UWMP projections. The consumption rates were developed for the Draft General Plan Update Water Supply Assessment based upon the categories that were provided by the Town, such as multi-unit non-transient. To develop rates for these categories, several MCWD billed categories were added together. In addition, the consumption rates were based upon the 2004 demand rates, which represented the most current information at the time of the analysis. Please see Response to Comment No. 010-19 for a table that provides a comparison of the MCWD billing unit type, the unit type used in the Draft General Plan Update and EIR, the factors by use as well as a comparison with the numbers provided in Table 4.11-4 of the Revised Final Program EIR.

COMMENT 011-151

- MCWD acknowledges that water supply is "minimal" during 2 and 3 year dry periods. The term "insufficient" is used to describe the supply as the Town nears build out. These tables must be extended to at least a 5 year dry period, and better still to a 7 year dry period, as these lengthy dry periods are known to occur in this area (Wildermuth 2003).

RESPONSE 011-151

The 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District's water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District's water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

COMMENT 011-152

- An estimate should be made of confidence in the accuracy of the estimates (25%, 50% and so forth)

RESPONSE 011-152

The Town and MCWD have confidence in the projections made for water demand and water supply. In fact, the projections are conservative in that the water demand assumes 100 percent buildout and existing occupancy trends of the uses. While the Town and the District have confidence in the analysis, the issue regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a water

supply crisis situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 011-153

- An estimate of an adequate safety margin for water supply must be included [sic]

RESPONSE 011-153

As indicated in Response to Comment No. 011-152, the item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 011-154

- The number of units used by MCWD and the charts provided for new development by the town differ. Also, the new units appear to use an infinitesimal amount of water, without explanation. Finally, the new fractional units, expected to be occupied at higher levels than other visitor lodging units, are not analyzed. Please provide detailed data and assumptions used.

RESPONSE 011-154

MCWD unit type for billing purposes does not match the unit type used by the Town in the 2005 Draft General Plan Update. A table has been prepared which provides the consumption rates and a comparison of unit type. Please see Response to Comment No. 011-150 for a discussion regarding the factors used as well as Response to Comment No. 010-19 for the table which provides a comparison of the factors.

COMMENT 011-155

Please note we have asked our attorneys, Shute, Mihaly & Weinberger LLP, to provide a review and comments on the legality of this section. You will receive their comments in a separate letter. We have reviewed their comments and completely concur with their response.

RESPONSE 011-155

The comment is acknowledged. The Town received the letter prepared by Shute, Mihaly & Weinberger LLP which provided comments on Section 4.11.1.1, Water Supply, of the Revised

Draft Program EIR. Please see Comment Letter No. 010 as well as Response to Comment Nos. 010-11 through 010-28 for responses to comments regarding water supply.

COMMENT 011-156

3. Issue 4.10-1 Service Ratios, Response Times or Other Performance Objectives for Fire Protection (4-240) - no discussion is included of how volunteers will be used in the future, or of the number of volunteers needed under the plan. Further, there is no analysis of how the 275% increase in permanent staffing would be reached. Also, there is mention of land for a third fire station within the implementation measures, without discussion of the location or funding to add this station. There is also no analysis of the sources for the remaining 42% of funding for the required future facilities and equipment.

RESPONSE 011-156

Mammoth Lakes Fire Protection District (MLFPD) is and will remain to be a fire department primarily made up of volunteers (Personal Communication with Tom Heller, Fire Marshal, MLFPD, October 18, 2006). Therefore, volunteers would continue to be utilized as the Town builds out under the Draft General Plan Update. As discussed in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR, buildout of the Draft General Plan Update would require approximately 11 full-time firefighters in addition to existing full-time firefighters and volunteers. The additional full-time personnel are not intended to replace the volunteers but rather to complement them as the Town's fire protection needs increase as build-out of the Town occurs.

As discussed in Section 4.10.1.1, Fire Protection, of the Revised Draft Program EIR, a third fire station is planned in the future to provide increased fire protection services within the Town. However, the third fire station is no longer planned near the North Village area as indicated within this Section. Upon further consideration by MLFPD, the future station is planned near Main Lodge where it would better serve the needs of the Town (Personal Communication with Tom Heller, Fire Marshal, MLFPD, September 28, 2006). Information regarding the exact location of the fire station will be disclosed when an appropriate location has been secured. Section 4.10.1.1 of the Revised Final Program EIR has been revised to reflect this change. Please note that this new information does not alter the conclusions made in this Section with respect to fire protection services. With regard to funding sources for future fire protection personnel, facilities, and equipment including the third fire station, as indicated in Section 4.10.4, Impacts and Mitigation, future fire protection personnel, facilities, and equipment would be funded by development impacts fees as well as a percentage of the Town's property taxes.

COMMENT 011-157

Finally, there is no mention of the potential for buildings to exceed the previous 55 foot limit. The General Plan implementation measures allow higher buildings, and the recent proposals by

Mammoth Mountain Ski Area include 80-100 foot high buildings. Also, a proposed amendment to the Sierra Star Specific Plan asks for a 200 foot high building. No analysis is made of additional impacts on structural fires in taller buildings. Please provide a complete analysis of the impacts on Fire Protection.

RESPONSE 011-157

Structural fire hazards are addressed in Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR. As described in Section 4.5, Mammoth Lakes Fire Protection District (MLFPD) implements fire-safe regulations such as requiring adequate clearance of flammable vegetation around individual structures to prevent the spread of fire between wildlands and structures. In addition, MLFPD requires that adequate road widths and load capacities are provided and maintained to ensure the ready movement of fire engines, bulldozer transport units, and other heavy firefighting equipment. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with large-scale development plans such as the Town of Mammoth Lakes General Plan Update. Subsequent analysis of specific development projects is required at an individual level within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. All development projects would be required to comply with the Uniform Fire Code, and through the environmental and project review process, would be subject to review by MLFPD to ensure adequate fire protection is provided. Issues such as building height would be considered in the review of new development by the Town and the MLFPD. Therefore, the analysis in the Revised Draft Program EIR concludes that potential impacts from structural fires would be less than significant.

COMMENT 011-158

4. Issue 4.10-2 Service Ratios, Response Times Or Other Performance Objectives For Police Protection (4-242) - while this section now provides service ratios for different segments of the proposed 60,700 build out population, no basis is provided for the ratios, nor is there substantiation that these ratios are appropriate for the Town of Mammoth Lakes. Please also provide a comparison of actual current activities, such as arrests, to the identified categories of permanent, seasonal, and second homeowner and visitor populations.

RESPONSE 011-158

The sworn-officer to resident/visitor ratios for the Town are based on the State of California's law enforcement performance standard which strives to provide one officer for every 1,000 people residing in a community. However, given the Town's influx of seasonal visitors, Mammoth Lakes Police Department (MLPD) determines the "resident population" based on the Town's average daily population. In doing so, MLPD ensures that a sufficient number of officers

are provided throughout the year for both permanent and seasonal visitors. The Town City Council has determined that the ratio and approach used by the MLPD is appropriate for the Town.

The comment requests information regarding current police activity within the Town. Table 9 below provides data regarding police activities for 2005, which are broken down by number of calls, police reports, and arrests.

Table 9

Town of Mammoth Lakes 2005 Police Activity

Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Calls	450	476	417	347	300	381	426	371	291	309	278	432
Reports	311	360	269	196	145	136	158	99	124	125	157	192
Arrests	69	56	47	38	39	31	38	28	39	37	42	48

Source: Mammoth Lakes Police Department, October 2006

COMMENT 011-159

This section also references the Manzanita Street town-owned property indirectly as a potential site for a police facility, while this section has been elsewhere identified for Workforce Housing. Also, on page 4-243, sentences refer to fire protection, which is not the topic of this issue.

RESPONSE 011-159

The Town's property on Manzanita Street was once under consideration as a potential site for the construction of a new police station. However, this is no longer the case. The Town will utilize this property for workforce housing (Personal Communication with Randy Schienle, Police Chief, MLPD, October 12, 2006). Section 4.10.4, Impacts and Mitigation, of the Revised Final Program EIR has been revised to reflect this change. Please note that this new information does not alter the conclusions made in this Section with respect to police protection services. Please refer to Response to Comment No. 039-26 for information pertaining to the newly proposed location for the police station.

The comment regarding page 4-243 of the Revised Draft Program EIR is acknowledged. The text should refer to police protection facilities, vehicles, and equipment not fire suppression facilities, vehicles, and equipment. Section 4.10.4, Impacts and Mitigation, of the Final Program EIR has been revised to indicate police protection facilities, vehicles, and equipment.

COMMENT 011-160

Further, this section identifies private security as an amenity provided by new development, without any data or analysis of the impact on town-provided police protection.

RESPONSE 011-160

In accordance with Policy and Implementation Measures II.1.C.a.1 and IV.1.A.c.2 of the Draft General Plan Update, the Mammoth Lakes Police Department would recommend individual development projects to implement security and/or crime prevention measures, as appropriate, to help reduce the incidence of crime within the Town. These measures would serve to help support law enforcement within the Town and, to some extent, help reduce impacts on police protection services. However, these measures are not intended to replace the need for police protection personnel below the established sworn-officer to resident/visitor ratios presented in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR.

COMMENT 011-161

Finally, there is also no analysis of how the additional 13 officers required by this plan will be funded.

RESPONSE 011-161

Please note that an EIR is not required to analyze or discuss funding sources for projects. Nevertheless, as stated in Section 4.10.4, Impacts and Mitigation, future police protection personnel, facilities, and equipment would be funded by development impacts fees as well as the Town of Mammoth Lakes General Fund.

COMMENT 011-162

5. Issue 4.10-3 Service Ratios, Response Times or Other Performance Objectives for Schools (4-244) - there is no analysis of the number of school age children who would be living in newly developed Workforce Housing, or in Mufti-Family Residential rentals and condominiums. The capacity projections are noted for single family homes only. Therefore, the capacity numbers are incomplete and must be re-analyzed.

RESPONSE 011-162

The comment is acknowledged. The Town recognizes that all permanent (i.e., non-transient) residential uses, not just the 2,380 single-family residential units, have the potential to generate students within Mammoth Unified School District (MUSD) service boundaries. As outlined in Section 3.0, Project Description, non-transient uses include 2,091 multi-family units and 144 mobile homes in addition to the 2,380 single-family residential units. Single-family transient and multi-family transient units are not anticipated to generate students as these units would be inhabited by visitors. The Town contacted MUSD to obtain student generation factors for multi-family units and mobile homes. MUSD does not have student generation factors for these uses. Therefore, the Town has applied the single-family residential student generation factor used in the EIR (0.499 students per unit) to the multi-family units and mobile homes. It should be noted that because multi-family units and mobile homes would normally generate less students than single-

family residences, the analysis presents a worst-case scenario. Based on this generation factor, build-out of the General Plan Update would result in approximately 2,303 students, which is approximately 1,000 students over MUSD's existing capacity of 1,290 students. As discussed in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR, all development projects are required to comply with Senate Bill 50 (SB 50), which requires the payment of new school construction facility fee. Pursuant to the provisions of Government Code Section 65995, the payment of SB 50 fees by a developer serves to mitigate all potential impacts on school facilities that may result from implementation of a project. Therefore, despite the increase in the total number of students that was projected in the Revised Draft Program EIR, potential impacts to schools would remain less than significant. The text within Section 4.10.4 of the Final Program EIR has been revised to reflect the analysis above. As previously stated, this new information does not alter the conclusions made in this Section with respect to schools.

COMMENT 011-163

Also, there is no analysis of the traffic impact of getting students to and from the schools at the stated capacity either in this section or in the Transportation & Circulation section.

RESPONSE 011-163

The highest traffic congestion occurs during winter weekends, when school is not in session. Regardless, the traffic model does include school land uses and does assign trip generation to the schools. The trip generation associated with schools on Saturdays would generally consist of traffic generated by meetings, sports events, and social clubs. The Mammoth Lakes model assumes that the school uses generate roughly 700 to 800 vehicle trips per day on a typical winter Saturday. The mitigation measures in the Revised Draft Program EIR would result in LOS D or better along roadways and at intersections. Thus, adequate capacity would be available to transport students. The Mammoth Lakes Capital Improvement program also includes the construction of a signal or roundabout at the Sierra Park Road/Meridian Boulevard intersection, which will result in adequate traffic operations at this intersection during weekday peak hours.

COMMENT 011-164

6. Issue 4.10-4 Service Ratios, Response Times Or Other Performance Objectives For Other Public Facilities (4-247);

Library -- Although the new location is mentioned, there is no analysis of the impact of increased traffic at the new location either in this section or in Traffic & Circulation.

RESPONSE 011-164

Construction of the new library, which is located at 401 Sierra Park Road, began in Spring 2006 and is expected to be complete in Fall 2007. As discussed in Section 4.10, Public Services, of

the Revised Draft Program EIR, library services within the Town are operated by Mono County. Mono County, as the lead agency, confirmed that the appropriate environmental documentation was prepared to analyze potential impacts associated with the new library (Personal Communication with Bill Michael, Mono County Librarian, September 28, 2006). With regard to the traffic analysis for the new library in the Revised Draft Program EIR, the land uses contained in the traffic model that was used for the traffic analysis in Section 4.13 of the Revised Draft Program EIR assume buildout of the Town under the Draft General Plan Update. Land use assumptions include such things as the new library, if the location is known. With the case of the library, the location was known and therefore, the traffic generated by the new library is included in the analysis.

COMMENT 011-165

Roadway Maintenance/Snow Removal - no analysis is provided for the traffic impact that will result from trucking snow out of the UGB.

RESPONSE 011-165

The peak-hour traffic movements generated by snow hauling is limited by the available equipment fleet in the community. More importantly, many snow removal companies schedule activities to avoid the peak traffic volumes. For example, snow removal companies tend to take meal or rest breaks during the peak traffic periods, in order to avoid delays to their operations and the Snow Dump Pit the Town operates is open from 11:00 PM to 12:00 noon after storms are over. In addition, the contribution of snow hauling traffic is considered negligible relative to the total traffic volume on the roadways. Therefore, a specific analysis relative to snow removal is not warranted.

COMMENT 011-166

Hospital Services - the DPEIR states that the Hospital emergency room is considered adequate without providing substantiating data. The population figures provided by the Hospital are not consistent with those used elsewhere in the DPEIR. Please provide and analyze consistent population statistics and ratios of inpatient, outpatient and emergency rooms beds for the projected population levels.

RESPONSE 011-166

In 2001, Anshen & Allen Architects completed a comprehensive study of Mammoth Hospital for Southern Mono Health Care District to determine the expansion required for the hospital to accommodate the needs of future growth within the Town.³ In the study, an average peak population of 60,000 people was assumed as a basis for determining the amount of expansion required throughout the hospital's existing facilities. Upon completion of the study, a 38,000-square

³ *Personal Communication with Gary Meyers, CEO, Mammoth Hospital, October 12, 2006.*

foot expansion of the hospital including nine additional emergency room beds and three additional inpatient beds was determined as discussed in Section 4.10.1.6, Hospitals and Health Services, of the Revised Draft Program EIR. The expansion, which is 90 percent complete, is expected to be operational Winter 2006/2007. With the newly expanded facilities, the hospital emergency room as well as the other hospital facilities would be adequate to serve the existing and projected population anticipated under at buildout of the Draft General Plan Update. However, future expansions may still be required as determined through future studies, and Southern Mono Health Care District does not have funding allocated for facilities within the full 20-year time frame needed for build-out of the General Plan. To be conservative and present a worst-case scenario, the Town concludes that the potential impact to hospital and health services is significant and unavoidable, as the Town does not have ultimate control over these services. Mammoth Hospital is privately owned and operated and the Town cannot require Mammoth Hospital to expand and/or construct additional facilities.

With regard to the existing population figure contained throughout the Revised Draft Program EIR (34,265) and the existing population figure referenced by Mammoth Hospital in Section 4.10.1.6 (25,000), no discrepancy exists. The figures refer to distinct scenarios and therefore, are not comparable. The Revised Draft Program EIR figure refers to existing 2004 population within the Town while the Mammoth Hospital figure refers to the population the current emergency room, without the expansion discussed above, is considered adequate to service (not necessarily existing population). As noted above, with the new expansion, nine additional emergency room beds and three additional inpatient beds will be provided which will be adequate to accommodate existing as well as future population in the Town.

COMMENT 011-167

Please supply a quantitative analysis of each of these other Public Services.

RESPONSE 011-167

The comment is somewhat vague. It appears to request that a quantitative analysis be provided for libraries, roadway maintenance and snow removal, and hospital and health services. With regard to libraries, as discussed in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR, Mono County concluded that upon construction of new library in Mammoth Lakes, library facilities would be adequate to accommodate buildout of the General Plan Update. Therefore, no additional quantitative analysis is necessary. With regard to roadway maintenance and snow removal, a quantitative analysis to determine potential impacts is not feasible as potential impacts are dependent primarily on weather conditions not population. With regard to hospital and health services, please refer to Response to Comment 011-166 where an expanded discussion of the analysis provided in the Revised Draft Program EIR is presented.

COMMENT 011-168**4.11 Public Utilities**

1. Section 4.11.1.1 Existing Conditions Water Supply (4-253) - please reply to all of the following:

- This section references a "different methodology" was used to develop new water supply figures in the Assessment. What is this methodology? Details of both methods need to be provided to understand how the supply figures were generated.

RESPONSE 011-168

As described in Appendix E of the Revised Draft Program EIR, in response to agency and community comments received on the February 2005 Draft EIR for the Draft General Plan Update, the Town revised the Draft General Plan Update (the project) and issued a Notice of Preparation for the Revised Draft Program EIR on August 15, 2005. The April 2005 Draft General Plan Update involved changes to population data, number of residential units, and non-residential floor area compared with the previously defined project. The change in the project definition would result in a change in the projected water demand previously provided by MCWD. In addition, after receiving comments on the water assessment document, the District further evaluated its water supply and demand calculations and has developed more detailed information that provides greater clarity on supply and demand issues. Therefore, MCWD provided a supplement to the water supply assessment, which is provided in Appendix E of the Revised Draft Program EIR. Section 4.11.1.1 of the Revised Final Program EIR has been revised to remove reference to a different methodology. Please see Response to Comment No. 010-19 for a discussion regarding factors used to calculate water demand.

COMMENT 011-169

- Also on page 4-253, leave out the reference to "and not by groundwater" in the assessment of snowmelt.

RESPONSE 011-169

The statement made on page 4-253 regarding the source of surface water is accurate. Please see Comment No. 006-3 regarding the issue of the source of groundwater. Although the District did not request the deletion of the phrase on page 4-253 of the Revised Draft Program EIR, the phrase "and not be groundwater" has been deleted in the Final Program EIR. The revision does not alter the conclusions reached in the analysis contained in the EIR.

COMMENT 011-170

- The General Plan states that water comes 50% from groundwater and 50% from surface water. However, current demand in Table 4.11-1 shows 2,760 from surface and 4,000 from groundwater. Please explain how these are equal number or correct the statement throughout both documents.

RESPONSE 011-170

As shown in Table 4.11-1, approximately 2,760 acre feet of water was provided from Lake Mary (surface water). This represents approximately 40 percent of the 6,760 acre feet. Table 4.11-2 indicates of the Revised Draft Program EIR indicates that approximately 1,200 acre feet of water was pumped from wells in 2005. This represents approximately 18 percent of the total. Section 4.11.1.1 of the Revised Final Program EIR has been revised to correct the percentages. This change in the text does not alter the conclusions reached in the EIR with regard to water supply.

COMMENT 011-171

- Please analyze the effect of canceling the Master Operating Agreement between the USFS and MCWD.

RESPONSE 011-171

The Master Operating Agreement between the USFS and MCWD relates to surface water supply. As indicated in Section 4.11 of the Revised Draft Program EIR, the District currently has the right, through two licenses and one permit, to divert a total of 2,760 acre-feet of water annually from Lake Mary, located in the Mammoth Lakes Basin. The authorized amount of water that the District can divert under its surface water rights are set at a maximum instantaneous diversion of 5.039 cubic feet per second (cfs) and a maximum annual diversion of 2,760 acre-feet (AF). As part of this total, the District is allowed to store 606 acre-feet from April 1 to June 30 and an additional 54 acre-feet from September 1 to September 30 of each year. The District's water rights are restricted by several management constraints that influence the amount of surface water that can be diverted. These include the bypass flow requirements in Mammoth Creek and lake level management of Lake Mary. The primary influence upon the amount of water that the District may store or divert are the bypass flow requirements in Mammoth Creek that are included as part of the District's water rights. The District measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. The District is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at the District's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and the District must bypass all incoming flows to Lake Mary.

While the District must currently operate under the bypass flow requirements, there is potential for these requirements to become modified in the future due to their temporary nature. The District is currently preparing an EIR that evaluates the environmental effects of the proposed bypass flow requirements for Mammoth Creek. The outcome of this EIR and the resulting decision by the State Water Resources Control Board could modify the existing temporary bypass flows to a different regime that could result in less surface water being available to the District. However, while potential reductions in surface water supplies in the future are a possibility, the amount of these reductions is currently unknown.

The pending cancellation of the Master Operating Agreement between the District and the USFS is disclosed in Section 4.11 of the Revised Draft Program EIR. As the consequences are speculative at this time, no analysis can be provided.

COMMENT 011-172

- Page 4-256 - please clarify whether the groundwater levels recover or just "tend" to recover. The supply well production plots would indicate that water levels recover somewhat but over several years, however the recovery (water levels) is less than the year before. It would appear that the aquifer is over drafted. Well interference is commonly exhibited by the supply wells. A "cone of depression" (Schmidt) exists in the well field.

RESPONSE 011-172

During dry-year periods, the District's monitoring data has shown that groundwater levels within the Mammoth Basin tend to decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and tend to recover after two years of normal precipitation. In fact, in 2006, of the District's eight production wells, two have fully recharged to historical high levels, two have recharged to within 10 feet of historical high levels, and two have recharged to within 30 feet of historical high levels. In 2006, of the District's 15 monitoring wells, eight recharged to levels at or higher than the historical high and five have recharged to within just a few feet of historical highs. The District has recently expanded its monitoring program to add additional monitor wells and improve monitoring frequency in production wells. Based upon data that has been collected from all monitor and production wells since 1992, there is no evidence that the aquifer is overdrafted. With regard to a cone of depression, the Annual Groundwater Monitoring Report for 2005-2006, notes on page 3 that the "cone of depression due to pumping of District wells was limited in size, and did not extend east of the easterly District monitor well (no. 14)." A cone of depression occurs in all aquifers when water is pumped from a well and the cone of depression around District's wells does not extend beyond the District's production well field.

None of the District's water supply wells has exhibited well interference, which is when the cone of depression for two wells overlap. Ken Schmidt's annual groundwater monitoring reports have shown some interaction between several production wells that are located in proximity to each other.

COMMENT 011-173

- The Cal Trout petition re: Mammoth Creek needs to be considered, including the concerns over stream flows and water rights. What would be the effect on water supply of moving the gauging station location on Mammoth Creek?

RESPONSE 011-173

The District has done some internal analysis to determine the effect on water supply of moving the gage and maintaining the existing bypass flow requirements at the downstream gaging station. Regression analysis shows that a different flow regime would likely be utilized at the 395 gage based on the recommended flows at the Old Mammoth Road gage. The amount of water available to the District should the gage be moved with the same bypass flow requirements would likely be less than is currently available, but the amount would depend largely upon the type of water year experienced in the existing year and previous years leading up to the existing year. The District has estimated that a reduction in surface water supplies of between 100 and 300 acre-feet per year could occur. If this were to occur, the reduction in supply would need to be accounted for either through water demand reduction or an increase in supply for other already anticipated sources, such as groundwater. The potential impact to surface water springs and streams, if any, arising from the Project are mitigated by Mitigation Measure 4-11.1 which ensures that development is timed and correlated with available supplies and by existing regulatory restrictions on the amount of water that MCWD is authorized to remove from surface waters at various points in time during the year.

COMMENT 011-174

- The term "expert" on pg 4-256 needs to be defined. Does the term "expert" in this DPEIR define someone who is licensed by the California Board for Engineers or Geologists/Geophysicists and Hydro geologists"? Please name the "expert" and state his/her qualifications. The qualitative term "expert" doesn't belong in this document.

RESPONSE 011-174

The discussion on page 4-256 of the Revised Draft Program EIR is regarding the interaction between groundwater pumping and surface water resources. The discussion has been expanded in the Revised Final Program EIR and the term expert has been deleted from the text. Please also see Response to Comment No. 009-2 for a detailed discussion regarding the analysis of the interaction between groundwater pumping and surface water resources. As indicated in Response to Comment

No. 009-2, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headspring. However, USGS evaluation of the data indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources.

COMMENT 011-175

- The MCWD monitoring program is apparently just getting started with an estimated two years before completion. Then, it will take several years before enough data, modeling, mapping, testing and so forth will be available to start making operational decisions. In the meantime what happens? Does the MCWD begin to refuse connections at some level of confidence in their supply figures?

RESPONSE 011-175

In addition to the District's 14 monitoring wells, the District recently installed five new wells (two deep and three shallow) and is currently working on installing a sixth well.

Section 4.11 of the Revised Draft Program EIR indicates that the existing water supply is sufficient to meet the existing demand. As with the information contained in the Revised Draft Program EIR, the revised water assessment in the Final EIR indicates that buildout of the Draft General Plan Update could result in potentially significant impacts to the water supply. As indicated in Section 4.11, the District is taking steps to reduce the water demand through water conservation, decreasing the water loss in the system, and the use of recycled water. However, due to the uncertainty of the demand reduction sources and the potential future supply, buildout of the Draft General Plan Update would result in a significant impact. Section 4.11 contains a mitigation measure, which requires that the Town work with MCWD to ensure that land use approvals are phased with the development of the necessary water supply sources. In other words, development shall not proceed without demonstration of sufficient water supply.

COMMENT 011-176

- Page 4-258 - please define multiple dry years and single dry year

RESPONSE 011-176

The UWMP contains definitions of single dry year and multiple water year. As indicated in the UWMP, single dry years are generally considered the lowest annual runoff for a watershed since the water-year beginning in 1903. For the mammoth watershed, the year with the lowest April 1

snowpack is 12.3 inches of snow water equivalent on April 1, 1977. Groundwater data is based upon driest year that production wells were in use (1992 for wells #1, 6, 10, and 15 and 2001 for wells #16, 17, 18 and 20). Multiple dry years are generally consider the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth pass.⁴

COMMENT 011-177

2. Section 4.11.1.5 Propane (4-260) - please correct the narrative. Two lines were laid by Rock Creek Energy from the "tank farm" in the Industrial Park up along Meridian and to Sierra Star. One is for propane and the other for natural gas when and if Liquefied Natural Gas (LNG) is ever available. These lines and propane service is available to whomever desires it as the lines are laid in the Town right-of-way.

RESPONSE 011-177

The comment is acknowledged. The text in Section 4.11.1.5, Propane, of the Final Program EIR has been revised to clarify that two lines were laid by Rock Creek Energy within the Town's right-of-way and that propane service is currently available to anyone living in the vicinity of the existing propane pipeline.

COMMENT 011-178

3. Section 4.11.2.1 Regulatory Framework Water (4-260) - Define the acronym CWS, and what the certification by CWS means. CWS appears nowhere else in the DPEIR.

RESPONSE 011-178

Section 4.11.1.1 of the Revised Draft Program EIR indicated that the Mammoth Community Water District (MCWD) is the water supplier for the Town of Mammoth Lakes. Section 4.11.2.1 of the Final Program EIR has been revised to correctly identify MCWD as the water supplier and to clarify that the water supply assessment for the Draft General Plan Update was prepared by MCWD.

COMMENT 011-179

Reliability of supply needs to be addressed; 100% reliability, for instance, would imply a reliable supply while 50% reliability would imply that a supply of water is in doubt and drastic measures need to be taken to keep the town a viable entity. If water supplies are deemed "minimal" by MCWD, then a water shortage contingency plan needs to made [sic] and included in the DPEIR. MCWD should establish cut off levels for new connections well short of over drafting the aquifer.

⁴ Table 10, *Urban Water Management Plan*, MCWD, 2005.

There is already well interference between supply wells which implies the deep aquifer is being over drafted [sic]

RESPONSE 011-179

As indicated in Section 4.11 of the Revised Draft Program EIR, water is provided to the Town by MCWD. The District is responsible for managing the resource and determining if there are adequate supplies. The District has an Urban Water Management Plan in place in accordance with the California Water Code Section 10610, which requires that all urban water suppliers providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, must prepare an urban water management plan. In accordance with Section 10632 of the California Water Code, the UWMP contains a water shortage contingency plan.

With regard to safe yield of the aquifer, as indicated in Section 4.11, the Mammoth Basin has not been identified by DWR as being overdrafted. In order to prevent the basin from being overdrafted, the District maintains an extensive groundwater and surface water monitoring system. Groundwater levels are monitored in 8 production wells and in 14 shallow and deep monitor wells in around the service area.

With regard to a contingency factor, the item was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 011-180

4. Sewage Collection Systems - actual data to support the capacity of the Sewage Collection Systems is not available for analysis. Please provide the detailed data on which these statements were made. Further, Mammoth Mountain has announced the intention of connecting to the MCWD sewage system. Please analyze whether the system will be adequate to serve the Town and the combined day skiers and 2,250 lodging units at the Main Lodge.

RESPONSE 011-180

In 2006, Mammoth Community Water District (MCWD) completed the model of its sewage collection system to identify where deficiencies exist and where improvements would be required under buildout of the Draft General Plan Update as well as with the addition of Mammoth Mountain Ski Area's (MMSA) Main Lodge. (Main Lodge is the only portion of MMSA that is not currently connected to MCWD's sewage collection system.) The sewer pipeline improvements that would be required to accommodate this future growth as it occurs are listed in Table 10 below. As

development projects are proposed and reviewed through the permit process, the projects would be analyzed at a project-specific level to assess whether or not they would contribute sewage flows to the sewage pipelines identified in Table 10. If so, applicants proposing the development would be required to upgrade the pipeline and/or provide funding for the necessary improvements prior to connecting to MCWD's sewer system as indicated in Section 4.11, Public Utilities, of the Revised Draft Program EIR. An applicant's payment towards the necessary improvements would be proportionate to their project's overall contribution to the affected pipelines.

Table 10**Sewer Pipeline Improvements Required under Buildout of the Draft General Plan Update**

Project	Description
Meridian Blvd Sewer Expansion	Install new sewer pipeline on Meridian Blvd from Sierra Park Rd to Commerce Dr.
Shady Rest Relief Sewer	Install new sewer pipeline through proposed Shady Rest Affordable Housing project site.
Hwy 203 Sewer Line Expansion	Increase size of main sewer pipeline entering wastewater treatment plant from Meridian Blvd at Hwy 203.
Sewer Line Upsize – Meridian Bell Parcel & Juniper Crest	Increase size of sewer pipeline in Meridian Blvd in area of Bell-Shaped Parcel and Juniper Crest.
Old Mammoth Rd Interceptor	Increase size of sewer pipeline in Old Mammoth Rd from Groundwater Treatment Plant No. 1 to Ski Trails Rd.
Old Mammoth Rd Interceptor	Increase size of sewer pipeline in Old Mammoth Rd from Snowcreek VI to Minaret Rd.
Sewer Line Upsize Behind Castoff	Increase size of sewer pipeline located near the bike path behind the Castoff Building.
Old Mammoth Interceptor	Increase size of main sewer pipeline from Old Mammoth Rd entering wastewater treatment plant.
Waterford Back-Lot Sewer	Increase size of sewer pipeline at Waterford Ave easement near Groundwater Treatment Plant No. 1.

Source: Mammoth Community Water District, October 2006

With regard to the capacity of the treatment plant, the design capacity of the treatment facility was upgraded in 2005-2006 to 4.9 million gallons per day (mgd). The upgrade to the facility was designed to accommodate peak flows anticipated under buildout of the Draft General Plan Update as well as the addition of MMSA's Main Lodge to MCWD's sewage system. As shown in Table 11 on page 267, build-out of the General Plan Update is estimated to generate a peak flow of approximately 3.7 mgd. MMSA's Main Lodge is estimated to generate a peak flow of approximately 0.2 mgd. Therefore, the treatment facility has sufficient capacity to accommodate build-out of the General Plan Update and MMSA's Main Lodge (3.9 mgd combined) as well as an additional 1.0 mgd capacity.

Table 11

Estimated Wastewater Generation under Buildout of the Draft General Plan Update

Land Use	Units ^a	Average Wastewater Generation Factor (gpd) ^{b, c}	Average Wastewater Generation (gpd)	Peak Wastewater Generation Factor (gpd) ^{b, d}	Peak Wastewater Generation (gpd)
Single-Family Non-Transient	2,380 du	135 per du	321,300	180 per du	428,400
Single-Family Transient	97 du	135 per du	13,095	180 per du	17,460
Mobile Home	144 du	145 per du	20,880	210 per du	30,240
Multi-Unit Non-Transient	2,091 du	170 per du	355,470	195 per du	407,745
Multi-Unit Transient	11,998 du	170 per du	2,039,660	195 per du	2,339,610
Industrial	493,547 sf	280 per 1,000 sf	138,193	150 per 1,000 sf	74,032
Commercial/Office ^e	1,000,002 sf	280 per 1,000 sf	280,001	150 per 1,000 sf	150,000
Restaurant ^e	365,000 sf	510 per 1,000 sf	186,150	560 per 1,000 sf	204,400
General Plan Update Total			3,354,749 or 3.4 mgd ^f		3,651,887 or 3.7 mgd ^f

^a The abbreviation “du” stands for dwelling units and “sf” stands for square feet.

^b The abbreviation “gpd” stands for gallons per day.

^c Average wastewater generation factors were provided by Mammoth Community Water District and are based on the average of winter months water usage (November, December, January, February, and March).

^d Peak wastewater generation factors were provided by Mammoth Community Water District and are based on the peak winter month water usage (November, December, January, February, and March).

^e Commercial/office uses under the General Plan Update total 1,365,002 square feet. However, for purposes of this wastewater analysis, 365,000 square feet of the commercial/office uses were assumed to be restaurant uses as restaurants would likely account for some of these uses and restaurant have a different generation factor than commercial/office uses.

^f The abbreviation “mgd” stands for million gallons per day. Final numbers were rounded.

Source: PCR Services Corporation, October 2006

COMMENT 011-181

5. Solid Waste - there is no data available to analyze the statement that projected needs covered for next 20 years based on 25% population increase (40% increase in visitors). Again, the population figures stated for this area are not consistent with those used elsewhere in the DPEIR.

RESPONSE 011-181

Please refer to Response to Comment No. 009-11 where the calculations used by Mono County Department of Public Works to support their findings with regard to solid waste disposal for the Town are provided. In reference to the comment on the population figures, no inconsistency was found within Section 4.11, Utilities, of the Revised Draft Program EIR.

COMMENT 011-182

Further, there is no mention of the potential loss of the lease of Benton Crossing Landfill owned by the Los Angeles Department of Water and Power and whether or not there are impediments to potential expansion of the landfill.

RESPONSE 011-182

As indicated in Response to Comment No. 009-12, Mono County Department of Public Works (MCDPW) has indicated to the Town that they are currently in the process of renewing a long-term lease with LADWP for Benton Crossing Landfill that would extend through the end of 2023. Furthermore, in April of 2005, the Mono County Board of Supervisors approved the Benton Crossing Landfill Supplemental EIR (SCH No. 2004082091) which analyzed the impacts associated with expanding the landfill by 50 acres to increase its life span to 2023. The Supplemental EIR concluded that impacts would be less than significant with the incorporation of mitigation measures.

COMMENT 011-183

Also, the Pumice Valley Landfill near Lee Vining is mentioned as an alternative site, with no analysis of any additional impacts on that site or on transportation of solid waste to this location. There is also no analysis of the capacity and impacts of expansion at Pumice Valley.

RESPONSE 011-183

As discussed in Response to Comment No. 009-12, Mono County Department of Public Works (MCDPW) would only utilize Pumice Valley Landfill as a regular landfill after 2023 as a contingency plan in the event that the future regional facility is not operational by that time. Furthermore, as discussed in Response to Comment No. 009-14, in August of 2005, the Mono County Board of Supervisors approved the Pumice Valley Landfill Supplemental EIR (SCH No. 2004102104) which analyzed the impacts associated with expanding the landfill to increase its life span to 2028. The Supplemental EIR also analyzed the impacts associated with the contingency plan to divert the County's entire waste stream to Pumice Valley Landfill for a five-year period beginning January 2024. The Supplemental EIR concluded that impacts would be less than significant with the incorporation of mitigation measures.

COMMENT 011-184

The discussion of recycling does not mention the services provided by the Sierra Conservation Project, even though these figures are readily available. Please show recycling data by source, and clearly indicate whether this private operation has been included in the "Town" numbers provided.

RESPONSE 011-184

The comment is acknowledged. The Town recognizes the services provided by the Sierra Conservation Project which provide curbside recycling to residences and businesses located in Mammoth Lakes. The text within Section 4.11.1.3, Solid Waste, of the Final Program EIR has been revised to include the services provided by Sierra Conservation Project. Please note that this new information does not alter the conclusions made in this Section with respect to solid waste.

The Town's solid waste diversion rates for 1997 to 2004 are shown in Table 12. These numbers take into consideration the amount of solid waste that is diverted through all recycling programs within the Town. The Town is actively striving to meet the 50 percent diversion rate mandated by Assembly Bill 939.

Table 12**Mammoth Lakes 1997-2004 Solid Waste Diversion Rate**

Year	Diversion Rate^a
1997	26
1998	20
1999	35
2000	35
2001	21
2002	34
2003	28
2004	37

^a The diversion rates were obtained from California Integrated Waste Management Board's Jurisdiction Diversion Rate Summary for the Town of Mammoth Lakes.

Source: PCR Services Corporation, October 2006

COMMENT 011-185

6. Issue 4.11-1 Exceed Sufficient Water Supply (4-265) - under any multiple dry year scenarios in this DPEIR, water supplies are not sufficient. Any unanticipated upset in the water supply system, be it well problems, leaks, earthquakes destroying well casings, accidents to the distribution system, electrical failures, or water quality problems, could quickly use up any "minimal" surplus that is available. A single day's supply is all that is available in the case of a total cutoff of supply. A wide margin of error needs to be built into any supply/demand scenario.

RESPONSE 011-185

The Water Assessment contained in the EIR has been updated based on the 2005 UWMP and input received from MCWD in a comment letter on the Revised Draft Program EIR (see Letter

No. 006). While water supply would be sufficient with the implementation of demand reduction measures, including Level 1 restrictions, as well as future sources, because of the uncertainty of these supplies the EIR concludes that the Draft General Plan Update would result in a significant impact with regard to water supply. As indicated in Response to Comment No. 011-179, in accordance with Section 10632 of the California Water Code, the UWMP contains a Water Shortage Contingency Plan. The Contingency Plan is an emergency response plan to respond to events that could impact water supplies, such as civil disturbance, floods, snowstorms, explosions, industrial hazards, hazardous substance releases, earthquake, and volcanic eruption. In addition, as indicated in Response to Comment No. 011-179, the MCWD Board adopted by consensus a policy of a 10 percent contingency factor to be used for planning purposes.

COMMENT 011-186

A three dry year scenario (multi dry year) is not realistic. The Wildermuth study shows 5 to 7 year drought cycles are not uncommon. A seven year drought must be incorporated into the supply/demand tables. Further, the Town's Emergency Operations Plan identifies a four-year drought as one of the emergency scenarios causing activation of emergency operations.

RESPONSE 011-186

The 2005 UWMP provides a multiple dry year analysis which accounts for four consecutive dry years. Please refer to Response to Comment No. 010-18 for a discussion regarding the multiple dry year analysis.

COMMENT 011-187

Several multi dry year ("what if" or sensitivity cases) should be investigated. One, 3, 5, and 7 year dry cycles should be calculated. Effects of each dry period should be estimated on supply and resultant impact on the Town, excluding any MCWD mitigation measures (considered last resort and results problematical). Please see attached letter from D. Jung, for additional information.

RESPONSE 011-187

The 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest

average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District’s water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District’s water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

Please see Comment Letter No. 28 and the associated responses for the letter from D. Jung that was attached to this comment letter.

COMMENT 011-188

Finally, please include the following:

- A definition of “overdrafted” is required, and an evaluation of whether the well field is overdrafted

RESPONSE 011-188

The Department of Water Resources Bulletin 118 provides the following definition of overdraft: Groundwater overdraft is defined as the condition of a groundwater basin or subbasin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years, during which the water supply conditions approximate average conditions (DWR 1998). Overdraft can be characterized by groundwater levels that decline over a period of years and never fully recover, even in wet years. A definition of overdraft has been added to Section 4.11 of the Revised Final Program EIR. As indicated in Section 4.11 of the Revised Draft Program EIR, the Mammoth Basin has not been identified by DWR as being overdrafted. In order to prevent the basin from being overdrafted, the District maintains an extensive groundwater and surface water monitoring system. Groundwater levels are monitored in 8 production wells and in 14 shallow and deep monitor wells in around the service area.

COMMENT 011-189

- There is no definition of "new development applications" or any indication of cumulative effect of all connections made. The current practice of considering only the individual development application when asserting that the water supply is adequate is not sufficient.

RESPONSE 011-189

The water assessment provided in Section 4.11 of the Revised Draft Program EIR provides an analysis of existing conditions and the water demand and supply at buildout of the Draft General Plan Update. The analysis does not consider an individual development application. Rather, the analysis assumes full buildout of all parcels within the UGB. Section 5 of the Revised Draft Program EIR includes a cumulative analysis. However, the related projects within the Planning Area would not result in an increase in population. In addition, the UWMP provides the projections for the water service, including the Town's buildout.

With regard to new development applications, a development application is an application made to the Town for future development. Development could be residential, commercial, industrial, or institutional in nature. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Part of the review process would be to ensure that the existing water supply at the time of application review would be sufficient to provide water to the development project.

COMMENT 011-190

- Dry Creek is included in the discussion and in the chart on page 4-255. By state regulation, no source for which the agency does not have required licenses can be considered in the analysis of available supply. Please remove the references and reanalyze supply without Dry Creek as a source.

RESPONSE 011-190

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2020. As indicated in the 2005 UWMP, the future wells could be located in Dry Creek or in the Mammoth Basin. Please see Response to Comment No. 009-6 for a detailed discussion regarding

potential future water supply from wells. As the potential exists, it is appropriate to list the future wells as a water supply source.

COMMENT 011-191

7. Issue 4.11-2 Exceed Wastewater Treatment Requirements (4-270) - a mitigation measure stating that the Mammoth Community Water District shall increase the capacity of the treatment facility within the timeframe of the plan build out is not adequate if no timeframe or sanctions are included. No substantial evidence is provided that the listed mitigations will be effective.

8. Issue 4.11-3 Require Or Result In Construction Of New Water Or Wastewater Treatment Facilities Or Expansion Of Existing Facilities And Construction (4-271) - again, a mitigation measure stating that the Mammoth Community Water District shall increase the capacity of the treatment facility within the timeframe of the plan build out is not adequate if no timeframe or sanctions are included. No substantial evidence is provided on the environmental effects of the proposed expansions or that the listed mitigations will be effective.

9. Issue 4.11-4 Inadequate Capacity Of Wastewater Treatment Facilities Wastewater Treatment Inadequate Capacity (4-272) - again, a mitigation measure stating that the Mammoth Community Water District shall increase the capacity of the treatment facility within the timeframe of the plan build out is not adequate if no timeframe or sanctions are included. No substantial evidence is provided on the environmental effects of the required facility expansion or that the listed mitigations will be effective.

RESPONSE 011-191

Please note that Section 4.11, Public Utilities, of the Revised Draft Program EIR, does not contain mitigation measures with regard to wastewater. Section 4.11 only lists Policy and Implementation Measures within the Draft General Plan Update that are relevant to wastewater. Furthermore, as discussed in Response to Comment No. 011-180, the upgrade to the treatment facility, which increased its design capacity to 4.9 mgd, was completed in 2005-2006. This increased capacity was designed to accommodate peak flows anticipated under buildout of the Draft General Plan Update (approximately 3.7 mgd) as well as the addition of MMSA's Main Lodge (approximately 0.2 mgd) to MCWD's sewage system. Therefore, the treatment facility currently has sufficient capacity to accommodate buildout of the Draft General Plan Update and MMSA's Main Lodge (3.9 mgd combined) as well as an additional 1.0 mgd capacity. The Draft General Plan Update is considered a 20-year plan. The buildout year of the Draft General Plan Update as indicated throughout the Revised Draft Program EIR is 2024.

COMMENT 011-192

Further, the stated intent of MMSA to connect to the system must be analyzed, both for the increases caused by day use and visitor lodging units.

RESPONSE 011-192

As discussed in Response to Comment No. 011-180, MCWD completed a model of its sewage collection system to identify where deficiencies exist and where improvements would be required under buildout of the Draft General Plan Update as well as with the addition of MMSA's Main Lodge (refer to Table 10 in Response to Comment No. 011-180). Applicants proposing development that would contribute sewage flows to the sewage pipelines identified in Table 10 would be required to upgrade the pipeline and/or help fund the necessary improvements prior to connecting to MCWD's sewer system. With regard to the capacity of the treatment plant, the design capacity of the treatment facility was upgraded in 2005-2006 to 4.9 million gallons per day (mgd). The upgrade to the facility was designed to accommodate peak flows anticipated under buildout of the Draft General Plan Update (approximately 3.7 mgd) as well as the addition of MMSA's Main Lodge (approximately 0.2 mgd). Therefore, the treatment facility has sufficient capacity to accommodate buildout of the General Plan Update and MMSA's Main Lodge (3.9 mgd combined) as well as an additional 1.0 mgd capacity.

COMMENT 011-193

10. Issue 4.11-5 New/Expanded Landfill (4-273) - no substantial evidence is provided that the listed mitigations will be effective. Please supply a quantitative analysis. None of the concerns mentioned in Number 5, above, in this section, are adequately mitigated.

RESPONSE 011-193

Please refer to Response to Comment No. 009-11 where the calculations used by Mono County Department of Public Works to support their findings with regard to solid waste disposal for the Town are provided. Response to Comment No. 009-11 provides a quantitative analysis showing the lifespan of the solid waste facility. Please see Response to Comment Nos. 011-181 through 184 for responses to concerns raised in Number 5. As indicated in Issue 4.11-5, the Draft General Plan Update would result in less than significant impacts with regard to disposal of solid waste. Therefore, no mitigation measures are required.

COMMENT 011-194

11. Issue 4.11-7 New/Altered Energy or Communication Facilities Electrical/Geothermal Energy (4-275) - no data is provided to support the statement that Edison is able to meet current and projected needs. Please provide data and reanalyze the impact of the build out population.

RESPONSE 011-194

Southern California Edison (SCE) has sufficient energy supplies to meet projected demand that would occur under build-out of the General Plan Update. Furthermore, per Public Utilities Commission regulations, SCE has an obligation to supply electricity to all customers within its service boundaries (Personal Communication with Felix Oduyemi, SCE, October 28, 2006).

COMMENT 011-195**4.12 Recreation**

1. Quimby Act - this act requires three acres per 1,000 population of park or recreational land. While we applaud the Town's standard of five acres per 1,000 population, there is no explanation of the difference. Further, it is not clear who is included in the "population" numbers.

RESPONSE 011-195

In actuality, per Section 66477(2) of the California Government Code, the Quimby Act allows for the dedication of parkland at a minimum of three acres and maximum of five acres per 1,000 population based on the particular needs of the jurisdiction. Section 4.12.2.1, Impacts and Mitigation, of the Final Program EIR has been revised to clarify what is allowed by the Government Code. Please note that this clarification of information does not alter the conclusions made in this Section with respect to parks and recreation. The Town has elected to set the performance objective at five acres of parkland per 1,000 permanent and seasonal residents. With regard to population numbers, permanent residents are defined as people that live in the Town year round and seasonal residents are defined as people that live in the Town a substantial portion of the year (i.e., seasonal workforce).

COMMENT 011-196

The calculations in the list of "Existing and Planned Park Land" include many acres that are outside of the Urban Growth Boundaries. Please provide the data and details for parkland by ownership and location. Further, include the following in the DPEIR analysis:

- "The Town shall ensure that parkland dedicated under the Quimby Act is suitable for active recreation uses with a maximum slope of ten percent, appropriate community access, and free of significant constraints." Define significant constraints and also add passive recreation.

RESPONSE 011-196

The comment requesting additional information on the ownership and location of each park is acknowledged. Section 4.12.1, Existing Conditions, of the Final EIR has been revised to identify ownership of the land on which each park is located and to include the location of each park.

The second portion of the comment is with regard to Implementation Measure IV.2.A.a.1 of the Draft General Plan Update. As such, the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-197

- Provide a plan as to how land acquisitions are being made and how planned parks are going to be provided as the population increases.

RESPONSE 011-197

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. In regard to how planned parks would be provided as the population increases, as discussed in Section 4.12.2.2 of the Revised Draft Program EIR, Chapter 15.16 of the Municipal Code provides for the creation of special funds for parks and recreation facilities. Development Impact Fees are collected from all new residential development prior to the issuance of building permits. In addition, as discussed in Section 4.12.4, Impacts and Mitigation, of the Revised Draft Program EIR, in accordance with Policy and Implementation Measure IV.2.A.a.3, the Town would maintain and update the existing Master Plan Facility Plan to ensure that park development and acquisition is prioritized and planned in concurrence with development while striving to maintain the Town's performance objective of five acres of parkland per 1,000 permanent and seasonal residents.

COMMENT 011-198

- MMSA has identified implementation of airport improvement plans as a key element of achieving the mid-week visitation goals. Please include an analysis of the impact on recreation and recreational capacity.

RESPONSE 011-198

The analysis contained within the Revised Draft Program EIR is based on build-out of the Draft General Plan Update which, as described in Section 3.0, Project Description, has assumed a maximum number of people at one time (PAOT) on an average winter Saturday. Mid-week visitation is not anticipated to surpass PAOT on an average winter Saturday. Accordingly, the average winter Saturday scenario (60,727 PAOT) represents the worst-case scenario. Therefore, potential daily impacts to parks and recreation during mid-week visitation would be less than those

anticipated within the Revised Draft Program EIR under build-out of the General Plan Update. No further analysis is necessary.

COMMENT 011-199

- One implementation measure states that the Town will "require new development to upgrade or fund facilities to meet increased demand or require reduced density or project redesign for any project that would result in deterioration of service levels or cause available capacity to be exceeded if capacity expansion is infeasible." "Purchase of land" needs to be included in this.

RESPONSE 011-199

As discussed in Section 4.12.2, Regulatory Framework, of the Revised Draft Program EIR, acquisition of land for parks and recreation is partially funded by residential development through the payment of in-lieu fees per the Quimby Act and development impact fees per Chapter 15.16 of the Town's Municipal Code. Therefore, although purchase of land is not specifically stated within Implementation Measure II.1.C.a, the fees imposed upon developers via the Quimby Act and Municipal Code can be utilized by the Town to purchase land for parks and recreation.

COMMENT 011-200

2. Urban Growth Boundary - "Development of recreational facilities, public facilities, and public utility installations outside of the UGB are not a violation of the UGB." This is not consistent with the original definition of the UGB.

RESPONSE 011-200

An urban growth boundary (UGB) is a local government regulatory measure for delineating limits of urban growth over a period of time. Land within an UGB is generally designated for higher density urban development while land outside the boundary is generally designated for lower density rural development that is "open" in character. Examples of low-density rural development that are generally permitted outside an UGB include low-density residential development, farms, forestry, watersheds, and parks. Recreational facilities, public facilities, and public utility installations are not viewed by the Town as high-density urban development and therefore, are not considered a violation of the UGB.

COMMENT 011-201

3. List of "Recreational Facilities in Mammoth Lakes" - this list is misleading as it includes many facilities that are restricted: some require a membership fee (athletic clubs), some require an entrance fee (Red's Meadow/Devil's Postpile, Crowley Lake Marina, Mammoth Motocross Track), some require payment for use (school grounds, ski areas, and private developments), some require permits (most of the wilderness areas) and some are not really open at all (Valentine Natural

Reserve, Camp High Sierra, Mammoth Mountain RV Park). Provide list of recreational opportunities unrestricted and open to the public. Use this total to compute the existing and future "park lands in Mammoth Lakes.

RESPONSE 011-201

The purpose of Table 4.12-2 in Section 4.12, Recreation, is to provide a comprehensive list of all recreational opportunities within the Town, public or private. Furthermore, these facilities are not necessarily included as existing and planned parkland within the Town. A separate table (Table 4.12-1) is included within this Section that lists the parks used to calculate existing and planned public parkland.

COMMENT 011-202

4. Recreational Capacity - please provide data and analysis of the following:

- Mention is made of the Town's 7 miles of off road, Class A bike trail system, totaling 6 acres. Plans for completing the bike trail, including information on whether the Town owns land for this purpose or plans to acquire the necessary additional land must be included.

RESPONSE 011-202

As discussed in Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR, the Town recently updated the General Bikeway Plan. Figure 4.13-2 depicts existing and proposed bike paths in the Town. In conjunction with the update to the General Bikeway Plan, the Town prepared and adopted a Negative Declaration, which provided an analysis of the potential impacts associated with the General Bikeway Plan. As stated in Implementation Measure VII.1.A.a.1, the Town will work with the Parks and Recreation Commission to continue implementation of the General Bikeway Plan to establish a comprehensive and safe system of bicycle routes for short range commuting, shopping trips, and for recreational use.

With regard to future acquisition of land and development of the bike trail, as indicated in Response to Comment No. 011-197 and as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update.

As discussed in Section 4.12.2.2 of the Revised Draft Program EIR, Chapter 15.16 of the Municipal Code provides for the creation of special funds for parks and recreation facilities. Development Impact Fees are collected from all new residential development prior to the issuance of building permits. In addition, as discussed in Section 4.12.4, Impacts and Mitigation, of the

Revised Draft Program EIR, in accordance with Policy and Implementation Measure IV.2.A.a.3, the Town would maintain and update the existing Master Facility Plan to ensure that park development and acquisition, including the bike trail, is prioritized and planned in concurrence with development.

COMMENT 011-203

- The carrying capacity of a primary recreational attraction (MMSA) has already been reached and right now local forests and wilderness areas are some of the most heavily used in the country. Provide information as to how the projected increase in population will impact these areas in terms of access and loss of enjoyment due to overcrowding.

RESPONSE 011-203

Please note that potential impacts related to loss of enjoyment due to overcrowding is not an issue requiring analysis under the California Environmental Quality Act (CEQA). As outlined in Appendix G of the CEQA Guidelines, a Lead Agency is required to analyze whether a proposed project would result in substantial adverse physical impacts to the environment associated with parks and recreation or substantial physical deterioration of an existing facility (refer to Public Services and Recreation of Appendix G of the CEQA Guidelines). However, Section 4.12, Recreation, of the Revised Draft Program EIR, contains a description of existing recreational conditions, including descriptions of the surrounding recreational opportunities on public lands. In addition, as discussed in Section 4.12, a number of Policies and Implementation Measures are contained in the Draft General Plan Update to help alleviate issues such as access to and overcrowding of recreational facilities (i.e., MMSA and public parks). Specifically, Implementation Measure IV.1.A.c.1 would support the development of facilities and services that enhance mid-week visitation thus assisting to reduce weekend visitation which is currently the peak visitation time; Implementation Measure IV.1.A.c.2 would require resort visitor developments to provide on-site and off-site amenities for their guests' benefit and enjoyment thus creating additional recreational opportunities within the Town; and Implementation Measure IV.2.A.a.1 would ensure that parkland dedicated under the Quimby Act is suitable for active recreation uses thus creating additional active recreational opportunities within the Town. Furthermore, Mammoth Mountain Ski Area would not sell lift tickets beyond its permitted maximum capacity thus reducing potential issues with overcrowding.

In addition, the issue of growth inducement is addressed in Section 6.B, Growth-Inducing Impacts, of the Revised Draft Program EIR. As described in Section 6.B, the General Plan Update does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As these regions grow, and southern California, as the dominant source of this demand, will be under tremendous growth pressure for the next 20 years, demand on the recreational potential in and around the Town of Mammoth Lakes would also continue to grow. The Town of Mammoth Lakes cannot stem the demand being generated in other regions, but can only determine how much and

how well to accommodate it, on the one hand, and how much of that demand to deflect to other recreational locales on the other. With regard to potential physical impacts, potential impacts to habitats in the areas surrounding the UGB are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources (including habitat) beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area.

COMMENT 011-204

- Provide information as to how the Town will incorporate the nationally recognized increase in participation in cross-country skiing, snowshoeing, and snowmobiling into future plans for recreation facilities.

RESPONSE 011-204

Section 4.12, Recreation, of the Revised Draft Program EIR, acknowledges the potential increase that could occur in cross-country skiing based on the national trend. Cross-country skiing occurs primarily on public lands. As such, the lands on which cross-country skiing would occur are owned by the U.S. Forest Service and Bureau of Land Management. As indicated in Response to Comment No. 001-17, the management plans for these agencies consider population growth from a statewide and regional perspective, which includes a population growth within the Town of Mammoth Lakes. The growth allowed for in the existing General Plan or the Draft General Plan Update would not result in the increase in demand for such recreational opportunities. The issue of growth inducement is addressed in Section 6.B, Growth-Inducing Impacts, of the Revised Draft Program EIR. As described in Section 6.B, the General Plan Update does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As these regions grow, and southern California, as the dominant source of this demand, will be under tremendous growth pressure for the next 20 years, demand on the recreational potential in and around the Town of Mammoth Lakes would also continue to grow. The Town of Mammoth Lakes cannot stem the demand being generated in other regions, but can only determine how much and how well to accommodate it, on the one hand, and how much of that demand to deflect to other recreational locales on the other.

COMMENT 011-205

5. Issue 4.12-2 Deterioration of Facilities (4-285) - Please provide and analyze the plans mentioned in the implementation measures for;

- IV.1.A.c.1 -- "The Town shall maintain and update the existing Masters Facility Plan, Development impact Fee Schedule, and/or participate in public-private partnerships to support the development of facilities and services that enhance mid-week visitation.

RESPONSE 011-205

The comment is with regard to a specific Implementation Measure in the Draft General Plan Update. An implementation measures is an action, procedure, program, or technique that carries out general plan policy.⁵ In other words, the implementation measures states what the Town will do in the future to achieve the stated policy. The ways in which the Town will achieve each of the measures will be developed over time. As such, it is not possible to develop all of the plans and programs that will ultimately be put in place for the Town to achieve the long-term vision desired and provided for in the Draft General Plan Update. In addition, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, when specific development projects or activities to enhance mid-week visitation are proposed, the Town would ensure preparation of the appropriate environmental documentation to analyze potential impacts associated with their construction and operation.

COMMENT 011-206

- II.1.D.c.1 -- Please define and provide the details of the Development Incentive and Exactions Program.

RESPONSE 011-206

Please note that an Implementation Measure numbered 11.1.D.c.1 does not exist in the April 2005 Draft General Plan Update. It is assumed that the comment refers to Implementation Measure IV.1.D.c.1. The implementation measures indicate the action, procedure, program or technique that the Town will take in the future to achieve a stated policy. The policy is a specific statement that guides decisionmaking and indicates a commitment of the local legislative body to a particular course of action. The stated policy related to Implementation Measure IV.1.D.c.1 is: "Consistent with the adopted Vision Statement, destination resort development that achieves a variety of economic needs and implements the goals, objectives and policies of the General Plan is encouraged." As indicated in Response to Comment No. 011-205, the ways in which the Town will achieve each of the

⁵ *State of California General Plan Guidelines, 2003, page 15.*

measures will be developed over time. As such, the details of the measure do not need to be provided at this time.

COMMENT 011-207

This issue discussion concludes that "Due to the projected increase in demand based on the performance objective, impacts to existing parks and recreation due to increased use of existing parks and facilities would be significant and unavoidable." However, there is no quantitative analysis of the four alternatives and impacts each population number would have on demand. Please provide data and analysis of the population number at which "significant and unavoidable" would not be an issue.

RESPONSE 011-207

Please note that the proposed project and three alternatives are analyzed within the Revised Draft Program EIR, not four alternatives as the comment suggests. Section 7.0, Alternatives, of the Revised Draft Program EIR provides a quantitative analysis of the three alternatives on parkland. As stated in Section 7.3.2.12, Alternative 1 (No Project) would result in a slightly greater number of permanent and seasonal residents than the proposed project (approximately 650 additional people). However, given that the performance objective is per 1,000 residents, Alternative 1 would require approximately the same amount of parkland as the proposed project (75 acres). As stated in Section 7.4.2.12, Alternative 2 (Workforce/Affordable Housing) would result in approximately 19,800 permanent and seasonal residents therefore requiring approximately 99 acres of parkland. As stated in Section 7.5.2.12, Alternative 3 (Reduced Development) would result in approximately 12,170 permanent and seasonal residents therefore requiring approximately 61 acres of parkland. The Revised Draft Program EIR concludes that the proposed project as well as the three alternatives would result in significant and unavoidable impacts to parkland. The number of permanent and seasonal residents at which significant and unavoidable impacts would be avoided is 10,600 which is derived from the amount of existing parkland within the Town (53 acres).

COMMENT 011-208**4.13 Transportation and Circulation**

This analysis is not adequately based on existing conditions and does not consistently provide substantial evidence as required by CEQA.

1. The Traffic Analysis Is Flawed - please see attached letter from John Cunningham for complete details.

RESPONSE 011-208

The traffic analysis has been prepared in accordance with the Town of Mammoth Lakes methodology for evaluating traffic impacts. The traffic analysis provides substantial evidence of impacts associated with buildout of the Draft General Plan Update based on the significance thresholds established by the Town. Please refer to Response to Comment Nos. 021-1 to 021-8 for detailed responses to traffic comments provided by John Cunningham.

COMMENT 011-209

2. True Peak Traffic - the traffic analysis does not consider worst-case traffic and how often it may occur, and therefore does not disclose the true impact as CEQA requires. "Average peak traffic on a winter Saturday" is used. The Peak traffic at the worst times must be quantified, and the impact discussed, with evaluation of proposed mitigation measures.

RESPONSE 011-209

As indicated in Section 4.13.2 of the Revised Draft Program EIR, the Town of Mammoth Lakes General Plan Transportation Element currently contains the following Policy:

“Policy 1.7: Establish and maintain a Level of Service D or better on a typical winter Saturday peak-hour for signalized intersections and for primary through movements for unsignalized intersections along arterial and collector roads. This standard is expressly not applied to absolute peak conditions, as it would result in construction of roadway improvements that are warranted only a limited number of days per year and that would unduly impact pedestrian and visual conditions.”

Level of service (LOS) is defined in terms of delay in Table 4.13-2 in the Revised Draft Program EIR. As indicated in Section 4.13.1 of the Revised Draft Program EIR, the following LOS thresholds were applied in the Revised Draft Program EIR traffic analysis:

1. For Signalized Intersections: Total intersection LOS D or better must be maintained. Therefore, if a signalized intersection is found to operate at a total intersection LOS E or F, mitigation is required. This same threshold was applied to roundabouts.

2. For Unsignalized Intersections: In order to avoid the identification of a LOS failure for intersections that result in only a few vehicles experiencing a delay greater than 50 seconds (such as at a driveway serving a few homes that accesses onto a busy street), a LOS deficiency is not identified for all intersections which approach LOS E or F. Instead, a LOS deficiency is assumed to occur at an unsignalized intersection only if an individual local street movement operates at LOS E or F and total minor approach delay exceeds 4 vehicle hours for a single lane approach and 5 vehicle hours for a multilane approach. In other words, a deficiency is found to occur if the average number

of vehicles queued over the peak-hour exceeds 4 at a single lane approach, or exceeds 5 at a multilane approach. A vehicle hour is calculated by multiplying the average delay per vehicle during the peak hour by the number of vehicles experiencing that delay. For example, if 100 vehicles exit a roadway and experience an average delay of 20 seconds per vehicle, the vehicle hours of delay for that approach would be 0.6 vehicle hours (100 vehicles X 20 seconds of delay per vehicle / 3600 seconds per hour). Therefore, this threshold not only considers the average delay per vehicle, but also considers how many vehicles experience the delay. As the Town has adopted a standard that applies the LOS D threshold to a typical winter Saturday standard, the exceedance of LOS D on peak winter days during which traffic volumes are higher than the typical winter Saturday would not result in a significant LOS impact. This is typically done to avoid the need to build facilities that are only needed a few hours per year. Areas with uses that have typical peak hours not on Saturday shall be analyzed for the mid-week peak hours. According to *A Policy on Geometric Design of Highways and Streets* (American Association of State Highway and Transportation Officials, 2004):

“There are roadways for which there are unusual or highly seasonal fluctuations in traffic flow, such as resort roads on which weekend traffic during a few months of the year far exceeds the traffic during the rest of the year. [For such roads], a design that results in somewhat less satisfactory traffic operation during seasonal periods than on rural roads with normal traffic fluctuations, will generally be acceptable to the public. On the other hand, design should not be so economical that severe congestion results during the peak hours. It may be desirable, therefore, to choose an hourly volume for design, which is about 50 percent of the volumes expected to occur during a few highest hours of the design year...”

Applying LOS thresholds to a typical winter Saturday, which result in traffic volumes that are roughly 86 percent of the peak day traffic volumes, is a far more conservative approach than suggested by the American Association of State Highway and Transportation Officials in this nationally recognized document. In addition, the level of improvements that would be required by more restrictive LOS standards (such as those based upon a peak day analysis) would result in wider roads, more pavement, and would not fit within the existing character of the Town. Not only would these improvements create a more urban environment, but wider roads make for a less pedestrian-friendly environment.

Regardless, a limited quantitative evaluation of peak traffic days is provided here. As discussed below, the Town of Mammoth Lakes’ use of a typical winter Saturday is consistent with but more conservative (i.e., results in higher design volumes) than the 30th highest hour design period recommended by the American Association of State Highway and Transportation Officials. Figure 1, Daily Variation in Traffic Volumes Along Main Street East of Minaret, in the Mammoth Lakes Transportation Model and LOS Analysis Methodology Paper, prepared by LSC Transportation Consultants, dated May 13, 2005, depicts the variation of traffic volumes along Main

Street east of Minaret by day of the week. The Background Paper is contained in Appendix F, Traffic Study, of the Revised Draft Program EIR. As Figure 1 indicates, Saturdays consistently represent the day during which the peak traffic conditions occur. However, on some holiday weekends high traffic volumes may occur on days other than Saturday. For example, as shown in Table 3, 2003/2004 Winter Daily Traffic Volumes Along Main Street East of Minaret Sorted Highest to Lowest, of the Background Paper, the highest traffic volumes usually occur around the Christmas, New Years, President's Day, and Martin Luther King Jr. holidays. Figure 2, Peak-Hour Traffic Volumes Main Street East of Minaret (March 6, 2004), in the Background Paper presents the hourly traffic volume variation along Main Street east of Minaret Road on the day in the 2003/2004 winter season which most closely reflects the design day traffic volume. As Figure 2 indicates, the P.M. peak-hour traffic volumes are usually significantly higher than the A.M. peak-hour traffic volumes. This is mostly attributed to the fact that skiers generally leave the ski area during a smaller time period than they arrive. Therefore, it can be concluded that designing for the P.M. peak hour is appropriate.

According to 2003 peak-hour count data provided by Caltrans, some summer days also result in very high traffic volumes throughout Mammoth Lakes. The following summer days ranked within the 30 highest peak-hour traffic volume days along Main Street East of Minaret Road:

- July 5, 2003 (three peak hours: 12:00 P.M., 2:00 P.M., and 4:00 P.M.)
- August 8, 2003 (two peak hours: 11:00 A.M. and 4:00 P.M.)
- August 15, 2003 (4:00 P.M.)
- August 30, 2003 (two peak hours: 11:00 A.M. and 12:00 P.M.)

However, in general, peak hour traffic volumes are generally highest Townwide during the winter season.

It is assumed that approximately ten of the 30 highest peak-hour volumes throughout the year on Main Street in Mammoth Lakes occur during the summer, which is a conservative estimate based upon the eight peak hours identified above. It is also assumed that during the winter the P.M. peak-hour traffic volumes are significantly higher than any other hour of the day. Referring to Table 2 and Figure 3, Daily Traffic Volumes along Main Street East of Minaret, in the Background Paper, it can be seen that the design day roughly represents the day during which the 16th highest winter peak-hour traffic volumes occur. Taking into account summer traffic volumes, the design day roughly represents the day during which the 26th highest peak-hour traffic volumes occur, which is more conservative (i.e., results in higher design volumes) than the 30th highest hour design period recommended by the American Association of State Highway and Transportation Officials.

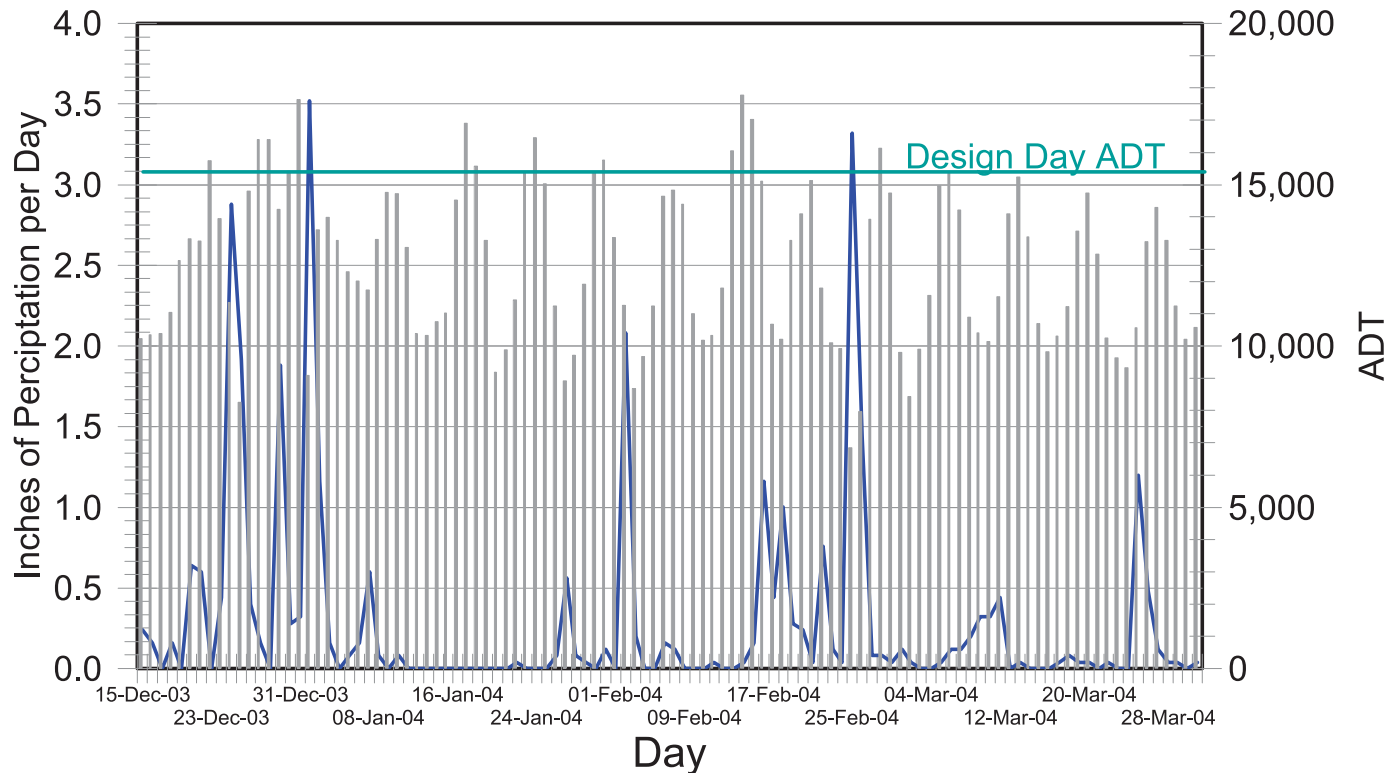
During these approximately 25 highest hours per year, the design day traffic volumes are exceeded, and LOS may drop below the Town standards. These 25 hours represent 0.3 percent of the hours in a year. Therefore, although the capacity of the roadway may be exceeded for 0.3 percent of the time during the year, traffic volumes will be accommodated by the roadway capacity 99.7 percent of the time.

In order to demonstrate traffic conditions that might occur during the 25 hours that result in higher traffic volumes than the design day, some additional LOS analyses were conducted. Referring to Table 2 in the Background Paper, the peak day winter average daily traffic (ADT) is approximately 16 percent higher than the design day ADT. Assuming a similar relationship occurs between the peak hours at all study intersection, it was estimated that on the peak day the peak-hour volume was 16 percent higher than the design day peak-hour volume. Intersection LOS was re-run for the traffic volumes that were 16 percent higher than those generated by the Draft General Plan Update during the design day peak-hour. The results of the analysis indicate that the implementation of the intersection LOS mitigation measures would result in adequate LOS (LOS D or better) at all intersections in the study area under the winter highest peak-hour conditions, with the exception of the US 395/Main Street, Meridian Boulevard/Majestic Pines, Minaret Road/Old Mammoth Road, and US 395 Northbound/Hot Creek Hatchery Road intersections, which would fail under peak conditions. However, these conditions would likely occur for no more than 26 hours per year, or 0.3 percent of the total year.

Also, consistent with standard analysis procedures applied in other high snowfall communities, such as Lake Tahoe and the Town of Truckee, LOS and capacity were not adjusted to account for snow conditions. The occurrence of stormy/snowy weather conditions and snow on the roadways actually occurs over a relatively small proportion of the winter. Furthermore, as traffic capacity varies with the specific conditions of a storm, as well as "incidences" such as drivers stopping in travel lanes to adjust chains, identifying a "design condition" to reflect winter storms would largely be speculative. In accordance with Section 15145 in the CEQA Guidelines, if a thorough investigation is unable to resolve an issue and the answer remains purely speculative, then the discussion of the effects of the issue should be terminated. Consistent with Section 15145, since it would be too speculative to analyze the effects of high traffic volumes during heavy snowfall periods, additional design analysis during such conditions is not appropriate. In addition, this approach is consistent with other traffic analyses that LSC has prepared in areas with high annual snowfall, such as the Lake Tahoe region, Park City, Utah, and Aspen, Colorado.

Regardless, Figure 11 on page 287 ADT, Along Main Street East of Minaret Versus Snowfall, in these responses to comments provides an analysis of the correlation between traffic volumes along Main Street east of Minaret Road and precipitation at Mammoth Pass as reported by the California Department of Water Resources. As the figure indicates, for all the winter days that the ADT along Main Street was higher than the design day ADT, the inches of precipitation on

Figure R-1: ADT Along Main Street East of Minaret Versus Snowfall



Note: Two inches of precipitation at sensor roughly equates one foot of snow in Town of Mammoth Lakes.

— Inches of Precipitation

■ Daily Traffic Volume along Main Street

Source: LSC Transportation Consultants, 2006.

Figure 11 ADT Along Main Street East of Minaret Versus Snowfall

Mammoth Pass was less than 0.32 inches, which equates to approximately two inches of snow.⁶ In addition, during the top five snow days, the daily traffic volumes along Main Street were at least 26 percent less than those occurring on the design day. Although it cannot be concluded from this data that high traffic volumes will never occur during days when there is heavy snowfall, it can be concluded that such an event would be rare and it is not appropriate to design for such conditions.

COMMENT 011-210

3. Winter Storm Impact - the effects of snowy storms and poor visibility, reduction of road width due to snow berms, and the presence of heavy, slow snow removal equipment have not been quantified or even included in the traffic analysis.

Analysis of the effect of snow piled on the sides of the road with the proposed road narrowing must also be included.

The Town has increased lot coverage and reduced snowy storage requirements for new projects, relying on snow removal by large trucks rather than on-site snow storage. These trucks need to run day and night. They, along with snow removal plows, add to congestion. Please demonstrate that they have been included in the traffic congestion analysis.

RESPONSE 011-210

The peak-hour traffic movements generated by snow hauling is limited by the available equipment fleet in the community. More importantly, many snow removal companies schedule activities to avoid the peak traffic volumes. For example, snow removal companies tend to take meal or rest breaks during the peak traffic periods, in order to avoid delays to their operations. Snow trucking occurs during periods when the Snow Dumping Pit is in operation which is normally between 11:00 P.M. and 12:00 noon. Trucks are not normally available during storms. In addition, the contribution of snow hauling traffic is considered negligible relative to the total traffic volume on the roadways. Therefore, a specific analysis relative to snow removal is not warranted.

As discussed in Response to Comment No. 011-209, the occurrence of stormy/snowy weather conditions and snow on the roadways actually occurs over a relatively small proportion of the winter. Furthermore, as traffic capacity varies with the specific conditions of a storm, as well as "incidences" such as drivers stopping in travel lanes to adjust chains, identifying a "design condition" to reflect winter storms would largely be speculative. In accordance with Section 15145 in the CEQA Guidelines, if a thorough investigation is unable to resolve an issue and the answer

⁶ Peter Bernasconi, Town of Mammoth Lakes Associate Civil Engineer, two inches of precipitation at the weather station at Mammoth Pass equates to approximately one foot of snow in the Town of Mammoth Lakes.

remains purely speculative, then the discussion of the effects of the issue should be terminated. Consistent with Section 15145, since it would be too speculative to analyze the effects of high traffic volumes during heavy snowfall periods, additional design analysis during such conditions is not appropriate. Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 011-211

4. Impact of Airport growth - the Airport, and its potential growth inducing effects, has been ignored. A distorted picture is presented by omitting the airport's impact and just describing the Town's plans. The major issues surrounding the airport plan must be described, and evaluated. Also the FAA has written the Town describing many concerns i.e. the private development proposed is inappropriate on such restricted land, hangers must be moved to meet clearance requirements, more land is required, etc. These are material matters affecting the town and its traffic, and they must be identified, and their impact described.

RESPONSE 011-211

As identified in the Mammoth Lakes Transportation Model 2004 and 2024 Traffic Volume Results (LSC, December 7, 2004), the traffic generated by the expansion of the airport was based upon the trip rates and land uses identified in the Mammoth Lakes Yosemite Valley Airport Traffic Impact Analysis prepared by LSA Associates. The trips generated by the additional 15 airplane hangers expected to be built at the airport by 2024 were assumed to be included in the trips per passenger trip rate identified in the LSA traffic study. Moreover, as the land uses analyzed under the General Plan alternatives would include any residential, commercial, industrial and other development that may be induced by airport growth, this growth is reflected in the analysis.

COMMENT 011-212

5. Summer Traffic - summer visitation is now greater than winter visitation. Please show traffic data for summer holidays and/or other appropriate summer peaks.

RESPONSE 011-212

Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element. As discussed in Response to Comment No. 011-209, the Town of Mammoth Lakes' use of a typical winter Saturday is consistent with but more conservative (i.e., results in higher design volumes) than the 30th highest hour design period recommended by the American Association of State Highway and Transportation Officials. To further address concerns regarding summer traffic, Caltrans count data along Main Street east of Minaret was reviewed. As shown in Table 13 below of the top 500 peak-hour traffic volumes

occurring in 2003 along Main Street East of Minaret, 61 percent occurred during the winter, 12 percent occurred during the spring, 23 percent occurred during the summer, and 4 percent occurred during the fall. However, as the ski season ended in June of 2003 and started in November of 2003, approximately 77 percent of the 500 peak hour volumes occurred during the ski season. In addition, the summer peak hours occurred during a smaller number of days. Of the 100 highest peak hours, the ski season peak hours occurred over 83 days versus the 18 days over which the summer peak hours occurred, which represents only 18 percent of the days. This further validates the assumption that the worst-case traffic condition generally occurs during the winter.

Table 13**Occurrence of 500 Top Peak-Hour Volumes in 2003 Along Main Street East of Minaret by Season**

Season	Number of Peak Hours	Percentage of Peak Hours
Winter	304	61%
Spring	61	12%
Summer	117	23%
Fall	18	4%
Total	500	100%

Source: LSC Transportation Consultants, 2006

COMMENT 011-213

6. Incomplete Information on Level of Service Definitions - the Level of Service (LOS) definitions must be provided. The statement on page 4-295 that the town considers LOS D acceptable is not validated.

RESPONSE 011-213

Section 4.13.1 in the Revised Draft Program EIR provides definitions of the levels of service (LOS) utilized in the traffic analysis. All LOS provided in the traffic section are intersection LOS. Table 4.13.1 provides qualitative and quantitative descriptions of the LOS. The qualitative description discusses LOS in terms of operational progression. The quantitative descriptions describe LOS in terms of delay (seconds/vehicle) for signalized and unsignalized intersections. These definitions adequately define the LOS thresholds necessary to conduct the traffic analysis and to determine operational traffic impacts to intersections at buildout of the Draft General Plan Update. The statement on page 4-295 of the Revised Draft Program EIR that the town considers LOS D acceptable is contained in Policy 1.7 in the Transportation and Circulation Element of the adopted General Plan, which states that LOS D or better shall be established and maintained on a typical winter Saturday for signalized intersections and for primary through movements for unsignalized intersections along arterial and collector roads. This standard is also confirmed in Policy VII.1.B.c in the Draft General Plan Update. Please also see Response to Comment No. 011-

209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 011-214

7. Pedestrians - the DPEIR must quantify the effect of pedestrians crossing streets on traffic congestion, and safety. This is already a severe problem at The Village, and a nearly doubling of traffic is being proposed.

RESPONSE 011-214

The effect of pedestrians crossing streets on traffic congestion, and safety is analyzed in Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR. Please see Response to Comment No. 011-124 for a discussion of pedestrian traffic and safety.

COMMENT 011-215

8. Quantifiable Unmet Transit Needs - the DPEIR must quantify the "unmet transit" needs, propose mitigation, and assess its effectiveness. Will more Buses increase congestion, or relieve it? Our winter experience is that severe congestion associated with streets narrowed by design, or by snow-piles. [sic] Clearly Buses discharging passengers greatly increase congestion as well, and this impact is not analyzed. Please quantify the need for, and benefits, of increased public transit.

RESPONSE 011-215

Public transit is a major part of the Town of Mammoth Lakes transportation system, especially during the winter. According to the Draft 2004 Mammoth Lakes Transit Plan, the Mammoth Mountain Ski Area buses carry approximately 14,200 passengers on a peak day. Output from the revised Mammoth Transportation Demand Model indicates that the transit ridership in the Town will likely increase by 80 percent by 2024 upon build out of the Draft General Plan Update. At an average vehicle occupancy for trips occurring in Mammoth Lakes of 1.68 persons per vehicle (the average vehicle occupancy applied in the model for each trip type), it is estimated that without transit an additional 13,600 vehicle trips would occur on Mammoth Lakes roadways on a peak winter Saturday. The majority of these trips would occur along Main Street and Minaret Road as they provide primary access to the ski area. Therefore, without transit service, it can be concluded that additional capacity improvements would be required throughout the Town.

Also, assuming that each bus carries roughly 30 passengers, indicates that one bus takes 18 passenger vehicles off the road (20 passengers / 1.68 vehicle occupancy = 18 vehicles). While it is agreed that transit generates pedestrian trips, it should be noted that it has been a long-term goal of the Town to generate pedestrian traffic instead of vehicle traffic. In fact, Guiding Principle VII of the Vision Statement states "Mammoth Lakes has a variety of transportation options that emphasize

connectivity, convenience, and alternatives to personal vehicle use with a strong pedestrian emphasis.”

With regards to transit expansion, it is assumed that transit will need to expand as the Town of Mammoth Lakes builds out. This expansion of transit service will occur in several ways:

- With new development, additional transit service may be required by the Town as a condition of approval. As an example, the Eagle Lodge EIR requires the expansion of transit service to the Eagle Lodge site to accommodate growth in skier numbers and the reduction of overall parking.
- A ¼ cent sales tax is currently collected for provision of transit service throughout the Town of Mammoth Lakes. Therefore, as population and land development grows, it can be assumed that more money will be collected for transit service. Pursuant to the Transportation Development Act, the Town is required to use these funds to expand transit if adequate transit demand exists.

Therefore, it can be assumed that transit will expand to meet demands as growth in the Town occurs.

COMMENT 011-216

9. Issue 4.13-1 Cause An Increase In Traffic Which Is Substantial In Relation To The Existing Traffic Load And Capacity Of The Street System (i.e., Result In A Substantial Increase In Either The Number Of Vehicle Trips, The Volume To Capacity Ratio On Roads, Or Congestion At Intersections) (4-304) - mitigations should receive the same level of analysis as the primary impact. Without this, there is no substantial evidence that the mitigations work. Great skepticism surrounds the effectiveness of roundabouts during heavy winter storms. Please provide data demonstrating the effectiveness of roundabouts, especially during heavy winter storms when the largest traffic jams now occur.

RESPONSE 011-216

A common concern in “snow country” is the impact of a roundabout on snow removal operations. Both the need to remove snow and the need to ensure that accumulated snow does not impact roundabout operation (such as by limiting driver sight distance) are important considerations in mountain resort settings. Significantly, the various public works and engineering personnel contacted at the various mountain communities as a part of the US 50 / SR 89 South Lake Tahoe Wye Roundabout Assessment (LSC, April 14, 2005) indicated that snow issues have not resulted in traffic operations/safety problems and have not hindered snow removal operations. No additional snow removal costs (such as for hand shoveling of splitter islands) has been required at any of the

existing roundabouts. In addition, the presence of snow on or adjacent to the roundabouts (such as on the circulating roadway surface or piled adjacent to the traveled way) was not identified as a problem at any of the locations. At the roundabout in Truckee, plow drivers report that the roundabout provides a convenient means of making U-turns.

Roundabouts: An Informational Guide (U.S. Department of Transportation, Federal Highway Administration, 2000) states the following reasons for increased safety at roundabouts:

- Roundabouts have fewer conflict points in comparison to conventional intersections. The potential for hazardous conflicts, such as right angle and left turn head-on crashes is eliminated with roundabout use.
- Low absolute speeds associated with roundabouts allow drivers more time to react to potential conflicts.
- Since most road users travel at similar speeds through roundabouts, i.e., have low relative speeds, crash severity is generally reduced compared to most traditionally controlled intersections.
- Pedestrians need only cross one direction of traffic at a time at each approach as they traverse roundabouts. Furthermore, conflicting vehicles come from a more defined path at roundabouts and thus pedestrians have fewer places to check for conflicting vehicles. In addition, the speeds of motorists entering and exiting a roundabout are reduced with good design.

According to Roundabouts: An Informational Guide, experiences in the United States show a reduction in crashes after building a roundabout of about 37 percent for all crashes and 51 percent for injury crashes.

Perhaps the most detailed review of traffic safety at roundabouts in the U.S. is presented in Crash Reductions Following Installation of Roundabouts in the United States, prepared by the Insurance Institute for Highway Safety in 2000. This study indicated that roundabouts yielded a 39 percent reduction in all accidents, a 76 percent reduction in accidents resulting in injuries, and fully a 90 percent reduction in the most severe accidents resulting in fatalities and incapacitating injuries. This study concludes that “roundabout installation should be strongly promoted as an effective safety treatment for intersections.”

Studies conducted in England indicate that the number of pedestrian crashes occurring at roundabout intersections is generally lower (by 33 to 54 percent). In addition, Dutch studies indicate a 73 percent reduction in pedestrian crashes at intersections converted to roundabouts.

The data regarding bicycle crashes at roundabouts are revealing. Studies conducted in both England and France indicated that the occurrence of bicycle crashes increased after the installation of modern roundabouts at the study intersections (many of these intersections were low-volume locations). However, a study of Dutch roundabouts indicated that roundabouts that provide a separate bicycle path resulted in a 90 percent reduction of bicycle crashes. According to Existing Roundabouts at Mountain Resorts – Traffic Accident Data Analysis (LSC, 2002), of the ten intersections evaluated, an average of 0.15 bicycle accidents per year (four accidents over 26 years of intersection accident data) occurred prior to the installation of roundabouts and 0.03 bicycle accidents per year (one accident over 31 years of intersection accident data) occurred after they were constructed. Although the sample sizes contained in this study may not provide statistically significant data, the analysis indicates that bicycle safety is not significantly jeopardized after the installation of roundabouts in this country. In light of the observed reduction in bicycle accidents at roundabouts in similar US mountain resort areas, and considering that a separate bicycle facility would be provided on one or both sides, it can be concluded that bicycle safety would not be negatively impacted by a roundabout.

In addition, please also refer to Table 4.13-8 in the Final EIR, which provides a summary of the mitigated winter Saturday P.M. peak hour intersection LOS conditions. The table indicates the 2024 LOS with the project and incorporation of the proposed mitigation measures.

COMMENT 011-217

The data show that the one roundabout that is really needed would be at Main & Minaret, but it is not proposed. Why not? What design standards will be imposed? Will traffic from a two lane road be funneled into a one lane roundabout? What delays are expected at the traffic signals?

RESPONSE 011-217

A roundabout could be considered to mitigate LOS impacts at the Main/Minaret Road intersection. However, due to significant grading that would be required south leg of Minaret Road the more cost-effective signal phasing adjustments were found to mitigate LOS impacts, they were identified as the recommended mitigation.

Roundabouts built on state highways would be subject to Caltrans design guidelines. Those roundabouts built off Caltrans roads would likely be built to similar design guidelines and/or those referenced in the Roundabouts: An Informational Guide (U.S. Department of Transportation, Federal Highway Administration, 2000).

The traffic analysis assumed that two-lane roundabouts would be built on all roadways with two lanes per direction. Therefore, traffic would not be required to merge from two lanes to one lane at roundabouts.

Please see Table 4.13-2 in the Revised Draft Program EIR that depicts the ranges of delay for LOS at signalized and unsignalized intersections.

COMMENT 011-218

Further, there is no discussion of the development of land on both sides of Meridian Blvd. east of Old Mammoth Road, and impacts on traffic and circulation. Potential development of hospital and health services, schools, the library, and housing in this area are not analyzed.

RESPONSE 011-218

The traffic analysis assumes full build out of the Draft General Plan Update. More specifically, this means that maximum densities allowed by the land use designations were assumed in the traffic model. Therefore, potential development along Meridian Boulevard based on the proposed land use designations was included in the traffic analysis. Please see Figure 3-4 of the Revised Draft Program EIR for the proposed land use designations.

COMMENT 011-219

Finally, mitigation 4.13-1 is not feasible because the Town has no control over Minaret Road as a State Highway. Please propose alternative mitigations.

RESPONSE 011-219

As discussed in Response to Comment No. 005-8, Mitigation Measure 4.13-1 in the Revised Draft Program EIR that prescribes improvements to Minaret Road is no longer required based upon adjustments made to the traffic model. The adjustments were based on comments received on the Revised Draft Program EIR and were corrections to some of the assumptions in the model. Thus, no improvements would occur along Minaret Road.

COMMENT 011-220

10. Issue 4.13-2 Exceed Level of Service (4-311) - this one issue results in fifteen implementation measures and ten mitigation measures. Several of these are onerous, such as prohibiting left turns from Forest Trail to eastbound Main Street. Further, the measures for Meridian Blvd., for example, seem to conflict as to the number of lanes of traffic between each [sic] the six intersections. No evidence is provided that the mitigations will be effective. Please reanalyze entire streets, rather than focusing solely on intersections.

RESPONSE 011-220

The LOS shown in Table 4.13-8 of the Revised Final Program EIR indicates the LOS that would result after mitigation and is based upon a detailed LOS analysis. As discussed in Response to Comment No. 005-8, the LOS has been revised in the Final EIR based on the revised traffic data.

As shown in Table 4.13-8 of the Final EIR, the nine impacted intersections would operate at an acceptable service level with the improvements that would result from the incorporation of mitigation measures. The intersection of U.S. Highway 395 Northbound and Hot Creek Fish Hatchery was analyzed in the Mammoth Yosemite Airport SSEIR and mitigations will be implemented as required. The implementation measures listed in the discussion are contained in the Draft General Plan Update. The purpose of the policies and implementation measures in the Draft General Plan Update is to reduce environmental impacts. The incorporation of the General Plan Update policies and implementation measures, along with the traffic improvement mitigation measures prescribed under Issue 4.13-2, would reduce traffic impacts to less than significant levels.

COMMENT 011-221

11. Issue 4.13-3 Air Traffic Patterns (4-319) - please update the referenced 1998 Airport Plan in light of the more recent directions for the expansion of the airport, and reanalyze this section to reflect the current conditions.

RESPONSE 011-221

According to the Federal Register (July 24, 2006, Volume 71, Number 141):

“In November of 2005, the Town of Mammoth Lakes representatives withdrew their proposed runway expansion project to Mammoth Yosemite Airport in favor of a reduced proposal for resumption of scheduled regional air carrier service that would be accommodated within the existing configuration of the airport. As a result of this decision, the FAA has terminated preparation of an EIS for the proposed expansion of Mammoth Yosemite Airport. See FR Volume 68, Number 214. Should FAA identify potential impacts to any resource designated under 49 U.S.C. 303© (commonly known as Section 34(f)), the EIS will also serve as FAA's Section 4(f) statement.

Horizon Air is proposing to begin scheduled regional air carrier service using existing facilities at Mammoth Yosemite Airport beginning in December of 2007 with two flights per day from Los Angeles International Airport during the winter season (December to April). Proposed winter service is projected to increase to a maximum of eight flights per day by the year 2010. The aviation activity forecasts project the addition of two flights per day during the summer months beginning sometime in 2011. Horizon Air has provided the FAA with a written expression of interest to begin scheduled service utilizing Q-400 aircraft.”

As the Airport proposes to reduce the development from that analyzed in the *Mammoth Yosemite Airport Subsequent EIR*, and as the *Mammoth Lakes General Plan EIR* based traffic growth in traffic identified in the *Mammoth Yosemite Airport Subsequent EIR*, the recent changes to

development of the Airport would result in less traffic than identified in the Revised Draft Program EIR. Therefore, the Revised Draft Program EIR traffic analysis is valid with regards to the airport assumptions.

COMMENT 011-222

12. Issue 4.13-5 Inadequate Emergency Access (4-324) - in this version, a reference has been added to the Town's Emergency Operations Plan. However, this referenced plan includes no scenarios for evacuation of the town. No data is provided to indicate any analysis of the capacity of evacuation routes based on increased population has been included. Please supply a quantitative analysis.

These routes are not adequate now, which is missing from the narrative. Please compare current conditions, and also include a scenario for a pear winter Saturday with snow conditions.

RESPONSE 011-222

Please refer to Response to Comment Nos. 011-83 and 002-11 for a discussion of whether buildout of the Draft General Plan Update would impair implementation of or physically interfere with an adopted emergency response plan or emergency evaluation plan.

COMMENT 011-223

13. Issue 4.13-6 Inadequate Parking Capacity (4-326) - the effect of inadequate parking throughout town has not been quantified, nor have the benefits of the Town's proposed Transit system. The DPEIR states "congestion appears to be correlated with the shortage of accessible private and public parking" No further discussion is provided. It is necessary to quantify how much additional parking is required now, and for the alternatives. Please show the results of analysis that quantifies the benefit of providing additional parking lots, parking garages, etc. Also quantify the benefit of added bus service. The DPEIR says that "traffic will increase 88%, even assuming 115% increase in bus rider-ship", and leaves it at that. Please quantify how existing parking will be impacted, and what mitigation is proposed.

RESPONSE 011-223

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. As indicated in the discussion of Issue 4.13-6, all projects would be required to comply with parking standards contained in the Town's Municipal Code and to mitigate its impact on parking availability.

Evaluating parking demand on a parcel-by-parcel basis is outside the scope of a General Plan EIR. However, LSC Transportation Consultants recently completed the *Mammoth Lakes 2005 Parking Study* (May 20, 2005) for the Town of Mammoth Lakes. This study detailed parking demand and supply, as well as the potential to provide park-and-ride parking lots. Parking demands were evaluated in 14 zones through the Minaret, Main Street, and Old Mammoth Road business districts. The study was presented to the Planning Commission at the meeting and adopted by the Town Council at the meeting. The MFP Project No. ST-02 Municipal Parking Lots provides for the construction of approximately 711 parking spaces in three to four parking lots or garages in various areas in town.

Based upon the results of the study and considering the observations of the estimated parking supply, parking utilization, and the analysis of future demands, the following parking control measures were recommended to address parking conditions in the commercial portions of the Town of Mammoth Lakes, as well as to provide park-and-ride parking:

- Shared parking should be encouraged in the Town of Mammoth Lakes, particularly along Old Mammoth Road. Cooperation between business owners and the Town could help to accommodate a large amount of additional parking.
- The commercial uses in the Village at Mammoth area have a current parking shortage of 157 spaces if shared parking is applied. This figure is forecast to increase to 360 at build out of the Draft General Plan Update, assuming that no additional parking is constructed as part of new development throughout these zones. Therefore, a minimum 157 spaces are recommended to be constructed, and more could be provided if desired by developers of commercial property. While it may be physically possible to provide these spaces in a single structure southwest of the Village, the Village would best be served by providing two smaller parking facilities. The walk distance from this structure to the northeastern commercial property of the Village would be on the order of 900 feet, and require crossing two streets. Many customers (in particular) bound to these northeastern commercial properties would find this to be an onerous walk, and would be tempted to find illegal parking east of Minaret Road. Therefore, providing a smaller number of spaces to the southwest and the remainder under the community center tennis courts would both be more convenient for employees and customers of the Village, would reduce the need for pedestrians to cross Minaret Boulevard, and would also tend to reduce traffic circulating through the Village area.
- Parking Zones 12 and 13 of the study, located along Old Mammoth Road south of Meridian Boulevard were also identified as parking problem areas. In the shared parking analysis, a total of 131 spaces are needed between the two zones studied. According to Town staff, there may be an opportunity to partner with a developer on

parking at Oak Tree Place in Zone 12; however, it is unclear how many spaces this could generate. There is also an undeveloped parcel on the corner of Old Mammoth Road and Chateau Road in Zone 14. A public parking facility in this area could also serve as a park-and-ride lot for the southern portion of the community.

- Although most of the zones along Main Street have a parking deficit in the no-shared parking analysis, only Zone 1 and 18 (located on the North side of Main Street east and west of Mountain Boulevard) remain a problem if shared parking is practiced. As Zone 1 contains only lodging/residential uses and a service station, no shared parking is possible. Between the two zones a total of 122 spaces would be required. As parcels are redeveloped, potential locations for a public parking lot should be considered on the north side of Main Street. This could also serve as a feasible park-and-ride lot location for the Sierra Valley/ Sierra Vista areas.
- The existing park-and ride lot is adequate to accommodate the park-and-ride demand of the Old Mammoth Road commercial area, The Trails area, as well as a portion of the demand generated by Sierra Valley Sites. In light of the low level of additional demand that could be conveniently served at this location, and the fact that it would generate additional traffic in this relatively busy location, expansion in park-and-ride lots in other locations is recommended over expansion of parking supply at this location (through construction of a structure).
- A relatively small (30 space) public parking lot could be beneficial in serving existing and future parking needs in the Zone 2 area on the south side of Main Street between Joaquin Road and Manzanita Road. Providing up to roughly 40 additional spaces to serve as a park-and-ride lot in this area (or on the opposite side of Main Street) would also be beneficial. Provision of park-and-ride spaces along Main Street would benefit greatly from a roundabout or traffic signal to aid pedestrian crossings.
- The Town should also consider provision of one or two smaller (20- to 40-space) park-and-ride lots along the Red Route in the Mammoth Camp/Snowcreek/ Starwood areas to serve these neighborhoods. Keeping the lots relatively small would minimize the parking and visual impacts, and providing these spaces close to residential locations would minimize traffic throughout the community.

Therefore, the Town is aware of current parking issues and has included new parking facilities in the Development Impact Fee. Please also refer to Response to Comment No. 011-215 for a discussion of transit impacts.

COMMENT 011-224

Provide analysis to show how increased parking will mitigate the traffic problems. Since the newest projects have demonstrably inadequate parking, please review the adequacy of the town's existing requirements regarding parking spaces needed for new projects. The DPEIR document simply says the Town must make developers provide adequate parking, without specifying what is adequate. It does say the lack of parking contributes to current congestion, but does not quantify this problem.

RESPONSE 011-224

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the Draft General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, future development projects would be required to show that adequate parking is available to meet the demand of the project during the site-specific environmental review process.

The commenter does not identify specific projects for which adequate parking is not currently provided, and so, there is no validation of the statement that “newest projects have demonstrably inadequate parking.” Thus, as new projects would be required to provide parking consistent with code, adequate parking would be maintained Townwide. While existing standards are generally considered to be adequate, Implementation Measure VII.1.F.a.1 of the Draft General Plan Update requires that the Town reevaluate the parking requirements in Title 17 to ensure that the requirements result in adequate parking.

COMMENT 011-225

14. Issue 4.13-7 Conflict with Adopted Policies, Plans, Or Programs Supporting Alternative Transportation (4-328) - if the Town is already not meeting the needs, depending on policies rather than quantifiable actions is not mitigation. No substantial evidence is provided that the listed mitigations will be effective.

RESPONSE 011-225

As indicated in the discussion in Issue 4.13-7, the Draft General Plan Update contains numerous policies and implementation measures to enhance alternative transportation facilities and programs (pedestrian, bicycle, bus). As such, as the Town buildouts under the Draft General Plan Update, alternative transportation would be expected to increase to meet the demand. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a

program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Draft General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, future development projects would be required to show that adequate transit service is available to meet the demand of the project during the site-specific environmental review process. In addition, the Town has implemented MFP Project No. ST-29 Traffic Monitoring Stations that will allow traffic monitoring for evaluation on mitigation measures that have been implemented and triggers for implementation of other mitigation measures. The Town currently provides on-going traffic monitoring. In addition, the Town is preparing an update of the Mammoth Lakes Transportation Model. This model will be an up-to-date parcel-based Geographic Information System program that will facilitate ongoing updates of the model as development occurs, and will be substantially easier to use and interpret than the current model. This update will also provide a model that reflects the most recent traffic conditions.

In addition, as a policy planning document, the General Plan Update is not meant to identify the details of new transit service, but rather to develop policies that will guide the Town in future transit planning processes.

As indicated in Issue 4.13-7, the purpose of the analysis of this issue is to determine if future development in accordance with the Draft General Plan Update would conflict with policies, plans, or programs that support alternative transportation. As indicated in the Revised Draft Program EIR, policies and implementation measures contained in the Draft General Plan Update would expand the existing trail, sidewalk and bicycle network. All of which support alternative modes of transportation. Additionally, public transit facilities and options would be expanded to reduce visitors and residents reliance on private automobiles. Therefore, the Draft General Plan Update would not conflict with policies, plans, or programs that support alternative transportation. As the project would result in less than significant impacts with regard to this issue, no mitigation measures are provided.

COMMENT 011-226

Further, the needs and benefits of alternative transportation (e.g., bus turnouts, bicycle racks) and additional transit (buses) must be quantified. Will increasing use of buses reduce traffic congestion or add to it?

RESPONSE 011-226

Transit is a key strategy for reducing traffic congestion in the Town of Mammoth Lakes. According to the *Mammoth Lakes Transit Plan* (LSC, 2001), 35 percent of all ski area access is via transit.

Considering that, also according to the *Mammoth Lakes Transit Plan*, the average December daily ridership per vehicle hour is 39. At an average vehicle occupancy of 1.68, one transit vehicle hour would take 23 vehicles off the roadway. Of course, according to the Highway Capacity Manual, a bus requires more roadway capacity than a typical passenger vehicle due to its size and inability to accelerate and decelerate as fast as other vehicles. Assuming a bus is equal to 2 passenger vehicles, this would indicate that a bus can transport the same amount of passengers with a fraction of the impact to capacity (less than 10 percent). As this demonstrates, transit results in a net reduction in auto trips. In addition MFP Project No. ST-09, Transit Stops, provides for improvement of bus stops throughout the town with shelter, turnouts, and other appurtenances as appropriate. ST-04 Bus Equipment provides for the Town to purchase additional buses as the Town system needs to be increased and implementation of ST-06 Transit Facility is under way.

COMMENT 011-227**4.14 Cultural Resources**

1. Issue 4.14-1 Project Would Cause A Substantial Adverse Change In The Significance Of A Historical Resource As Defined In §15054.5 -- the survey methodology mentioned in mitigations 4.14-1 and 4.14-3 needs to be clearly defined in order for this mitigation measure to be deemed adequate. Further, the methodology for enforcement of mitigation 4.14-2 must be defined, and financed.

RESPONSE 011-227

Mitigation Measures 4.14-1 and 4.14-3 have been revised in the Final EIR to indicate that the field survey shall be conducted using methodology that meets or exceeds state and federal guidelines. In addition, MM 4.14-1 has been revised to add that a qualified cultural resources professional shall be contracted to review the records search data collected by PCR Services Corporation on behalf of the Town of Mammoth Lakes as part of the Draft General Plan Update process. With regard to the enforcement of MM 4.14-2, in accordance with CEQA Guidelines, all the mitigation measures contained in the Final EIR for the Draft General Plan Update will be included in a Mitigation Monitoring and Reporting Program (MMRP) which will be adopted by the Town. The MMRP designates the responsible agency with regards to enforcement of each measure. In terms of financing, for private development projects it would be the developer that would be responsible for the necessary funding for the implementation of mitigation measures.

COMMENT 011-228

2. Issue 4.14-2 Change in Significance of Archaeological Resource (4-351) - mitigation measure 4.14-4 needs to refer to the Town, not the City.

RESPONSE 011-228

The comment is acknowledged. The text should refer to the Town, not the City. Mitigation Measure 4.14-4 in Section 4.14.4, Impacts and Mitigation, of the Final Program EIR has been revised to indicate the Town.

COMMENT 011-229**Chapter 5 Cumulative Effects**

1. Table 5-1 Related Projects (5-2) - is incomplete and must include a full analysis of:

- MMSA Main Lodge and Inn expansion, Eagle Lodge expansion on FS land, new gondola and lift plans, Tamarack development, transportation and parking plans, the Ski Back trail, and projections of skier and bike park visits. It is indefensible to not include the Town's biggest employer, who is also currently the largest provider of transportation, in the Cumulative Effects as well as the Housing, Transportation and Recreation Chapters. This operation is within the Town municipal limit, principally outside the UGB. The details of some of these projects have only been recently revealed; however they have been in the works for years and have been the subject of wide discussion. Other projects have progressed to the point that project descriptions exist and environmental documents are under preparation.

RESPONSE 011-229

Section 15130, Discussion of Cumulative Effects, of the CEQA Guidelines requires the cumulative analysis in an EIR to include a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency or to use a summary of projections contained in an adopted general plan or related planning document can be used. If individual projects are considered (i.e., list approach), typically, the list is compiled at the time of the Notice of Preparation (NOP). As indicated in Section 5.0 of the Revised Draft Program EIR, a list and description of cumulative projects was compiled by consulting with the Town, Inyo County, Mono County, and the Inyo National Forest staff. Without the limitation on when the cumulative projects list is compiled, the cumulative impact analysis could suffer frequent revision as new, incremental projects are identified in particular in light of the amount of time that can pass for the environmental review process for larger projects, such as the Town's Draft General Plan Update.

The list of projects included those MMSA known at the time that were reasonably foreseeable. Simply because a project is talked about does not mean that there is sufficient certainty or sufficient amount of information known about a project to include the project in a cumulative analysis. The analyses contained in the Revised Draft Program EIR assume buildout of the MMSA Development Plan, which guides the growth of MMSA's capacity to 24,000 Peak Design Capacity (PDC). No applications from MMSA had been approved or were pending at the time of the completion of the Revised Draft Program EIR. However, as the analyses consider the 24,000 PDC, future growth associated with MMSA is included in the cumulative analysis.

COMMENT 011-230

- Proposals under evaluation by the Forest Service to expand the size [sic] operations and area covered by MMSA Snowmobile Adventures and DJ's snowmobiles for Air Quality and Recreational impacts

RESPONSE 011-230

As indicated in Response to Comment No. 011-229, Section 5.0 of the Revised Draft Program EIR includes a list of projects that were considered in the cumulative analyses. The two projects listed in the comment, MMSA Snowmobile Adventures and DJ's snowmobiles are existing facilities and therefore, are included in the baseline conditions. In terms of any proposed modifications or expansions of these facilities, no applications were pending or known of at the time of the completion of the Revised Draft Program EIR. However, as indicated in the Response to Comment No. 011-229, the analyses contained in the Revised Draft Program EIR assume buildout of the MMSA Development Plan, which guides the growth of MMSA's capacity to 24,000 Peak Design Capacity (PDC). In addition, the two facilities mentioned in the comment are located outside of the Town's boundary and as such are located a distance from the concentration and sources of development that would contribute to air quality and recreational impacts. As indicated in Response to Comment No. 001-18, the statewide and regional populations are the primary factors for the demand for recreational opportunities on public lands, not growth within the Town. As such, inclusion of these two projects in the cumulative analysis would not alter the conclusions regarding cumulative impacts contained in the Revised Draft Program EIR.

COMMENT 011-231

- FS fuel break projects that involve burning, such as the Sawmill/Shady Rest area, the Scenic Loop, and many others in and just outside planning area that could have grave impacts on Air and Water Quality.

RESPONSE 011-231

As indicated in Response to Comment No. 011-229, Section 5.0 of the Revised Draft Program EIR includes a list of projects that were considered in the cumulative analyses. Fuel break

projects are managed by the Inyo National Forest outside the UGB. In addition, fuel break projects are intermittent. With regard to water quality, BMPs are incorporated as part of the implementation of the fuel break projects so as to reduce potential runoff impacts to less than significant levels as required by NEPA.

COMMENT 011-232

- Valentine Reserve fuel break projects involving burning.

RESPONSE 011-232

Please refer to Response to Comment No. 011-231 for a discussion regarding fuel break projects.

COMMENT 011-233

- It is not clear if the Airport development is included in the Project Alternative assessment. For instance the Airport EA identifies about 50 tons per year of nitrogen compounds. Light from the Airport required by the FAA would be another important factor. Regarding the airport, both the commercial and residential resort impacts must be included in the cumulative analyses.

RESPONSE 011-233

The Mammoth Yosemite Airport is located within the Town's UGB. As indicated in Section 4.7 of the Revised Draft Program EIR, the land use designations contained in the Draft General Plan Update are consistent with the adopted ALUP. The maximum development in the area designated Airport has been included in the analyses contained in Section 4.0 of the Revised Draft Program EIR. Development at the Airport is considered within each alternative. As indicated in Section 7 of the Revised Draft Program EIR, under the No Project Alternative and the Workplace/Affordable Housing Alternative, the Airport zone would include 250 visitor accommodation units and approximately 30,000 square feet of commercial development. Under the Reduced Development Alternative, the Airport designation would not permit residential uses, but would permit up to 25 acres of industrial development. A discussion of impacts regarding aesthetics, including light and glare, and public safety and hazards are included under each alternative. Please also refer to Response to Comment No. 004-2 for further discussion of airport-related impacts evaluated in the Revised Draft Program EIR.

COMMENT 011-234

- There is no evidence as to whether other organizations such as the City of Los Angeles (Campground area called open space), Valentine Reserve (University of California), Kaolin mine, State Fish Hatchery, RV Park, FS housing area, Cal Trans equipment yards, and other

entities were contacted for their plans. Please include discussion of these contacts, and include the resulting analysis in this section.

RESPONSE 011-234

During preparation of the Draft General Plan Update, the Town held four public workshops to receive input on the public's vision for the Town. Overall, these workshops were well attended with approximately 100 people at each session. In order to strengthen community input and provide input to staff and consultants outside the formal public workshop and public hearing process, the Town Council appointed a General Plan Advisory Group (GPAG) early in the General Plan Update process. The ten representatives reflected a broad range of community stakeholders and interest groups including: minority population(s), environmental interests, members of the local workforce, and business owners/employers. Over a two-year period, GPAG members generally met twice a month. In addition to the workshops, surveys were distributed and made available on the Town website. Presentations were given to service clubs, schools, and other community groups to solicit community feedback. All of this information was utilized by the General Plan Advisory Group and Town staff as they drafted the General Plan.

In accordance with the CEQA Guidelines, a Notice of Preparation (NOP) for the Revised Draft Program EIR was distributed by overnight delivery to the State Clearinghouse, as well as to responsible agencies, trustee agencies, and others on August 16, 2005. The NOP provided responsible and trustee agencies an opportunity to comment on the Draft General Plan Update and the issues to be evaluated in the Revised Draft Program EIR, thereby contributing to the ultimate scope and focus of environmental issues that are analyzed. Based on the Initial Study process, NOP comments, public input, and comments to the previously circulated Draft Program EIR, the NOP for the Revised Draft Program EIR, the Revised Draft Program EIR was developed. The Revised Draft Program EIR was circulated to local, regional, state, and federal agencies and to interested organizations and individuals for a 45-day review period beginning October 31, 2005.

While the organizations referenced in the comment may not have been contacted directly by the Town, representatives from each organization had ample opportunities through the public involvement process to provide input on both the Draft General Plan Update and the Revised Draft Program EIR. Notices of Availability were distributed to the City of Los Angeles Department of Parks and Recreation (regarding an in-town campground owned by that entity), the University of California's Valentine Reserve, the California Department of Fish and Game (which operates the State Fish Hatcheries), Inyo National Forest Service. Representatives of several of these agencies are known to have attended one or more of the public sessions regarding the General Plan Update cited above. In addition, as indicated in Section 5.0 of the Revised Draft Program EIR, the cumulative project list and description of cumulative projects was compiled by consulting with the Town, Inyo County, Mono County, and the Inyo National Forest staff. Inyo and Mono county

staffs were contacted directly by Town staff. The Inyo National Forest publishes a Schedule of Proposed Actions quarterly, which was used for the compilation of the related projects list.

COMMENT 011-235

2. Section 5.1 Aesthetics, Light and Glare (5-1) -- MMSA projects could have large impacts on Aesthetics, Light and Glare. The airport is also clearly visible from Town and must be included. Sky glow is a cumulative effect as areas become more urbanized, not just a line of sight issue. Please include all of the projects in general background light analysis.

Lights from traffic are also an addition to both glare and general background light. The traffic headlights from vehicles associated with the related projects must be included in cumulative analyses.

RESPONSE 011-235

The discussion of light and glare impacts under Issue 4.1-4 in the Revised Draft Program EIR considers all future development projects in assessing impacts to the night sky. Each development project, including MMSA and airport-related projects, would be subject to environmental and design review on a site-specific basis to ensure that light and glare impacts do not substantially increase the amount and intensity of nighttime lighting nor cause light spillover onto adjoining properties, do not reduce night sky visibility, and do not increase the potential for glare onto adjacent areas including the U.S. Highway 395 Scenic Corridor. However, as stated under Issue 4.1-4, while the Town has policies and regulations regarding lighting, given the incremental increase in development that would occur under the Draft General Plan Update compared with existing conditions, the Draft General Plan Update would result in an increase in lights at night which would impact the night sky. Therefore, the Draft General Plan Update would result in a significant impact with regard to night lighting and a reduction in the quality of stargazing for residents and visitors. No feasible mitigation measures have been identified to reduce this impact. Thus, impacts have been identified as significant and unavoidable. Section 4.1.1.2, Light and Glare, has been revised in the Final EIR to include vehicle headlights as an exterior lighting source. The discussion of new development projects that contribute to light and glare impacts under Issue 4.1-4, takes into account all lighting from exterior sources, which includes traffic headlights. As such, lighting from vehicular headlights contributes to the significant and unavoidable impact to the night sky.

COMMENT 011-236

3. Section 5.1 Air Quality (5-3) - the cumulative impact of the increased traffic, additional diesel buses, motocross, shuttle buses to Devil's Postpile, diesel construction equipment, snow grooming equipment, forest burn projects, snowmobiles, aircraft operations, etc. from the related projects need to be compared to the base case and the proposed mitigations.

RESPONSE 011-236

As stated on page 5-9 of the Revised Draft Program EIR, the traffic analysis and quantitative air quality analysis did include the on-road contribution to Townwide VMT from the related projects. The discussion in the Revised Draft Program EIR has been expanded to address potential cumulative impacts from construction and off-road activities, such as those listed in the comment. It should be noted that cumulative impacts with respect to the state O₃ and PM₁₀ standards are concluded to be significant, and cumulative impacts with respect to the federal PM₁₀ standard are concluded to be less than significant after mitigation. In other words, the conclusions in the Revised Final Program EIR remain unchanged from the conclusions reached in the Revised Draft Program EIR. Although these sources emit quantifiable amounts of numerous criteria and precursor pollutants, the primary air quality concern in the Town is the impact on PM₁₀ levels since PM₁₀ is the only pollutant for which the town has developed a federally-mandated reduction plan, the Air Quality Management Plan (AQMP). In preparing the AQMP, the Great Basin Unified Air Pollution Control District (GBUAPCD) determined that the primary contributors to ambient PM₁₀ levels in Town are the result of wood burning and re-entrained road dust. Particulate exhaust from internal combustion engines, such as those used in on-road cars, buses, and trucks and off-road devices including dirt bikes, snow grooming equipment, snowmobiles and aircraft, is chemically and physically distinct when compared to particulate emissions from external combustion (e.g. wood burning) and dust (e.g. earthmoving, roadway dust, etc.). Based on ambient monitoring and laboratory analyses commissioned by the GBUAPCD, the contribution to ambient PM₁₀ levels from vehicle exhaust and background sources combined was estimated to be no more than 4.8 percent of the total ambient PM₁₀ levels in the Town. Therefore, any increase in emissions from these types of sources above what has been explicitly accounted for in the cumulative analysis (e.g. wood burning and on-road VMT) would have little impact on ambient concentrations.

COMMENT 011-237

4. Section 5.1 Sierra Nevada Bighorn Sheep (5-6) - much of the habitat of the Bighorn is not in wilderness areas and the trail heads do not have backpacker controls. This is particularly true of the Wheeler Crest which can also be reached by an open Jeep trail. Also, the Forest Service does not control day use of any of these areas and most of the sheep areas are within reach of a stiff day hire. The impacts of the increase in visitor population, when combined with the other related projects, must be analyzed.

RESPONSE 011-237

Maps of the John Muir Wilderness and Inyo National Forest were consulted in addition to the Draft Recovery Plan for the Sierra Nevada Bighorn Sheep (*Ovis canadensis californiana*) (USFWS 2003)⁷, and it was confirmed that Wheeler Crest (also known as Wheeler Ridge), which

⁷ U.S. Fish and Wildlife Service. 2003. *Draft Recovery Plan for the Sierra Nevada Bighorn Sheep*. U.S. Fish and Wildlife Service, Portland, Oregon. xiii + 147 pp.

supports a population of Sierra Nevada bighorn sheep, is largely within areas managed by the U.S. Forest Service as stated in the Revised Draft Program EIR on page 4-58.

Section 5.0, Cumulative Impacts, of the Revised Draft Program EIR analyzes the impacts in increased visitor population combined with other related projects. This section acknowledges that the proposed project would result in an increase in visitor use throughout the east slope of the Sierra Nevada Range and that indirect effects to Sierra Nevada bighorn sheep could include disturbance to sheep and avoidance of preferred use areas due to an increase in the number of tourists backpacking into the high elevations of the Sierra Nevada Range where the bighorn sheep occur. However, this section also explains that the Inyo National Forest controls the number of overnight visitors entering the John Muir Wilderness by controlling the number of back-country permits that are issued and limiting the dates that permits are issued to reduce potential disturbance to bighorn sheep. With these controls in place, a significant increase in visitation to areas used by the bighorn sheep is not anticipated and indirect impacts to bighorn sheep on a cumulative level are less than significant.

COMMENT 011-238

5. Section .5.1 [sic] Owens Tui Chub (5-10) - please clarify whether the proposed Snowcreek second nine hole golf course water supply is included in either the Cumulative Analysis or the Project Alternative. If not, it must be included because the water would appear to have to come from groundwater and would add to the cumulative potential shortfall on the springs that support the Chub

RESPONSE 011-238

The 2005 UWMP does not include the expansion of the Snowcreek golf course as it is outside of the District's service area. Table 7 of the 2005 UWMP provides the past, current and projected water use by water use sector. For golf courses, the past (2000) and current (2005) water use information used in Table 7 is based upon the actual water demands for those years. In 2000, golf courses used 297 acre-feet while in 2005 golf courses used 255 acre-feet. The projected figures of 400 acre-feet per year, which is used for years 2010 to 2025 are estimated maximum demands from Sierra Star and Snowcreek golf course based on maximum water supplied to these locations historically. Generally, in drier water years, additional water is needed for these customers. The 400 acre-feet per year is based on the maximum historical supply provided to both golf courses in 2001, which was a relatively dry water year. The use of 400 acre-feet is 103 to 145 acre-feet above the past water demand from golf courses in 2000 and 2005, respectively. As indicated in the Water Supply Assessment for the Snowcreek Master Plan, the District provided an average of 85 acre-feet per year over the past seven years to the Snowcreek golf course.

The developer for the Snowcreek Master Plan has stated that it would prefer to utilize recycled water for irrigation of the nine holes. The Water Supply Assessment prepared by MCWD for the

Snowcreek Master Plan acknowledges that the source of irrigation water utilized for the golf course expansion could affect the District's groundwater supplies and the availability of groundwater to serve new development if water is withdrawn from the basin for irrigation. If recycled water were to be used, the irrigation would not affect the District's groundwater supplies.

With regard to the use of recycled water for large turf irrigation, MCWD Board certified a Final EIR in March 2007, which analyzes the use of recycled water for irrigation on existing and future golf courses as well as at Shady Rest Park. The Recycled Water Project plans for providing recycled water to Snowcreek and Sierra Star golf courses and Shady Rest Park. Recycled water use at Shady Rest Park and Sierra Star Golf Course would result in a direct offset of potable water. Recycled water provided to the Snowcreek Golf Course would be provided to a portion of the existing nine holes and possibly the entire additional nine holes planned for development. Recycled water provided to the additional nine holes planned at the Snowcreek Golf Course would not offset any current demands for potable water. Overall, it is anticipated that the amount of potable water that could be made available through the implementation of this project is about 400 acre-feet annually. However, depending upon customer demands, the recycled water project could potentially supply about 550 acre-feet annually to large turf irrigators in the community during the summer irrigation season. Please see Response to Comment No. 010-19 for a more detailed discussion regarding water use by the golf courses.

With regard to impacts to the Chub, no change is necessary to the cumulative analysis regarding the Owens Tui Chub relative to the water supply. The District upgraded its production well monitoring in 2006 by adding water level transducers to each production well. The District staff accesses the data through the District's existing supervisory control data acquisition system (SCADA) to control pumping levels and to reduce draw down when necessary. The potential for new groundwater supplies is currently under evaluation by the MCWD through the recently expanded monitoring system and the current preparation of the groundwater model of the Mammoth Basin. Please also see Response to Comment No. 010-21 for a detailed discussion regarding potential sources of future water supply as well as proposed efforts and efforts underway to reduce water demand.

COMMENT 011-239

6. Section 5.1 Land Use Planning (5-11) - the General Plan apparently makes provision for certain areas outside the UGB (Chapter 4 of DPEIR) to be automatically included in UGB if land trades occur. This is particularly true if the projects noted above in number 1 and 2 of this section, such as the MMSA projects, are included. Every parcel inside the Town municipal limits must be analyzed for compatibility of land use.

RESPONSE 011-239

The section referred to in the comment, Section 5.1, provides a discussion regarding potential cumulative land use impacts that could occur from the project in combination with related project. The discussion does not address land exchange. However, as indicated in the discussion under Issue 4.7-2, lands outside the UGB, but under Special Use Permit from Inyo National Forest can be exchanged without violating the UGB. However, as indicated in the discussion, any such exchange would require a General Plan amendment to establish the appropriate Town land use designation. Environmental review would be required as part of the General Plan amendment. Part of the analysis would include land use compatibility. It would be speculative to identify parcels for which a land exchange might occur outside the UGB. In addition, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects or land exchanges, that may occur in the future would require project-level environmental documentation during the review process.

COMMENT 011-240

7. Section 5.1 Noise (5-12) -the cumulative analysis must include MMSA snowmaking, grooming, and transport vehicles, diesel geothermal drill rigs next to Shady Rest Park, Motocross, increased Snowmobile use, increased OHVs without noise controls, increased traffic including commercial trucks servicing an expanded ski area and commercial/retail/industrial uses, and increased aircraft traffic.

RESPONSE 011-240

Section 15355 of the CEQA Guidelines requires cumulative impacts to be evaluated for closely related past, present, and reasonable foreseeable probable future projects. A list and description of cumulative projects was compiled by the Town through consultation with Inyo County and Mono County staffs. In addition, the Inyo National Forest publishes a Schedule of Proposed Action, which is produced quarterly. The Schedule of Proposed Action was used for compilation of the related projects list. As discussed in Section 5.0, Cumulative Impacts, of the Revised Draft Program EIR, all of these identified related projects have been considered for the purposes of assessing cumulative noise impacts. The potential for noise impacts to occur are specific to the location and nature of each related project as well as cumulative traffic on the surrounding roadway network.

In addition, the Revised Draft Program EIR presented existing monitored ambient noise data representing the composite noise levels in the Town from all sources (See Table 4.8-5 of the

Revised Draft Program EIR). While this comment makes suggestions as to how the cumulative noise analyses should have been prepared, it is important to recognize that related projects collectively only add relatively limited increments of noise to the increments predicted for the General Plan Update, itself, and that the sum of these predicted new increments is quite dominated by existing ambient levels.

Cumulative noise impacts specifically associated with increased traffic volumes, including light-duty and heavy-duty trucks, the expanded ski area, and the Town's commercial/retail/industrial uses, were provided on pages 209 through 210 in Section 4.8, Noise, of the Revised Draft Program EIR. The analysis focused on traffic noise because in small and large urban areas, it is the overwhelming contributor to the differences between ambient levels in urban versus natural settings. Traffic noise levels were evaluated using a version of the Federal Highway Administration (FHWA) Traffic Noise Prediction methodology (FHWA-RD-77-108), traffic data provided by the Town's traffic consultant, and fleet mix (e.g., autos, trucks, buses, etc.). The projected increase in traffic that would result from buildout of the Draft General Plan Update would result in an increase in ambient noise levels in the Town during the high traffic periods. As shown in Table 4.8-8 of the Revised Draft EIR, future traffic noise levels at some of the locations would exceed 60 dB Ldn at the 100-foot distance. Where noise-sensitive receptors (full-time occupancy residences) are located next to roads, there is a potential for noise impacts if noise levels exceed 60 dB Ldn. No increase in traffic related noise levels within the Town are anticipated from the related projects. However, traffic from development associated with the Draft General Plan Update combined with related project traffic could incrementally increase noise levels along Interstate 395 within the Planning Area and result in a cumulative significant noise impact.

Potentially cumulative operational impacts from site-specific uses (primarily geothermal projects) would be located at sufficient distances such that distance and topography would limit the potential for cumulative stationary source noise impacts. Furthermore each related projects is expected to comply with applicable noise ordinance, and project-specific mitigation, if any. As noted, MMSA snowmaking and grooming activities are already part of the existing ambient noise levels and are not expected to increase dramatically. And while increased use of snowmobiles and off highway vehicles (OHVs) may or may not be reasonably expected, where and by how much would be purely speculative to forecast.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities (e.g., MMSA snowmaking and grooming, snowmobile use and/or isolated special events), or specific development projects, following adoption of a new General Plan will occur within project-level

environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 011-241

8. Section 5.1 Traffic (5-12) - please correct the statement that Benton Hot Springs is to the north.

RESPONSE 011-241

The reference to Benton Hot Springs implies the general locale of this area in relation to the cumulative effects area identified in Section 5.0, Cumulative Analysis, of the Draft EIR, which is to the north. Therefore, no change is necessary to the EIR.

COMMENT 011-242

Further, the effect of the Project's population expansion on the intersection of Highway 395 and Hot Creek Road (airport turnoff) must be analyzed since this is an increase in traffic above the Airport Environmental Analysis.

RESPONSE 011-242

The analysis and mitigations for the impacts of the 395 Hot Creek Road intersection are detailed in the Mammoth Yosemite Airport SSEIR.

COMMENT 011-243

Traffic resulting from the forthcoming MMSA projects must also be analyzed.

RESPONSE 011-243

The Revised Draft Program EIR traffic analysis assumes build out of the General Plan Update. Therefore, so long as upcoming MMSA projects within the Town UGB are consistent with the General Plan land use assumptions, their traffic impacts have been analyzed. Furthermore, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, forthcoming MMSA projects would be required to analyze traffic impacts during the site-specific environmental review process. The Eagle Lodge Environmental Impact Report provided additional analysis that confirmed the findings of the General Plan traffic analysis.

COMMENT 011-244

9. Section 5.1 Public Services and Utilities (5-13) -- MMSA projects will impact potential water availability as well as almost all other utilities. The Snowcreek second nine holes on their golf course will also impact water availability. Please include these factors and any others added based on our above comments into the Services et al analysis.

RESPONSE 011-244

MMSA projects within the UGB would be required to comply with the Town's General Plan. Potential buildout of MMSA projects within the UGB is accounted for in the analyses contained in the Revised Draft Program EIR based on the designations in the April 2005 Draft General Plan Update. The Snowcreek golf course expansion is outside the MCWD service area. As indicated in MCWD's January 2006 water supply assessment, the developer has stated that they would prefer to use recycled water for irrigation of the golf course expansion. However, the alternatives of utilizing an existing private well or another source of groundwater have also been discussed. The District acknowledges that the source of irrigation water utilized for the golf course addition could adversely affect the District's groundwater supplies and the availability of groundwater to serve new development. With regard to MMSA projects outside the UGB, Section 5.0 of the Revised Draft Program EIR contains a cumulative analysis. The analysis addresses related projects within the Planning Area known at the time of the NOP for the Revised Draft Program EIR. However, it should be noted that Town buildout assumes implementation of the MMSA Development Plan, which is the conceptual guide for buildout of MMSA's facilities. The Development Plan guides the growth of MMSA's capacity to 24,000 Peak Design Capacity (PDC) in four flexible phases of development. More specifically, the Development Plan guides the expansion of the MMSA with regard to new ski runs, ski lifts, utilities, base lodges, hotel expansion, employee housing, snow making, summer recreation, and other facilities that would allow MMSA to expand to 24,000 PDC. The Town uses the maximum MMSA PDC capacity for environmental analysis for planning purposes. For example, while traffic analyses are based on a typical winter Saturday, the maximum PDC has been used historically by the Town in traffic analyses.

COMMENT 011-245

Also, this section is inconsistent with Chapter 4 where Public Services and Public Utilities have been separated. Please correct here and in Chapter 6 for clarity.

RESPONSE 011-245

The comment is acknowledged. However, separating the discussion of Public Services and Utilities within Section 5.0, Cumulative Analysis, and Section 6.0, Other CEQA Considerations, would not change the conclusions contained in these sections. Therefore, these sections have not been separated as the comment suggests.

COMMENT 011-246

10. Section 5.1 Recreation (5-13) - please justify the statement that the projects would not have an impact on Recreation. They cannot help but increase Population.

RESPONSE 011-246

As discussed in Section 5.1 of the Revised Draft Program EIR, the related projects within the Planning Area that could contribute to all environmental impacts analyzed in the EIR would not result in an increase in population as the projects would result in the development of non-residential floor area. While Table 5-1, Related Projects, does include residential projects, these projects would only result in cumulative impacts regarding biological resources and transportation and circulation given their location relative to the Planning Area. In addition, employment for the projects would likely be people already residing in the area. As discussed in Section 4.12, Recreation, of the Revised Draft Program EIR, the Draft General Plan Update would result in a significant impact on recreation due to the increase in population and the fact that additional park land would be necessary but is as of yet undefined. However, if any workers for the related projects were to reside within the UGB, the analysis for the project addresses the increase in demand that would occur. Therefore, the project in combination with the related projects would result in a less than significant impact with regard to recreation.

With regard to recreational opportunities outside the UGB, as indicated in Response to Comment No. 001-17, the management plans for the U.S. Forest Service and Bureau of Land Management consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes.

COMMENT 011-247

Further, there is no discussion of the professional employees needed to support the increased population, such as doctors, nurses and teachers. There is also no discussion of TSA specialists needed at the airport, who would most likely not come from the existing population.

RESPONSE 011-247

The cumulative recreation analysis is based on population increases and is not based on the type of employee. As indicated in Response to Comment No. 011-246, employment for the cumulative projects would likely be people already residing in the area. However, if any workers for the related projects were to reside within the UGB, the analysis for the Draft General Plan Update addresses the increase in demand that would occur. TSA specialists not accounted for in the population estimates at buildout of the Draft General Plan Update would contribute a negligible effect. The project in combination with the related projects would result in a less than significant impact with regard to recreation.

COMMENT 011-248

Many of the related projects listed (like rodeo grounds) and others unlisted (MMSA) will have large effects on recreation, both of the organized type requiring formal parks and the more natural type like fishing and hiking on Public Lands. Under the Project, the only remaining parklands for organized outdoor recreation will be outside the UGB and, in the case of Whitmore Pool are shared with the County. The analysis of needs, impacts and mitigations must include the entire planning area plus the anticipated expansions in June Lake.

RESPONSE 011-248

As indicated in Response to Comment No. 011-229, a list of past, future and reasonably foreseeable future projects was compiled by consulting with the Town, Inyo County, Mono County, and the Inyo National Forest staff in accordance with Section 15130 of the CEQA Guidelines. Please refer to Response to Comment No. 011-229 for a detailed discussion regarding the cumulative analysis. The recreational analysis contained in the Revised Draft Program EIR is based on the CEQA Guidelines, which require the environmental analysis to determine whether a project would result in an increase in the use of a recreational facility such that substantial physical deterioration would occur or be accelerated; and whether a project would include or expand recreational facilities such that adverse physical effects on the environment would occur. The analysis contained in Section 4.12 of the Revised Draft Program EIR concludes that due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks, impacts were concluded to be significant and unavoidable. With regard to recreational opportunities on public lands such as fishing and hiking, as indicated in Response to Comment No. 001-17, the management plans for the U.S. Forest Service and Bureau of Land Management consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes. The population in Mammoth Lakes is not the driving factor in an increase (or decrease) in the use of public lands.

COMMENT 011-249

Finally, there is no indication that increased impacts on Yosemite National Park have been analyzed. The National Park Service is not even listed in the DPEIR distribution list. Please include information on their involvement in the DPEIR preparation.

RESPONSE 011-249

As indicated in Section 9.0 of the Revised Draft Program EIR, the Town provided a copy of the Revised Draft Program EIR to the National Park Service through the Devil's Postpile National Monument which is the closest operating unit in the National Park System to the Town. The National Parks Service submitted a comment letter. Please see Comment Letter No. 002. The comment letter does not express concerns with regard to potential impacts to Yosemite National Park. However, as indicated in Comment No. 001-18, the regional population of southern

California is the primary factor for the demand for recreational opportunities on public lands in the eastern Sierra. This would be even more true for Yosemite National Park which is accessible to major population centers in Northern as well as Southern California. As discussed in Response to Comment No. 001-17, public lands adjacent to the Town are owned by the U.S. Forest Service and Bureau of Land Management. The management plans for these agencies consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes.

COMMENT 011-250

11. Section 5.1 Population, Housing and Employment (5-14) - as noted above, the need for additional specialized TSA employees at the airport has increased since airport documents were written. No mention is made of this impact either here or in the appropriate section of Chapter 4.

RESPONSE 011-250

As described in Section 4.9 Population, Housing, and Employment, the purpose of the Draft General Plan Update is to provide for the orderly growth of the Town, define the limits to that growth and act as a mechanism to accommodate and control future growth. The Draft General Plan Update would neither induce nor foster, that is, cause this growth to occur. Nonetheless, it is expected that additional specialized TSA employees at the airport would be housed within the housing market. Furthermore, any increase in the jobs provided by non-residential uses including additional specialized TSA employees at the airport would provide for a better jobs/housing balance. Lastly, state law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of regional housing need. The Town of Mammoth Lakes Housing Element, which is updated every five years, would address any additional needs for housing associated with the Town including increased TSA employees at the airport.

COMMENT 011-251**Chapter 6 Other CEQA Considerations**

1. Entire Chapter (6-1) - please reformat this sections to be numbered consistent with other chapters for clarification and cross--referencing.

RESPONSE 011-251

The numbering of the sections does not affect the content or the analyses contained in the section. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. Therefore, no change has been made in the Revised Final Program EIR.

COMMENT 011-252

2. Section A. Irreversible Environmental Changes (6-1) - the fourth paragraph must indicate significant and irreversible impact on public lands, particularly wilderness areas that can not be replaced. Also include Roadless areas, riparian areas and lakes.

RESPONSE 011-252

In accordance with CEQA Guidelines Section 15126.2 (c), Section 6A of the Revised Draft Program EIR addresses the idea that uses of nonrenewable resources during the initial and continued phases of a project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. In addition, as required in CEQA Guidelines Section 15126.2, the section also considers whether irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources are evaluated to assure that such current consumption is justified. The section has been prepared in accordance with the CEQA Guidelines and no revisions are necessary.

COMMENT 011-253

The final paragraph of this section states that the infrastructure improvements identified in the Project, such as massive roadway and Intersection improvements, requiring access corridors to public lands, connecting trails to public land trails and paths, providing public transportation to resort nodes that give access to public lands will all clearly will [sic] have environment [sic] impacts on the public lands that must be analyzed and mitigated.

RESPONSE 011-253

The next to last paragraph in Section 6.A of the Revised Draft Program EIR states that the Draft General Plan Update would not provide for infrastructure improvements, i.e., roadways, which would provide access to a previously inaccessible area. In accordance with CEQA Guidelines Section 15126.2(c), the section addresses the idea that uses of nonrenewable resources during the initial and continued phases of a project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. As required in CEQA Guidelines Section 15126.2, the section considers whether irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources are evaluated to assure that such current consumption is justified. The section has been prepared in accordance with the CEQA Guidelines and no revisions are necessary.

COMMENT 011-254**Chapter 7 Alternatives to the Project**

It must be noted that nowhere in the DPEIR is there a clear-cut definition of the objectives against which all these impacts will be evaluated. Please provide a concise list of the objectives mentioned in Section 7.1 Introduction. Further, in Section 7.2 Alternatives Considered but Rejected, there are again references to project objectives but none are found.

RESPONSE 011-254

In accordance with CEQA Guidelines Section 15124, the project objectives are contained in Section 3.0, Project Description. Section 15124 of the Guidelines indicates information that should be included in the Project Description, of the Revised Draft Program EIR. Item (b) in the section indicates that the project description should contain “A statement of the objectives sought by the proposed project.” More specifically, Section 3.16 of the Revised Draft Program EIR contains the list of project objectives. With regard to the alternatives analysis, as indicated in Section 7.1 of the Revised Draft Program EIR, each alternatives analysis contains an evaluation of the alternative relative to the project, specifically addressing project objectives, feasibility, the elimination or reduction of impacts, and comparative merits. This analysis is entitled Conclusion and Relationship of the Alternative to Project Objectives.

COMMENT 011-255

1. 7.3 No Project Alternative Narrative (7-3) - it must be pointed out that the current General Plan EIR only describes and analyzes impacts of 48,000 PAOT. The population numbers used for the No Project Alternative appear to be a worst case application of currently required bonuses and build out assumptions to the original land use designations. Wouldn't it be more reasonable to simply analyze and change the land use to keep within the original vision? A detailed breakdown of how you get from 48,000 to 61,376 should be given, such as how much are density bonuses added since the original plan, how much was added by Speck and Master Plans such as the North Village and Airport, and how much is due to changes in land use, such as redefining IP and applying it to additional areas in the South Gateway.

RESPONSE 011-255

The adopted 1987 General Plan states that the future maximum PAOT is 48,800. However, since the time of the adoption of the Town's General Plan state law was passed that required density bonuses. In addition, assumptions were made in the late 1980s that full buildout (i.e., maximum development) would not occur. However, as indicated in the Revised Draft Program EIR, the buildout that could occur under the 1987 General Plan accounting for these changes would result in a maximum PAOT of 61,375. Please refer to Response to Comment No. 011-25 for discussion regarding PAOT under the existing General Plan.

COMMENT 011-256

2. Inconsistency within the DPEIR -- The Total number of units used in Table 7.1 does not match with those in Table 4.9. Please reconcile the two totals, and then reanalyze whichever sections are based on the incorrect totals.

RESPONSE 011-256

The total number of units at build out of the Draft General Plan Updated would be as presented in Table 4.9-4, which is 16,710 units. Table 7-1 has been revised in the Final Program EIR to reflect 16,710 units at build out of the Draft General Plan Update. This correction does not result in a need to provide any revisions to the analyses contained in the Revised Draft Program EIR. No additional revisions to Section 7.0 are necessary based on the correction to Table 7-1.

COMMENT 011-257

3. Land Use Designations (7-4) - this section says that the land use designations remain unchanged, but makes no mention of the loss of the Open Space Stream Corridor in the Project Alternative. This designation clearly is in tune with the Towns' environmental sustainability objectives.

RESPONSE 011-257

While the Open Space Stream Corridor (OSSC) was removed from the Draft General Plan Update, the protections provided by the overlay were not removed. Please see Response to Comment No. 011-107 for a discussion regarding the Open Space Stream Corridor (OSSC) overlay. As indicated in that response, the protection would remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy.

COMMENT 011-258

4. Industrial Project (Updated Plan) (7-9) - several statements are made to industrial uses needed to support a resort community. The amount of land needed is never quantified and no analysis is done anywhere in the DPEIR. The amount needed will vary with the size of the resort and the size of Town. Please analyze here and in Chapter 4.

RESPONSE 011-258

Table 7-2 of the Revised Draft Program EIR provides a comparison of the project and the alternatives with regard to acres within each land use designation. The table also provides the amount of acreage in each land use designation, thereby providing a breakdown of the total land within the UGB by land use designation. As can be see, the amount of land that would be designated Industrial (I) would be highest under the project, the same as the project in the Workforce/Affordable Housing Alternative, and about 46 percent less than the project in the Reduced Development Alternative. As indicated in the notes in Table 7-2, the UGB is

approximately 2,890 acres and is the same under the project and the three alternatives. As indicated in Section 3.0, Project Description, of the Revised Draft Program EIR, industrial uses may include light manufacturing, storage, maintenance uses, heavy equipment storage and maintenance, batch plants, automobile repair and service, and similar uses. The current industrial zone is largely built out and the proposed increase in industrial land is roughly proportional to the overall growth projected in the Draft General Plan Update. This provides an opportunity for industrial expansion as demand grows.

COMMENT 011-259

5. Section 7.3.2.1 Aesthetics (7-11) - the existing plan clearly has less intensive development in resort areas. Taller buildings and higher density must negatively impact aesthetics, i.e. what is the aesthetic impact of over 700 additional units crammed into North Village, surely requiring taller buildings? This intense resort development will also result in more light and noise impacts. The Village at current construction is a good example, with under one third built it casts a sky glow that can be seen in Lee Vining and is generating numerous noise complaints. Please provide analysis that Towns' position that new project is superior.

RESPONSE 011-259

Figure 3-3, Existing Land Use Designations, in the Revised Draft Program EIR illustrates the existing land use designations in the adopted General Plan. Figure 3-4, Proposed Land Use Designations, illustrates the proposed land use designations under the Draft General Plan Update. In comparing the two figures, the areas designated for Resort use are the same. Thus, the Draft General Plan Update would not increase the amount of area designated for Resort use when compared to the adopted General Plan.

As shown in Figure 3-4, the area designated for the North Village Specific Plan (NVSP) under the General Plan Update would be increased when compared to the land use designation adopted in the existing General Plan illustrated in Figure 3-3. However, the increased in NVSP area is a result of decreasing land designated for High Density Residential use.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

Section 7.0, Alternatives, in the Revised Draft Program EIR provides an analysis of aesthetic and noise impacts associated with the identified alternatives on a Townwide level and is specific to the NVSP or other Resort areas. As discussed under Section 7.0, the intensity of development Townwide under the adopted General Plan (No Project Alternative) would be similar to the Draft General Plan Update. In addition, the proposed Draft General Plan Update does not provide any provision to increase the height of buildings in comparison to the adopted General Plan. Thus, similar aesthetic impacts would occur on a Townwide basis under both the No Project Alternative and the General Plan Update.

Regardless whether densities may increase in the NVSP and Resort areas when compared to the adopted General Plan (No Project Alternative), future development in the NVSP and other Resort areas under the No Project Alternative and the Draft General Plan Update would undergo environmental and design review on a site-specific basis to ensure that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas and to avoid the loss of scenic resources (such as trees and rock outcrops). Also, impacts regarding the Town's existing quality and character and light and glare would be analyzed during the project-specific environmental review process.

In addition, as the No Project Alternative and the Draft General Plan Update do not propose any specific development projects, no specific sources of noise can be identified within the NVSP or other resort areas. However, future development projects within the NVSP or other resort areas would be required to comply with standards established in the local general plan or noise ordinance, or applicable standards of other agencies on a project-by-project basis.

The portion of the comment regarding sky glow and noise complaints as a result of development in the North Village area are acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-260

6. Section 7.3.2.7 Land Use Planning (7-14) - because it provides more intensive nodes of resort development at key transportation nodes and corridors, the new project clearly causes more isolation of residential communities in Mammoth Knolls, Majestic Pines and the Slopes. It also will prevent residents from conveniently accessing MMSA Main Lodge Area. Please justify the statement that the No Project Alternative would not divide the community.

RESPONSE 011-260

The Draft General Plan Update does not allow for building new streets, which could physically divide an established community within the Town. The land use pattern proposed in the Draft General Plan Update does provide for resort nodes where more intense development would be

located. However, as indicated in Response to Comment No. 011-117, the Draft General Plan Update would provide overall a similar land use pattern as to the pattern that exists on the ground as well as a pattern that is similar to the land use pattern in the adopted General Plan. The existing General Plan as well as the Draft General Plan Update do not include infrastructure, such as new streets, that could physically divide an established community.

COMMENT 011-261

7. Section 7.3.2.8 Noise (7-15) - see comments under 7.3.2.1 on affects of concentrated resorts on noise.

RESPONSE 011-261

Figure 3-3, Existing Land Use Designations, in the Revised Draft Program EIR illustrates the existing land use designations in the adopted General Plan. Figure 3-4, Proposed Land Use Designations, illustrates the proposed land use designations under the Draft General Plan Update. In comparing the two figures, the areas designated for Resort use are the same. Thus, the Draft General Plan Update would not increase the amount of area designated for Resort use when compared to the adopted General Plan.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

Section 7.0, Alternatives, in the Revised Draft Program EIR provides an analysis of noise impacts associated with the identified alternatives on a Town wide level and is specific to the NVSP or other Resort areas. As discussed under Section 7.0, the intensity of development Town wide under the adopted General Plan (No Project Alternative) would be similar to the Draft General Plan Update. Thus, similar noise impacts would occur on a Town wide basis under both the No Project Alternative and the Draft General Plan Update. In addition, as the No Project Alternative and the Draft General Plan Update do not propose any specific development projects, no specific sources of noise can be identified within the NVSP or other resort areas. However, future development projects within the NVSP or other resort areas would be required to comply with standards established in the local general plan or noise ordinance, or applicable standards of other agencies on a project-by-project basis.

COMMENT 011-262

8. Section 7.3.2.11 Public Utilities (7-17) - stating the No Project Alternative requiring 11 % more water with only 1 % more population seems hard to justify. Also, please provide the referenced April 28 letter from Gary Sisson and any related analyses.

RESPONSE 011-262

The projected water consumption under the No Project Alternative and the Draft General Plan Update is determined by use (i.e., residential, commercial, industrial, etc.) and not by population. Please see Response to Comment No. 010-19 for a discussion regarding the factors used. Therefore, the projected water consumption does not equate to a proportional population increase when comparing the water consumption of the Draft General Plan Update to the No Project Alternative. Nonetheless, based on the uses anticipated under the No Project Alternative (existing 1987 General Plan) and the Draft General Plan Update, and an updated water supply assessment based on the 2005 Urban Water Management Plan (UWMP), Table 7-4 in the Revised Draft Program EIR has been revised in the Final Program EIR. Based on this information, the No Project Alternative would be expected to consume roughly one to two percent more water than the proposed General Plan Update, not 11 percent more as indicated in the Revised Draft Program EIR.

With regard to the letter referred to in footnote 80 of the Revised Draft Program EIR, the letter dated April 26, 2005 from MCWD was a comment letter regarding the February 2005 Draft EIR for the Draft General Plan Update. The letter is on file at the Town of Mammoth Lakes Planning Department at 437 Old Mammoth Road.

COMMENT 011-263

Also, please explain the statement that the No Project Alternative generates 239,200 sq ft more of non-residential development. Please provide details and justify this statement.

RESPONSE 011-263

As shown in Table 7-1 of the Revised Draft Program EIR, the No Project Alternative would result in 239,200 square feet less of non-residential development than buildout of the Draft General Plan Update, not more.

COMMENT 011-264

Finally, please move the referenced table 7.4 into the Public Utilities section for clarity.

RESPONSE 011-264

Table 7.4 provides a comparison of water supply and demand between the Draft General Plan Update and the No Project Alternative. Thus, it is appropriately placed within Section 7.3.2.12 of the Revised Draft Program EIR.

COMMENT 011-265

9. Section 7.3.2.12 Recreation (7-17) - since the No Project Alternative retains the only Town Park within the Town UGB it clearly is the superior alternative. In the No Project Alternative, we fail to see why impacts would be significant and unavoidable when the Town owns considerable acreage within the UGB, and has strong influence on how land is used in the Shady Rest Tract and the Gateway area. Explain why these new plans policies and implementations that supposedly provide superior protection can't just be codified by ordinance or by additions to current plan, and therefore not an advantage to new project.

RESPONSE 011-265

Although the No Project Alternative would not result in the redesignation of Mammoth Creek Park to Institutional Public, it is not the environmentally superior alternative. An environmentally superior alternative is an alternative to the proposed project that provides an overall reduction in potential impacts. As discussed in Section 7.6, build-out of the No Project Alternative would be slightly greater than the proposed project. As a result, the No Project Alternative would result in similar impacts on the physical environment as the proposed project. Hence, the Reduced Development Alternative, which would result in somewhat less physical impacts than the proposed project, would be the environmentally superior alternative.

The No Project Alternative concludes significant and unavoidable impacts to parks and recreation for similar reasons as the proposed project. As with the proposed project, the No Project Alternative would increase the number of permanent and seasonal residents within the Town thus requiring the development of additional parkland. Due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks, impacts were concluded to be significant and unavoidable. Although the Town owns undeveloped land within the UGB, the Town must also consider and balance the other public service needs of the Town.

With regard to the incorporation of policies and implementation measures contained in the Draft General Plan update into the existing General Plan, the general plan provides the community's long-range vision for build-out. The General Plan represents a blueprint from which to guide future development within a jurisdiction, as well as identifies a jurisdiction's environmental, social, and economic goals. Because a general plan is, in essence, the constitution for all future development, any decision by a jurisdiction affecting land use and development, such as new policies and implementation measures, must be consistent with the general plan. There must be internal

consistency within the Town's General Plan and Municipal Code. For this reason, the new policies and implementation measures being proposed within the Draft General Plan Update cannot simply be incorporated into the existing General Plan. Furthermore, the existing General Plan was adopted in 1987. Although some of the Town's General Plan Elements have been revised within the past ten years, the existing General Plan has never undergone a comprehensive update since it was adopted and the 20-year planning horizon for the 1987 General Plan occurs in 2007. The needs and subsequently the environmental, social, and economic goals of the Town have evolved over the past 20 years. Therefore, it is in the Town's best interest to update the existing General Plan in concert with the changing needs and goals of the Town.

COMMENT 011-266

10. Section 7.3.3 Conclusions (7-19) - clustered high intensity development in the resort areas will clearly have greater detrimental impacts on aesthetics, noise, light, glare, circulation, parking, transportation, need for workforce housing and water demands than the 48,000 clearly intended in the current general plan. These impacts must be analyzed and the results presented so a clear choice between the project and the existing general plan could be made. It is disingenuous to discard the current plan because it is missing a few paragraphs updating policies and procedures to conform to current conditions, laws and community environmental protection wishes. These can be added and subtracted from any plan. The analysis in the alternatives should concentrate on real physical differences between the plans, such as differences in parkland, building heights, maximum allowable densities, etc.

RESPONSE 011-266

Section 4.0 in the Revised Draft Program EIR analyzed environmental impacts associated with the Draft General Plan Update. Section 7.3 in the Revised Draft Program EIR discusses the impacts associated with the No Project Alternative, which represents the adopted 1987 General Plan. As discussed in Section 7.3.1, development under the No Project Alternative would result in 17,396 dwelling units and a population of approximately 61,400 persons at one time (PAOT) at buildout. Please refer to Response to Comment No. 011-25 for a discussion regarding PAOT at buildout of the existing General Plan. In comparison, the Draft General Plan Update would result in 16,710 dwelling units and a population of approximately 60,700 PAOT. Thus, the dwelling unit count and the PAOT would be less under buildout of the Draft General Plan Update when compared to the No Project Alternative.

The differences regarding open space and maximum allowable densities between the No Project Alternative and the Draft General Plan Update are included within Section 7.3.1 of the Revised Draft Program EIR. Tables 7-1 and 7-2 illustrate the difference in acres with each land use designation and the maximum allowable densities, respectively. Also, the Draft General Plan Update does not change the existing building heights that currently are allowed.

Section 7.3 analyzes each of the issues areas identified in Section 4.0 and compares the significance conclusion and extent of impacts to the Draft General Plan Update. As discussed in Section 7.3, under the No Project Alternative, impacts regarding aesthetics/light and glare and noise would be significant and unavoidable similar to the Draft General Plan Update. Traffic-related impacts under the No Project Alternative and the Draft General Plan Update would be less than significant under both scenarios, but would be less under the Draft General Plan Update given the decrease in vehicle mile traveled (VMT) and number of deficient intersections under the Draft General Plan Update. The greater population under the No Project Alternative would result in a greater water supply deficiency than the Draft General Plan Update, thereby resulting in a greater extent of water supply impacts. The No Project Alternative and the Draft General Plan Update would provide the requisite number of housing units to house the anticipated PAOT, thus resulting in similar less than significant impacts regarding population, housing and employment.

Overall, the No Project Alternative would not decrease any of the impacts identified for the Draft General Plan Update. Rather, due to the comparative increase in traffic and PAOT, the No Project Alternative would result in a comparative increase in intensity of impacts, although the impact conclusions would remain similar to the Draft General Plan Update. In addition, the No Project Alternative while meeting most of the basic project objectives, would not meet the objectives to the extent as the Draft General Plan Update. For these reasons, the No Project Alternative is not considered to be environmentally superior to the Draft General Plan Update.

While the Draft General Plan Update would include clustered development in some of the resort areas of the Town, the Revised Draft Program EIR evaluates impacts on a programmatic level, which considered impacts Townwide. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Draft General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update or the alternatives is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Thus, impacts regarding aesthetics, noise, light, glare, circulation, parking, transportation, need for workforce housing and water demands would be evaluated at a project-level in the resort areas during the site-specific environmental review process.

COMMENT 011-267

11. Analysis of Section 7.4 Workforce-Affordable Housing Alternative (7-20) - please make the same analyses identified in numbers 1 through 10 above for this option.

RESPONSE 011-267

The Revised Draft Program EIR did not have inconsistencies with the Draft General Plan Update such that reanalysis within Section 7.4 Workforce/Affordable Housing Alternative is required. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-268

12. Section 7.5 Institutional/Public (7-36) - please clarify that under this alternative no IP designated land would be eligible for workforce housing. The current sentence is convoluted.

RESPONSE 011-268

The Institutional/Public description under Section 7.5.1 has been revised in the Final Program EIR for clarification. Instead of reading, "Affordable and workforce housing as defined by the Town would not be permitted on IP designated land." the sentence now reads, "The IP-designated land would not allow development of affordable and workforce housing as defined by the Town." This modification would not change the overall conclusions of the Revised Draft Program EIR with respect to environmental significance.

COMMENT 011-269

13. Section 7.6.2.1 Aesthetics (7-37) - adding 25% to the Resort density and over 30% to the North Village density has to result in significant additional negative impacts. The resulting taller and higher density buildings must be analyzed in detail. These differences should not be downplayed just because you can not eliminate all impacts entirely under the old plan.

RESPONSE 011-269

Aesthetic impacts associated with the Reduced Development Alternative are discussed in Section 7.5.2.1 in the Revised Draft Program EIR. This alternative does not provide any provision to increase the height of buildings in comparison to the proposed Draft General Plan Update. Thus, the maximum allowable building heights are the same under the Reduced Development Alternative and the proposed Draft General Plan Update. As such, a specific evaluation of building height is not necessary in Section 7.5.2.1. The Reduced Development Alternative would result in decreased visitor lodging densities in Resort areas when compared to the Draft General Plan Update. Total density in the North Village would also be reduced under the Reduced Development Alternative when compared to the Draft General Plan Update. Since densities would be reduced under the Reduced Development Alternative when compared to the Draft General Plan Update, this alternative would not result in higher density buildings when compared to the Draft General Plan Update. In addition, as required by CEQA Section 15126.6(d), alternatives need not be analyzed in the same depth as the proposed project, however, sufficient information must be provided to allow meaningful evaluation, analysis, and comparison with the project. As discussed in Section 7.5.2.1,

the conclusions regarding significance of aesthetic impacts for the Reduced Development Alternative in Section 7.5.2.1 are similar to those in Section 4.1 for the General Plan Update. However, the degree and extent of impacts associated with Reduced Development Alternative would be less than the General Plan Update because it would not allow as much growth or development as the proposed General Plan Update. The comparison of impacts as described in Section 7.5.2.1 is consistent with CEQA Section 15126.6(d), described above.

Furthermore, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Accordingly, aesthetic impacts associated with future development projects under both the Reduced Development Alternative and the Draft General Plan Update would be required to analyze aesthetic impacts on a project-specific level.

COMMENT 011-270

14. Section 7.5.2.2 Air Quality (7-38) - the analysis that justifies only reducing the air quality due to VMT by 10% when population goes down by about 20% should be demonstrated or referenced.

RESPONSE 011-270

A reduction in VMT and/or population does not directly correspond to an equivalent decrease in air quality impacts. Ambient air pollutant concentrations in the Town of Mammoth Lakes are influenced by various stationary sources and mobile sources. The GBUAPCD estimates that roadway dust contributes 2 percent to 44 percent of total ambient levels. Therefore, a 20 percent reduction in sources generating emissions can result in an approximate 10 percent reduction in predicted ambient levels.

COMMENT 011-271

15. Section 7.5.2.3 Biological Resources (7-38) - it should be pointed out that the large reduction in visitors using Public Land under the Reduced Development Alternative would result in a reduction of these impacts.

The standards and regulations mentioned in the second paragraph, particularly for steam setbacks, are subject to variances which then negate the protections. Removal of SCP protection will result in

potential increased impacts for the project. This section also claims Open Space land not available for recreation, not so we hope, and if so why?

RESPONSE 011-271

Section 7.5.2.3 of the Revised Draft Program EIR addresses the potential impacts relative to biological resources that would occur under the Reduced Development Alternative. As indicated in Section 7.5.2.3,

"Under the Reduced Development Alternative, impacts to biological resources would be less than those of the project, since the Alternative would preserve more open space and would reduce future development densities by 20 percent. The open space would maintain existing native vegetation and wildlife habitats; however, human activity associated with informal recreational uses of the open space could create impacts to these habitats. Nevertheless, impacts associated with use of the open space would be less than those resulting from development as proposed by the project. As such, direct impacts to candidate, sensitive, or special species, as well as impacts to riparian habitats or other natural communities, would be less than significant, given federal regulations and Town codes and plans in place to protect such species and habitats. However, as with the project, while the PAOT would be less than the project, the increased wilderness and open lands usage as may be indirectly caused by the Reduced Development Alternative could have a significant and unavoidable impact upon one or more of the special status wildlife or plants species discussed in Section 4.3 of this EIR."

As the information requested in the comment is already provided in the document, no revision to the EIR is necessary.

With regard to the Special Conservation Planning (SCP) areas within the General Plan Update, all of the policies and objectives of the SCP overlay in the 1987 General Plan have been included in the Draft General Plan Update. With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, the

SCP overlay has not been removed in the Draft General Plan Update and the associated protection would remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy. However, increased impact on public lands and riparian resources would not occur as a result.

As indicated on page 7-36 of the Revised Draft Program EIR, the Open Space designation under the Reduced Development Alternative would permit development of facilities that support the environmental and recreational objectives of the community and may include public recreation facilities such as parks, athletic fields, ski areas, golf courses, and community gathering spaces. Subsection 7.5.2.3 of the Final EIR has been revised to clarify that a portion of the 575 acres of land designated for Open Space uses under the Reduced Development Alternative would be available for recreation facilities and a portion would be reserved for conservation.

COMMENT 011-272

16. Section 7.5.2.5 Hydrology and Water Quality (7-41) - if the Reduced Development Alternative includes SCP protections and Mammoth Creek Stream Corridor overlays that are eliminated in new, then the Reduced Development Alternative should be superior in terms of water quality. Less development, particularly fewer large-scale resorts that require extensive excavations, should result in less construction run off.

RESPONSE 011-272

With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, the SCP overlay policies have not been removed in the Draft General Plan Update and the protection would remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy.

With regard to runoff, less development would result in less construction runoff. As indicated in Section 7.5.2.6, since less area would be developed with urbanized uses under the Reduced Density Alternative compared with the project, there would be less runoff. Thus, impacts

to hydrology and water quality would be less under the Reduced Density Development when compared with the Draft General Plan Update.

COMMENT 011-273

17. Section 7.5.2.8 Noise (7-42) - why does reducing the development density by 20% only reduce the VMT by 10%? A 20% reduction in noise might tip the balance toward inaudible. An exact analysis is required.

RESPONSE 011-273

The reduction of VMT is not directly proportional to the development density. Different types of land uses have different trip lengths. Thus, a change in development density under the Reduced Development Alternative of 20 percent correctly reduces the VMT by 10 percent. Traffic noise levels generally increase by 3 dBA with a doubling of traffic. As shown in Table 4.8-8 on page 4-210 of the Revised Draft Program EIR, future traffic noise levels along Forest Trail, east of Minaret, increase from 48 to 54 dBA or 6 dBA. An increase of 6 dBA is equivalent to an increase of 400 percent. Thus, a change in 10 percent would be the equivalent of lowering the incremental value from 6 dBA to 5.9. With regard to the level of analysis provided for the alternatives in the Revised Draft Program EIR, in accordance with the provisions of CEQA Guidelines Section 15126.6, the significant effects of an alternative shall be discussed, but in less detail than the significant effects of the project as proposed. Therefore, the proportional qualitative analysis provided in Section 7.0, Alternatives, of the Revised Draft Program EIR is appropriate for a program level document and adequately addresses potential traffic-related noise impacts.

COMMENT 011-274

18. Section 7.5.2.9 Population, Housing and Employment (7-42) - since most of the employment opportunities lost by the 16% decrease in PAOT will be seasonal and/or entry level, it is hard to see how the increase in population in the new project will not cause a less stable economy compared to the Reduced Development Alternative. The Town must include analysis to back up its claim that greater resort development results in a more stable year round economy.

RESPONSE 011-274

The reduction in PAOT by 16 percent that would occur with implementation of the Reduced Development Alternative is not the only contributor to potential reduction in employment opportunities that would occur with this alternative. As described in Section 7.5.2.9 of the Revised Draft Program EIR, the Reduced Development Alternative also would directly result in fewer employment opportunities due to the reduction in land designated for resort and institutional public use. In comparison with the project, areas designated for Resort and Institutional Public use would be reduced, and much of the eastern portion of the UGB would be designated OS compared to IP under the Draft General Plan Update. Because there would be less area designated for resort

development, the objective to attract destination resort uses and amenities in order to provide a more balanced mid-week and seasonal visitation would not be fully realized with implementation of this Reduced Development Alternative compared to the Draft General Plan Update.

COMMENT 011-275

19. Section 7.5.2.11 Public Utilities (7-43) - please explain why an increase in population of 18% results in a 0.04% increase in water demand. The table shows more, not less, water for the Reduced Development Alternative, visa versa in the text.

RESPONSE 011-275

As discussed in Response to Comment No. 011-262, the projected water consumption is determined by use (i.e., residential, commercial, industrial, etc.) and is not based on population. Please see Response to Comment No. 010-19 for a discussion regarding the factors used. Therefore, the projected water consumption does not equate to a proportional population increase when comparing the water consumption of the Draft General Plan Update to the Reduced Development Alternative. Nonetheless, based on the uses anticipated under the Reduced Development Alternative and the Draft General Plan Update, and with data from an updated MCWD water supply assessment based on the 2005 Urban Water Management Plan (UWMP), Table 7-6 in the Revised Draft Program EIR has been revised in the Final Program EIR. Based on this information, the Reduced Development Alternative would be expected to consume roughly eight percent less water than the proposed General Plan Update, not one percent more as indicated in the Revised Draft Program EIR.

COMMENT 011-276

20. Section 7.5.2.12 Recreation (7-44) - retaining the Bell Shaped parcel and Mammoth Creek Park as Open Space or Parkland, adding pocket parks, adding a park in the Shady Rest Parcel are just some of many of opportunities to mitigate parkland impact to less than significant under the Reduced Development Alternative.

RESPONSE 011-276

Section 7.5.2.12, Recreation, of the Revised Draft Program EIR concludes that the Reduced Development Alternative would result in significant and unavoidable impacts to parks and recreation due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks. The comment provides a recommendation on how to reduce such impacts to a less than significant level. The comment is essentially on the Draft General Plan Update as it relates to the land use designation and future use of lands within the Town. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-277

21. Section 7.6.2.13 Traffic & Circulation (7-45) - having to build less circulation mitigation projects by 20% will result in less disturbance to the environment and less cost and disruption to town residents.

RESPONSE 011-277

As indicated in Section 6.E of the Revised Draft Program EIR, Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that, “If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed.” As indicated in the section, the mitigation measures that address roadway improvements would be implemented over time depending on the location and level of development that occurs within the UGB. Given that the EIR is a program level EIR, additional environmental analysis would be required for any improvements covered in the measures. As the improvements are designed and implemented, appropriate construction practices intended to minimize impacts would be required. For example, the implementation of best management practices with regard to erosion, the watering of construction sites, the use of properly operating equipment, and the use of noise reduction devices would serve to minimize environmental impacts. In addition, traffic flow during construction of the improvements would be considered. While the Reduced Development Alternative would result in proportionately less traffic impacts than the Draft General Plan Update, similar to the Draft General Plan Update, implementation of mitigation measures identified for this Alternative would require additional environmental analysis for any improvements covered in the measures. Both this Alternative and the Draft General Plan Update would result in secondary environmental impacts that would be less than significant. In addition, the costs of construction improvements under the Draft General Plan Update or the Reduced Development Alternative would be financed through the payment of Development Impact Fees.

COMMENT 011-278

22. Section 7.5.3 Conclusions (7-46) - the text of the first paragraph clearly demonstrates that the conclusion of the final sentence is WRONG. Impacts for the Updated Plan are listed as greater by the preceding detailed descriptions within the DPEIR. If the prior 35 pages of comments are considered, then these differences between plans are even greater.

RESPONSE 011-278

Section 7.5.3 concludes that “no impacts would be greater under the Reduced Development Alternative when compared to the Updated Plan.” The analysis of impacts throughout Section 7.5 of the Revised Draft Program EIR concludes that impacts associated with the Reduced Development Alternative would be similar to or less than the impacts that would occur under

buildout of the Draft General Plan Update. Therefore, the conclusion of the final sentence in the first paragraph of Section 7.5.3 is correct.

COMMENT 011-279

No data, analysis or even qualitative studies are given to support the statement "...would not meet project objectives to the same extent as the project." No analysis is given in or referenced by the DPEIR on how much resort development is needed, nor is the amount of Industrial or Commercial justified. As mentioned previously, over development and overtaxing of the natural environment and the recreational recourses [sic] that bring both residents and visitors to the area could be easily as damaging to a stable economy and would be a lot harder to correct if we overshoot. If the Town is too crowded, has bad air, has no dark night skies, is noisy, has water rationing, has lift lines and has a surrounding environment that has been trashed by overuse, people will not come, particularly the high end visitors the Town has been targeting. We believe the Reduced Development Alternative is closer to the optimum amount of development for the town and that greater development would actually decrease the chances of the Town achieving its vision statement particularly with respect to economic stability. A detailed analysis must be presented to support the Town position as this is a key conclusion, more is better, that is sure to be challenged [sic]

RESPONSE 011-279

The Project Objectives for the Draft General Plan Update are contained in Section 3.16 of the Revised Draft Program EIR. Section 7.5.3 provides a qualitative comparison between the Reduced Development Alternative and the Draft General Plan Update regarding the extent of compliance with the Project Objectives. As discussed in Section 7.5.3, the Reduced Development Alternative would provide protection of the surrounding environment and the Town's small-town atmosphere to a greater extent than the Draft General Plan Update. The Reduced Development Alternative would achieve a portion of the project objective to sustain and protect the unique environmental setting of the Town to a greater degree than the Draft General Plan Update since less area within the UGB would be developed. However, the Reduced Development Alternative would not achieve or would hinder achievement of the other Project Objectives, including the overall goal of an economy that is strong and stable year-round. Please refer to the five bullet point listings within Section 7.5.3 that qualitatively compare and discuss the extent of compliance with the Project Objectives between the Reduced Development Alternative and the Draft General Plan Update. The comment also expresses an opinion regarding general support for the Reduced Development Alternative. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 011-280

With the amount of development proposed under the Reduced Development Alternative, there would clearly be less workforce housing required. Please show where is this analyzed to support the conclusion that the alternative could not support sufficient housing.

RESPONSE 011-280

As described in Section 7.0, Alternatives, of the Revised Draft Program EIR, the Reduced Development Alternative would likely result in fewer employment opportunities relative to the project, but it would also result in a reduction of the Town's transient and visitor-serving lodging capacity as well. Specifically, compared to the proposed project, areas designated for Resort and Institutional Public use would be reduced. Much of the eastern portion of the UGB would be designated OS in this alternative compared to IS under the project. In addition, the bell-shaped property in the central portion of the UGB would be designated OS under this alternative compared to a Resort designation under the project. The alternative would result in 9,470, or almost 16 percent, less people at one time compared to the proposed project. The estimated residential units of all types associated the Reduced Development Alternative would be approximately 15,270 units. Compared to the 17,020 units associated with the General Plan Update, this represents a reduction in units by 10.3 percent. Furthermore, commercial areas would permit substantially less residential density compared to the Draft General Plan Update (10 units per acre in this alternative versus 20 units per acre in the project). Therefore, it is still concluded that the Reduced Development Alternative would inadequately satisfy the objective of providing for adequate and appropriate housing for residents and workers since the alternative would reduce the availability of land for future housing development.

COMMENT 011-281

The Reduced Development Alternative would still permit a large number of visitor accommodations. Please provide and analysis of what the number of visitor lodging units actually needed for this alternative. [sic]

RESPONSE 011-281

The Reduced Development Alternative would reduce permitted density on future visitor lodging from eight units per acre as proposed in the General Plan Update to six units per acre, or by 25 percent. When added to the existing visitor lodging stock, it is believed that the overall reduction in visitor lodging capacity would be reduced in approximate proportion to the reduction in persons at one time (PAOT) identified for the Reduced Intensity Alternative as compared with the proposed General Plan Update, or 16 percent. The Draft General Plan Update would provide for 97 single family transient units and 11,998 multi-family units, for a total of 12,095 transient units. Therefore, the Reduced Development Alternative would be expected to provide capacity for an approximate

total of 1,935 existing and future transient units. The Revised Draft Program EIR contains an adequate analysis of the Reduced Density Alternative relative to the Draft General Plan Update.

COMMENT 011-282

Finally, no analyses provided on the effect of existing Developer [sic] Agreements. Please explain how the DPEIR has determined this is significant.

RESPONSE 011-282

The adopted 1987 General Plan (No Project Alternative) would allow for the development of 17,396 dwelling units and a population of 61,376 persons at one time (PAOT), which includes development that could occur under existing development agreements. In comparison, the Reduced Development Alternative would result in a 15,270 dwelling units and 51,210 PAOT which also includes the development agreements that are currently in place. Therefore, the number of dwelling units and PAOT under the Reduced Development Alternative, inclusive of development allowed through existing development agreements, would be decreased by 2,126 and 10,166, respectively, when compared to the adopted 1987 General Plan. Since the existing Development Agreements currently in place are assumed to be executed in the future, the effects of such agreements are considered within the each of the identified alternatives, as well as the Draft General Plan Update.

COMMENT 011-283

23. Table 7.7 Summary Comparison Impacts (7-48) - we believe that if detailed analysis were performed there would be more of a strong tilt in the direction of favoring the Reduced Development Alternative. Additional comments on items in the table not covered previously in text are as follows:

RESPONSE 011-283

Table 7-7 is intended to provide a summary of the significance conclusions of the Draft General Plan Update and the alternatives. An analysis of impacts associated with each alternative and a comparison to the project is contained in Section 7.0 of the Revised Draft Program EIR. In accordance with the provisions of CEQA Guidelines Section 15126.6, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed. Therefore, the qualitative analysis provided in Table 7-7 of the Draft EIR is appropriate for a program level document and adequately addresses potential environmental impacts.

COMMENT 011-284

- Reduced development should have less impact on wildland fires - fewer people equals fewer opportunities for careless folk to start fires:

RESPONSE 011-284

Section 7.5.2.5 of the Revised Draft Program EIR discussed potential wildland fire impacts associated with the Reduced Development Alternative. Under both this Alternative and the Draft General Plan Update, no new impacts would be created regarding wildfires given that implementation of measures to reduce the potential impact of wildfires is not under the control of the Town. Thus, this potential impact is considered to be significant and unavoidable under both the Reduced Development Alternative and the Draft General Plan Update. Nonetheless, the potential/risk for wildland fires is not directly proportional to the Town's population since additional development within the Town is to be located within the UGB and most of the wildlands are located outside of the UGB. It is speculative to assume that an increase in the number of people in Town, which could increase the use of the surrounding area, would lead to an increase in wildland fires.

COMMENT 011-285

- The proposed Project will have significant negative impacts on water quality. See comments on Water Quality section.

RESPONSE 011-285

As indicated in Table 7-7, the Draft General Plan Update would result in less than significant impacts with regard to water quality. Please see Section 4.6, Hydrology and Water Quality, for the analysis of potential water quality impacts that would result from the Draft General Plan update. Also, please refer to Response to Comment Nos. 011-93 and 011-94 for responses to the specific comments made with regard to water quality.

COMMENT 011-286

- Noise - in the Reduced Development columns impact should be determined less than the Project:

RESPONSE 011-286

Table 7-7 provides a summary of the impacts conclusions for each of the alternatives and the Proposed Project (Draft General Plan Update). The conclusion in the noise column for the Reduced Development Alternative is significant and unavoidable due to the increase in traffic noise levels. The parenthetical note in the column references this fact. As discussed in Section 7.5.2.8 of the Revised Draft Program EIR, this significant impact would be reduced when compared to the Draft General Plan Update due to the slight decrease in overall vehicle miles traveled (VMT) that would occur under the Reduced Development Alternative.

COMMENT 011-287

- Population, Housing and Employment - no conclusion should be reached on any column, because no analyses is presented as to what the real needs are. Please justify the seemingly blind assumption that bigger is better.

RESPONSE 011-287

Table 7.7 provides a summary of the impacts regarding population, employment and housing based on the requirements and standards of the California Environmental Quality Act (CEQA). Based on Appendix G in the CEQA Guidelines a significant impact regarding population, housing, or employment would occur if a project induces substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or displaces substantial numbers of existing housing or residents, necessitating the construction of replacement housing elsewhere. For purposes of the EIR analysis it was assumed that a substantial population growth would be one that results in a significant impact to an environmental resource. Based on these thresholds, the analysis presented in Section 4.9.4 of the Revised Draft Program EIR concludes that the Draft General Plan Update would result in less than significant impacts regarding population, employment and housing. Similarly, the three alternatives would result in less than significant impacts based on the same thresholds. Therefore, Table 7-7 is correct in stating that all three alternatives and the Draft General Plan Update would result in less than significant impacts regarding population, housing, and employment.

COMMENT 011-288

- The Project will have significant impact on Schools, and Police and Fire Protection unless careful mitigations, more cops and jails, two new classrooms units and one new staff plus two new teachers are added per 100 affordable housing units. Please reanalyze based on the comments in the previous sections of Chapter 4. Taller buildings also mean different fire equipment and staff training.

RESPONSE 011-288

Table 7.7 provides a summary of the impacts regarding police protection, fire protection and school services based on the requirements and standards of the California Environmental Quality Act (CEQA). The analysis of these public services in Chapter 4.10 of the Revised Draft EIR concludes that with implementation of the polices and implementation measures included in the Draft General Plan Update, along with payment of development impact fees, impacts to these services would be less than significant. As indicated in Section 7, the analyses for each alternative reaches the same conclusions. Therefore, Table 7-7 is correct in stating that all three alternatives and the Draft General Plan Update would result in less than significant impacts regarding police protection, fire protection and school services. The payment of development fees serve to fund the

need for future additional school facilities and reduce impacts to schools to a less than significant level. In addition, the Draft General Plan Update does not propose to change the maximum permitted building heights stipulated in the Town's Municipal Code.

COMMENT 011-289

- Lack of inadequate response in terms of meaningful analysis from responsible agencies should not relieve the Town from doing a meaningful comprehensive evaluation. It is the responsibility of the Town to make the contacts with the agencies, and ensure that sufficient data and analysis is included in the DPEIR and in the evaluation of all alternatives.

RESPONSE 011-289

As discussed in Response to Comment No. 011-234, the preparation and review of the Revised Draft Program EIR involved numerous public agencies contacted pursuant to the requirements of the CEQA Guidelines. Input from public agencies was received prior to preparation of the Revised Draft Program EIR and the information from the agencies was incorporated into the Revised Draft Program EIR. Comments were also received by the Town during the 45-day public review period of the Revised Draft Program EIR from numerous public agencies. The Final Program EIR contains responses to all comments received and revisions have been incorporated into this Final Program EIR, as appropriate. Please also refer to Section 8.0, Organizations and Persons Consulted, and Section 9.0, Environmental Impact Report Distribution, for a listing of the agencies that reviewed and provided input on the Revised Draft Program EIR. Please also see the matrix at the beginning of the Responses to Written Comments for a list of agencies that commented on the Revised Draft Program EIR during the public review period.

COMMENT 011-290

- Libraries and Hospitals - Reduced Development column should be found to have less impact than the Project based on a lower population figure: In the Reduced Development Alternative, all Public Utilities, Recreation, Transport and Circulation, and Cultural Resources sections also result in less impact than the Project due to a lower population: [sic]

RESPONSE 011-290

Table 7-7 is intended to provide a summary of the impact conclusions for each the alternatives evaluated and the Proposed Project (Draft General Plan Update). Pursuant to the Section 15126.6(d), "a matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison." The CEQA Guidelines do not require a summary matrix to compare the impacts of each alternative to the impacts associated with the proposed project. Therefore, Table 7-7, which summarizes the impacts of each alternative and the proposed project, is consistent with the CEQA Guidelines. Each impact/issue discussion in Section 7.5 of the Revised Draft Program EIR provides a comparative evaluation of impacts

associated with the Reduced Development Alternative to the Draft General Plan Update. Please see Section 7.5 of the Revised Draft Program EIR which indicates whether the lower population associated with the Reduced Development Alternative would result in less than, greater than or similar impacts to the Draft General Plan Update.

COMMENT 011-291

- Please include an analysis of the cumulative impacts and growth inducing impacts in the summary table and in the preceding narratives on alternatives. Again, these will surely be less for the Reduced Development Alternative than the Project.

RESPONSE 011-291

According to Section 15130 of the CEQA Guidelines, an EIR shall discuss cumulative impacts of a project when a project's incremental effect is cumulatively considerable. Section 15126.2(d) of the CEQA Guidelines requires that an EIR analyze growth-inducing impacts of a project. The CEQA Guidelines discuss these issue areas relative to the project and do not require a cumulative or growth inducing impacts analysis be conducted for each alternative. In addition, Section 15126.6 of the CEQA Guidelines addresses the consideration and discussion of alternatives to the proposed project. Section 15126.6(d) specifically addresses the evaluation of alternatives and requires that the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. The CEQA Guidelines section indicates that a matrix may be used to summarize the comparison. Section 15126.6 of the Guidelines does not specifically require the inclusion of a comparison of cumulative impacts and growth inducing impacts relative to each alternative and the project. Standard industry practice does not include these issues as there is typically sufficient information to provide an adequate comparison when considering the issue areas addressed for each alternative and the project. Section 7 of the Revised Draft Program EIR provides sufficient information to understand the potential impacts from each alternative relative to the project. Therefore, the Town does not concur that the analysis needs to be expanded to include a comparison of cumulative impacts and growth inducing impacts between each of the alternatives and the project.

COMMENT 011-292

Please note we have asked our attorneys, Shute, Mihaly & Weinberger LLP, to discuss the density transfer issue in detail. You will receive their comments in a separate letter. We have reviewed their comments and completely concur with their response.

RESPONSE 011-292

The comment is acknowledged. The Town received the letter prepared by Shute, Mihaly & Weinberger LLP which provided comments on the density transfer policy. Please see Comment

Letter No. 010 as well as Response to Comment Nos. 010-30 through 010-37 for responses to comments regarding the density transfer policy.

COMMENT 011-293

The preceding 37 pages of comments and corrections show that the DPEIR is flawed in several crucial respects. We therefore request that the Town revise the document and recirculate it for further public consideration and comment pursuant to Public Resources Code section 21092.1.

Again, we appreciate the opportunity to comment on the DPEIR. Should you need clarification of any of the comments provided in this letter, please do not hesitate to contact me at (760) 934-1767.

RESPONSE 011-293

Each of the comments made on the Revised Draft Program EIR by Advocates for Mammoth have been individually addressed above and revisions to the Final Program EIR have been made as appropriate. However, in accordance with Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines, a Lead Agency is only required to recirculate an EIR when significant new information is added to the EIR. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. No significant changes have been made to the Final Program EIR. Therefore, recirculation is not warranted. Nevertheless, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 012

Andrea Lawrence Institute for Mountains and Rivers
Andrea Lawrence, President
P.O. Box 100, PMB 334,
Mammoth Lakes, CA 93546

COMMENT 012-1

Thank you for the opportunity to comment on the revised Town of Mammoth Lakes General Plan Update and Environmental Impact Report. We are highly supportive of concluding this process through community-based dialogue and consensus.

As a collaborative and solution-based organization, ALIMAR has been carefully listening to members of the community, local organizations; GPAG, Town staff and the Water District regarding the General Plan Update. We are highly concerned about the amount of community contention and polarization caused by, we believe, a general lack of confidence and trust in the planning process.

RESPONSE 012-1

The comment relates to the General Plan Update process. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 012-2

We believe many citizens feel disenfranchised by this process, overwhelmed by large documents, constantly changing numbers and a general plan that doesn't seem to implement the vision statement or public input. Many citizens are frustrated by a perceived lack of response to public comments and feel their voices have no power,

RESPONSE 012-2

The comment provides an opinion regarding the planning process associated with the Draft General Plan Update. As such, the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 012-3

No one is specifically to blame for the current situation, and indeed pointing fingers would be a useless exercise anyway. Instead, we'd like to propose that there is a better way; a way to build consensus and community confidence in the planning process.

RESPONSE 012-3

The comment relates to the General Plan Update process. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 012-4

We propose a transparent and inclusive process involving community stakeholders, Town staff, Town Council and the Planning Commission in a series of charettes mediated by a professional facilitator and an external planner specializing in general plans. With stakeholders at the table and professional mediation, we feel viable solutions can be crafted that would allow Mammoth to grow without sacrificing our character or quality of life.

RESPONSE 012-4

The comment provides an opinion with regard to utilizing a consensus-building process associated with the planning process related to the Draft General Plan Update. Such a consensus-building process, or the outcome of such a process, would not have any bearing on the environmental process that is required under CEQA. The purpose of the process for the Revised Draft Program EIR is to analyze the potential effects of the Draft General Plan Update on the environment, and to determine the significance of those impacts. The CEQA process unto itself is not consensus-based; however, public input is solicited throughout the process to ensure that all issue areas have been thoroughly analyzed to identify potential environmental impacts. With regard to the public process, in accordance with CEQA Guidelines Section 15105, the Town circulated the Revised Draft Program EIR for 45 days, from October 31, 2005 to December 14, 2005.

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 012-5

We proposed this same process in April of this year through a grant funded by the EPA, but were told it would take too long to complete within the desired timeline. With 16 unresolved issues still on the table and the potentially time-consuming and expensive legal consequences of a hastily

passed plan, we feel our proposal is still viable. And in fact, we feel that solutions could be reached more easily than expected. We've often found that disputing parties are actually saying similar things from different perspectives, and that disagreement is driven more by anger and lack of trust than differing opinions.

Our proposal is only one way to foster solutions and understanding, but there are other ways. If our particular proposal does not meet specific needs, ALIMAR would be happy to assist with any alternative strategy designed to seek resolution and build consensus together as a community.

We hope you will seriously consider our offer to coordinate a mediated, solution-based process, or any other appropriate strategy.

RESPONSE 012-5

The comment relates to the General Plan Update process. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 013

California Trout
Robert A. Lusardi, Eastern Sierra Conservation Manager
P.O. Box 3442
Mammoth Lakes, CA 93546

COMMENT 013-1

California Trout (CalTrout) appreciates the opportunity to comment on the Town of Mammoth Lakes 2005 General Plan Update Revised Draft Program Environmental Impact Report (Revised Draft PEIR). CalTrout is a state-wide non-governmental and non-profit organization dedicated to wild trout sustainability, the restoration of its habitat and healthy watersheds. CalTrout has reviewed the referenced document with relation to sections 4.3 (biological resources) and 4.6 (Hydrology and Water Quality). We have several specific concerns related to these sections of the document and ask that these concerns are addressed. In addition, we also incorporate by reference the comments we filed on May 5, 2005.

RESPONSE 013-1

The comment identifies the organization and focus in the review of the Revised Draft Program EIR. However, the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Please see Response to Comment Nos. 013-2 through 013-33 for responses to the letter dated December 14, 2005. As regards this comment's reference to comments submitted by the same Commentor in a letter dated May 5, 2005 regarding the earlier Draft Program EIR, the following Comment Nos. 013-2 through 013-33 thoroughly incorporate the content of the May 5, 2005 letter. Responses to each of these comments are provided herefollowing. Therefore, separate responses to the May 5, 2005 submittal are not provided.

COMMENT 013-2**Biological Resources Section 4.3**

1. What types of baseline biological surveys were conducted by the Town to assess 1) the presence of species that occupy the planning area and 2) to develop baseline population data for all plants and wildlife that occupy the planning area in an attempt to understand and document current species population dynamics?

RESPONSE 013-2

The Revised Draft Program EIR is a program-level EIR and is not intended to address impacts to specific biological resources to the extent requested in the comment. Policies contained in the Draft General Plan Update require that project-specific documentation based on the findings of site-specific field investigations shall be prepared for new development projects to address specific project-related impacts to biological resources. Should focused studies such as those suggested in the comment be necessary, such studies would be conducted at the time of application for a new development permit through the Town. The documentation shall be submitted to the Town and be subject to CEQA review and approval by the Town Council and Planning Commission prior to project implementation. In the case of potential impacts to streams regulated by the ACOE, CDFG, and/or RWQCB, the proposed projects shall be subject to the regulations and permit processes of these agencies.

A general survey of open space habitat areas and areas of proposed development was conducted in October 2006 within the Town limits, including the area within and around the airport. The survey included a habitat evaluation for the potential to support sensitive plant and wildlife species and a preliminary jurisdictional determination of areas potentially regulated by the ACOE, CDFG, and RWQCB. No focused studies or surveys for specific species were conducted by the Town. As mentioned above, the Draft General Plan Update requires that project-specific documentation based on the findings of site-specific field investigations shall be prepared for new development projects to address specific project-related impacts.

COMMENT 013-3

2. Under Impacts and Mitigation (4.3.4) please discuss expected downstream impacts to both the Owens Tui Chub and Owens Sucker populations from increased development within the Mammoth Basin including, but not limited to, sedimentation, storm water runoff, pollution discharge, and potential changes in water quality parameters including temperature. Specifically, what mitigation or monitoring is the Town preparing pertaining to these potential impacts and what steps are in place to protect these federally endangered and special status species?

RESPONSE 013-3

Section 4.6 of the Revised Draft Program EIR provides an analysis of the potential impacts to water quality and runoff from the increased development that could occur under the Draft General Plan Update. As indicated in Section 4.6, with the implementation of the measures contained in the Draft General Plan Update as well as compliance with federal, state and local water quality and waste discharge requirements, the Draft General Plan Update would result in less than significant impacts with regard to sedimentation, storm water runoff, and water quality.

To address the question of mitigation measures to protect downstream fisheries, as there are no significant impacts identified no mitigation measures are necessary. However, the following implementation measures are included in the Draft General Plan Update, which would serve to reduce potential impacts to the Owens Tui Chub and Owens Sucker population with regard to water quality and runoff:

- I.1.A.a – the minimization of erosion of soils and stream and lake embankments with the incorporation of Best Management Practices (BMPs) during and after construction to prevent erosion, siltation, sedimentation, and flooding. BMPs are designed to reduce pollutants contained in stormwater discharges into our waterways by preventing pollution at the source, before it can cause environmental problems.
- I.1.B.c.2 – the requirement that all activities within "jurisdictional" wetlands require a U.S. Army Corps of Engineers Section 404 Clean Water Act permit, California Regional Water Quality Control Board Clean Section 401 Clean Water Act Water Certification or Waiver, and/or a California Department of Fish and Game Lake and Streambed Alteration Agreement, as appropriate.
- I.1.B.c.3 – will require that project modifications be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate state and federal agencies.
- I.1.B.g.1 – the Town shall continue to support the increase of fishery management activities, including the wild and native trout population, stimulate summer tourism, and provide a more diverse range of fishing opportunities. Collaborate with DFG, Mono County Fisheries Commission, and other appropriate entities to offer education and interpretive programs and facilities. I.1.B.g.2 – the Town will support efforts to regulate in-stream flows and lake levels to maintain fishery and other wildlife values.
- I.1.B.g.3 – the Town will require new development in the vicinity of Mammoth Creek to maintain minimum setbacks and preserve stream-bank vegetation.

Please see Response to Comment Nos. 013-6 and 009-2 for more discussion regarding the issue.

COMMENT 013-4

3. The federally endangered Owens Tui Chub population, located near the Hot Creek Hatchery, is considered a genetically-pure population. The species is highly susceptible to water temperature and

water quality changes. Additionally, water development is listed as a potential source of disturbance to these populations.

Please discuss the potential impacts of groundwater pumping within the Mammoth Basin that may affect spring discharge near the hatchery or affect the chemical properties of that discharge. What expected impacts to the Tui Chub population are associated with increased water development within the Mammoth Basin? Similarly, please discuss impacts to the Owens Sucker, a special status species native to the Owens River watershed, from the proposed increases in groundwater pumping in an effort to meet future water demand.

RESPONSE 013-4

The Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow conducted by Wildermuth Environmental, Inc (November 2003) specifically addresses CalTrout's concern regarding groundwater pumping impacts on spring discharge near Hot Creek Hatchery. The report, which is referenced in the Final EIR at page 4-147 and is available at www.mcwd.dst.ca.us, concludes that necessary increases in groundwater production to meet future water demands will not have a significant effect on the Hot Creek Hatchery. In addition the springs at the Hot Creek Hatchery appear to be influenced primarily by seasonal fluctuations in precipitation and no evidence has been provided through numerous studies commissioned by CalTrout or the MCWD that there is a connection between groundwater extraction by MCWD and the springs at the Hot Creek Hatchery (Ericka Hegeman, MCWD e-mail communication October 17, 2006). A 2006 survey commissioned by CalTrout preliminarily reports that there is no connection between the surface water and groundwater systems in the Mammoth Basin (Ericka Hegeman, MCWD e-mail communication October 17, 2006). Therefore, it is assumed that no significant impacts will occur to the Owens tui chub or Owens sucker resulting from increased groundwater pumping.

Although the MCWD has yet to determine a safe yield for the Mammoth Basin, it has limited itself to an annual maximum groundwater extraction of 4,000 acre-feet during normal water years (Ericka Hegeman, MCWD e-mail communication October 17, 2006). Any additional extraction or development of additional wells to meet buildout of the Town under the existing General Plan or the Draft General Plan Update will require specific environmental review and detailed analyses to ensure no impacts will occur to fisheries resources.

COMMENT 013-5

4. In the Department of Fish and Game's response to "Notice of Preparation Draft Environmental Impact Report Town of Mammoth Lakes General Plan Update 2003", the Department asks the Town to examine project impacts that may affect offsite habitats including an assessment of impacts to fishing, hunting, bird-watching and other recreational activities. All of these activities provide both aesthetic and economic stimulus to the Town and County. DFG further recommends that "the

DEIR should provide analysis, including angler and hunter surveys, of the potential impact of the proposed project to the quality of experience for anglers, hunters and other outdoor fish and wildlife viewing recreationists utilizing these areas".¹ We support DFG's recommendations.

¹ *Department of Fish and Game. 2003. Notice of Preparation Draft Environmental Impact Report Town of Mammoth Lakes General Plan Update 2003. May.*

RESPONSE 013-5

The comment requests that the EIR analyze potential impacts from build-out of the General Plan Update on off-site habitats, recreational activities (i.e., fishing, hunting, and bird-watching), and quality of experience for various types of recreational users (i.e., anglers, hunters, fisherman, and naturalists). Potential impacts to habitats in the areas surrounding the UGB are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources (including habitat) beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, potential impacts directly related to recreational activities and quality of experience for various types of recreational uses are not issues requiring analysis under the California Environmental Quality Act (CEQA). As outlined in Appendix G of the CEQA Guidelines, a Lead Agency is required to analyze whether a proposed project would result in substantial adverse physical impacts to the environment associated with parks and recreation or substantial physical deterioration of an existing facility (refer to Public Services and Recreation of Appendix G of the CEQA Guidelines). Furthermore, the land where these recreational activities occur are owned by the U.S. Forest Service and Bureau of Land Management. The management plans for these agencies consider population growth from a statewide and regional perspective, which includes a population growth within the Town of Mammoth Lakes.

COMMENT 013-6

What type of surveys has the Town conducted to gain insight on potential impacts which may affect the Mammoth and Hot Creek trout fisheries? Please discuss specifics relating to sedimentation within the creek and the necessary entrainment flow velocities needed to purge those sediments. How are the project alternatives expected to impact these fisheries and quality of experience of the angler? What mitigation measures or monitoring has the Town identified to ensure minimal or no adverse impacts to the downstream fisheries of Mammoth Creel: and Hot Creek?

RESPONSE 013-6

The comment poses four questions relative to fisheries impacts: 1) a request for surveys conducted by the Town; 2) details regarding sedimentation; 3) an analysis of project alternatives; and, 4) a request for mitigation measures.

With regard to the surveys the Town has conducted, the Town has not independently commissioned focused fisheries surveys for the purposes of preparing the Revised Draft Program EIR. However, there is a volume of data already available from the Mammoth Community Water District (MCWD). The MCWD has commissioned annual focused fish surveys along the length of Mammoth Creek since 1992 (although no survey was conducted in 1998). These surveys analyzed the species present within Mammoth Creek, their abundance, size, and age class structure and compared the results to the previous years to determine if the Mammoth Creek fish populations are in “good condition”. All of these fish surveys are available on the MCWD website (www.mcwd.dst.ca.us). Additional studies within the Mammoth Basin, all of which are available on the MCWD website (www.mcwd.dst.ca.us), include:

- Annual groundwater monitoring reports dating back to 1992 by Kenneth D. Schmidt and Associates
- Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow by Wildermuth Environmental, Inc., November 2003
- Hydrologic Impacts of the Snowcreek Golf Course Expansion on the AB and CD Headwater Springs by Wildermuth Environmental, Inc., 1996
- Results of the Summer 1993 Aquifer Test Mammoth Community Water District Well No. 15 by Kenneth D. Schmidt and Associates, November 9, 1993
- Feasibility Study of Alternative Sources of Water Supply and Methods of Reducing Demand by Boyle Engineering, January 1992

With regard to sedimentation, it is acknowledged within Section 4.6, Hydrology and Water Quality, of the Revised Draft Program EIR that continued buildout within the Town would increase the potential for erosion and flooding (page 4-144). It is also acknowledged on page 4-148 that the Lahontan Regional Water Quality Control Board (LRWQCB) has reported decreased water quality based on a number of factors including eroded material entering the drainage system. Currently, there are a number of established state and federal statutes with associated controls to protect water quality including Sections 401 and 404 of the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES), the Porter-Cologne Water Quality Control Act, and the State Fish and Game Code (particularly Section 1602). The Town is currently responsible to

implement these regulations for all proposed development projects and will continue to do so under the policies of the Draft General Plan Update.

The impact analysis provided in Section 4.6 of the Revised Draft Program EIR discusses the increase in impervious surfaces associated with new development and the resulting short-term increases in sediment load into the storm drain system. The Draft General Plan Update provides a number of implementation measures to prevent erosion and siltation including:

- The implementation of Best Management Practices (BMPs) (I.1.A.a.1 and I.1.A.a.2)
- Keeping the Drainage Master Plan up to date (I.1.A.b.1)
- Regulating the modification of natural streambed, requiring permits from the ACOE, CDFG, and LRWQCB where appropriate, and requiring the use of setbacks (I.1.A.b.3, I.1.B.a.2, and I.1.B.e.3)
- Updating development standards as needed to include advances in construction techniques which minimize soil erosion and slope instability (II.3.B.a.1).

With the implementation of these measures, impacts with regard to sedimentation would be less than significant. Therefore, because there would be no substantial increase in sedimentation, no degradation of the existing stream conditions and no significant impacts to fisheries from sedimentation are expected. Additionally, correlating data from the Mammoth Creek 2004 Fish Community Survey conclude that the brown and rainbow trout populations remain in “good condition” and Mammoth Creek appears to have sufficient habitat to support all trout life-stages (KDH, April 2006).

To respond to the commentor's question regarding the impacts of the project alternatives on fisheries and the quality of the experience of the angler, a summary list of the project alternatives is provided:

Alternative 1: No Project Alternative – Under the No Project Alternative buildout would occur under the existing 1987 General Plan. Fisheries would be protected under the current Town policies. The quality of the experience of the angler may decrease during peak tourist periods due to an increase in population and recreational use during these times. This would also occur under the proposed project, although to a slightly lesser degree, due to the expected increase in population during peak visitation. (The proposed project has a slightly reduced population buildout compared with the existing 1987 General Plan.)

Alternative 2: Workforce/Affordable Housing Alternative - Fisheries would be protected by implementation measures similar to those provided in the Environmental Sustainability chapter of the Draft General Plan Update. The quality of the experience of the angler may decrease during peak tourist periods as compared with the project due to the greater increase in population and recreational use during these times under the Workforce/Affordable Housing Alternative. Alternative 3: Reduced Development Alternative - Fisheries would be protected by implementation measures similar to those provided in the Environmental Sustainability chapter of the Draft General Plan Update. The peak resident and visitor population expected under the Reduced Development Alternative is estimated at 51,210 persons at one time (PAOT) compared to approximately 60,700 PAOT under the proposed project. Therefore the quality of the experience of the angler may increase under the Reduced Development Alternative based on the reduced number of PAOT in the area.

To address the question of mitigation measures to protect downstream fisheries, the following implementation measures are included in the Draft General Plan Update:

- I.1.A.a – required minimization of erosion of soils and stream and lake embankments with the incorporation of Best Management Practices (BMPs) during and after construction to prevent erosion, siltation, sedimentation, and flooding. BMPs are designed to reduce pollutants contained in stormwater discharges into our waterways by preventing pollution at the source, before it can cause environmental problems.
- I.1.B.c.2 – the requirement that all activities within "jurisdictional" wetlands require a U.S. Army Corps of Engineers Section 404 Clean Water Act permit, California Regional Water Quality Control Board Clean Section 401 Clean Water Act Water Certification or Waiver, and/or a California Department of Fish and Game Lake and Streambed Alteration Agreement, as appropriate.
- I.1.B.c.3 – shall require that project modifications be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate state and federal agencies.
- I.1.B.g.1 – the Town shall continue to support the increase of fishery management activities, including the wild and native trout population, stimulate summer tourism, and provide a more diverse range of fishing opportunities. Collaborate with DFG, Mono County Fisheries Commission, and other appropriate entities to offer education and interpretive programs and facilities. I.1.B.g.2 – the Town will support

efforts to regulate in-stream flows and lake levels to maintain fishery and other wildlife values.

- I.1.B.g.3 – the Town shall require new development in the vicinity of Mammoth Creek to maintain minimum setbacks and preserve stream-bank vegetation, via regulatory authority established by the setback requirements of Title 17 of the Municipal Code.

As no impact with regard to fisheries has been identified, no mitigation measures are necessary.

COMMENT 013-7

5. CEQA Section 15131 states that economic effects of a project may be used to determine the significance of physical changes caused by the project. Considering that increased development associated with the project alternatives may adversely impact downstream resources, please quantify the expected impacts to the wild trout fishery of Hot Creek and the upper Owens River. The Hot Creek wild trout fishery serves as an economic engine for the Town of Mammoth Lakes and the general region of the eastern Sierra. Please discuss both offsite environmental and economic impacts that may adversely affect the Hot Creek wild trout fishery and upper Owens River within the cumulative impacts section of the Revised Draft PEIR (CEQA 15130).

RESPONSE 013-7

As indicated in Response to Comment No. 013-6, with the implementation of implementation measures contained in the Draft General Plan Update with regard to water quality, impacts with regard to sedimentation would be less than significant. Therefore, no degradation of the existing stream conditions and no significant impacts to fisheries from sedimentation are expected. In addition, correlating data from the Mammoth Creek 2004 Fish Community Survey conclude that the brown and rainbow trout populations remain in “good condition” and Mammoth Creek appears to have sufficient habitat to support all trout life-stages (KDH, April 2006). The Draft General Plan Update would not result in a social or economic change that would cause a physical to occur. While urban in nature, this section is often referred to in the case of a shopping center that would result in blight in another commercial portion of a community. In other words, the project would have an economic component that would result in a significant physical impact in another area. Section 5.0 of the Revised Draft Program EIR contains a detailed cumulative analysis of potential impacts that could occur from the project in conjunction with other projects. Section 5 contains a cumulative analysis of potential impacts with regard to biological resources, hydrology and water quality. The Town has determined that the cumulative analysis has been completed in accordance with CEQA Guidelines.

COMMENT 013-8**Hydrology and Water Quality**

6. *Water Quality:* As the Revised Draft PEIR states, the Lahontan Regional Water Quality Control Board reports that water quality in Mammoth Creek has been adversely impacted by years of development in Mammoth Lakes. We request that you document the specific reasons for these impairments and clearly state what management practices, enforcement policies and monitoring the Town will adopt to ensure that this does not continue. We are aware of the Town's municipal codes pertaining to development especially in proximity to the creek, however, it's apparent that these management practices are 1) not sufficient or 2) lack the necessary enforcement to ensure minimal impacts to the watershed.

RESPONSE 013-8

Section 4.6.1.7 of the Revised Draft Program EIR states "The Lahontan Regional Water Quality Control Board (LRWQCB) reports that surface runoff and storm water drainage from development associated with the Town have adversely affected the water quality within Mammoth Creek." The section goes on to indicate "Runoff from paved surfaces has increased the concentrations of nutrients, organic compounds, heavy metals, and petroleum products within the creek." Section 303(d) of the Clean Water Act (CWA) requires the identification and listing of water quality limited or "impaired" waterbodies where water quality standards and/or receiving water beneficial uses are not met. Once a waterbody is listed as "impaired," total maximum daily loads (TMDLs) must be established for the pollutants or flows causing the impairment (33 U.S.C. §1313(d)(c)). A TMDL, which is a written plan that describes how an impaired water body will meet water quality standards, contains:

- A measurable feature to describe attainment of the water quality standard(s);
- A description of required actions to remove the impairment; and
- An allocation of responsibility among dischargers to act in the form of actions or water quality conditions for which each discharger is responsible.

According to the most recent CWA Section 303(d) List of Water Quality Limited Segments, approved by the USEPA in July 2003, "metals" have been identified as pollutant/stressor in Mammoth Creek. Mammoth Creek was identified with a "Low" TMDL priority on the 303(d) List. According to the Lahontan RWQCB Watershed Management Initiative, a study is needed to verify the need for establishing a TMDL of metals in Mammoth Creek. The TMDL end date for Mammoth Creek is 2008. Thus, currently there is no adopted TMDL plan that addresses metals in Mammoth Creek.

The Basin Plan contains standards that are designed to provide developers with a uniform approach for the design and installation of adequate systems to control erosion and mitigate urban drainage impacts from the Town in an effort to prevent the degradation of waters of Mammoth Creek and Hot Creek. In addition, as indicated in the Revised Draft Program EIR, the Town's Storm Drain Master Plan includes remedial actions to correct existing storm drainage deficiencies and thereby improve water quality. As also indicated in the Revised Draft Program EIR, Municipal Code Chapter 12.08, Land Clearing, Earthwork and Drainage Facilities, requires project contractors to prepare appropriate erosion and runoff control measures to protect adjacent properties, drainage courses, and Mammoth Creek from the potential adverse effects of runoff.

COMMENT 013-9

7. What type of sediment budgets will be developed for the Mammoth Basin and what type of water quality monitoring will be instituted for Mammoth and Hot Creek? Please list specific plans and measurable and objective success criteria that the Town will employ to ensure that further degradation to Mammoth Creek will not continue.

RESPONSE 013-9

There is no current data indicating a degradation of Mammoth Creek. The Town currently has several sediment basins in service in the Mammoth Creek basin including one east of Mammoth Creek Park and one on Minaret Boulevard. The Snowcreek development uses some of the golf course ponds as sediment and retention facilities as well. On the northerly side of town there are two sediment basins just west of Highway 395 that provide for sediment removal from nonpoint sources in the Town storm drain system. The Town also has an aggressive street sweeping program in the winter to pickup cinders before they enter the storm drain system.

COMMENT 013-10

8. What types of riparian corridor monitoring will the Town employ along Mammoth Creek and Hot Creek to ensure only natural changes in channel morphology, rather than anthropogenic induced changes? Please quantify expected erosion, pollutant discharge, water quality, and water temperature impacts that may adversely affect the ecology of Mammoth Creek and Hot Creek as the Town nears build out.

RESPONSE 013-10

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, following adoption of a new General Plan will occur within project-level

environmental documentation during the development review/permitting process, prior to approvals for development being granted.

The Draft General Plan Update contains policies created to protect sensitive resources, including riparian corridors along the creeks. Specific policies include I.1.A.b, I.1.B.c, and I.1.B.d, which address the protection of natural drainage patterns; wetlands, wet meadows and riparian areas; and important wildlife and biological habitat, respectively. The Town's vision is to maintain the creek reaches that exist within the Town's boundaries in their natural conditions. Currently, minimum setbacks based on the Town Municipal Code, specifically Sections 17.16.040 and 17.20.040, stipulate a minimum 50-foot setback "between any construction other than trails, streets, other public facilities and the bank of any permanent lake or stream," which is intended to protect riparian vegetation which favorably affects stream water quality as well as temperature.

In addition, as indicated in Section 4.6 of the Revised Draft Program EIR, the Draft General Plan Update contains numerous implementation measures with regard to water quality, waste discharge, and erosion. In fact, the Town already enforces restrictive Best Management Practices (BMPs) with regard to erosion control and stormwater runoff and treatment systems, as stipulated in the Town of Mammoth Lakes Storm Drain Master Plan. While formal monitoring of the riparian corridors along Mammoth Creek and Hot Creek is not undertaken by the Town, the installation and operation of BMPs in conjunction with the construction of new development is monitored through the Town's building permit process. It should be noted that the Town's jurisdiction is delimited by its municipal boundaries and that, while a 3.5- to 4.0-mile reach of Mammoth Creek is located therein, none of the Hot Creek riparian corridor is located within the Town's municipal boundaries. With the implementation of the implementation measures as well as compliance with applicable federal, state, and local regulations, the Draft General Plan Update would result in less than significant impacts. Please also refer to Response 02-03.

COMMENT 013-11

9. We are concerned that Mammoth Creek and Hot Creek are adversely impacted by the Town's construction practices specific to increased sedimentation within the creek corridors. Minimum instream flows for Mammoth Creek are currently being reviewed by the Mammoth Community Water District (the District) and we request that you work collaboratively with the District to understand how development and construction in the Mammoth Basin may be affecting downstream resources. Are current peak flows, as a function of storage diversions in the Lakes Basin, able to mobilize current sediment loads in Mammoth Creek and Hot Creek? Will these flows be able to entrain sediments as the Town nears build out?

RESPONSE 013-11

As indicated in Response to Comment No. 013-8, the Basin Plan contains standards that are designed to provide developers with a uniform approach for the design and installation of adequate systems to control erosion and mitigate urban drainage impacts from the Town in an effort to prevent the degradation of waters of Mammoth Creek and Hot Creek. In addition, as indicated in the Revised Draft Program EIR, the Town's Storm Drain Master Plan includes remedial actions to correct existing storm drainage deficiencies and thereby improve water quality. As also indicated in the Revised Draft Program EIR, Municipal Code Chapter 12.08, Land Clearing, Earthwork and Drainage Facilities, requires project contractors to prepare appropriate erosion and runoff control measures to protect adjacent properties, drainage courses, and Mammoth Creek from the potential adverse effects of runoff. Each development project would be reviewed on a case by case basis to ensure that sufficient measures are implemented to reduce potential runoff and siltation. As indicated in the Revised Draft Program EIR, with the implementation measures contained in the Draft General Plan Update as compliance with federal, state and local construction requirements, substantial erosion or siltation would not occur. Finally, the Town does coordinate closely with MCWD regarding development projects within the UGB.

COMMENT 013-12

10. Specifically, please list what types of plan implementation, enforcement and monitoring the Town will use to ensure 1) surface and groundwater quality are not adversely impacted by construction, development and the use of pesticides, herbicides and other chemicals on golf courses and 2) that the drainage pattern of Mammoth Creek is not altered due to the updated plan implementation. Simply stating that "creek corridors SHOULD be carefully identified, corridor setbacks established, and strict regulations precluding riparian vegetation removal and creek regime modification SHOULD be followed" is not adequate. Please replace "should" with "shall" under all implementation measures pertaining to surface water, groundwater, and Mammoth Creek.

RESPONSE 013-12

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities and specific development projects, following adoption of a new General Plan will occur within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Specific measures will be developed for each project at the time of project review and issuance of permits. The Town monitors construction activities through permit inspections to ensure the implementation of required measures.

With regard to surface and groundwater quality relative to the use of pesticides, herbicides and other chemicals on golf courses, the water quality is managed through the waste discharge requirements (WDRs), which are issued by the Regional Water Quality Control Board. Please refer to Response to Comment No. 013-13 for a detailed discussion regarding the use of chemicals on golf courses. Pesticide and fertilizer use on the golf courses is regulated by the State Water Quality Control Board, Lahontan Region, not by the Town.

With regard to the change in language of Implementation Measure II.4.A.a.3, the comment regards the Draft General Plan Update and not the Revised Draft Program EIR. As such, this portion of the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 013-13

11. Please list the specific pesticides, herbicides and other chemicals which are currently being used on golf courses. What has the Town historically done to curb this use in an attempt to protect surface waters (both within the planning area and downstream offsite areas)? How does the Town propose to protect the quality of groundwater from these same sources and what type of monitoring is currently established to detect these sources in groundwater or surface water? In addition, please quantify the expected increase in use of these pollutants under all project alternatives and with the expansion of the Snowcreek golf course.

RESPONSE 013-13

MCWD has an extensive monitoring system in place. MCWD monitors groundwater depth and groundwater quality with the use of 14 monitoring wells installed in the general vicinity of the District's production wells. In addition, as indicated in the Subsequent Draft EIR, MCWD recently installed 5 additional wells. The District also regularly monitors five lysimeter wells on Sierra Star Golf Course since 2002, which provide information regarding vadose zone water quality. The MCWD's Subsequent Draft EIR for the Recycled Water Distribution Project (September 2006) contains a detailed analysis of water quality relative to golf course use of chemicals. The golf courses use chemical fertilizers that are applied in a liquid form dissolved in water. Each season, the golf courses typically make four to five applications to the greens, two to three applications to the tees, two to the fairways and one to the roughs. The fertilization period coincides with the irrigation season and both vary with the length of the annual growing season. With regard to impacts on groundwater quality, as indicated in the Subsequent Draft EIR for the Recycled Water Distribution Project, all nitrate-N readings taken since Sierra Star initiated operation have been below the detection limit, indicating that golf course fertilization has not affected groundwater with nutrients leaching from the golf course. In addition, total dissolved solids (TDS) levels are lower downgradient than upgradient, which indicates that TDS is more a function of localized aquifer conditions than surface activities. Chloride appears to be naturally occurring, as no chloride-containing fertilizers are used. With regard to Snowcreek, nitrate-N was observed at Well #6 on 3

occasions since 1984, which may be the effect of nutrient leaching from the golf course. The Draft General Plan Update and the alternatives considered in Section 7 of the Revised Draft Program EIR all would have the same golf course operations that exist today as well as including the future expansion of the Snowcreek golf course. The alternatives would not result in any difference in the practices used at the golf courses with regard to maintenance. Pesticide and fertilizer use on the golf courses is regulated by the State Water Quality Control Board, Lahontan Region, not by the Town.

COMMENT 013-14

12. *Groundwater*: It is noted within the Revised Draft PEIR that the "boundaries of the groundwater basin have not been specifically defined due to the complex hydrogeologic conditions of the basin" (p. 4-147). In general, there needs to be a greater understanding of these complexities and those recharge rates associated with the two assumed groundwater aquifers in the Mammoth Basin to ensure only sustainable groundwater yields are produced. We recommend that the Town work closely with the District and implement the following scientific studies to 1) better understand the local groundwater aquifers and complex hydrogeology of the basin and 2) ensure a safe and sustainable groundwater supply for the Town:

RESPONSE 013-14

The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment suggests that the Town work closely with the District to better understand the aquifers and complex hydrogeology of the basin as well as to ensure a safe and sustainable groundwater supply for the Town. With regard to these issues, MCWD is the primary agency to complete this work. In order to address these concerns, the District is currently in the process of developing a groundwater model of the Mammoth Basin. It is anticipated that the MCWD Board will approve a consultant proposal to complete the groundwater model at the January 31, 2007, Board workshop. It is expected that the development of the model will take about six months. Goals of the model are to answer all questions about the groundwater basin, such as sustainable yield and aquifer processes.

The Town coordinates regularly with the District on water supply and water quality issues. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 013-15

a. Provide a constant rate pump test for wells #1, 15, and 16 during low flow or base flow conditions to understand if groundwater pumping is influencing specific reaches in Mammoth Creek

RESPONSE 013-15

The District is in the process of improving its existing groundwater monitoring program. Additional monitor wells near Mammoth Creek have been installed and the frequency of monitoring at existing wells has been improved. Future plans include the installation of constant water level monitoring equipment on two shallow wells in the vicinity of Well #1 and Well #15, which are located near Mammoth Creek. The District also plans to continue communicating with the Lahontan Regional Water Quality Control Board regarding the possibility of conducting pump tests for these wells. Previous discussions with staff led the District to believe that the discharge of groundwater to surface water would not be allowed due to Lahontan Basin Plan prohibitions.

COMMENT 013-16

b. Determine permeability, transmissivity, safe yield, aquifer recharge rates and discharge rates to Mammoth Creek for the major production aquifers.

RESPONSE 013-16

The District has permeability and transmissivity rates for production wells that it has in service. One of the possible outcomes of the groundwater modeling project is a determination of safe yield for the basin. However, until the model is developed and calibrated, it is not guaranteed that this value can be determined at all given the complex geology of the Mammoth Basin and the current data set. Aquifer recharge/discharge rates and useful groundwater storage estimates have been calculated for the Mammoth Basin and described in three reports; the 1973 DWR Mammoth Basin Water Resources Environmental Study, the 1986 Mammoth County Water District Water System Master Plan, and the 2003 Mammoth Community Water District Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow. These reports estimate a range of subsurface flows from 7,479 to 15,700 acre-feet per year within the western portion of the Mammoth Basin (west of Hwy 395). The reports also indicate groundwater storage volumes ranging from 57,000 acre-feet to 101,000 acre-feet for the western portion of the Mammoth Basin. The data and reports are available at the MCWD office.

COMMENT 013-17

c. Produce additional subsurface geologic cross-sections and provide additional surface water gages and shallow monitoring wells along Mammoth Creek to monitor groundwater movement in relations to Mammoth Creek stage and pumping.

RESPONSE 013-17

As indicated in Response to Comment No. 013-14, the District is working on developing a groundwater model of the Mammoth Basin that will include additional subsurface geologic cross-sections. In addition, the District has recently installed new monitor wells near Mammoth Creek.

The District has also improved monitoring of all production wells. Finally, the District is working to improve the monitoring frequency of shallow monitor wells near Mammoth Creek.

COMMENT 013-18

d. Perform a fracture flow study using additional stable isotopes to assess connections between surface and subsurface flow and groundwater contributions to Mammoth Creek.

RESPONSE 013-18

CalTrout released a report in the winter of 2006 titled Preliminary Evaluation of a Hydrologic Connection between Mammoth Creek and MCWD Supply Wells, Mono County, California, which used stable isotope analysis. While this analysis showed that there was a connection between groundwater in District production wells and Mammoth Creek, the extent of that connection was determined to be inconclusive. The hydrogeology of the Mammoth Basin is complex and not fully understood despite multiple investigations conducted over the years. The hydrologic model of the groundwater basin that is currently being prepared by the District and the improved monitoring capabilities should add additional tools to answer questions regarding surface water and groundwater connectivity.

COMMENT 013-19

13. CEQA Section 15124 subsection (d) mandates the lead agency to consult with other agencies and integrate CEQA review with other related environmental review. The District recently worked with local stakeholders on updating their Groundwater Management Plan for the Basin. During these meetings, it was noted that there may be a connection between groundwater pumping and surface flows within Mammoth Creek (at least specific to production wells #1 and #15). Groundwater pumping may be influencing gaining and losing reaches within Mammoth Creek. In the future, this may limit groundwater production near Mammoth Creek during peak flow and/or dry periods in an attempt to minimize impacts to riparian corridor and associated aquatic resources. Please consult with the District.

RESPONSE 013-19

The MCWD has been conducting studies to determine whether groundwater pumping may be influencing stream volumes in various reaches in Mammoth Creek for 15 years. In 1992, CDFG and the University of California expressed concern regarding potential impacts of the District's groundwater pumping program on wildlife, vegetation, and fishery resources of Mammoth Creek, the Hot Creek headsprings, and Valentine reserve. Under agreements with CDFG and the University of California, the District installed a groundwater monitoring program in 1993 in order to assess the potential hydrologic connectivity between groundwater and surface water. Hydrogeologic evaluations have been conducted for the District by Kenneth D. Schmidt and Associates from 1993 to present.

Through well monitoring and aquifer tests the evaluations attempted to discern whether the District's groundwater pumping affected flows from North Spring at Valentine Reserve, flows from the Hot Creek headsprings, and stream flows in Mammoth Creek. From data collected as part of the monitoring program Schmidt concluded that groundwater pumping from the District's new production wells did not influence flows in North Spring at Valentine Reserve, at the Hot Creek headsprings, or in Mammoth Creek.

In October 1997, at the request of CDFG, the District also conducted a short-term aquifer test involving Well #15. Schmidt's review of the data from the test determined that there were no effects on stream flow, groundwater levels, or the springs at the Valentine Reserve.

On behalf of CDGD, the U.S. Geological Survey reviewed the available data. Chris Farrar of the USGS has commented (1995, 1996, 1997) that in his opinion, the results of the annual groundwater monitoring and aquifer tests are inconclusive in proving or disproving a causative connection between the District's groundwater pumping and discharge rates of springs at Valentine Reserve, the Hot Creek headsprings, and Mammoth Creek.

Farrar indicates that patterns in spring and stream flows may show some correlation to groundwater pumping, but that the available data could not definitively distinguish between a change in spring or stream flows due to groundwater pumping or due to natural variation in precipitation. In addition, Farrar suggested that interpretation of the results of the summer 1993 aquifer tests was complicated by variations in releases to Mammoth Creek, groundwater pumping at wells other than the test well, and variations in pumping rates before, during and after the aquifer test at the test well and other nearby wells.

Farrar also noted that the wet hydrologic conditions of the period following the winter of 1992 through 1993 would greatly affect groundwater conditions in the area. He noted in the 1997 report that "in any year with precipitation comparable to 1996, it is unlikely that groundwater pumpage in Mammoth basin at rates similar to past MCWD pumpage would cause any measurable effect in flow or water temperature at the fish hatchery springs." The year 1996 was considered a normal year, with streamflows and April 1 snowpack figures both slightly below average.

Mark J. Wildermuth conducted a local groundwater study for the proposed Snowcreek golf Course expansion project (1996). The Wildermuth study evaluated the potential effects of groundwater pumping expected under the golf course expansion project on the Hot Creek headsprings. Based on a review of available data, Wildermuth concluded that "historical groundwater extraction in the western part of the Mammoth basin has not noticeably impacted the discharge at the AB and CD headspring (the Hot Creek headsprings)." Wildermuth also analyzed stream flows in Mammoth Creek and measured at the LADWP gage and found no evidence of an influence of groundwater pumping on flows in Mammoth Creek, concluding that "groundwater

extraction has not impacted the surface discharge measured at this location – groundwater levels are too deep to influence streamflows.

In summary, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headspring. However, USGS evaluation of the data indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources. See also Response 009-2.

COMMENT 013-20

14. In 1995 the USGS conducted an independent study which reviewed the current hydrology of the Mammoth Basin and potential impacts to spring discharge and Mammoth Creek surface flows from groundwater pumping. The report was referenced in the Revised Draft PEIR, but the specific conclusions are not accurately detailed. A copy of this report was submitted with our original comments last May. Please review the report and incorporate the findings into the Revised Draft or Final PEIR.

RESPONSE 013-20

The comment is closely aligned with the previous comment. Please refer to Response 013-19.

COMMENT 013-21

15. *Water Supply:* The Water Assessment provided to the Town by the District is confusing. The assessment states that "the original assessment (should) be amended to include the updated information". Please combine the two assessments into one official document and present to the public. At this point, we're not entirely sure what data and assumptions are valid from the original water assessment compared with the current assessment, and therefore, cannot not properly analyze the entire document and those conclusions.

RESPONSE 013-21

The Water Supply Assessment was prepared by MCWD. The first assessment was prepared on the Draft General Plan Update that was analyzed in the February 2005 Draft EIR. The District amended the water supply assessment since the project changed. Section 4.11 of the Revised Draft Program EIR provides the relevant data for the April 2005 Draft General Plan Update. It is not unusual to supplement a technical report that is used as the basis for an analysis contained in an EIR.

Therefore, since the EIR section provides the relevant information, it is not necessary to combine the two water supply assessments into one report.

COMMENT 013-22

16. Currently, the District is drafting an Environmental Impact Report for Changes in Mammoth Creek Bypass Flow Requirements, Point of Measurement, Watershed Operations Constraints, and Place of Use. There are several issues in this EIR pertaining to surface water diversions and storage diversion in the basin which may affect water supply at a future date. Additionally, CalTrout filed a petition to the State Water Resources Control Board in December of 2004 with specific concerns related to water conservation policy, surface flow appropriation, and the lack of CEQA analysis concerning the proposed changes in instream flow requirements. The District has recently done a good job of moving in an expeditious manner to release a CEQA document pertaining to the minimum instream bypass flows. The draft version of the District's report should be released during the spring of 2006. We strongly recommend that you stay apprised of the issues and the final version of the EIR before making premature determinations about future water supply in the basin.

RESPONSE 013-22

The comment addresses efforts that are underway by MCWD with regard to changes in Mammoth Creek bypass flow requirements. The comment also refers to a petition filed by the organization with regard to water. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 013-23

17. Although the District is allowed to divert up to 2760 acre-feet/year from Mammoth Creek, historically this has never occurred. The maximum diversion from the Lake Mary intake appears to be 2450 acre-feet/year in 1984. In part, this may be due to the District's limited abilities to use their full instantaneous flow diversion capability at Lake Mary. In addition, and to protect the beneficial uses and public trust of Mammoth Creek and Hot Creek, the District must comply with minimum instream flow requirements which may limit their ability to divert water, even during "normal" years. Between 2000 and 2004, the District could only divert an average of 1519 acre-feet/year. In 1997, a wet water type year, the District could only divert 2161 acre-feet/year. The ability to divert 2760 acre-feet/year is not currently feasible. Supply figures should be reviewed and amended as necessary.

RESPONSE 013-23

As indicated in Section 4.11 of the Revised Draft Program EIR, the District currently has the right, through two licenses and one permit, to divert a total of 2,760 acre-feet of water annually from

Lake Mary, located in the Mammoth Lakes Basin. The authorized amount of water that the District can divert under its surface water rights are set at a maximum instantaneous diversion of 5.039 cubic feet per second (cfs) and a maximum annual diversion of 2,760 acre-feet. As part of this total, the District is allowed to store 606 acre-feet from April 1 to June 30 and an additional 54 acre-feet from September 1 to September 30 of each year. Upgrades at the Lake Mary Water Treatment Plant that were completed in 2004 have enabled the District to divert at a maximum instantaneous diversion rate of 5 cfs.

The Town concurs with the comment that the District's water rights are restricted by several management constraints that influence the amount of surface water that can be diverted. These include the bypass flow requirements in Mammoth Creek and lake level management of Lake Mary. The primary influence upon the amount of water that the District may store or divert are the bypass flow requirements in Mammoth Creek that are included as part of the District's water rights. The District measures Mammoth Creek flows at its Old Mammoth Road gage located near Mammoth Creek Park. The District is only allowed to directly divert natural flows entering Lake Mary and divert natural flows to storage when the flows, as measured at the Old Mammoth Road gage, exceed the bypass flow requirements. When the flows at the District's Old Mammoth Road gage are equal to or less than the bypass flow requirements, no water may be directly diverted or diverted to storage, and the District must bypass all incoming flows to Lake Mary.

The Town and MCWD concur that MCWD has not yet diverted the full permitted and licensed amount of 2,760 acre-feet of surface water. This is primarily due to monthly fluctuations in demand rates and bypass flow requirements throughout the year, which do not necessarily follow the same trends, resulting in conflicting management goals. As shown in Table 4.11-1 of the Revised Draft Program EIR, the current (2005) projected water supply is 6,760 acre-feet per year. As discussed in Response to Comment No. 010-13, in 2000 water demand was 3,236 acre-feet. The demand in 2006 was similar with a total demand of 3,225 acre-feet. In comparison, the 2006 projected water supply was 6,760 acre-feet, or approximately 3,500 acre-feet above the demand. The actual supply represents supplies that were made available to the community based upon demands. The maximum water supply from surface water occurs during the spring runoff while the maximum demand for water occurs later in the summer. However, as the Town approaches buildout and the water demand increases in the spring, MCWD would utilize the full amount of surface water that is available under the permit and licenses.

COMMENT 013-24

18. We are concerned about the projected demand of 4461 acre-feet/year under the new proposed project alternative. Upon review of *Investigations of Groundwater Production Impacts on Surface Water Discharge and Spring Flow*, Written by the District's consultants in 2003 we noted that Table 3-3 depicts a total demand production (groundwater and surface water diversions) in 2002 of 4050 acre-feet/year. Please thoroughly compare supply numbers with historic water use numbers in

Mammoth Lakes and base your analysis on those calculations. We do not believe 4461 acre-feet/year is a realistic demand calculation, and furthermore, do not believe 31 acre-feet/year under a multiple dry year situation is a safe margin of error. Accurate demand calculations should be based on the historical water demand numbers for the Town.

RESPONSE 013-24

The estimated water demand provided by MCWD is based on the average annual water use per unit, which is used for planning purposes. MCWD developed the consumption rates for the Draft General Plan Update Water Supply Assessment based upon the categories that were provided by the Town, such as multi-unit non-transient residential. To develop rates for these categories, several MCWD billed categories were added together. The consumption rates were based upon the 2004 demand rates, which represented the most current information at the time of the analysis. Please see Response to Comment No. 010-19 for a table that provides a comparison of the MCWD billing unit type, the unit type used in the Draft General Plan Update and EIR, the factors by use as well as a comparison with the numbers provided in Table 4.11-4 of the Revised Final Program EIR. As indicated in Section 4.11 of the Revised Draft Program EIR, the projected water demand from maximum buildout that could occur under the Draft General Plan Update would be 4,898 acre-feet per year.

With regard to the actual supply, as shown in Table 5 on page 103, in 2000 water demand was 3,236 acre-feet. The demand in 2006 was similar with a total demand of 3,225 acre-feet. In comparison, the 2006 projected water supply was 6,760 acre-feet, or approximately 3,500 acre-feet above the demand. The actual supply represents supplies that were made available to the community based upon demands. Table 3-3 referred to in the comment is from the Wildermuth Environmental, Inc. November 2003 report. Water demand was higher in 2002 compared to 2006 and is attributable to leaking water pipes that were replaced in 2002 and to the fact that 2006 was a very wet year, thereby creating a shorter irrigation season.

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 013-25

19. In the previous water assessment provided to the Town, the District stated that over the past thirty years, 50% of those years experienced below-average precipitation. Additionally, 30% of those years have experienced less than 70% of average precipitation.² Neither the District's water assessment nor the Revised Draft PEIR state what is considered to be "normal or average precipitation" in the Mammoth Basin. As previously noted, 50% of the precipitation years in the Mammoth Basin have been characterized as 'below average'. It would be prudent to base future water demand calculations and eventual Revised Draft PEIR conclusions on dry year or multi-dry year scenarios (greater than three years). For instance, until water type year 2004 the Mammoth Basin experienced six consecutive dry precipitation years. We request that the Revised Draft PEIR or Final PEIR discuss future water supply and demand within the context of an extended dry period.

² *Mammoth Community Water District, 2005. Mammoth Community Water District Water Assessment for Draft Town of Mammoth Lakes General Plan.*

RESPONSE 013-25

Section 4.11 of the Revised Final Program EIR contains a revised water supply assessment based on the 2005 UWMP. As discussed in Response to Comment No. 010-18, the 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. As required by Section 10631 of the Public Resources Code, the UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The District utilized the Department of Water Resource guidance in preparing this document, which recommends that the calculation of normal years should use at least the last 30 years of hydrologic data. Table 10 of the 2005 UWMP provides the basis of the water year data used for the analyses. A normal water year is based upon 10 percent deviation from April 1 average snowpack of 43 inches, or 28.7 to 47.3 inches on April 1. Normal water years have historically occurred about every nine years, or seven times in the last 62 years. The Department of Water Resources Urban Water Management Planning Guidebook, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District's water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District's water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the

UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

COMMENT 013-26

20. Please define ‘normal precipitation’ and the methodology used to determine different water type years. How were average precipitation conditions calculated? Were these calculations merely based on a thirty year period? If so, we recommend that the Revised Draft PEIR study longer historical periods of precipitation in the Southern Sierra in an attempt to project future precipitation and in an effort to meet increasing water demands associated with the project alternatives. Long term trends in annual precipitation variation within the Mammoth Basin must be identified (i.e. greater than 30 years).

RESPONSE 013-26

The water year determinations used in the Final Program EIR were derived from the Mammoth Community Water District’s (MCWD) 2005 Urban Water Management Plan (Final Draft, December 22, 2005), which implements the requirements of the Urban Water Management Planning Act. The Act defines these water years through the following criteria:

- Normal Year is a year in the historical sequence that most closely represents median runoff levels and patterns.
- A single dry year is generally considered to be the lowest annual runoff for a watershed since the water year beginning in 1903.
- A multiple dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903.

MCWD’s historical data begins in 1928, so this defines the early end of the data set that has been utilized to calculate the water year types.

COMMENT 013-27

21. The Revised Draft PEIR does not discuss global warming and climatic change in relation to the future water supply within the Mammoth Basin. In 2004, the National Academy of Sciences released a paper documenting the magnitude of future climate change in California. Hayhoe et al.

state "rising temperatures, exacerbated in some simulations by decreasing winter precipitation, produce substantial reductions in snowpack in the Sierra Nevada Mountains, with cascading impacts on California winter recreation, streamflow, and water storage and supply."³ Expected impacts of global warming on water supply within the Mammoth Basin must be discussed and in terms of all future project alternatives and water supply and demand calculations.

³ Hayhoe et al. 2004. *Emissions pathways, climate change, and impacts on California*. June.

RESPONSE 013-27

The potential effects of increasing atmospheric concentrations of carbon dioxide and other greenhouse gases (GHG) and the observed increase in the average temperature of the Earth's atmosphere and oceans have been the subject of considerable technical analysis and political debate. The natural phenomena (e.g.; temperature, rainfall) that together from the climate of a particular region vary from day-to-day and year-to-year. The variation in climate can be a result of natural, internal processes or in response to external forces from both human and non-human causes, including solar activity, volcanic emissions and GHG. There is little controversy that the Earth's atmosphere has warmed over the last century. The detailed causes of this change remain an active field of research. However, there is an increasing amount of scientific evidence that identifies GHG as the primary cause of the recent warming. This conclusion can be controversial, especially outside the scientific community.

While global warming is clearly an issue, the information from experts differs in terms of the timing of when effects from global warming would be likely to occur. The article referred to in the comment similar to articles provided in Comment No. 010-17 indicates that effects to runoff and water supply would likely occur mid-century or later. It is not possible for agencies to base water planning or forecasting on consequences that are many years out. In addition, with regard to water supply, the overall solution will need to be regional in scale. Please see Response to Comment No. 010-17 for a detailed discussion regarding global warming and climate change.

COMMENT 013-28

22. The Dry Creek aquifer is not well defined. Additionally, the surface water/groundwater interaction and potential downstream impacts to Big Springs and the Owens River are unknown. A study by Breibart et al. on the impacts of additional groundwater pumping within the Dry Creek watershed strongly suggests that further studies, data collection, and monitoring are needed to understand what these impacts may entail.⁴ The Dry Creek aquifer is located upstream of one of the most productive wild trout fisheries in California and there may be both environmental and economic impacts associated with groundwater pumping in this region.

- ⁴ *Breibart et al. 2001. Mammoth Groundwater Extraction: A Hydrological Analysis of Potential Recharge to an Eastern Sierra Nevada Watershed. June.*

RESPONSE 013-28

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells could provide approximately 1,000 acre-feet per year beginning in 2020. The future wells could be located in Dry Creek or in the Mammoth Basin. Two studies regarding the Dry Creek watershed show a potential for groundwater extraction. One of the two studies, a study conducted by the University of California at Santa Barbara (2000), concluded that 3,000 acre-feet in normal years and 2,000 acre-feet in dry years could be extracted from the basin. The second potential source of future groundwater involves the modification of existing wells to improve capacity and drilling of new wells within the Mammoth Basin. In a 1996 report prepared by Mark J. Wildermuth, it was estimated that a total useful storage in the Mammoth groundwater basin amounted to approximately 135,100 acre-feet.¹⁹ This would indicate that additional groundwater within the Mammoth Basin may be available.

With regard to other potential future water sources, in 1991, the District commissioned a feasibility study of alternative sources of water supply.²⁰ Alternative sources identified in the study included a Convict Creek wellfield, surface water diversion or wellfield in McGee Creek, and surface water diversion or wellfield in the Upper Owens River area. These potential sources of water may be further investigated if groundwater production in the Dry Creek and Mammoth Basin area is determined not to be feasible.

Given that the future sources have not yet been determined and that the future sources are not expected to come on line until 2020, it is not possible or practical to address the potential impacts of utilizing Dry Creek as a source of water supply for the Town. In the recent California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, (2007), the court indicated that the burden of identifying likely water sources for a project varies with the stage of project approval involved, with the necessary degree of confidence involved for approval of a conceptual plan much lower than for the issuance of building permits. If uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, the EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives- including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases- and discloses the significant foreseeable environmental effects as well as mitigation measures to minimize each adverse impact. Here, the General Plan Update is not the approval of a

¹⁹ *Hydrologic Impacts of the Snowcreek Golf Course Expansion on the AB and CD Headwater Springs, Mark J. Wildermuth, September 1996, page 22.*

²⁰ *Feasibility Study of Alternative Sources of Water Supply and Methods of Reducing Demand, January 1992.*

specific development project. Furthermore, the degree of uncertainty has been discussed and a mitigation measure has been imposed (Mitigation Measure 4.11-1_ that fully mitigates the impact of a potential shortage of long term water supplies by precluding development that will result in a water shortage and that development must occur in tandem with the development of necessary water supply sources. In addition, the State already has imposed bypass flow requirements on the MCWD that limit the amount of water that the MCWD may divert from surface water sources. These existing regulatory requirements ensure that required levels remain in surface water streams such as Dry Creek so as to avoid significant impacts.

COMMENT 013-29

23. As stated in the District's original water assessment for the PEIR, significant capital costs and intensive environmental review (both CEQA and NEPA) are needed before additional groundwater pumping could begin within the Dry Creek drainage. Groundwater production around Dry Creek and the proposed recycled water project for Mammoth Lakes will both require additional entitlements and are not considered firm water supplies. We request that you reevaluate your supply calculations and base those calculations on known and currently existing water supplies.

RESPONSE 013-29

The water supply analysis contained in Section 4.11 of the Revised Draft Program EIR is based on known supplies. Since known supplies would not be sufficient to meet the demand, as required by the State Water Code, the UWMP provides a discussion of future sources of water, which include a reduction in demand, the use of recycled water, and future wells. Please see Response to Comment No. 010-21 for a detailed discussion regarding future sources of water. The Town acknowledges that environmental review will be required for some of the future water sources. MCWD will be the lead agency for future environmental documentation. In September 2006 MCWD released a Draft EIR for the recycled water project.

COMMENT 013-30

24. We believe the Town's Revised Draft PEIR should strongly consider implementing stringent water conservation policy before considering additional groundwater production in the Mammoth Basin or Dry Creek drainage.

RESPONSE 013-30

The responsibility to provide water for potable and non-potable consumption within the Town of Mammoth Lakes is not the Town's but the Mammoth Community Water District's, an entirely separate public agency. The town does not have the authority to direct the MCWD's water conservation policy. Nonetheless, the Town and the MCWD do collaborate closely and both recognize the need to manage available water supplies relative to existing and potential future demand. The MCCWD presently has a three-tier water conservation program wherein the

respective tiers can be activated sequentially when supplies are affected during one or more dry years. Recently, the MCWD also established a ten percent (10%) contingency policy in which approximately ten percent (10%) of its known, available supplies will remain uncommitted in order to address shortages or other circumstances which arise.

As specified in Mitigation Measure 4.11-1 on page 4-281 of the EIR, the Town shall work with MCWD to ensure the Town only issues land use approvals when the availability of necessary water supply sources has been established by MCWD.

COMMENT 013-31

25. CEQA Section 15384 (a) states ""Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." The current existing information pertaining to water supply and demand is neither sufficient nor substantial to conclude that there will be enough water to meet future demand expectations associated with the project alternatives.

RESPONSE 013-31

The Town has made its own independent evaluation of the EIR and has determined that the EIR has been prepared in accordance with CEQA Guidelines. Substantial evidence is provided in the record to support the conclusions reached in the EIR. The water supply analysis is based on the MCWD water supply assessment, which has been updated based on the District's comment letter on the Revised Draft Program EIR and the 2005 UWMP. With regard to the analysis for the alternatives, CEQA Guidelines Section 15126.6(d) addresses the evaluation of alternatives. The Guidelines do not require the same level of analysis for the alternatives as for the project. Section 7.0 of the Revised Draft Program EIR contains an analysis of the project alternatives. The potential impacts associated with water supply are considered under each alternative. Table 7-7 provides a comparison of the project impacts with the alternatives, including water supply.

COMMENT 013-32

26. Water Code Section 10911 (b) [sic] states that the city or county will determine if the available water supply is sufficient to satisfy the demands of the project (including planned future uses). What is the Town's assessment of the current and future water supply? What additional water supply alternatives are there to meet future demand over a multi-dry year scenario or extended dry period? The Revised Draft PEIR mirrors the District's water assessment. However, the District simply projects possible additional sources of water to meet demand and does not make any recommendations or conclusions as to if these are viable strategies to actually meet future demand. A determination of the future water supply is needed by the Town.

RESPONSE 013-32

The Town concurs with the water supply assessment provided by MCWD. For this reason, the assessment is provided in the EIR. Section 4.11 of the Revised Final Program EIR has been revised to provide the most recent numbers available from MCWD. As discussed in Response to Comment No. 010-21, the UWMP contains a water shortage contingency plan, which relies on water demand reduction measures, water conservation restrictions, as well as future water supply sources. Please see Response to Comment No. 010-21 for a detailed discussion regarding the District's contingency plan.

COMMENT 013-33

CalTrout would like to thank the Town for the opportunity to comment on the Revised Draft PEIR for the 2005 Mammoth Lakes General Plan update.

Please send all further correspondence to:

Robert A. Lusardi
California Trout, Inc.
PO Box 3442
Mammoth Lakes, CA 93546

RESPONSE 013-33

The comment provides an address to send all further correspondence. The address is the same as that on the organization's letterhead and is consistent with the Town's distribution list. No further response is necessary.

LETTER NO. 014

Range of Light Group
Wilma Wheeler, Chair
P.O. box 1973
Mammoth Lakes, CA 93546

COMMENT 014-1

Thank you for the opportunity to comment on the Revised Draft Program Environmental Impact Report (RDPEIR) for the Town of Mammoth Lakes proposed 2005 General Plan Update dated October 2005. The Sierra Club Range of Light Group submits the following comments for your consideration.

RESPONSE 014-1

This comment is general in nature and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. Please see Response to Comment Nos. 014-2 through 014-17 for detailed responses to each of the comments provided.

COMMENT 014-2

This document has many improvements over the previous draft, but we strongly believe that the document still does not meet the requirements of CEQA and requires significant additional analyses and additions before it should be certified. The principle purpose of the EIR is to give the decisionmakers adequate data and analyses to reach decisions on proposed programs and for the public to draw their own conclusion as to the ultimate impacts of projects and the practicality of proposed mitigations. The shortcomings in the RDPEIR are such that it must be redone and recirculated for additional comments.

There are several shortcomings that are applicable to most of the topics and are listed below. Among the most serious defects are:

RESPONSE 014-2

Each of the comments made on the Revised Draft Program EIR by the Sierra Club Range of Light Group have been individually addressed below. Please see Response to Comment Nos. 014-3 through 014-17 for detailed responses. Per Section 15002 of the California Environmental Quality Act (CEQA) Guidelines, the basic purpose of CEQA is to inform decisionmakers and the public about the potentially significant environmental effects of a proposed project. The Town believes the

Program EIR has been prepared in accordance with CEQA Guidelines and that the document adequately analyzes potential environmental impacts under buildout of the Draft General Plan Update. Furthermore, in accordance with Section 15088.5 of the CEQA Guidelines, a Lead Agency is only required to recirculate an EIR when significant new information is added to the EIR. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. No significant changes have been made to the Final Program EIR. Therefore, recirculation is not warranted. Nevertheless, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 014-3

The documents fails to include and consider the plans and projections of Mammoth Mountain Ski Area (MMSA), the biggest employer, transport operator, and recreation provider for residents and visitors, in the planning effort and in the data used to determine impacts and potential mitigations.

RESPONSE 014-3

As described in Section 3.0, Project Description, the Revised Draft Program EIR analyzes buildout of the Draft General Plan Update which assumes a maximum number of people at one time (PAOT) on an average winter Saturday as well as a maximum number of transient and non-transient residential uses. These numbers include visitors and/or skiers at Mammoth Mountain Ski Area (MMSA). Therefore, the Revised Draft Program EIR does not fail to analyze potential impacts associated with MMSA.

COMMENT 014-4

Chapter 4, Land Use, is particularly confusing putting some land-use designations in the wrong category and failing to list others. As a decision-making document, it should be complete and readable so the general public can make their evaluation of the wisdom of the General Plan Update.

RESPONSE 014-4

The comment is general in nature and does not provide a specific example as to what is confusing with regard to Section 4.7, Land Use and Planning. Section 3.0, Project Description, of the Revised Draft Program EIR, contains a detailed description of the Draft General Plan Update. Section 4.7 provides the land use analysis of the project and does not attempt to provide a complete description of the Draft General Plan Update. Portions of Section 4.7 have been revised in the Final Program EIR to provide clarification. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 014-5

There is no evidence that potential mitigations were actually evaluated. Many of the impacts may be mitigable. The document seems to also ignore or downplay the effect of population and the extent of its impacts on water supply, noise, wildlife, and recreation.

RESPONSE 014-5

The analyses contained in the Revised Draft Program EIR are based on the projected maximum buildout that could occur under the April 2005 Draft General Plan Update. The analyses are based on uses or population, whichever is appropriate for the issue area. For example, for water demand and supply, the analysis is based on uses (i.e., residential unit type and count and amount of non-residential floor area). Please see Table 4.11-4 of the Revised Draft Program EIR for the water demand. In addition, please see Response to Comment No. 010-19 for a discussion regarding the factors by unit type.

With regard to potential mitigation measures, the comment is general in nature and does not provide any suggested mitigation measures. The discussion in each issue area provides a conclusion of whether the Draft General Plan Update would result in significant impacts or less than significant impacts. In accordance with CEQA Guidelines, if potentially significant impacts would result, the analysis identifies mitigation measures, if available. As no mitigation measures are suggested in the comment, no further response can be provided.

COMMENT 014-6

It appears that an environmentally inferior alternative was selected because of some undefined and unanalyzed economic growth objectives.

RESPONSE 014-6

Section 15126(d) of the CEQA Guidelines indicates that an analysis of alternatives to the proposed project shall identify one alternative to the project as the environmentally superior alternative. As discussed in Section 7.6 of the Revised Draft Program EIR, the Reduced Development Alternative was identified as the environmentally superior alternative since it would result in somewhat less physical impacts than the Draft General Plan Update. In accordance with CEQA Guidelines, the selection of this alternative as the environmental superior alternative considered the degree of physical impacts to the environment and not economic objectives. While the Reduced Development Alternative would incrementally reduce the severity of project impacts, this Alternative would not eliminate any impacts that would result under the Draft General Plan Update. Section 7.6 further provides a comparison of the Reduced Development and the Draft General Plan Update regarding the extent to which each scenario would meet the project objectives, which are defined in Section 3.16 of the Revised Draft Program EIR.

COMMENT 014-7

The documents [sic] fails to adequately consider the tremendous impact of over 20,000 plus visitors at one time on adjacent public lands, skiing opportunities, fishing locations, wilderness trailheads, wilderness camping and hiking, areas, and rock climbing [sic] venues, that are already overcrowded. It also neglects impacts of increased OSV and OHV use on public lands.

RESPONSE 014-7

Potential impacts to adjacent public lands and recreation facilities are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, US Forest Service (USFS) has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day. Additionally, the USFS controls the number of overnight visitors and back-country permits for wilderness area travel. Enforcement of such maximum capacity rules would help limit potential impacts from contact intrusion. Furthermore, as discussed in Section 4.12, Recreation, a number of Policies and Implementation Measures are contained in the Draft General Plan Update to help alleviate issues such as overcrowding of recreational facilities. Specifically, Implementation Measure IV.1.A.c.1 would support the development of facilities and services that enhance mid-week visitation thus assisting to reduce weekend visitation which is currently the peak visitation time; Implementation Measure IV.1.A.c.2 would require resort visitor developments to provide on-site and off-site amenities for their guests' benefit and enjoyment thus creating additional recreational opportunities within the Town; and Implementation Measure IV.2.A.a.1 would ensure that parkland dedicated under the Quimby Act is suitable for active recreation uses thus creating additional active recreational opportunities within the Town.

COMMENT 014-8

The document emphasizes differences with reference to a hypothetical calculated number for population based on the old General Plan. Comparisons should be to the current condition and the actual populations analyzed in the old GP (48,000).

RESPONSE 014-8

The Revised Draft Program EIR does evaluate the increase in population compared to the current condition in addition to evaluating the population compared to the current General Plan. As described in Section 4.7 of the Revised Draft Program EIR, in comparison with existing development, the Draft General Plan Update would allow for an increase of 6,839 non-transient and transient residential units and 26,463 people. For example, the traffic analysis provides the existing

conditions and then the conditions with implementation of the Draft General Plan Update. The analyses contained in the document provide the incremental growth and potential impacts that could occur from the incremental growth between existing (2004) conditions and buildout of the Draft General Plan Update. In addition, the existing General Plan allows for 17,396 residential units and 61,376 people, not 48,000 people as mentioned in the comment (refer to Table 7-1 of the Revised Draft Program EIR). Please see Response to Comment No. 011-25 for a discussion regarding PAOT at buildout under the existing General Plan.

COMMENT 014-9

The document is concerned chiefly with the resort economy. The rest of the Town, retirees, second-home owners, small businesses, the college, artisans and writers, and telecommuters are almost completely ignored.

RESPONSE 014-9

The comment relates to the Draft General Plan Update and not the environmental analysis. The Revised Draft Program EIR contains an analysis of the potential environmental impacts that could result from buildout of the April 2005 Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 014-10

Other more specific defects are:

Parks: The inability of the Project to provide for parkland is inexcusable. It takes away the only in town park. Yet the Town owns other lands like the Bell-Shaped Parcel, and has access to others such as the Inyo National Forest lands in the gateway area. The Town could acquire more parkland and open space through establishing and enforcing developer requirements, all within the Urban Growth Boundary.

RESPONSE 014-10

Future parks are being planned in the Town as indicated in Table 4.12-1 in Section 4.12, Recreation, of the Revised Draft Program EIR. Although the Town owns undeveloped land within the UGB, the Town must also consider and balance the other public service needs of the Town. Furthermore, Implementation Measures within the General Plan Update do establish developer requirements to assist the Town in providing additional parkland to meet the performance objective. These measures include the provision of on- and off-site amenities for resort developments (IV.1.A.c.2), incentives in exchange for community benefits (IV.1.D.c.1), and parkland dedication and/or payment of in-lieu fees (IV.2.A.a.2).

COMMENT 014-11

Physical Segregation of Neighborhoods: Segregates many of the residential neighborhoods by putting resort nodes with large pedestrian populations on connector roads.

RESPONSE 014-11

The Draft General Plan Update does not allow for building new streets, which could physically divide an established community within the Town. The land use pattern proposed in the Draft General Plan Update does provide for resort nodes where more intense development would be located. However, as indicated in Response to Comment No. 011-117, the Draft General Plan Update would provide overall a similar land use pattern as to the pattern that exists on the ground as well as a pattern that is similar to the land use pattern in the adopted General Plan.

COMMENT 014-12

Impacts on Schools Not Analyzed: These must be analyzed even if the Town is not financially responsible for required mitigation.

RESPONSE 014-12

Section 4.10, Public Services, of the Revised Draft Program EIR, contains an analysis of the potential impacts to schools associated with buildout of the Town under the Draft General Plan Update. As discussed in Section 4.10.4, Impacts and Mitigation, through the payment of developer fees per Senate Bill 50, as well as other statewide and local measures for funding, impacts to schools would be less than significant.

COMMENT 014-13

The document doesn't attempt to meet environmental sustainability objectives of General Plan objectives on air quality, night skies, noise, or aesthetics.

RESPONSE 014-13

The comment relates to at the Draft General Plan Update and not the environmental analysis. The Revised Draft Program EIR contains an analysis of the potential environmental impacts that could result from buildout of the April 2005 Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. However, Sections 4.2, Air Quality; 4.1, Aesthetics, Light and Glare; and 4.8, Noise contain analyses of air quality; night skies and aesthetics; and noise, respectively. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 014-14

The water use model is unrealistic (20% increase in PAOT equals less than 1% increase in water requirements) and has no margin for uncertainties, longer dry spells, or well failures.

RESPONSE 014-14

The estimated water demand provided by MCWD is based on the average annual water use per unit, which is used for planning purposes. MCWD developed the consumption rates for the Draft General Plan Update Water Supply Assessment based upon the categories that were provided by the Town, such as multi-unit non-transient residential. To develop rates for these categories, several MCWD billed categories were added together. The consumption rates were based upon the 2004 demand rates, which represented the most current information at the time of the analysis. Please see Response to Comment No. 010-19 for a table that provides a comparison of the MCWD billing unit type, the unit type used in the Draft General Plan Update and EIR, the factors by use as well as a comparison with the numbers provided in Table 4.11-4 of the Revised Final Program EIR. As indicated in Section 4.11 of the Revised Draft Program EIR, the projected water demand from maximum buildout that could occur under the Draft General Plan Update would be 4,898 acre-feet per year.

The issue regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 014-15

This document violates its own principles of the Urban Growth Boundary by having provisions to automatically include land exchanges from outside the Urban Growth Boundry [sic] (UGB) into the UGB, and violates the intent of the previously ratified Town UGB by allowing housing in the south gateway parcels that had previously been designated only for institutional use and open space.

RESPONSE 014-15

Land exchanges are discussed in Section 4.7, Land Use and Planning, of the Revised Draft Program EIR. As indicated in the discussion under Issue 4.7-2, lands outside the UGB, but under Special Use Permit from Inyo National Forest can be exchanged without violating the UGB. However, such a land exchange would not be automatic. As indicated in the discussion in the Revised Draft Program EIR, any such exchange would require a General Plan amendment to

establish the appropriate Town land use designation. Environmental review would be required as part of the General Plan amendment. Part of the analysis would include land use compatibility and consistency with the Town's General Plan. The portion of the comment referring to south gateway parcels may be referring to the Foundation Property, which would not require a land exchange.

COMMENT 014-16

In Chapter 4, the Land Use chapter, the document fails to completely list and explain the new land use designations. Some are omitted and others are listed in the wrong sections and out of order.

RESPONSE 014-16

As indicated in Response to Comment No. 014-4, Section 3.0, Project Description, of the Revised Draft Program EIR, contains a detailed description of the Draft General Plan Update. Section 4.7 provides the land use analysis of the project and does not attempt to provide a complete description of the Draft General Plan Update. However, table 4.7-1 provides a summary of the land use designations under the Draft General Plan Update compared with the existing land use designations. Portions of Section 4.7 have been revised in the Final Program EIR to provide clarification.

COMMENT 014-17

Please accept the Range of Light Group comments. The Group asks that this document be revised to address these concerns and other concerns raised by the public and then be redistributed for public comment.

RESPONSE 014-17

Each of the comments made on the Revised Draft Program EIR by the Sierra Club Range of Light Group have been individually addressed above and revisions to the Final Program EIR have been made as appropriate. However, in accordance with Section 15088.5 of the CEQA Guidelines, a Lead Agency is only required to recirculate an EIR when significant new information is added to the EIR. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. No significant changes have been made to the Final Program EIR. Therefore, recirculation is not warranted. Nevertheless, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 015

Gordon Alper
no address provided

COMMENT 015-1

The emphasis on dense hotel like development in a village type setting should be encourages. We need to recognize that these new lodging types transfer occupants from existing condominium and motel lodgings. This would be the natural outcome of the ski area strategy. The result will be greater opportunities for the purchase of work force and employee housing. It will also allow for a larger per-cent age of idle second homes, occupied less than three weeks per year. What does this shift in property use mean to us as a community? Some developers want to create fractional ownership of SFH and further erode the community nature of our neighborhoods. This needs to be identified and made part of the GP.

Yet another issue not properly vetted before being incorporated into the draft, is the proposed land use change which, for openers, will allow housing on land zoned IP. There is strong community opposition to allowing new developments to occur in land presently zoned either IP or SP. In spite of this opposition Planning has decided to incorporate land use and zoning to allow development of twenty-five acres of college property as housing. Members of the GPAG have provided testimony before both the Planning Commission and the Town Council, advising both groups that this idea was unanimously rejected by GPAG. How does it show up in the draft plan?

The Gateway District had been zoned as SP, allowing schools, hospitals, government building and up to 100 single-family lots. Now without any public input this parcel is rezoned IP without any restriction on how much housing may be located there. This zoning clearly will create a new population center, for which the town has no infrastructure nor is the increase in population accounted for. Once again we see a GP change made without public input that is contrary to the Vision statement. See Paragraph 2.3.6. for planning department rationalization for this zoning change. It is clearly made in an effort to support even more development and a far larger build-out population.

RESPONSE 015-1

The comment relates to the Draft General Plan Update. The EIR provides an analysis of the type and intensity of development that could occur based on the April 2005 Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 016

Gordon Alper
no address provided

COMMENT 016-1**Future Population Projection Assumptions**

I refer to the Verification analysis of PAOT as of January 1, 2004, Table 3-3, on page 3-16 of the report and Table 3-4, page 3-17, Incremental Development for Build out of the updated General Plan. There is a basic logical flaw in the assumptions made that take us from today's PAOT to the projected PAOT at build-out. Build-out occupancy rates are based on the data provided in Table 3-3. The build-out population of 60,727 is a growth of 77% over the data provided in Table 3-3. However, the data in Table 3-3 can't grow more than the maximum allowed skiers on MMSA, which can only grow 30%. Therefore you cannot logically use any data from Table 3-3 [sic] to justify any future PAOT past the 30% limit imposed by the MMSA limitation. The report must provide new assumptions regarding our PAOT to support the build-out population. When this is accomplished logic tells me we will have develop a whole new game plan to support this PAOT. Based on expanding all the data in Table 3-3 by 305 the maximum sustainable PAOT would be 43,000. I believe we can make some assumptions regarding the shifts in our needs that would allow for at least another 5-10,000 PAOT. I do not believe that you can past [sic] that hurdle. If this is, in fact, the case then the logic tells us we should concentrate on a plan similar to the Reduced Development Alternative as a beginning point, which would lead us to the best choice for the build-out of our town.

RESPONSE 016-1

The Town concurs with the comment that the PAOT presented in the Revised Draft Program EIR is not based on the skier capacity of the MMSA. For the purposes of projecting PAOT, the Town applied a person/unit occupancy, based upon the census average of 2.4 people per household, for all units occupied by permanent residents and a person/unit occupancy of 4.0 was applied to all remaining visitor, second home, and seasonal resident units. As described in the Analysis of the General Plan Population Forecasts and Land Use Capacity (White Paper PAOT dated October 4, 2006), the United States Forest Service Permit issued to MMSA limits skiers to a maximum number on the mountain at one time to 24,000. Overall skier capacity is 22,500 skiers per day. The "Design Day," which is the business level that the guest service buildings are designed for rather than a peak day of the mountain skier capacity, is approximately 80 percent of peak day visitation and is close to the average of the top ten days of the ski season. The ski area design day is 18,000 skiers per day.

The PAOT is not based solely on the skier capacity or the design day of MMSA. It is based on estimated unit count within the Town and anticipates the number of persons that would occupy the units, as some people visit the area in the winter and do not go down hill skiing. The PAOT not only includes skiers on MMSA, but also permanent population, locals skiing, non-skiing visitors/second homeowners, and seasonal residents. In addition, the PAOT estimated includes the expected utilization of propoerties if all properties were to develop to the maximum potential in accordance with the Draft General Plan Update designations and the underlying assumptions. If because of market conditions, including limitations to recreational opportunities, utilization is less than what is projected or if not all development were to occur, then the impacts would be less than those presented in the Revised Final Program EIR.

LETTER NO. 017

Gordon Alper
no address provided

COMMENT 017-1

The General Plan update is meant to be a community developed document encompassing all of the known [sic] The emphasis on dense hotel like development in a village type setting should be encouraged. We need to recognize that these new lodging types transfer occupants from existing condominium and motel lodgings. This would be the [sic] natural outcome of the ski area strategy. The result will be greater opportunities for the purchase of work force and employee housing. It will also allow for a larger per-cent age [sic] of idle second homes, occupied less than three weeks per year. What does this shift in property use mean to us as a community? Some developers want to create fractional ownership of SFH and further erode the community nature of our neighborhoods. This needs to be identified and made part of the GP. And foreseen plans. [sic] This plan is lacking in that regard. The GPAG urged the Planning staff to interview or invite Mammoth Mountain, Mammoth Lakes Hospital, The Mammoth Lakes Foundation, etc., to a workshop, so that we could learn of their future plans and better understand the community needs that this plans [sic] would require. This did not happen. As so often is the case now that the plan has been fully developed and given to the community to adopt, some of these plans are becoming better known. The GP should not be adopted without serious consideration of these new plans.

The most important strategy that must be added into the GP, is the stated goal of Mammoth California to concentrate on increasing longer mid-week visits at the expense of reduced maximum skier volume on the weekends. If successful they will reach peak weekend daily attendance of 18,000 instead of their maximum capacity of 24,000, and midweek daily volumes in excess of 10,000 skiers. Our GP cannot be meaningful without filtering this information through every element of the Plan. The obvious changes will affect land use issues. People extending their stays will demand more non-ski related services. We should provide for more retail/commercial land uses. Plan for better pedestrian friendly areas by reducing parking and snow storage requirements by creating off-site parking areas. We need to improve our transportation system. Non-ski related recreation amenities are required. Cultural events need to be expanded and additional event [sic] encouraged. These improvements can't be put off longer. They must be in place before proceeding with additional development.

We still have not heard publicly from either the Hospital District, the Mammoth Lakes Foundation on their future plans in context with their GP needs. We must hear from there before certifying this Update.

RESPONSE 017-1

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

As indicated in Section 9, Environmental Impact Report Distribution, the Revised Partial Draft EIR was sent to the Southern Mono County Health Care District and the Mammoth Lakes Foundation. In addition, the Notice of Availability was published in the paper and posted at the Office of the County Clerk. A comment letter was not received by either the Health Care District or the Mammoth Lakes Foundation.

LETTER NO. 018

Gordon Alper
no address provided

COMMENT 018-1

The General Plan Policy and Implementation measures are inconsistent with the Vision Statement, which is to guide the General Plan. It is not appropriate to conclude, as the draft GP too often states, "Due to projected increase in demand based on the performance objective, impacts to existing.... would be significant and unavoidable."

RESPONSE 018-1

The comment is general in nature. The comment refers to the conclusions contained in the Revised Draft Program EIR as the Draft General Plan Update does not contain environmental analysis. The environmental issue area that bases its significance threshold on performance objectives is public services (i.e., fire, police, schools, libraries, roadway maintenance and snow removal, and hospital and health services). The Revised Draft Program EIR concludes that the Draft General Plan Update would result in significant and unavoidable impacts to libraries and hospital and health services as these services are within the control of another jurisdiction not because the performance objective cannot be met. Please refer to Response to Comment Nos. 039-28 and 011-166 for additional information regarding libraries and hospital and health services.

COMMENT 018-2

Chapter 4.12 Recreation.

At some time we have to properly arrange our priorities. We continue to approve development prior to identifying, purchasing and developing parks and recreational facilities. We then indicate that the town cannot mitigate the adverse effects of this development. The town needs to identify a minimum of 22 acres of land to be used for future recreational needs, as part of our land use plan, before approving additional development.

RESPONSE 018-2

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level

environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The comment expresses an opinion with regard to open space. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 018-3

The plan fails to address several of our needs for multiuse land. We strongly support summer activities that require the generous use of private property for these community benefits. But, this property is quickly being developed and will no longer be available to the community. The Jazz Festival, our most successful summer activity, along with various Arts and Crafts events rely heavily on their ability to use these properties to stage their events. We cannot afford to lose these defining events. The plan needs to address how we will provide replacement properties to insure the continuation of these important festivals.

RESPONSE 018-3

This is a comment on the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 018-4

Winter play is becoming more important each year as families forgo traditional skiing for sledding and tubing. The plan fails to identify property that can be developed for these activities. We see that our visitors are taking matters into their own hands. Sledding is a popular activity that has taken hold behind the church site at Minaret road [sic] and Lake Mary road [sic]. These activities are also being pursued out along the Mammoth Scenic hwy [sic] and at Dead mans summit [sic] along hwy [sic] 395. These are to be ever more important activities and should be planned for now. When considered along with MMSA future plans this type of activity becomes critical to our success.

RESPONSE 018-4

The comment is related to the Draft General Plan Update as it suggests activities that should be planned for and land that should be set aside for a particular use. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. However, it should be noted that a winter play area is being planned for in the future. Table 4.12-1 in Section 4.12, Recreation, of the Revised Draft Program EIR notes a 0.25-acre parking lot to be used in conjunction with a designated winter play area under Planned Parks. Furthermore, in accordance with Policy and Implementation Measure IV.1.A.c.2, development regulations would require resort visitor

developments to provide on-site and off-site amenities for their guests' benefit and enjoyment which could potentially include winter play areas. These amenities could be available to the public as appropriate.

COMMENT 018-5

We worked as a community to obtain and develop Mammoth Creek Park. There has been no reason provided to the public to support a zone change to IS. What development is being considered for our park, if none than leave the zoning as is. If you are planning to develop in the park, make that part of the plan. It has become clear going through this process as a member of GPAG, that the town already probably knows what is planned for this park. This is being withheld from the public for fear that the community will not agree to this zoning if it knew what the intention of this IP zoning change was. This park is important to Mammoth as a park and should remain zoned as a park. Our vision statement demands it. It is presently the only park within walking distance of our population.

RESPONSE 018-5

The property is designated IP/OS in the adopted General Plan. The Draft General Plan Update would designate the property IP, which would allow for public facilities and institutional uses. The Town's intent is for the property to be developed with recreational facilities. The Town does not have any plans at this point in time for the development of the property.

COMMENT 018-6

I am deeply concerned that the town represents that it has 81.22 acres of park and recreation land present and planned. In fact, the town will only own 12.78 acres of the needed 75 acres at build out. Land that is not owned or controlled by the town should not be included. For instance, the USFS dictates uses and hours of operation of Shady Rest Park, not the town.

RESPONSE 018-6

As indicated in Table 4.12-1 of the Revised Draft Program EIR, the Town would actually own 30.79 acres of parkland at build-out of the General Plan Update (18.01 acres which are active parks plus 12.78 acres which are planned parks), not 12.78 acres as the comment states.

Although not all the parkland listed in Table 4-12.1 under existing and planned parks is or would be owned by the Town, all but one (Whitmore Park) are located within the Town's municipal boundary. Therefore, the Town does not agree that these parks should not be included in their parkland acreage as these parks are available for and utilized by its residents and visitors.

COMMENT 018-7

The town must avoid developing an incentive program as the carrot to induce the development of parks as stated in IV.1.D.c1 of the implementation measures. It should be part of the plan to assess development to provide designated needs of the community. These incentives would be contrary to the goals of the vision statement and should be avoided.

RESPONSE 018-7

The comment is a comment on a particular implementation measure in the Draft General Plan Update. As such, the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. However, it should be noted that future parks are being planned in the Town as indicated in Table 4.12-1 in Section 4.12, Recreation, of the Revised Draft Program EIR. The amount of parkland required to meet the needs of the Town is based on the Town's performance objective of five acres of parkland per 1,000 permanent and seasonal residents. The Town is not relying on Implementation Measure IV.1.D.c.1 to provide for the future development of parks but rather utilizing it as an incentive for developments to assist the Town in providing additional community benefits (not necessarily parks). Accordingly, this Implementation Measure does not go against the goals of the General Plan Update's Vision Statement.

COMMENT 018-8

I conclude as I began. Parks are essential to achieving our vision statement. Approval of developments should only be allowed as we achieve our goals for public lands and facilities. For starters identify the land we need for our community needs. Then zone this property accordingly, and finally acquire the land. Isn't that the rational behind the DIF we now collect?

RESPONSE 018-8

As indicated in Response to Comment No. 018-2, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The comment expresses an opinion with regard to a process regarding open space. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 019

Jo Bacon
P.O. Box 100, PMB 134
Mammoth Lakes, CA 93546

COMMENT 019-1

Below are several concerns and comments I found on my review of the DPEIR. In each instance, I am requesting consideration of the comments, and a reanalysis of each point that includes the requested data.

According to state law, and [sic] EIR is "an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project." What has been provided so far is not adequate to meet this need.

RESPONSE 019-1

Each of the comments made on the Revised Draft Program EIR have been individually addressed below. Please see Response to Comment Nos. 019-2 through 019-27 for detailed responses. The Town believes the Program EIR has been prepared in accordance with CEQA Guidelines and that the document adequately analyzes potential environmental impacts under buildout of the Draft General Plan Update.

COMMENT 019-2

One example is that the impacts to visual quality and character are identified as significant and unavoidable in the DPEIR. A quantitative analysis of the impacts of the four alternatives has not been completed. It is not acceptable to say that the impacts are the same for all four, or to expect the Planning Commission or Town Council to make their decisions without clear distinctions between the project alternatives.

RESPONSE 019-2

As discussed in the introductory paragraph of Section 4.1, Aesthetics, of the Revised Draft Program EIR, aesthetics refers to the overall visual qualities of an area or within a given field of view. As quantitative standards are not available to analyze visual quality and individuals respond differently to changes in the visual environment, the evaluation of aesthetic impacts can be termed a subjective exercise due to widely varying personal perceptions. What may be considered an improved visual scene to one person may be considered an adverse visual condition to another. Accordingly, a qualitative rather than a quantitative analysis is provided for aesthetic impacts.

Section 7.0, Alternatives, of the Revised Draft Program EIR includes a discussion and analysis of the three alternatives to the Draft General Plan Update. As required by CEQA section 15126.6(d), alternatives need not be analyzed in the same depth as the proposed project, however, sufficient information must be provided to allow meaningful evaluation, analysis, and comparison with the project. The three alternatives analyzed in Section 7.0 of the Revised Draft Program EIR include the No Project Alternative, the Workforce/Affordable Housing Alternative and the Reduced Development Alternative.

Each alternative discussion includes an evaluation of aesthetic impacts regarding the Town's visual quality and character. A comparative analysis of impacts to the proposed General Plan Update is provided consistent with CEQA section 15126.6(d). The Draft General Plan Update and each of the three alternatives would result in a change in the visual character and quality of the community through the development of vacant lands and the redevelopment of other lands. The types and intensity of developments under the No Project Alternative and the Workforce/Affordable Housing Alternative would be similar to the types of development that would occur under the Draft General Plan Update. Thus, the extent of aesthetics impacts regarding the Town's visual quality and character under the No Project Alternative and the Workforce/Affordable Housing Alternative would be similar to the Draft General Plan Update. The degree and extent of impacts associated with the Reduced Development Alternative would be less than the Draft General Plan Update because it would not allow as much growth or development as the General Plan Update. While applicable policies and implementation measures have been identified to reduce impacts to the Town's visual quality and character, as with the Draft General Plan Update, due to the permanent change in visual character of newly developed areas of the Town, impacts to the Town's visual character and quality would be significant and unavoidable for each alternative. No mitigation measures have been identified to reduce the significance of this impact for the Draft General Plan Update or each alternative. Please see Table 7-7 of the Revised Draft Program EIR for a summary comparison of the impacts that would result from the Draft General Plan Update and the three alternatives.

COMMENT 019-3

Also, there are several sections of the DPEIR where conclusion of a significant and unavoidable impact the blanket statement that "there are no feasible mitigations" This is not acceptable. Surely, there are a number of ways to mitigate the identified impacts, the most obviously being that a lower total population would presumable have a lower impact. We should expect, and must demand, better information, and an opportunity to discuss solutions.

RESPONSE 019-3

The comment is general in nature and does not provide any suggested mitigation measures. The discussion in each issue area provides a conclusion of whether the Draft General Plan Update would result in significant impacts or less than significant impacts. In accordance with CEQA

Guidelines, if potentially significant impacts would result, the analysis identifies mitigation measures, if available. With regard to a reduction in buildout as a mitigation measure, Section 7.0 of the Revised Draft Program EIR contains an analysis of alternatives. A Reduced Development Alternative is considered. Please see Section 7.5, Alternative 3: Reduced Development Alternative for a detailed analysis.

COMMENT 019-4

To paraphrase the Vision statement, our General Plan should emphasize:

- The sustainability and continuity of our unique relationship with the natural environment
- A strong, diverse, small-town community that supports families and individuals
- Adequate and appropriate housing that residents and workers can afford
- A year-round destination resort community based on diverse outdoor recreation and tourism

Unfortunately, this DPEIR has proposed a Project Alternative under which striving for the maximum number of visitor lodging units overshadows all other considerations. No financial analysis is included that justifies this alternative, nor is there any assurance that the focus on additional hot beds [sic] will result in a sustainable economy.

We might be at risk of overbuilding our customer base, which could have negative impact on our economy. We might also lose all that is special about Mammoth Lakes that makes this a place visitors come to and return to many times. However, we don't have information to make a decision. Nowhere in any of the documentation do we see a "Business Plan" which substantiates the emphasis on visitor lodging.

RESPONSE 019-4

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. While the comment refers to the Revised Draft Program EIR and a project alternative, the EIR provides an analysis of the type and intensity of development that could occur based on the April 2005 Draft General Plan Update. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 019-5

The Traffic Study for the DPEIR deals only with intersections. In doing so, several crucial pieces of data are not analyzed. These include:

- Analysis of entire streets. For example, Meridian Blvd. has six identified intersections in the study, between Main Street and Majestic Pines. The study and DPEIR result in conflicting implementation measures and mitigations (see below for details).

RESPONSE 019-5

The Traffic Study included an analysis of 32 roadway segments as indicated in the discussion under Issue 4.13-1 in Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR. Specifically, Table 4.13-5 of the Revised Draft Program EIR identifies whether future traffic volumes associated with the Draft General Plan Update would exceed the capacity of roadway segments in the study area. In addition, as discussed in Issue 4.13-2, 22 intersections were analyzed. Six intersections along Meridian were analyzed. The traffic analysis was conducted in accordance with the Town's methodology for the preparation of a traffic study. The Traffic Study does not result in conflicting mitigation measures. Please see Response to Comment No. 019-10 for a more detailed discussion.

COMMENT 019-6

- Pedestrian interaction with traffic is not quantified, only estimated.

RESPONSE 019-6

Pedestrian forecasts are estimates that cannot be quantified by observation. However, the Revised Draft Program EIR traffic analysis has evaluated land uses to estimate pedestrian activity and then reduces roadway capacity accordingly. In addition, the Revised Draft Program EIR identifies mitigation measures that include new roundabouts and signals which provide protected pedestrian crossings. The signal level of service analyses also assumes pedestrian crossings. Please see Response to Comment No. 011-124 for a more detailed discussion.

COMMENT 019-7

- The study does not include snow conditions, whether this is during the storm or in the following hours and days of "clean up", including impacts on traffic for snow removal, berms reducing traffic lanes, trucking snow out of town, etc.

RESPONSE 019-7

Please see Response to Comment No. 011-165 for a discussion regarding traffic impacts that would occur as a result of winter conditions. Also, please see Response to Comment No. 011-209

for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 019-8

- The study complete [sic] ignores summer peak days, such as the Fourth of July weekend, or any recognition that we actually have more total visitor days in the summer than in the winter.

RESPONSE 019-8

Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 019-9

Since the Traffic and Circulation sections and appendices are extensive, I focused on Meridian Boulevard for a detailed analysis. I can only presume that the same problems and issues apply to other streets, but did not have time during the comment period to go through every street and intersection in the town.

RESPONSE 019-9

The comment is general in nature and does not raise a specific issue with regard to the content of the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. Please see Section 4.13, Traffic and Circulation, of the Revised Draft Program EIR which provides a detailed discussion of the existing and future conditions of roadways and intersections throughout the Town.

COMMENT 019-10

The General Plan contains implementation measures that state Meridian west of Old Mammoth should be a maximum of three lanes (one each direction and a two-way left turn lane). However, Mitigation 4.13 in the DPEIR results in Meridian changing from one lane in each direction at Sierra Park, to two lanes in each direction at Old Mammoth Road, there back to a single lane at Azimuth, again back to two lanes at Minaret, and finally back to a single lane at Majestic Pines. Further, even with these mitigations, those same intersections are rated C through F except for Meridian/Sierra Park.

RESPONSE 019-10

There is no inconsistency as the widenings described in the EIR are those necessary for adequate turn movements at intersections and good design practices. Because the Town of Mammoth Lakes has discussed the potential of reducing Meridian Boulevard to three lanes (one

lane per direction plus a center turning lane), the mitigated LOS at the minor intersections along Meridian were analyzed with one lane per direction to be sure that the Draft General Plan Update would not prohibit the Town's ability to narrow the road. However, at the more major intersections, such as Minaret Road/Meridian Boulevard and Old Mammoth Road/Meridian Boulevard, two lanes per direction are needed to provide adequate capacity at the intersections when they are signalized. In other words, the majority of Meridian could be reduced to one lane per direction, although at major intersections, the roadways would need to be widened to provide two through lanes per direction at signalized or 4-way stop controlled intersections. Intersections controlled with a roundabout would not require two lanes in each direction due the design features. Table 4.13-5 in the Revised Draft Program EIR provides an analysis of the unmitigated roadway capacity. As shown in the table, the traffic volumes along Meridian Boulevard would be less than half of the available capacity. However, as stated in the Revised Draft Program EIR, the capacities identified in Table 4.13-5 are for planning purposes only. Regardless, such an improvement would be subject to future study before implementation, which would include detailed pedestrian and parking counts. However, the preliminary planning-level analysis contained in the Revised Draft Program EIR indicates roadway narrowing would be appropriate.

COMMENT 019-11

The Traffic Study says that projections were based on the proposed land use. After extensive review of Appendix F, it turns out that no data is provided to substantiate this. The tables in Appendix F include four columns titled "alternatives", but there is no definition of these alternatives and no cross-referencing to the DPEIR alternatives.

RESPONSE 019-11

The land uses assumed by Transportation Analysis Zone (TAZ) and a map of the TAZ have been added to Appendix F in the Final Program EIR. The alternative numbers identified in the Revised Draft Program EIR traffic analyses contained in Appendix F correspond to those identified in the EIR as follows:

- Traffic Analysis Alternative 1 – Existing General Plan Build Out (No Project Alternative)
- Traffic Analysis Alternative 5 – Proposed General Plan Build Out (Proposed Alternative)
- Traffic Analysis Alternative 2 – Workforce/Affordable Housing Alternative
- Traffic Analysis Alternative 4 – Reduced Development Alternative

Alternative 3 in Appendix F of the Revised Draft Program EIR traffic analyses represents a draft Proposed General Plan Alternative that is no longer valid.

COMMENT 019-12

Also related to Traffic and Circulation, the Population, Housing and Employment, Land Use Designation, and Public Services sections include estimates of an increased number of students, increased use of hospital services and related increases in staff, relocation of the Library to the Gateway area, and redesignation of part of the land as Industrial. There is no analysis of the impacts these changes will have on traffic.

RESPONSE 019-12

The traffic model includes build out of the Draft General Plan Update in terms of both location and maximum anticipated development scenarios of residential dwelling units and non-residential buildings. These factors are indicative of population, students, and employee numbers. Therefore, the traffic analysis includes the increase in the number of students and the increase in industrial land. The relocation of the library was also included in the traffic model. Therefore, the traffic model used for the analysis is considered adequate.

COMMENT 019-13

The Water Assessment contains several shortcomings if it is to be considered adequate. These shortcomings include:

- No reserve cushion has been built in to the calculations for either water supply or water demand.

RESPONSE 019-13

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 019-14

- The potential loss of surface water as a result of the MCWD Mammoth Creek EIR process (currently under way) is not analyzed.

RESPONSE 019-14

As indicated in Section 4.11, while the District must currently operate under the bypass flow requirements, there is potential for these requirements to become modified in the future due to their temporary nature. The District is currently preparing an EIR that evaluates the environmental effects of the proposed bypass flow requirements for Mammoth Creek. The outcome of this EIR and the resulting decision by the State Water Resources Control Board could modify the existing temporary bypass flows to a different regime that could result in less surface water being available to the District. Potential reductions in surface water supplies in the future are a possibility, but the amount of these reductions is currently unknown.

However, the District has done some internal analysis to determine the effect on water supply of moving the gage and maintaining the existing bypass flow requirements at the downstream gaging station. A decision to move the gauge would be an unlikely outcome of the Mammoth Creek EIR process since the existing bypass flows were prepared for use at the Old Mammoth Road gauge. Regression analysis shows that a different flow regime would likely be utilized at the 395 gage based on the recommended flows at the Old Mammoth Road gage. The amount of water available to the District in this situation (moving the gage with the same bypass flow requirements) would be less than is currently available, but the amount would depend largely upon the type of water year experienced in the existing year and previous years leading up to the existing year. The District has estimated that a reduction in surface water supplies of between 100 and 300 acre-feet of could occur. If this were to occur, the reduction in supply would need to be accounted for either through water demand reduction or an increase in supply for anticipated sources.

COMMENT 019-15

- Dry Creek is included in the projected supply, in violation of the State Water Code. MCWD must have licenses and permits before the water supply can be counted.

RESPONSE 019-15

Article 2 of the State Water Code provides the requirements for the content of Urban Water Management Plans. Section 10631(b) of the Code indicates that the existing and planned sources of water available to the supplier shall be identified. Section 10631(h) indicates that the UWMP should "Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use..." Please see Response to Comment No. 010-21 for a discussion regarding future water sources. It is not necessary to have licenses and permits before the future water sources can be considered.

COMMENT 019-16

- Conclusions stated in Chapter 7 regarding the water use under the different alternatives do not include enough data. For example, page 7-17 states that the No Project Alternative requires 11 % more water with only 1 % more population. Detailed data is needed to fully justify and explain the summarized demands based on the different population scenarios.

RESPONSE 019-16

The projected water demand is determined by use (i.e., residential, commercial, industrial, etc.) and not by population. Please see Response to Comment No. 010-19 for a discussion regarding the factors used. Therefore, the projected water consumption does not equate to a proportional population increase when comparing the water consumption of the Draft General Plan Update to the No Project Alternative. Nonetheless, based on the uses anticipated under the No Project Alternative (existing 1987 General Plan) and the Draft General Plan Update, and an updated water supply assessment based on the 2005 Urban Water Management Plan (UWMP), Table 7-4 in the Revised Draft Program EIR has been revised in the Final Program EIR. Based on this information, the No Project Alternative would be expected to consume roughly one to two percent more water than the proposed General Plan Update, not 11 percent more as indicated in the Revised Draft Program EIR.

With regard to the analysis for the alternatives, CEQA Guidelines Section 15126.6(d) addresses the evaluation of alternatives. The Guidelines do not require the same level of analysis for the alternatives as for the project but rather requires a comparison of the impacts relative to the impacts that would occur as a result of project implementation. Section 7.0 of the Revised Draft Program EIR contains an analysis of the project alternatives. The potential impacts associated with water supply are considered under each alternative. Table 7-7 provides a comparison of the project impacts with the alternatives, including water supply.

COMMENT 019-17

- Fractional Use, presuming nearly year-round occupancy of 48 to 50 weeks per year, is not identified. In fact, there is no way to determine what occupancy level was assumed by lodging type, and the total number of units used by MCWD does not match the Town's figures in the DPEIR.

RESPONSE 019-17

A table has been prepared that provides a comparison of unit type based on MCWD billing and the unit type used in the 2005 Draft General Plan Update. Please see Response to Comment No. 010-19 for a table and discussion regarding the calculations. With regard to occupancy, the water demand is based on a daily average consumption rate, which was determined based on MCWD billing. The daily average consumption rate accounts for the difference between transient

and non-transient occupancy. The number of weeks per year that a unit is occupied was not a factor in determining the water demand.

COMMENT 019-18

Recreational capacity has not been dealt with, even though both documents openly state that we are a recreation-based economy. There is no analysis of the impact of the build out population on the Inyo National Forest, such as an analysis of Wilderness Permit quotas or overcrowding of the Lakes Basin. Nor is there any discussion of the impact on Yosemite National Park. In fact, the DPEIR does not include any information from these sources, although their input is vitally important. The DPEIR and General Plan need to reflect a clear plan to scale growth to available recreational capacity. I propose that this information be gathered and included, so that decision makers have information to help them determine recreational capacity.

RESPONSE 019-18

Potential impacts to public lands are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. In addition, as indicated in Comment No. 001-18, the regional population is the primary factor for the demand for recreational opportunities on public lands. As discussed in Response to Comment No. 001-17, public lands adjacent to the Town are owned by the U.S. Forest Service and Bureau of Land Management. The management plans for these agencies consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes.

COMMENT 019-19

I fully support identification of Sensitive Lands by continuation and expansion of land use overlays. The policy should:

- Identify all creeks and streams, even where in culverts such as through the Sierra Valley area
- Identify access points to wilderness
- Identify biological resources
- Flag individual parcels for Sensitive Lands Consideration. This will ensure that the objectives of the policy are clearly met during the planning process, since many of these applications are

handled only through administrative review and not brought to the attention of the Planning Commission.

RESPONSE 019-19

Although the Draft General Plan Update does not include specific overlay maps of streams, wilderness access points, biological resources, or sensitive lands, it does contain a number of written policies within the Environmental Sustainability and Community Health and Safety chapters designed to protect these resources.

The policies contained in the Draft General Plan Update require that project-specific documentation based on the findings of site-specific field investigations shall be prepared for new development projects to address specific project-related impacts to each of these resources. The project-specific documentation will include maps that identify the location of biological resources, streams, or other sensitive areas. The documentation shall be submitted to the Town and be subject to CEQA review and approval by the Town Council and Planning Commission prior to project implementation. In the case of potential impacts to streams regulated by the ACOE, CDFG, and/or RWQCB, the proposed projects shall be subject to the regulations and permit processes of these agencies. Please refer to Response to Comment No. 045-4 for additional information on the policies established to protect the Town's natural resources.

COMMENT 019-20

To clear up the confusion about what is open space, passive recreation or active recreation, and to identify the additional 22 acres of parkland needed to meet the Quimby Act requirements, I propose we create a Parkland Land Use Designation. The General Plan should set up a clear Land Use Designation for both existing parks and for the future acquisition and development.

RESPONSE 019-20

This is a comment on the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 019-21

Towards this objective, the following Land Use Designations should be changed:

- Change Mammoth Creek Park from IP to Parkland. This would protect the park which faces potential loss under the General Plan Update.

- Change the Bell Shaped parcel from Resort to Parkland.
- Purchase land along the Mammoth Creek Corridor and designate it as Parkland.

RESPONSE 019-21

This is a comment on the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 019-22

The DPEIR states that impacts on Aesthetics will occur mostly in an [sic] around resort nodes, as if this is in some way acceptable. However, the proposed 500 yards around a ski terminus puts the following neighborhoods into this highest impact area- part of Valentine Reserve, and large portions of Majestic Pines, Mammoth Knolls and the Slopes. This is a large portion of our community, but this is glossed over in the DPEIR.

RESPONSE 019-22

Issue 4.1-1 in the Revised Draft Program EIR analyzes impacts to scenic vistas. The analysis identifies potential areas that could experience loss of scenic views. The discussion states that the aesthetic impacts and intrusion upon scenic vistas would be most pronounced in and around the major resort nodes, where development intensification (through density transfers and bonuses for community benefits and amenities) would occur. As discussed in Issue 4.1-1, to reduce such impacts, the Draft General Plan Update includes numerous policies and implementation measures that would reduce potential impacts to scenic vistas. The Draft General Plan Update does not propose any specific development projects that would impair views of a scenic vista. However, future development projects would undergo environmental and design review on a site-specific basis to ensure that that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas from areas around the major resort nodes, as well as the neighborhoods near Valentine Reserve and large portions of Majestic Pines, Mammoth Knolls and the Slopes. As concluded under Issue 4.1-1, the policies and implementation measures contained in the Draft General Plan Update, along with project-specific environmental and design review by the City, would reduce impacts to scenic vistas to a less than significant level.

COMMENT 019-23

The General Plan and DPEIR also propose changing building heights. What results is no limit, and that needs to be fully realized and included in the DPEIR analysis. One example of inadequate analysis in the current DPEIR is that neither the Public Safety section on structural fire hazards nor

the Public Services section on staff and equipment needed for fire protection analyze the impacts of fighting fires in taller structures.

RESPONSE 019-23

The proposed Draft General Plan Update does not provide any provision to increase the height of buildings in comparison to the adopted General Plan. However, with regard to fire protection, Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR provides an analysis of fire protection services and addresses structural fire hazards. As described in Section 4.5, Mammoth Lakes Fire Protection District (MLFPD) implements fire-safe regulations, including adequate clearance of flammable vegetation, and the provision of adequate road widths and load capacities. In addition, all development projects would be required to comply with the Uniform Fire Code, and through the environmental and project review process, would be subject to review by MLFPD to ensure adequate fire protection is provided. Issues such as building height and proximity of structures would be considered in the review of new development by the Town and the MLFPD. Therefore, the analysis in the Revised Draft Program EIR concludes that potential impacts from structural fires would be less than significant.

COMMENT 019-24

Rather, I propose that the building heights be left as they are in the current zoning ordinances. Then, allow individual projects to request consideration of taller buildings through a Variance or General Plan Amendment. Don't open door to discretionary exemptions, so that everyone presumes that "the sky is the limit."

RESPONSE 019-24

As indicated in Response to Comment No. 019-23, the proposed Draft General Plan Update does not provide any provision to increase the height of buildings in comparison to the adopted General Plan. An exception to the height limit would require discretionary review and approval. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 019-25

The Population, Housing and Employment section includes a "snapshot" of what the remaining development will look like. In your deliberations, you need to understand and acknowledge this and consider the "livability" of the new developments. Table 4.9-4 shows that remaining development will be at nearly double the density of existing units. For example, Multi Unit Transient density is [sic] currently averages 16 units/ac, but is projected to average 33 units/ac for the remaining developments. The recent tour of some completed projects plainly predicts the look and feel of our future developments.

RESPONSE 019-25

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. Therefore, this comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 019-26

Also in the Public Services section, there is no mention of the impacts associated with the proposal from MMSA to hook up to wastewater treatment and how this would affect capacity. In fact, any impacts based on the operations of our largest employer, biggest recreational opportunity, and focus for most of our visitor lodging days is ignored throughout the DPEIR.

RESPONSE 019-26

As discussed in Response to Comment No. 011-180, the design capacity of the treatment facility was upgraded in 2005-2006 to 4.9 million gallons per day (mgd). The upgrade to the facility was designed to accommodate peak flows anticipated under buildout of the Draft General Plan Update (approximately 3.7 mgd) as well as the addition of MMSA's Main Lodge (approximately 0.2 mgd). Therefore, the treatment facility has sufficient capacity to accommodate build-out of the General Plan Update and MMSA's Main Lodge (3.9 mgd combined) as well as an additional 1.0 mgd capacity.

COMMENT 019-27

Finally, I am requesting a simple chart showing density changes (density per acre allowed) from the current plan to the General Plan Update by each land use designation that shows each designation's potential total with the state-mandated bonuses. Table 7-3 on page 7-8 is so complicated that I would expect most of the community cannot read it, much less interpret the results, in the current format. Since density is one of the most debated issues in this process, it benefits everyone to have a clearer representation of what this General Plan is proposing.

Should you have any questions, or need further information, please do not hesitate to contact me at the address and phone number below.

RESPONSE 019-27

The purpose of Table 7-3 is to provide a general comparison of land use designations for the 1987 General Plan, the Draft General Plan Update (the project), and the other two alternatives. Table 14 on page 406 has been developed to provide a more detailed comparison of the residential densities allowed by land use designation for the 1987 General Plan and the Draft General Plan Update. In addition, the number of potential units, including the units that would be allowed by state-mandated bonuses is also provided in the table.

Table 14
Comparison of Land Use Designations

Designation Type	Draft GP Update		1987 General Plan		Number of Units w/ & w/o Bonus	
	Designation	Density	Designation	Density	Draft GP Update	1987 GP*
Residential	LDR-1	2 units/acre	LDR/SCP	3-5 units/acre	405	405
	LDR-2	4 units/acre	LDR	3-5 units/acre	1,898	1,898
	HDR-1	10 units/acre	HDR	6-12 units/acre	920/1,248	1,017/1,435
	HDR-2	10 units/acre	HDR	6-12 units/acre	2,822/3,993	2,870/4,045
Resort	R	6-8 units/acre	R	6-8 units/acre	4,224	4,402
Commercial	C-1/C2	20 units/acre	C	40-80** guest	1,872	2,426
		40-80** guest rooms/acre		rooms/acre/ 12 units/acre		
Specific Plan	NVSP		SP	1540**	1,890**	1,540**
Institutional/Public	IP	4 units/acre	SP/IP	N/A***	344/500	300***
Open Space	OS	NR	OS	N/A	0	430
Industrial	I	NR	--		0	0
Airport	A	250 units	--		250	250
National Forest	NF	Per Inyo NF LMP	--	Per Inyo NF LMP	430	N/A
A-H bonus					Included above	+ 290 for incremental non A-H units (Hooper/Presson)
Total					16,710	17,396

NR = No residential units allowed

N/A = Not applicable

GP = General Plan

**Includes amendments*

***NVSP and hotel densities are calculated in terms of "rooms." To convert to dwelling unit equivalent, NVSP room density is divided by two (current NVSP approves 3,080 rooms).*

****Under the 1987 General Plan, only accessory housing, e.g., college dorms, was permitted. No density per acre standard was assigned.*

Source: PCR Services Corporation and Town of Mammoth Lakes, 2007

LETTER NO. 020

Brigitte H. Berman
P.O. Box 9753
Mammoth Lakes, CA 93546

COMMENT 020-1

Comments on the Revised EIR of the General Plan Update:

4.3 Biological Resources

Under CEQA Considerations – B. Growth-Inducing Impacts Page 6-7 it is stated that the impact of substantial population increase to the wilderness and open land areas is “significant and unavoidable”.

RESPONSE 020-1

It appears the comment seeks to summarize the findings contained within the Section 6.0, Other CEQA Considerations, on page 6-7, regarding impacts to biological resources. However, the comment does not accurately reflect the findings. As discussed in the aforementioned section, impacts related to candidate, sensitive, or special status species would be potentially significant and unavoidable from contact intrusion due to Plan induced increases in recreational visitation to wilderness and open lands areas that could occur from buildout of the Draft General Plan Update.

COMMENT 020-2

4.3-1 “The Town has no jurisdiction to implement mitigation beyond its boundaries ... therefore no mitigation measure are recommended. Not so: summer impact with only a small increase in visitors will be very significant. This EIR should have a section with an analysis of the impact on the surrounding government owned country, possibly with input from the Forest Service and National Park Service.

Compare with the excellent EIR: “Upper Basalt Geothermal Exploration Project”. November 2004, Mammoth Pacific, LP. This report analyses [sic] the impact of well drilling and a pipeline through Inyo Forest and BLM Land.

The General Plan Update EIR must address the impact of the doubling of the resort population on the surrounding country – no wait an [sic] see attitude!

RESPONSE 020-2

The Revised Draft Program EIR concludes that buildout of the Draft General Plan Update could result in potential indirect impacts to biological resources within the Planning Area. As indicated in the discussion regarding Issue 4.3.1,

"In addition to the limited potential for direct impact on biological resources within the Urban Growth Boundary, the Updated Plan has potential for indirect impact upon resources beyond the UGB and even the Planning Area. Such potential is associated with incidental contact or intrusion impacts produced by growing resident and visitor recreational activities in areas surrounding the UGB, particularly during non-winter months. While excessive use of these areas is not indicated at present, the project does provide for a considerable growth increment. While the peak people at one time data (PAOT) is dominated by wintertime visitation, increases in non-winter months must also be expected. In the absence of data clearly establishing otherwise, it is conservatively concluded that such increased wilderness and open lands usage as may be indirectly caused by the Updated Plan could have significant impact upon one or more of the special status wildlife or plants species previously listed in Table 4.3-1 and Table 4.3-3."

The Town does not have the jurisdiction to implement mitigation measures outside of the Town boundaries. The document also acknowledges that restricting access to the areas in question could reduce the potential for indirect impacts to occur to biological resources. Such restrictions would have to be implemented by the U.S. Forest Service. However, implementing restrictions would conflict with other important policies to enhance recreational opportunities. For these reasons, no mitigation measures are recommended. The Environmental Assessment (EA) for the Upper Basalt Geothermal Exploration Project was consulted (BLM 2004) as suggested in the comment. The primary focus of the analysis of biological resources in the EA was with regard to deer migration. Please refer to Response to Comment Nos. 011-67 and 011-74 for further information on the potential impact of the General Plan Update on deer migration.

COMMENT 020-3**4.3.1.3. Special Status Species Page 4-60 Mule Deer**

Table 2-3 p. 2-22: Issue 4.3-1 wildlife migration: Level of Significance: "would be less than significant".

No so! Compare the treatment of the deer migration in the above mentioned EIR for the Basalt Canyon Project. See Figure 11 of the above report.

RESPONSE 020-3

The Environmental Assessment (EA) for the Upper Basalt Geothermal Exploration Project (BLM 2004) was consulted as suggested in the comment, including Figure 11 of the EA which depicts the Round Valley Deer Herd typical spring migration pattern of movement. Figure 1 on page 190 in Response to Comment No. 11 shows the Round Valley Deer Herd migration routes. Please see Response to Comment Nos. 011-67 and Response 011-74 for a discussion regarding deer migration.

COMMENT 020-4**4.3.3 Threshold of Significance**

“Appendix G of the CEQA Guidelines: the project would be considered to have a significant impact if the project would interfere with migratory wildlife corridors”

The impact on deer migration within the town boundary is very significant. Page 4-61 #2. The Mammoth Pass Herd migrates through the Snow Creek Development, Old Mammoth, the Bluffs and the Lakes Basin to Mono Pass. Which is not “south of the Urban Boundary”.

Migration is not less than significant. Deer are throughout town all year especially on the Golf Courses and in the Snow Creek development. Mitigation should be: Open spaces for deer migration, restricted development in migration corridors, no gated communities, and speed limit reduction along town roads.

RESPONSE 020-4

To clarify, the threshold used in the Revised Draft Program EIR relative to migratory wildlife corridors states that the proposed project would have a significant impact if it would “interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites” (Revised Draft Program EIR, page 4-73). For the purposes of the biological resources impact analysis, an impact shall be considered significant if “the project has the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered rare, or threatened species, ...” (Section 15065 of the CEQA guidelines).

As a point of clarification, there is no deer herd that is named the Mammoth Pass Deer Herd. Rather, a portion of the Round Valley Deer Herd utilizes the Mammoth Pass during migration and it is assumed that it is this portion of the Round Valley Deer Herd that is the focus of the comment due to its proximity to the Town. As shown in Figure 1 on page 190, individuals within the Round

Valley Deer Herd pass south of the Town to access the Mammoth Pass and the San Joaquin Pass. The Mono Pass is approximately 15 to 20 miles south of the Town; therefore individual deer utilizing the Mono Pass would not be directly impacted by the Draft General Plan Update.

While it is recognized that dispersing individuals of the Round Valley Deer Herd occur within the Town limits, proposed developments in the southeastern portion of the Town are not expected to significantly impact the herd by interfering with its movement. Nonetheless, pursuant to CEQA and the Draft General Plan Update (specifically Implementation Measure I.1.B.d.4), the Town will require project-specific analysis and environmental documentation for new developments and redevelopment projects within the Town that could potentially impact deer migration. The Town will require the inclusion of project design features, mitigation measures, or conditions of approval in order to facilitate continued deer movement through the Town. Such measures could include the exclusion of fencing, the control of pets, and reduced speed limits to avoid vehicular mortality. Please refer to Response to Comment No. 011-67 for additional discussion regarding deer migration.

COMMENT 020-5

Policies and Implementation. P 4-75-76

I.1.B.d.2 – Detail needed: Species, habitat and natural community preservation/conservation strategies shall be prepared.... Details of strategies should be listed.

RESPONSE 020-5

Without detailed development plans for future projects it is not possible to provide the detailed analyses suggested in the comment at the present time. The Revised Program EIR evaluates the implementation of the Draft General Plan Update at a program level. Specific development projects are not being considered at this time. However, all new development projects within the Town will be subject to the preparation of the appropriate environmental documentation under State and Federal laws and regulations (e.g., the State and Federal Endangered Species Acts, CEQA). A qualified biologist will be retained to determine, in accordance with the appropriate regulations, if the proposed development would impact any State or Federally endangered, threatened, rare, or otherwise sensitive habitat, plant species, or wildlife species; impact any wetlands or other aquatic features subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and/or California Department of Fish and Game (CDFG); significantly impact wildlife movement; or conflict with any local ordinances or policies protecting biological resources.

Project-specific documentation will be submitted to the Town and will be subject to review by the Town Council and Planning Commission. Impacts to areas regulated by the ACOE, RWQCB, and/or CDFG would be subject to the permitting processes required by each agency.

Specific General Plan Update Policies created to protect sensitive resources include I.1.A.b, I.1.B.c, and I.1.B.d, which address the protection of natural drainage patterns; wetlands, wet meadows and riparian areas; and important wildlife and biological habitat, respectively.

COMMENT 020-6

I.1.B.d.3 “2) use of fences, or other barriers and buffer zone” No fences! Eliminate all fences to promote wildlife migration.

RESPONSE 020-6

All development review by the Town will enforce the Town's Municipal Code including Section 17.16.080 (Walls and Fences) and 17.32.130 (Matters Subject to Review). Fences will only be used where determined to be appropriate by the Town in recognition of the need to maintain wildlife movement through portions of the Town. Also, fencing does not have to be of a “closed” type and may include designs that provide for wildlife passage.

COMMENT 020-7

I.1.B.e.1 Be specific what are the “good wildlife habitat management practices”.

RESPONSE 020-7

Implementation Measure I.1.B.e.1 states that “the Town shall require private landowners to adopt good wildlife habitat management practices, as recommended by the California Department of Fish and Game” (Revised Draft Program EIR, page 4-79). To clarify their role in the development process, the California Department of Fish and Game (CDFG) will have jurisdiction only if a proposed project will impact a stream or lake and requires a Lake or Streambed Alteration Agreement under Section 1602 of the Fish and Game Code (FGC) and/or will impact a State-listed species and require an Incidental Take Permit under Section 2081 of the FGC. Additionally, the CDFG typically provides comments on project-specific documentation during the CEQA process (e.g., NOP’s and EIR’s). The “good wildlife habitat management practices” mentioned in the Implementation Measure will be issued by the CDFG on a project-by-project basis during either the permit process (under Sections 1602 or 2081) or during the CEQA review process. They will be presented as permit conditions on a Lake or Streambed Alteration Agreement or 2081 Incidental Take Permit and as comments and recommendations during the CEQA review process. In any case, the Town will make these “good wildlife habitat management practices” conditions of approval of the specific project.

COMMENT 020-8

I.2.A.a.1 “New development .. be more specific.

RESPONSE 020-8

New development is any proposed development project within or outside the Urban Growth Boundary that requires approval by the Town. The implementation measure regarding the protection of value of habitat for wildlife will apply to all new development that would occur with the UGB.

COMMENT 020-9

I.1.B.g.3 Mammoth Creek – maintain minimum setbacks – how many feet? Be specific.

RESPONSE 020-9

Minimum setbacks shall be in accordance with the Town Municipal Code, specifically Sections 17.16.040 and 17.20.040, which stipulate a minimum 50-foot setback “between any construction other than trails, streets, other public facilities and the bank of any permanent lake or stream”.

COMMENT 020-10

4.4 Geology, Seismicity, Soils and Mineral Resources

4.4.1.1. Regional Geology

Delete the sentence: “The caldera and other geologic features such as Devil’s Postpile etc.”

Devils Postpile, Mammoth Rock, Crystal Crag are not geologically young with an active recent history.

RESPONSE 020-10

This comment is similar to Comment No. 011-75. Please refer to Response to Comment No. 011-75 for a discussion of geologic features in the region.

COMMENT 020-11

4.41.5 Vocanism: [sic] Mammmoth [sic] Mountain is an active volcano and a new eruption can happen at any time – not “the thousands of years”. In this region the last volcanic activity occurred 250 years ago and a new eruption in the Inyo-Mono craters is due any time soon. Hazard: This would mean ash falls in Mammoth and fire hazard.

RESPONSE 020-11

This comment is similar to Comment No. 011-76. Please refer to Response to Comment No. 011-76 for a discussion of volcanic-related hazards.

COMMENT 020-12

Mammoth Pass – Red cones long period earthquakes and magma emplacement at this location with possible basaltic magma eruption in the near future should be mentioned. An eruption would mean a fire hazard for the town of Mammoth.

RESPONSE 020-12

This comment is similar to Comment No. 011-77. Please refer to Response 011-77 for a discussion of volcanic-related hazards.

COMMENT 020-13

4.4.4 Page 4-104: You write “Potential impacts to the Town include inundation by ash deposits, lave, [sic] or lahars, or complete destruction from catastrophic eruption” with Level Significance after Mitigation: No mitigation measures are required. Impacts regarding ground failure, landslides, and volcanic activity, as well as carbon dioxide from natural sources would be less than significant.

4.4-1, 4.4-3 It is very significant! New development is on steep hillsides, weight of monster houses could start land slides, building in undesirable “wet” areas all would be impacted by seismic and volcanic activities.

RESPONSE 020-13

The comment is similar to Comment No. 011-78. Please refer to Response to Comment No. 011-78 for a discussion regarding ground failure, landslides, volcanic activity, and carbon dioxide from natural sources as well as hillside development.

COMMENT 020-14

Policies: II.4.C.a.2 Evacuation Routes: Plow in winter: [sic] Scenic Route to North and establish a new route on Sherwin Road to 395 plowed in winter for escape from Old Mammoth and Snow Creek developments.

RESPONSE 020-14

Policy II.4.C.a.2 of the Draft General Plan Update, which is presented in Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR states that the Town shall establish appropriate evacuation routes and incorporate them into the Emergency Preparedness and Response

Plan. As indicated in Section 4.5, the Town has an adopted Emergency Operations Plan in 2001 for emergency response within the Town. The Emergency Operations Plan is updated periodically. The comment provides a recommendation regarding potential evacuation routes for incorporation in the Emergency Operations Plan. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 021

John H. Cunningham
no address provided

COMMENT 021-1

The traffic analysis applied a standard model to predict future flows on roads and at intersections associated with a nearly doubling of traffic. Unfortunately the model does not deal with Mammoth's unique problems that are the major causes of real congestion.

It grossly underestimates the traffic problem.

RESPONSE 021-1

Please see Section 4.13.1 in the Revised Draft program EIR for a discussion of the methodology used to calculate and analyze existing and future traffic volumes within the Town. As discussed in this section, the traffic model was “validated” so that it matches reality for all critical links in the system. In other words, adjustments were made until the modeled traffic volumes approximated existing traffic volumes, often referred to as “ground counts.” Once the model was validated, then the model was used to estimate future travel patterns and volumes. Thus, the model does account for Mammoth’s unique traffic issues.

COMMENT 021-2

The analysis is defective for the following reasons:

1. The model fails to recognize the existing traffic jams that occur on Saturday afternoons. Vehicles coming down from the Main Lodge take 45 minutes on a clear day, and routinely 90 minutes during a snowstorm, to do a trip that takes 10 minutes when not crowded.

RESPONSE 021-2

The Revised Draft Program EIR traffic analysis evaluates traffic impacts on a typical winter Saturday. Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element. Response to Comment No. 011-209 also includes a discussion of the rationale as to why the level of service and capacity were not adjusted to account for snow conditions.

COMMENT 021-3

2. Although average winter traffic volumes were analyzed the effect of snowstorms are neglected. Neither the loss of visibility, nor the narrowing of traffic lanes are analyzed.

RESPONSE 021-3

Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, which also includes the rationale as to why the level of service and capacity were not adjusted to account for snow conditions.

COMMENT 021-4

3. The density of traffic in The Village is grossly underestimated. The large new fractional use projects underway and proposed are not included. The effect of the 27% extra density bonus proposed for the Village was not included in the analysis.

RESPONSE 021-4

According to The North Village Master Plan, a maximum of 3,320 rooms can be built in the master plan area. As the traffic model assumes that the North Village TAZs contain 3,387 rooms, the model represents a two percent increase over the master plan uses to account for density bonuses. It is not appropriate to assume that all units built in the Village area would use the 27 percent density bonus. It should also be noted that the model assumes all rooms would be developed as separate hotel rooms. In reality, the majority of the development that has occurred in the Village thus far has consisted of multi-family units, which generate less traffic per room because the rooms in the unit operate as a whole and not as individual rooms. Therefore, the assumption in the traffic model that all rooms would be built as hotel rooms is a conservative assumption.

COMMENT 021-5

4. Pedestrian crossings were not explicitly analyzed. Instead max. road capacity was arbitrarily reduced by a factor. No quantitative rationale is provided to justify this arbitrary factor. At The Village many new condos are proposed to be built on the existing parking lot and as many as 600 pedestrians an hour will be crossing Minaret, in ski boots, and carrying skis on their way to the gondola. This when the road is already congested with vehicles going to or coming from the Main lodge. This needs to be analyzed, especially when snowing.

RESPONSE 021-5

The reduction in capacity for pedestrian crossings was not arbitrarily developed. The reduction in capacity for pedestrian crossings was based on an estimated number of crossings per hour, average walk speed, and resulting proportion of time not available for moving traffic because of pedestrian crossings. As no pedestrian counts at Minaret were available, it was assumed that 100

pedestrian crossings per hour occur, which reduces the overall capacity by roughly seven percent. The Town currently collects fees to construct pedestrian crossing improvements at Minaret Road, Old Mammoth Road, Main Street, and Canyon Boulevard. The Town has budgeted \$675,000 for these improvements, which may include a pedestrian overcrossing. Regardless, it will be the responsibility of future development in the Village to prepare a more detailed analysis of pedestrian crossings and capacity of Minaret Road. In addition, the North Village Specific Plan EIR requires pedestrian monitoring and traffic control officers to assist pedestrian crossing in groups.

COMMENT 021-6

5. The frequency of congestion is not described. The single point analysis is for an average winter weekend with an almost doubling of vehicles from today. How often congestion is expected to occur is not presented. If LOS D conditions occur every winter weekend and holiday that will have a chilling impact on visitors pleasure, their time, and the Town's economy.

RESPONSE 021-6

Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element. As discussed in Section 4.13, Transportation and Circulation, in the Revised Draft Program EIR, the determination of traffic impacts is based on the capacity of the roadways to accommodate traffic volumes and the level of service of the study area intersections. The roadway capacity analysis concluded that none of the study area roadway segments would be significantly impacted at buildout of the Draft General Plan Update. LOS is commonly used as a qualitative description of intersection operation and is based on the type of traffic control and delay experienced at the intersection. Since the LOS is determined by the delay at an intersection, the LOS analysis does evaluate congestion at the study area intersections. As concluded in Section 4.13, impacts to study area intersection would be less than significant with implementation of the applicable implementation measures in the General Plan Update and the prescribed mitigation measures. The comment includes an opinion regarding the effects of the Draft General Plan Update on visitors pleasure, their time, and the Town's economy. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 021-7

6. No schedule is presented for implementing the proposed traffic mitigations (x new traffic signals and/or roundabouts) [sic] The Town's Long Range Economic Forecast document uses developers projected building schedules that indicate the Town will be almost built out over the next 5-7 years. We have seen no plan, budget or schedule for the traffic mitigations proposed in the Traffic reports. If built in tandem with the condos, the torn up intersections will result in chaos. If instead they are implemented later the anticipated doubling of traffic will result in extreme congestion that will

severely impact business. A schedule for building condos and for implementing the mitigations should be prepared, and analyzed.

RESPONSE 021-7

The Town of Mammoth Lakes Master Facility Plan contains all required facility improvements to mitigate buildout traffic of primary streets and intersections for the existing General Plan. As indicated in Mitigation Measure 4.13-3 of the Revised Draft Program EIR (Mitigation Measure 4.13-1 in the Final EIR), the traffic mitigation measures relative to roadway improvements that are identified in the Revised Draft Program EIR would be incorporated into the Master Facility Plan after adoption of the Draft General Plan Update. The improvements in the Master Facility Plan are funded by the Development Impact Fees. Each new development in the Town is required to pay these fees. The timing of the implementation of the improvements is determined by the Capital Improvement Program that is implemented by the Public Works Department based on the location and level of development that occurs within the UGB. As discussed in Section 6.E, Potential Secondary Effects, given that the Revised Draft Program EIR is a program level EIR, additional environmental analysis would be required for any improvements covered in the mitigation measures.

The timing of buildout of the Draft General Plan Update is unknown. The Draft General Plan Update and the Revised Draft Program EIR assume a buildout year of 2024. Given the uncertainty of development and the fluctuations that occur in the market, a development schedule cannot be assumed on a project by project level.

COMMENT 021-8

7. The Town has plans to narrow roads (Meridian, etc.). This has not been analyzed, and will certainly contribute to congestion. The effect on traffic congestion should be analyzed and made visible to decision makers.

RESPONSE 021-8

Please see Response to Comment No. 019-10 for a discussion of traffic improvements to Meridian Boulevard. As discussed in the Response to Comment No. 019-10, future improvements to this roadway segment would be subject to site-specific environmental review which would include an analysis of traffic impacts. Also, Policy No. VII.1.C.a.2 provides for arterials and collectors to have shoulders for bicycles and snow management.

LETTER NO. 022

Pat Eckart
P.O. Box 7525
Mammoth Lakes, CA 93546

COMMENT 022-1

Creating a city with over 60,000 PAOT near the top of a watershed is unsustainable and absurd, especially when based on assumptions as is the case here.

RESPONSE 022-1

The analysis of potential impacts within the Revised Draft Program EIR resulting from buildout of the Draft General Plan Update is based on factual data, as required under CEQA (Guidelines Section 15064(b)). The determination by the lead agency as to whether or not buildout of the Draft General Plan Update would result in significant impacts must be based on substantial evidence in the record (CEQA Guidelines 15064(f)). The comment expresses an opinion. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-2

Comparing the information on projected water availability in the two draft EIRs, I must conclude that little has changed. At first I was puzzled by the lower demand numbers and higher surpluses in the New Proposed Alternative compared to the earlier EIR. Then I noted that the total "savings" in Table 4.6.2 [Feb. EIR] were 2,292 AF. This is what accounts for the difference, a meaningless 7 AF. Table 4.6.2 addressed the anticipated water deficiencies by citing four areas to meet them: water conservation, water loss reduction, use of recycled water, and development of new supplies. These new savings are all based on *assumptions*, which is why my earlier comments are applicable here.

RESPONSE 022-2

The comment refers primarily to the February 2005 Draft EIR. Section 4.11 of the Revised Draft Program EIR contains the water supply analysis for the Draft General Plan Update. Based on the revised water supply assessment contained in Section 4.11 of the Revised Final Program EIR, with the inclusion of future water supplies, demand reduction measures, and implementation of the water shortage contingency plan, the projected water demand from buildout of the Draft General Plan Update would not exceed the water supply. However, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the Draft General Plan Update would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence

of water supply prior to development, would serve to reduce the impact to a less than significant level. MM 4.11-1 would ensure that connections would not exceed the available supply.

COMMENT 022-3

I am convinced that, sooner or later, the Town's development plan will result in exceeding water supplies. What then? I have high regard for the Water District but feel they are caught in a political bind when it comes to town officials who are hell-bent on development at any cost and who are blind to the consequences and responsibilities that come with living in high-altitude watersheds. Common sense and sound knowledge of the limitations of our physical environment ***must*** be applied to development issues.

RESPONSE 022-3

The comment expresses an opinion with regard to water supply, the buildout that could occur under the Draft General Plan Update and the relationship between public agencies. Section 4.11 of the Revised Draft Program EIR contains a detailed analysis of water supply and demand. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-4

The February Draft Program Environmental Report (DEIR), by itself, raised red flags, which have not changed:

"... the full Plan development scenario *depends upon supply sources that do not have required approval*. . . ." (and may never get them)

"... the potential *environmental impacts* of these project[s] *are not yet known*, and it is *not assured* that these sources will become available." (forcing dependency on groundwater sources)

"... the potential *impacts on groundwater supplies* are considered *significant and unavoidable*." [Feb. DEIR, 4-122, emphasis mine]

RESPONSE 022-4

The comment expresses an opinion and provides information contained in the February 2005 Draft EIR. The document was revised and recirculated. The most recent EIR is the October 2005 Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft

Program EIR. The comment is acknowledged and will be forwarded to the decision-makers for review and consideration.

COMMENT 022-5

A. Development of New Water Sources

To better understand our region and the choices and limitations associated with water supply, I strongly recommend (beyond current studies) Boyle Engineering's Feasibility Study of Alternative Sources of Water Supply and Methods of Reducing Demand, Draft Report, January 1992. Included in the sources examined, besides the most obvious, were Duck Lake and the San Joaquin River. The first recommended source was Convict Creek despite details illuminating the high cost of pumping water uphill and the problem of storage.

RESPONSE 022-5

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2020. The future wells could be located in Dry Creek or in the Mammoth Basin. As indicated in the 2005 Urban Water Management Plan, with regard to other potential future water sources, in 1991, the District commissioned a feasibility study of alternative sources of water supply.²¹ Alternative sources identified in the study included a Convict Creek wellfield, surface water diversion or wellfield in McGee Creek, and surface water diversion or wellfield in the Upper Owens River area. These potential sources of water may be further investigated if groundwater production in the Dry Creek and Mammoth Basin area is determined not to be feasible. Please see Response to Comment No. 009-6 for a detailed discussion of potential future groundwater supply.

COMMENT 022-6

In addition to limited sources for water, high cost of development, environmental concerns, legal restrictions, and lack of storage, political issues also create obstacles, especially when water is to be taken from other watersheds. When Convict Creek was under consideration by the Town in 1992 (as a result of the Boyle Study), a strong opponent stated, "We're your *neighbors*, not a *colony*!" [Mammoth Times. 1992]. If the updated General Plan goes into effect, welcome to the water wars!

RESPONSE 022-6

The comment expresses an opinion with regard to future development in the community. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

²¹ *Feasibility Study of Alternative Sources of Water Supply and Methods of Reducing Demand, January 1992.*

COMMENT 022-7

Obstacles to development of new water sources are almost certain to prevent Dry Creek from ever being developed. In addition, legal restrictions on the transfer of water from one watershed to another are on the increase as water, universally, becomes scarcer.

RESPONSE 022-7

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2020. The future wells could be located in Dry Creek or in the Mammoth Basin. Two studies regarding the Dry Creek watershed show a potential for groundwater extraction. One of the two studies, a study conducted by the University of California at Santa Barbara (2000), concluded that 3000 acre-feet in normal years and 2,000 acre-feet in dry years could be extracted from the basin. The second potential source of future groundwater involves the modification of existing wells to improve capacity and drilling of new wells within the Mammoth Basin. In a 1996 report prepared by Mark J. Wildermuth, it was estimated that a total useful storage in the Mammoth groundwater basin amounted to approximately 135,100 acre-feet, which would indicate that additional groundwater within the Mammoth Basin may be available.

Development of new groundwater supplies in the Dry Creek watershed and/or the Mammoth Basin are projected to cost approximately \$14,755,000. Both of these projects are budgeted in the District capital expansion fund, which is funded by new water connection charges. Any new groundwater supplies would require permits and approvals from the State Department of Health Services and the U.S. Forest Service where potential well sites are located on federal land. New groundwater wells would require both State of California and federal environmental review.

The potential for new groundwater supplies is currently under evaluation by the MCWD. The evaluation of the potential for increased withdrawal from the Mammoth Basin should be completed within two years. Potential groundwater extraction from the Dry Creek watershed is currently budgeted to begin within the five-year period commencing in 2014.

COMMENT 022-8**B. Groundwater Reliability** (another red flag)

"Ground water hydrology in the Mammoth Hydrologic Basin is *complex and not well understood*." [4-145, Oct. DEIR; 4-112, Feb. DEIR]

Hmm. Where does the water go and whom does it serve? (Note: Horseshoe Lake)

RESPONSE 022-8

The comment provides a quote from the Revised Draft Program EIR. The comment expresses an opinion but does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-9

Graphs of MCWD's production wells during the 7-year drought (1980s-early 90s) show rapid decline and gradual recharge to the point (if memory serves me) that water in Well #6 and Well #10 dropped to or near the bottom of the wells. Overdrafting is almost sure to occur under this Plan. Not all wells produce as planned. Check out the problems with Well #16.

RESPONSE 022-9

During dry-year periods, groundwater levels within the Mammoth Basin tend to decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and tend to recover after two years of normal precipitation. Please see Section 4.11 for a graph that depicts historical groundwater levels in the District's Production Well No. 10 and shows the variability of groundwater levels based on pumping and type of recharge year.

COMMENT 022-10**C. Water Deficits (more red flags)**

As referenced earlier, Table 4.6.1 [Feb. DEIR, 4-121] shows that, under the Project Action Alternative, "deficiency" of water *increases* over current conditions as well as adding a deficit in the One Dry-Year category. See attachment. In other words, all conditions worsen. What happens if there is another 7-year drought? Why are worst-case (four or more years of consecutive drought) not analyzed? What if the *assumed* additional water supply sources fail to produce the expected and needed results?

RESPONSE 022-10

The water assessment in the February 2005 Draft EIR was revised. In addition, MCWD adopted an updated UWMP in December 2005 after the release of the Revised Draft Program EIR. Please see Section 4.11 of the Revised Draft Program EIR and Section 4.11 of the Final EIR for the most recent analyses. The table attached to the comment letter provides information from a November 17, 2005 Board Meeting. The adopted UWMP provides the most recent available information. In addition, please see Comment Letter No. 006 for the comments submitted by MCWD on the Revised Draft Program EIR.

As indicated in Section 4.11 of the Revised Draft Program EIR, based on buildout projections for water supply and water demand, absent demand reduction measures and future supplies (i.e., wells), the Draft General Plan Update would result in a significant impact with regard to water supply. The 2005 UWMP includes a multiple dry year analysis of four years. The Revised Draft Program EIR includes a mitigation measure indicating that the Town shall not approve new development applications that would result in a in a water demand in excess of available supplies. In other words, land approvals shall be phased with the development of the necessary water supply.

COMMENT 022-11**D. Potential Additional Water Supply Sources**

"Additional water volumes from *firm* supply sources (i.e., *water conservation* and *system loss reduction*) would augment available supplies by 797 AFY." I don't believe this for a second.

RESPONSE 022-11

The comment presents an opinion with regard to information provided in the Revised Draft Program EIR. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-12

During our most recent seven-year drought, Mammoth Lakes' residents showed that they were willing and able to conserve water--but within limits. Very limited or no watering restrictions brought out people screaming for development of more water sources. Golf course owners will insist (as Dennis Agee did) that water for golf courses is an "economic necessity." In a drought snowmaking will also be declared an "economic necessity." During the 1990s MMSA sought as much as 300AF for snowmaking (not included in any of these assumptions). Life can get ugly if high restrictions are imposed on some but not others.

RESPONSE 022-12

The comment expresses an opinion with regard to the imposition of water restrictions. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-13

Recent reduction in large water losses, attributed to pipeline replacement, have indeed occurred. However, based on MCWD's past record of monthly "unaccounted for" water losses, I have little confidence that their expectation of an *average* monthly loss of 11 million gallons will hold. So far, it isn't. My view is based on a record of widely varying losses over a long period of time, which, when compared annually, appear inexplicable and perhaps due to something other than pipeline leaks. Diversions come to mind.

RESPONSE 022-13

The comment expresses an opinion. The comment does not provide a set of assumptions or information that can be verified. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-14

E. Coordination of Development and Water Supply [Feb. DEIR, 4.6.o]

The Town's past record in coordinating development and water supply with MCWD is poor (i.e. Lodestar golf course permits were granted *before* reclaimed water supply was even started, much less assured.) I have no confidence that the Town will comply with this provision. Town staff needs to be knowledgeable about all aspects of MCWD water and supply issues, including historical records. The Town should not force the water district to take the heat when moratoriums and/or denial of connection permits occur.

RESPONSE 022-14

The Town does not concur with the comment. The comment expresses an opinion with regard to coordination between agencies. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 022-15

E. Global Warming

The impact of global warming on our water supply has not even been addressed! Demand for water will substantially increase as supplies decrease. What then?

RESPONSE 022-15

The potential effects of increasing atmospheric concentrations of carbon dioxide and other greenhouse gases (GHG) and the observed increase in the average temperature of the Earth's atmosphere and oceans have been the subject of considerable technical analysis and political debate. The natural phenomena (e.g.; temperature, rainfall) that together from the climate of a particular region vary from day-to-day and year-to-year. The variation in climate can be a result of natural, internal processes or in response to external forces from both human and non-human causes, including solar activity, volcanic emissions and GHG. There is little controversy that the Earth's atmosphere has warmed over the last century. The detailed causes of this change remain an active field of research. However, there is an increasing amount of scientific evidence that identifies GHG as the primary cause of the recent warming. This conclusion can be controversial, especially outside the scientific community.

While global warming is clearly an issue, the information from experts differs in terms of the timing of when effects from global warming would be likely to occur. Given that the implications with regard to water supply are still somewhat in the future (i.e., 2030 or 2050), there appears to be time to address the issue. A white paper prepared by the California Climate Change Center provides a discussion of adaptive actions that could be undertaken to address the issue of water supply (Climate Warming and Water Supply Management in California, March 2006). The adaptive actions include traditional water supply reservoir operations, aqueducts, and treatment plants, to urban and agricultural waster use efficiency practices, to conjunctive use of surface and ground waters, to desalination, to water markets and portfolios of such actions that go together well to provide more stable and productive use of a region's water supply. It is not possible for agencies to base water planning or forecasting on consequences that are many years out. In addition, with regard to water supply, the solutions are broader scale than at a local level and the overall solution will need to be regional in scale. In September 2006, the Governor approved Assembly Bill (AB) 32, which is known as the California Global Warming Solutions Act of 2006. AB 32 states in Section 38501(d) that "National and international actions are necessary to fully address the issue of global warming."

The act requires that the State Air Resources Board (CARB) adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990 and establish a mechanism to achieve this limit by 2020. The bill also requires CARB to adopt regulations for reporting and verifying statewide GHG emissions and to monitor and enforce compliance with the GHG emissions program. However, the GHG emission limits will not be established by the ARB until January 1, 2008.

Please see Response to Comment No. 010-17 for a detailed discussion regarding global warming relative to water supply.

COMMENT 022-16

Ignoring these red flags, the Town will overbuild and overpopulate without the necessary water supply. Water is the lifeblood of every community and must not be taken for granted - ever.

Thank you for the opportunity to comment.

RESPONSE 022-16

The comment expresses an opinion with regard to the potential buildout of the Town. Mitigation Measure 4.11-1 requires that the Town shall not approve new development applications that would result in a water demand in excess of available supplies based on the multiple drought year scenario. In addition, Mitigation Measure 4.11-1 requires that the Town shall work with MCWD to ensure that land use approvals are phased in tandem with the development of necessary water supply sources. In other words, the Town would not approve development for which there is not an adequate water supply. The comment is acknowledged and will be forwarded to the decision-makers for review and consideration.

COMMENT 022-17

Attachment “Supply and “Demand” figures from MCWD’s November 17, 2005 Board Meeting, Agency Item D-7 (Note increased deficits in dry years.)

Agenda Item; D-7 November 17, 2005 Supply and Demand For Normal and Multiple Dry Years					
Supply and Demand	Normal (acre-feet)	Year	Multiple (acre-feet)	Dry	Year
Exist Supply	6682		4492		
2004 Demand	3276		3276		
Surplus or (Deficit)	3406		1216		
2005 Demand	3427		3427		
Surplus or (deficit)	3255		1065		
200 General Plan Update [sic]	4460		4460		

Surplus or (Deficit)	2222	32
2005 General Plan + 25% Density Surplus or (Deficit)	4553 2129	4553 (61)
2005 General Plan + 25% Density + 25% Occupancy Increase Surplus or (Deficit)	5734 948	5734 (1242).
2005 General Plan + 25% density + 25% Occupancy Increase + Continued Sierra Star irrigation Surplus or (Deficit)	5992 690	5992 (1500)

RESPONSE 022-17

The comment provides the attachment in the letter, which is discussed in Comment No. 022-10. The attachment provides information presented at a MCWD Board Meeting on November 17, 2005. Please see Response to Comment No. 022-10 for a response to the comment associated with the attachment.

LETTER NO. 023

Mary Epstein and Gloria Fowler
1070 Los Pulgas Road
Pacific Palisades, CA 90272

COMMENT 023-1

We have reviewed the new DPEIR for Mammoth Lakes and have serious concerns about its impact on the quality of life in Mammoth and the ultimate viability of the existing commercial establishments. The new planned high-density developments and the projection of over 60,000 people at any given time suggest to us that the attractive qualities of this unique Eastern Sierra area will be seriously compromised, with the result that many people will ultimately stop coming here. We are particularly concerned about increased air, light, and noise pollution; traffic congestion; and the impact on water supply.

We do not think it is in anyone's best interest, either residential or commercial, for Mammoth to become another Aspen or Lake Tahoe, areas which are easily reached but are becoming less attractive to visitors because of some of the problems which the DPEIR would visit upon Mammoth.

As owners of a condominium at Snow Creek and long-term frequent visitors to this area, we strongly urge that the Town of Mammoth Lakes reject this plan and take additional time to study its long-term effects.

RESPONSE 023-1

The comment is on the amount and type of development that would be allowed to occur under the Draft General Plan Update. As such, the comment relates to the Draft General Plan Update and not the environmental analysis. The Revised Draft Program EIR contains an analysis of the potential environmental impacts that could result from buildout of the April 2005 Draft General Plan Update. The issues raised in general in the comment, air, light, noise, pollution, traffic congestion and water supply are analyzed in detail in the Revised Draft Program EIR. The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 024

Julie Fisher and Tom Gasaway
no address provided

COMMENT 024-1

Mammoth's Vision statement needs to be reflected in goals and policies and Codes. It does not. The only assurance the DEIR makes is that mitigation is (usually) not offered and infeasible, or that weak and un-measurable and non-existent (future) policies will correct the impacts.

What the new Gen Plan and DEIR does insure is that citizens and Town officials will be tossed into a vague world of uncertain policies and goals...perfect for the developers who are the only ones whose goals are met with the plan as it is currently written.

RESPONSE 024-1

In accordance with CEQA, feasible mitigation measures are recommended in the Revised Draft Program EIR where applicable to reduce potentially significant impacts. Implementation of the mitigation measures would be monitored via a mitigation monitoring and reporting program as required by Section 15097 of the CEQA Guidelines. The comment also suggests that the Revised Draft Program EIR relies on weak, unmeasurable, and non-existent (future) policies of the Draft General Plan to help mitigate impacts. While the Revised Draft Program EIR does rely on the policies of the Draft General Plan to mitigate and/or reduce potential impacts, the Town does not agree that the policies are weak. The policies contained in a General Plan are implemented by the Municipal Code. The Revised Draft Program EIR also addresses applicable regulations as appropriate. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-2

Required Elements of a General Plan

As stated on p. 15 of the proposed General Plan, California Government Code section 65302 requires 7 elements to be included in a General Plan.

Are these required (separate) elements in the proposed General Plan?

RESPONSE 024-2

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. However, the Draft

General Plan Update does contain the elements that are required by State law to be included in a General Plan. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-3

The Open Space element and Conservation element are now discussed in various chapters, particularly the biological resources section. However, there is no detail presented as a means to measure what open spaces, if any, the Town hopes to save. There is no wetlands delineation map presented, and no goals of protecting natural resources other than vague assurances that the Town will adopt careful plans and strategies at some point in the future. The DEIR simply states that this loose wording and deferral of mitigation to a future date is sufficient. This is inadequate, as it allows no measure of how the Town will achieve the already vague goals.

RESPONSE 024-3

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, the EIR is a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The Revised Draft Program EIR does not provide deferred mitigation. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-4

Furthermore, the DEIR simply states that impacts to open space within the Town limits and even outside the town limits will be significant, and no detailed alternatives are given to lessen or prevent that impact. In fact, passive open space with natural features (versus active open space and recreation such as tennis courts, pools, ice rinks, etc) is given virtually no assessment or mitigation alternatives.

RESPONSE 024-4

Section 7.0, Alternatives, of the Revised Draft Program EIR provides an analysis of three alternatives to the proposed project. Alternative 3, the Reduced Development Alternative, would reduce the potential impact to parks and recreation compared with the project. Comparing the three alternatives, the Reduced Development Alternative would result in the least amount of impact to

parks and recreation. The Reduced Development Alternative would result in approximately 12,170 permanent and seasonal residents therefore only requiring 61 acres of parkland which is 14 acres less than the proposed project. Although Alternative 3 would reduce potential impacts to parks and recreation, the analysis concludes that it would result in significant and unavoidable impacts due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks. With regard to feasible mitigation measures to reduce the impact, no such measures beyond the policies and implementation measures identified in the Draft General Plan update have been identified for the project or the alternatives to reduce the potential impact to parks and recreation that would result. The impact is considered significant and unavoidable based on the increase in demand that would occur as a result of buildout of the Draft General Plan Update and the uncertainty of the location of additional park lands.

COMMENT 024-5

p. 17 of the new Gen Plan cites well-designed and accessible open spaces that enhance community livability. The next sentences describe, “the linear open spaces of Main St. Old Mammoth Rd. and Meridian. Does the new Gen Plan imply that roads are now open spaces? Does the DEIR comment upon this description of roadways as open spaces?

RESPONSE 024-5

The Draft General Plan Update and the Revised Draft Program EIR do not consider roads to be open space. The comment, which relates to the Draft General Plan Update, is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-6

This section also cites pedestrian plazas as open space. Does the DEIR comment on just how pedestrian plazas are considered open space? Is this consistent with an open space classification?

RESPONSE 024-6

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The EIR provides a program-level analysis of the distribution, type, and intensity of development that would occur at buildout as a result of the April 2005 Draft General Plan Update. The analysis is not at a program level, which is the type of analysis that would address pedestrian plazas and how it relates to open space. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-7

This section also discusses the private developments of Snowcreek, Sierra Star, and Eagle Lodge as having open spaces. Does the DEIR discuss whether these (private?) open spaces are really available to the general public in a manner consistent with regular open space uses (i.e. free access and use for the general public for walking, hiking etc.? Are gold [sic] courses now considered community open space even though they cater to a narrow segment of the population and are quite expensive?

RESPONSE 024-7

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-8

The current 1987 Gen Plan does not count private open spaces and private recreational facilities as part of community open space and recreation. Does the DEIR discuss whether the new Gen Plan is now counting those private amenities as open space? If it does, this seems to run in contrast to the “environmental justice” goal of providing quality open space and recreational opportunities for all income levels.

RESPONSE 024-8

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-9

p. 56 describes uses allowed in OS zoning. The wording is loose and says the zone may include environmentally sensitive areas. “May” is a very vague word. OS zoning now mixes in active recreational uses such as golf courses, athletic fields, etc. The draft EIR notes that most, if not all of

the passive open spaces (which highlights the natural resources) may be developed to active recreational uses. What alternatives does the DEIR propose to mitigate this loss?

RESPONSE 024-9

Page 3-12 of the Revised Draft Program EIR and page LU-6 of the Draft General Plan Update indicate that the OS designation

"...is applied to lands that have significant recreational or environmental values. The OS designation permits development of facilities that support the environmental and recreational objectives of the community. This designation may include environmentally sensitive areas such as wetlands, floodplains, and streams. It may include recreation facilities such as parks, athletic fields, ski areas, golf courses, and community gathering spaces. This designation includes the patented mining claims located on Sherwin Ridge, the proposed future second nine holes of the Snowcreek golf course, Camp High Sierra, and Town properties along Mammoth Creek."

The word may is used as the designation includes environmentally sensitive areas as well as recreation facilities. It is not the Town's intent to develop passive open spaces, which provide protection to natural resources, as active recreational uses. With regard to natural resources, Section 4.3, Biological Resources, of the Revised Draft Program EIR contains an analysis of potential impacts to biological resources. Section 4.12, Recreation, of the Revised Draft Program EIR contains an analysis of recreational facilities.

COMMENT 024-10

Does the DEIR discuss mitigation measures that will allow currently undeveloped lots in environmentally sensitive areas to be acquired for permanent preservation as passive/natural open spaces?

RESPONSE 024-10

The purpose of the EIR is to provide a program-level analysis of the potential environmental impacts that could result from the implementation of the April 2005 Draft General Plan Update. The Draft General Plan Update provides a vision and a blueprint for the buildout of the Town. It is not the role of the EIR to redesign the Draft General Plan Update. The analysis contained in Section 4.3, Biological Resources, of the Revised Draft Program EIR contains an analysis of the potential impacts to environmentally sensitive areas with regard to biological resources. As indicated in Section 4.3, the Draft General Plan contains policies and implementation measures that would provide protection to environmentally sensitive areas. In addition, Section 7.0 of the Revised Draft Program EIR provides an analysis of alternatives. Alternative 3 is a Reduced Development Alternative that would result in less development thereby preserving more open space.

COMMENT 024-11

p. 64 provides open space guidelines that are significantly weaker than in the current Gen Plan. Essentially saying “where feasible, it may be saved”. Does the DEIR recommend mitigation to improve the obvious potential impacts of such weak policy language?

RESPONSE 024-11

The comment relates primarily to the Draft General Plan Update and not the Revised Draft Program EIR with regard to the language used in the policies. The comment does not provide a specific reference. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-12

p. 65 says the City will formulate open space programs with outside agencies (USFS, DWP, etc.) but gives not specific goals, no specific policies to implement that. It does not even say why that would be needed given that these other lands (USFS, DWP, etc) are already in open space. This cursory review is so vague as to not constitute any meaningful discussion. It also defers to the future something the city will do, but creates no measure of what the Town hopes to achieve or whether the Town actually will do anything.

RESPONSE 024-12

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-13

p. 76 last chapter says the Town will require new construction to incorporate design to minimize impact to views and the natural environment. This is an amazingly vague policy. The DEIR should discuss alternative language that provides for stronger protections.

RESPONSE 024-13

The comment relates to the Draft General Plan Update. The development standards, which serve to implement the stated policies, will be contained in the Town's Municipal Code. The comment does not provide specific information relative to the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-14

p. 82 discusses water courses (including intermittent streams). The policies are weak on protecting natural drainage courses, and in fact, do not mandate protection. The DEIR needs to present alternatives that would allow for more protection of watercourses.

RESPONSE 024-14

The comment relates to the Draft General Plan Update. As indicated in Response to Comment No. 024-13, the development standards, which are contained in the Municipal Code serve to implement the stated policies in the General Plan. The comment is general in nature and does not provide specific information relative to the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-15

p. 82 also says that town will continue to efforts to [sic] pursue a continuous corridor along Mammoth Creek, including a defined width. The DEIR needs to discuss how the Town has not pursued this effort in the past, despite 19 years of opportunity to buy out remaining parcels near or within the creek OSSC area. The DEIR needs to present alternatives and action plans that improve upon this weak claim that the Town has not pursued in the past. The new Gen Plan and the DEIR present no detailed action plan to acquire properties that are good candidates for full preservation.

RESPONSE 024-15

The comment relates to the Draft General Plan Update and actions taken by the Town in the past. The comment expresses an opinion and does not provide specific information relative to the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 024-16

p. 83 discusses wetland mitigations as required via Federal or State Fish & Game, but where could these mitigations go? The DEIR needs to discuss alternatives that reduce or eliminate the possibility of wetland losses within the Town.

RESPONSE 024-16

Mitigation for impacts to the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Game (CDFG), and Regional Water Quality Control Board (RWQCB) jurisdictions will be determined on a project-by-project basis through the resource agency permit review processes.

Mitigation for impacts can be accomplished in several different ways. The ACOE and CDFG will require the project proponent to explore alternatives to reduce and/or minimize impacts and will also require mitigation for all unavoidable impacts. The ACOE has a “no net loss” policy which requires that any unavoidable impacts to wetland values and functions be replaced. In addition, the RWQCB will add restrictions to control runoff and treatment to improve water quality, and impose Best Management Practices (BMP’s) on the construction. All of the features of the project that will address water quality issues will be explained within a Water Quality Management Plan and Stormwater Pollution Prevention Plan prepared for individual projects.

Based on the Town's experience working with the regulatory agencies, the following measures are the minimum requirements of the regulatory agencies (particularly the ACOE and CDFG) and may be included during the permitting process.

- On- or off-site replacement of ACOE jurisdictional waters and wetlands at a ratio no less than 1:1.
- On- or off-site replacement of CDFG jurisdictional streambed and associated riparian habitat at a ratio no less than 1:1.
- Incorporation of design features into the proposed project that will avoid impacts to the jurisdictional areas and provide a natural buffer of appropriate width to protect the integrity of the stream.

State and federal resource agencies may require additional mitigation, at their discretion, based on site-specific resource conditions.

COMMENT 024-17

The DEIR p. 4-72 mentions Town Codes that protect natural resources. Does this list include the current 50’ streambank setback? That setback should be presented in DEIR, as it is a measurable Code; therefore it carries some strong protections.

RESPONSE 024-17

The list of Town Municipal Codes on page 4-72 and 4-73 of the Revised Draft Program EIR does not include the codes that protect streams with a 50-foot setback. Chapters 17.16 (for residential zones) and 17.20 (for commercial zones) were inadvertently omitted and should have been included in the list. Specifically, Sections 17.16.040 and 17.20.040 stipulate a minimum 50-foot setback “between any construction other than trails, streets, other public facilities and the bank of any permanent lake or stream”. Section 4.3.2.3 of the Final EIR has been revised to include Sections 17.16.040 and 17.20.040, which require a 50-foot minimum setback from the bank of a

lake or stream. Please also refer to Response to Comment No. 020-9 for a discussion regarding minimum setbacks.

COMMENT 024-18

The policies and implementation measures in the updated General Plan, which relate to protection of natural resources and open space, are inadequate. The DEIR states that implementation of these policies will reduce the impact of development to less than significant. However, reliance on the minimal standards of the Army Corp and State Fish and Game cannot lead to that conclusion. Those agencies are restricted in their scope of comments and in their enforcement. The vague language in these new Gen Plan policies does not create any measure upon which to judge whether these policies will mitigate impacts to less than significant. In fact, the policies defer even the creation of strategies and plans to a future date.

RESPONSE 024-18

The Town does not concur with the comment. The April 2005 Draft General Plan Update does not reduce the protection of natural resources and open space that currently exists in the General Plan. The comment is general in nature and does not provide any specific reference or example. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-19

The new Gen Plan policies related to natural resources do not offer guidelines to present to the other agencies (BLM USFS, etc.) upon which to discuss strategies, so the promise that the Town will work closely with those agencies to ensure that regional ecosystems is maintained is not a measurable policy. The Town has not presented any defined areas that they wish to maintain in natural open space, or to what measurable extent they hope limit impacts [sic], so there is nothing to measure. The DEIR cannot then claim that the impacts of these policies reduce the level of impacts to less than significant. The DEIR fails to note that this deferring of plans and strategies to a future time is inadequate and does not permit an assumption of mitigation to less than significant levels.

RESPONSE 024-19

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The conclusions reached in the Revised Draft Program

EIR are appropriate with regard to the protection of natural resources that would be afforded by the policies and implementation measures contained in the Draft General Plan Update. The EIR does not defer plans or strategies to a future time or preclude the implementation of site-specific mitigation measures.

COMMENT 024-20

State law mandates an ambitious and detailed planning effort for open space that is comparable only to the requirement for the Housing element. Such vague wording and deferred future plans and strategies do not appear to meet this test. The DEIR needs to present alternatives that would meet the test of the required open space element, including actual strategies that can be measured today, not at some future date.

RESPONSE 024-20

The comment relates to the Draft General Plan Update and presents an opinion as to an approach that should be taken in the Draft General Plan Update. With regard to alternatives, Section 7.0 of the Revised Draft Program EIR contains an analysis of alternatives. Alternative 3, the Reduced Development Alternative, would provide greater open space in comparison with the Draft General Plan Update. Please see Section 7.0 for a detailed analysis of the alternatives.

COMMENT 024-21

The DEIR needs to assess the fact that the Town has very little natural open space now. The new Gen Plan leaves the very real probability that the remaining open space will be developed or sold. It is the Town itself that claims that it wants natural open space preserved within the Town, not mitigated with restoration projects outside of the Town. The DEIR needs to assess that the Town's vision statement is not consistent with policies that may very well delete remaining natural open spaces from within the Town limits.

RESPONSE 024-21

Section 4.12, Recreation, of the Revised Draft Program EIR provides a detailed analysis of the potential impacts of the Draft General Plan Update on the Town's parks and recreation facilities. The comment relates primarily to the Draft General Plan Update with regard to the policies and implementation measures not achieving the vision statement for the community. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-22

The DEIR goes on to state that there are no mitigations offered for impacts created by the Town on natural resource and recreation areas outside the Town's boundaries. The DEIR is remiss in not assessing the Town's ability to alter this new Gen Plan such that impacts will be reduced or

eliminated on resources outside of the Town's boundaries. The DEIR's assertion that the Town has no jurisdiction over lands outside its boundaries, therefore impacts cannot be mitigated is specious in that it is the Town's new Gen Plan, applicable to within the Town, that is a major contributing cause to future impacts on natural open space areas both within the Town and outside the Town. The Town has the power to adopt policies that will reduce those impacts, perhaps greatly.

RESPONSE 024-22

It is acknowledged that the Revised Draft Program EIR concludes that buildout of the Draft General Plan Update could result in potential indirect impacts to natural resources and recreation areas outside the Town's boundaries due to the increase in population. As indicated in the discussion regarding Issue 4.3.1, "In addition to the limited potential for direct impact on biological resources within the Urban Growth Boundary, the Updated Plan has potential for indirect impact upon resources beyond the UGB and even the Planning Area. Such potential is associated with incidental contact or intrusion impacts produced by growing resident and visitor recreational activities in areas surrounding the UGB, particularly during non-winter months. While excessive use of these areas is not indicated at present, the project does provide for a considerable growth increment. While the peak people at one time data (PAOT) is dominated by wintertime visitation, increases in non-winter months must also be expected. In the absence of data clearly establishing otherwise, it is conservatively concluded that such increased wilderness and open lands usage as may be indirectly caused by the Updated Plan could have significant impact upon one or more of the special status wildlife or plants species previously listed in Table 4.3-1 and Table 4.3-3."

With regard to mitigation measures, the Town does not have the jurisdiction to implement mitigation measures outside of the Town boundaries. The document also acknowledges that restricting access to the areas in question could reduce the potential for indirect impacts but such restriction would conflict directly with other equally important policies to enhance recreational opportunities. Thus, no mitigation measures were recommended.

The Revised Draft Program EIR provides an analysis of the potential environmental impacts that could result from the implementation of the Draft General Plan Update as presented. The Revised Draft Program EIR also includes an analysis of three alternatives and a comparison of the alternatives relative to the project. The decisionmakers will need to determine whether a change in the policies is appropriate.

COMMENT 024-23

The current and new General Plan make much reference to the importance of preserving natural resources both within and outside the Town's boundaries, in large part because visitors come to the Mammoth region for the natural outdoor scenery and recreational opportunities, particularly the summer tourists. Therefore, the new Gen Plan should contain policies that reflect that concern for

the natural environment and the economy that is so directly connected to it. The DEIR should offer alternatives that achieve better internal consistency of Gen Plan goals and policies.

RESPONSE 024-23

The purpose of the EIR is to provide a program-level analysis of the potential environmental impacts that could result from the implementation of the April 2005 Draft General Plan Update. The Draft General Plan Update provides a vision and a blueprint for the buildout of the Town. It is not the role of the EIR to redesign the Draft General Plan Update. The analyses contained in the Revised Draft Program EIR provide an analysis of the potential impacts of development on the natural resources. With regard to alternatives, Section 7.0 of the Revised Draft Program EIR provides an analysis of alternatives. Alternative 3 is a Reduced Development Alternative that would result in less development thereby potentially reducing impacts to natural resources.

COMMENT 024-24

The DEIR simply lists passive open space and conservation areas that are outside the Town and which are available for the residents and the Town's tourists to use. However these USFS, wilderness, DWP lands are already at or beyond carrying capacity. The Town has profited from its location next to Federal and DWP lands, yet the proposed General Plan will lead to impacts on those Federal and DWP lands that cannot be mitigated. How is this consistent with the goal of "sustainability with the natural environment" and "supporting that relationship with visitors"? And how is that consistent with the goal of attracting summer visitors whose interest is in nature-oriented activities (camping, fishing, hiking, biking, etc.)

RESPONSE 024-24

As indicated in Response to Comment No. 001-16, although not all parkland listed in Table 4-12.1 is owned by the Town, the Town has included these parks in their parkland acreage as these parks are currently utilized by its residents and visitors. Table 4.12-1 does include approximately 18 acres of land owned by the Town. The acreages in Table 4.12-1 were used by the Town to establish the existing level of service (i.e., an existing baseline) and to project future needed parkland. In other words, the information is provided to establish existing background levels. The Town has a performance objective of five acres of parkland per 1,000 permanent and seasonal residents. As such, the Town is not relying on the surrounding area for the provision of parkland.

With regard to the use of public lands surrounding the UGB, as indicated in Comment No. 001-18, the regional population is the primary factor for the demand for recreational opportunities on public lands. As discussed in Response to Comment No. 001-17, public lands adjacent to the Town are owned by the U.S. Forest Service and Bureau of Land Management. The management plans for these agencies consider population growth from a statewide and regional perspective, which includes population growth within the Town of Mammoth Lakes.

The issue of growth inducement is addressed in Section 6.B, Growth-Inducing Impacts, of the Revised Draft Program EIR. As described in Section 6.B, the General Plan Update does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As these regions grow, and southern California, as the dominant source of this demand, will be under tremendous growth pressure for the next 20 years, demand on the recreational potential in and around the Town of Mammoth Lakes would also continue to grow. The Town of Mammoth Lakes cannot stem the demand being generated in other regions, but can determine how much and how well to accommodate the growth. Potential impacts to public lands are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area.

COMMENT 024-25

The DEIR does not mention the lack of detailed element policies, and it makes little or no effort to discuss alternatives to lessen or eliminate those impacts. It simply notes that under the proposed General Plan, the current open spaces within the town may be converted to developed/active recreational uses (ice rinks, etc.) and that some open spaces may be sold for private development. This is inadequate as it leaves the decision maker with no alternatives from which to choose as a means to modify the proposed General Plan policies and lessen impacts to open spaces (which is very likely the intent of leaving out alternatives).

RESPONSE 024-25

Section 7.0, Alternatives, of the Revised Draft Program EIR provides an evaluation of three alternatives, including Alternative 3, Reduced Development Alternative. The Reduced Development Alternative would reduce overall development and increase the amount of open space, compared to the proposed project, in order to meet the objective of reducing traffic, air pollution, and conserving natural resources while still providing housing for resident and workforce population. As concluded on page 7-47 of the Revised Draft Program EIR, the Reduced Development Alternative would be environmentally superior to the project since it would result in somewhat less physical impact than the project. However, while it would incrementally reduce the severity of project impacts, this alternative would not eliminate any impacts that would result under the project. However, the Reduced Development Alternative would not realize key objectives of the project to the extent that the project would. The reduction in development within the UGB would be partly consistent with the objective to sustain and protect the unique environmental setting of the Town, but it would not support the equally important part of the same objective regarding the Town's vital economic relationship with resort visitation since the alternative would provide considerably less visitor-serving capacity than the project.

As indicated in Response to Comment No. 024-22, the Revised Draft Program EIR provides an analysis of the potential environmental impacts that could result from the implementation of the Draft General Plan Update as presented. It will be up to the decisionmakers to determine whether a change in the policies is appropriate.

COMMENT 024-26**Past Documents**

Incorporated via reference and for comparison purposes is the current 1987 General Plan and its full EIR, including supporting documentation (inc the Mono County Plan that was used as one reference for that 1987 General Plan) and more recent MCWD documents and EIRs. Natural resources in this submission of comments includes: natural habitats, view amenities of natural resources, trails in and near natural resources, natural vegetation including large trees, wetland areas, and vegetation associated with wetlands and stream corridors, and animal species associated with those habitats).[sic]

RESPONSE 024-26

The comment incorporates documents by reference but does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is general in nature. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-27

The Draft EIR for the Proposed General Plan presents insufficient alternatives to mitigate impacts.

The DEIR is extremely weak on presenting alternatives that lessen or eliminate impacts associated with the proposed General Plan. There is a pattern of assurances that the Town will formulate future policies and guidelines that will lessen impacts. But a future action is vague and uncertain and does not provide tangible policies upon which the public can comment or rely upon, as they do not exist as yet. In many cases, the DEIR notes that the city may not even formulate such policies since many of the policies contain non-mandatory language (might, can, may, where feasible, etc.). Thus, an impact is impossible to determine based on a “might policy”, and even more difficult upon which to make public comment.

Furthermore, the proposed General Plan contains policies that say that the Town will rely on other agencies for natural resource protection policies (Army Corp. of Engineers, USFS, State Fish & Game, etc.). However, the DEIR does not discuss alternatives to this reliance upon other agencies (i.e. stronger Town policies that would better protect the natural resources). (More detailed discussion of this below).

RESPONSE 024-27

As discussed in Section 7.1 of the Revised Draft Program EIR, pursuant to the CEQA Guidelines, “an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed program, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” The Guidelines further direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed.

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. CEQA Guidelines Section 15126.6(f)(1) states, “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site” Based on these factors, the two identified development alternatives, in addition to the No Project Alternative, were determined by the Town to provide a reasonable range of alternatives that could feasibly avoid or substantially lessen the significant effects of the project.

As discussed in Section 7.2 of the Revised Draft Program EIR, the Advocates of Mammoth Lakes proposed an alternative that would result in a projected persons at one time (PAOT) of 45,000. This proposed alternative was considered but finally rejected for several reasons including conflicts with existing development agreements, objectives of adopted Specific and Master Plans, and projected housing needs.

The comment does not provide an alternative that should have been analyzed in the Revised Draft Program EIR. With regard to policies contained in the Draft General Plan Update, the comment is general and no specific policies are referenced in the comment. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-28**Old General Plan versus New General Plan**

Does the DEIR for the proposed General Plan assess alternatives that include keeping portions of the current 1987 General Plan and incorporating them back into the proposed General Plan?

If not, why not?

RESPONSE 024-28

The Draft General Plan Update as defined, does in fact keep land use categories of the current 1987 General Plan and incorporates these categories into the Draft General Plan Update. In addition, as described on page 7-1, Section 7.0 Alternatives, of the Revised Draft Program EIR, CEQA Guidelines require the analysis of a "no project" alternative. Under the No Project Alternative, the Updated Plan would not be adopted, and future development would occur under the existing (1987) General Plan. Therefore, analysis and evaluation of development of the 1987 General Plan, as it compares to the Draft General Plan Update, is included in the Revised Draft Program EIR under the No Project Alternative discussion. Furthermore, the Revised Draft Program EIR provides a comparison of the incremental development associated with buildout of the Draft General Plan Update compared with buildout associated with the current 1987 General Plan. As described in the Revised Draft Program EIR, the current 1987 General Plan would result in a total of 376 units more than the Draft General Plan Update, 85,000 square feet of commercial/office floor area less, and 154,233 square feet of industrial floor area less than the Draft General Plan Update.

COMMENT 024-29

The most obvious alternative to mitigate negative impacts of the proposed General Plan is to review the previous General Plan for policies that lessen or eliminate those impacts. Years of research and expense went into creating that 1987 document, including the documents that were referenced for the 1987 General Plan. A thorough examination of those policies should be made as a means to offer better alternatives that lessen or mitigate impacts of the proposed General Plan. Where the current 1987 General Plan failed to achieve its goals regarding natural resource protection, an assessment should be done by the DEIR to note how that can be improved. Was the failure due to lack of implementing policies strictly (as occurred under the Mono County Plan) or was it a failure of the policy itself? Such an assessment can lead to viable and effective alternatives to lessen or eliminate impacts associated with the proposed General Plan.

It's useless to simply write new General Plans when as assessment of the successes and failures of the current General Plan has not been made. Otherwise, the Town runs the risk of failing to meet goals again, particularly goals that have long been part of Mammoth's values, and a big stated goal has always been to protect the Town's natural resources.

RESPONSE 024-29

The comment primarily relates to the Draft General Plan Update. Vision Statement I of the Draft General Plan Update is to place a high value on the sustainability and continuity of the community's unique relationship with the natural environment. The Draft General Plan Update does not weaken the policies and implementation measures contained in the 1987 General Plan.

The Draft General Plan Update is the Town's long-range, comprehensive planning document. The Town's Municipal Code is the primary document that establishes the regulations to implement the General Plan. The Revised Draft Program EIR contains an analysis of the April 2005 Draft General Plan Update, including the policies and implementation measures. Mitigation measures, where feasible, are provided for issues in which the analysis concludes the Draft General Plan Update could result in a potentially significant impact. However, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 024-30

Specific policies and goals in the current 1987 General Plan, including OS, SCP, and OSSC overlays and current Town Codes (including height limits) provide significant protection (when followed without the use of variances or liberal use of density bonuses) for the Town's natural resources.

Does the proposed (new) General Plan provide as much protection as the current General Plan for the Town's natural resources, including the view shed amenities and protections offered via the current OS/SCP/and OSSC overlays? The DEIR should compare the current and new Gen Plan to determine which is stronger in protecting natural resources, etc.

RESPONSE 024-30

The Draft General Plan Update provides protection for the Town's natural resources similar to the viewshed amenities and protections offered via the current Open Space (OS), Special Conservation Planning (SCP), and Open Space Stream Corridor (OSSC) overlays and current Town Codes (including height limits). Please refer to Response to Comment No. 011-271 for a discussion of the OS and SCP overlay zones. As described in further detail under this response, the SCP overlay has not been removed in the Draft General Plan Update and the protection would remain.

The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy. In addition, all lands within the UGB that were designated OSSC under the current 1987 General Plan would now be combined under the OS designation whereas previously, the OSSC was used as an overlay designation on certain RR lands. Also, in accordance with the General Plan Update, all major development projects would undergo environmental and design review on a site-specific basis, per CEQA, the Town's Municipal Code,

and all applicable regulatory requirements, to ensure that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas.

The Draft General Plan Update also contains policies and implementation measures to ensure that no new development is permitted on prominent ridgelines and bluffs, building heights remain below average tree tops in the forested portions of the community, and new construction is evaluated through the development review process to ensure that the scale is appropriate with adjacent land uses, including preservation of existing views, light and solar access. Furthermore, new developments would be required to meet design review standards and thereby be subject to codes and policies intended to blend with established architectural themes and aesthetic standards. The goals, policies, and implementation measures contained within the Draft General Plan Update also would contribute to enhanced scenic qualities within the community along SR 203, which is recognized in the Draft General Plan Update as a major gateway corridor.

Notwithstanding, as described on page 4-19 of the Revised Draft Program EIR, despite that all development projects would be subject to the project-specific environmental and design review, and the applicable Draft General Plan Update policies and implementation measures would be implemented, which would reduce the overall visual impacts resulting from development within the Town, the Revised Draft Program EIR acknowledges that the existing visual character of the Town would still be permanently changed with implementation of the Draft General Plan Update. Thus, due to the permanent change in visual character of newly developed areas of the Town, impacts to the Town's visual character and quality are considered significant and unavoidable.

COMMENT 024-31

Does the proposed General Plan have more, or fewer, detailed protections for natural resources? Specifically, more or fewer detailed protections for habitat types, not just certain protected/listed species?

Which policies relating to natural resources in the current 1987 General Plan contain mandatory language? (shall, will, must, require, etc.)

Does the proposed General Plan change or delete mandatory language policies of the current General Plan related to protecting natural resources and view shed amenities? If so, which specific mandatory language protecting natural resources and habitat types and view shed amenities of the current General Plan are deleted or changed? As a result of those changes/deletions, is the current General Plan or the proposed General Plan more likely to protect natural resources (including resources within the Town?)

What policies (relating to natural resource protection) of the proposed General Plan contain non-mandatory language (should, could, may, can, might, where feasible, where possible, etc.) From a legal standpoint, looser language allows for more development, not less. The DEIR should offer alternative, mandatory, language that will improve the changes that resources will be protected.

As it relates to natural resource protection, does the DEIR examine how effective (or ineffective) such non-mandatory language is compared to mandatory language?

RESPONSE 024-31

The April 2005 Draft General Plan Update does not reduce the protection of natural resources and open space that currently exists in the General Plan. The comment relates to the Draft General Plan Update compared with the existing General Plan. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. The EIR evaluates the effectiveness of the policies and implementation measures with regard to reducing impacts at a program level. The conclusions reached in the Revised Draft Program EIR are appropriate with regard to the protection of natural resources that would be afforded by the policies and implementation measures contained in the Draft General Plan Update. The comment expresses concern with regard to the language in the Draft General Plan Update and is therefore, acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-32

Comparing the current 1987 General Plan and the proposed General Plan, which one contains the stronger mandatory language for protecting natural resources? Does the proposed General Plan preserve any of the OS/SCP/OSSC overlays within the Town?

How does any deletion of these overlays reduce the probability of those resource areas being protected as strongly as in the current General Plan? What mitigations are offered, and how do they compare in effectiveness to current General Policies and overlays?

The 1986 EIR for the current 1987 General Plan cited that the Mono County Plan did not go far enough in protecting natural resources. Is the proposed General Plan a step forward or a step backward in its probable effectiveness for protecting natural resources as compared to the current General Plan?

RESPONSE 024-32

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The April 2005 Draft General Plan Update does not reduce the protection of natural resources and open space that currently exists in the General Plan. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-33**Meaningful Citizen input**

The record of citizen input listed in the DEIR gives the appearance of meaningful citizen input, but is it? The DEIR makes much mention of numerous public input and citizen committee meetings related to developing/reviewing the new General Plan. But a meaningful input is more than just collecting people's views, it also means incorporating them. Does the DEIR assess whether the opinions and recommendations of committee participants and of those citizens who commented on the new General Plan and the DEIR were (or were not) incorporated into the new General Plan?

Were any of the committee members who gave recommendations for the General Plan, or any of the general public who submitted comments, interviewed to see if they felt their concerns were actually incorporated into the General Plan in a meaningful way?

Without such an assessment, the inference made by the DEIR that citizens had significant input into the actual General Plan is unsubstantiated.

RESPONSE 024-33

The comment provides an opinion with regard to utilizing a consensus-building process associated with planning process related to the Draft General Plan Update. Such a consensus-building process, or the outcome of such a process, would not have any bearing on the environmental process that is required under CEQA. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

The purpose of the Revised Draft Program EIR is to analyze the potential environmental effects of the Draft General Plan Update as drafted at the time of the analysis, and to determine the significance of those impacts. It is not the purpose of an EIR to assess whether the opinions and recommendations of participants in the development of the Draft General Plan Update were incorporated into the Draft Plan.

With regard to public input, the CEQA process includes public input to ensure that all issue areas are thoroughly analyzed for their environmental impacts. The Town has followed CEQA Guidelines requirements relative to the public review process for the environmental documentation. Specifically, in accordance with CEQA, a Draft Program EIR was previously prepared and circulated for the General Plan Update project. A Notice of Preparation (NOP) for the Draft Program EIR was distributed in April 2003. The Town then distributed a Notice of Availability (NOA) in accordance with CEQA Section 15087(a) and circulated the Draft Program EIR from February 28, 2005 to April 13, 2005. Over 400 individual comments were received on the February 2006 Draft Program EIR, and based on the extent and range of comments, the Town determined that the project should be revised or redefined.

Based on Section 15088.5, which provides guidance on recirculation of an EIR prior to certification, the Town determined that the proposed revisions to the Draft General Plan Update and associated revisions to the EIR would require preparation of a revised EIR. The Town prepared and circulated a Revised Draft Program EIR in October 2005. In accordance with CEQA Section 15088.5 and in order to avoid confusion over which comments are relevant and to avoid duplication, the Town determined that new letters submitted that specifically addressed the Revised Draft Program EIR would be responded to in the Final EIR. However, the comments received on the February 2005 Draft Program EIR are a part of the administrative record.

COMMENT 024-34

Vision statement of new General Plan

As the overriding goals, this list includes references to the importance of protecting the Town's natural resources. Yet the General Plan policies that follow are extremely vague and weakly worded, providing, in effect, only a suggestion that the Town attempt to protect natural resources where feasible, or where mandated by other agencies (Federal or State). This does not appear to be consistent with the overriding Vision Statement.

Secondly, regarding protecting natural resources, including wetland areas, the General Plan places much emphasis on relying upon the standards of the USFS, State Fish and Game, and other regulatory agencies, even though such agencies are not intended to provide the primary guiding policies for a Town or County agency. In fact, those agencies (USFS, etc.) defer the specific planning to the Town. Therefore, the policies of that Town had better be strong, specific, and measurable. The current General Plan avoids that responsibility by shifting the burden for resource protection to agencies that are known to be underfunded, understaffed, and overburdened with too large a caseload. Furthermore, the protections offered by these Federal and State agencies are very weak as compared to what a Town or County can create through Town/County policies. And legally, stronger policies generally override weaker ones. It is this police power of local government that the Town can use (or not use) to increase protections for natural resources.

RESPONSE 024-34

The comment relates to the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-35

How does the DEIR address this reality? What impacts are likely to occur with a General Plan that relies on agencies that do not have the time, staff, or money to properly monitor and protect natural resources within the Town's limits, certainly those agencies will not have time to review every site specific, small project that might have a significant impact?

Does the DEIR address the effectiveness of Federal and State policies as compared to the power that a Town/County can exercise if that Town chooses to adopt stronger policies that go beyond the limited scope of power of Federal and State Agencies? Without such an assessment, the DEIR fails to point out one of the most effective and legal means that a Town has to increase protections for natural resources, thereby greatly reducing or eliminating impacts that are likely to occur if the Town relies extensively on Federal and State policies.

RESPONSE 024-35

The Town does not intend to independently develop or implement species protection measures or wetland, waters, and riparian protection measures beyond those required by state and federal resource laws. The Town does intend to maintain ongoing coordination with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board for potential impacts to sensitive resources, and compliance with all applicable laws. The Town also intends to ensure that proper permits are obtained from the regulatory agencies. The implementation measures relevant to Policy I.1.B.d ensure coordination with the U.S. Fish and Wildlife Service and California Department of Fish and Game for potential impacts to sensitive species and compliance with all applicable laws. Furthermore, all future development projects within the Urban Growth Boundary would be subject to the policies and implementation measures provided in the Draft General Plan Update upon its adoption. Specifically, Implementation Measure I.1.B.d.4 requires a site-specific analysis of the resource values if a project has the potential to significantly impact animal or plant habitats, has the potential to impact areas where the habitats of special status plant and animals species are known to exist, and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by the resource agencies. While the Revised Draft Program EIR concludes that buildout of the Draft General Plan Update would not result in direct impacts with regard to candidate, sensitive, or special status species due to development within the UGB and the implementation of the policies and measures contained in the

Draft General Plan Update, further mitigation may be required in the future for new projects based on site-specific analyses of impacts to sensitive resources. Two specific implementation measures are included in the Draft General Plan Update to ensure that the proper permits are obtained from the regulatory agencies. Implementation Measure I.1.B.c.2 states that all activities within "jurisdictional" wetlands require a U.S. Army Corps of Engineers Section 404 Clean Water Act permit, California Regional Water Quality Control Board Clean Water Certification or Waiver, and shall notify the California Department of Fish and Game pursuant to Section 1600 and, if necessary, obtain a Lake and Streambed Alteration Agreement. Additionally, Implementation Measure I.1.B.c.3 states that all feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate state and federal agencies. Therefore, further mitigation may be required by the resource agencies in the future for new projects based on site-specific analyses of impacts to wetlands or other "jurisdictional" areas.

The Revised Draft Program EIR provides an analysis of the potential environmental impacts that could result from the implementation of the Draft General Plan Update as presented. The decisionmakers will need to determine whether a change in the policies is appropriate.

COMMENT 024-36

Open Space impacts on Residents and Tourists

Does the current 1987 General Plan, with its current SP/SCP/OSSC overlays and Codes (which set streambank setbacks of 50') provide more or less probable protection than the proposed General Plan for the Town's and the areas natural resources?

The proposed General Plan states that current, in Town, open spaces may be developed. The Town will also need to lease Federal lands and other agency lands just to attempt to meet it's own, in Town generated recreational needs. The General Plan is thus creating a high probability that not only will in Town natural resources and open space areas be vulnerable to loss or impacts, but the new General Plan will also spread that impact out to Federally owned or DWP lands which are already near maximum capacity. Does the DEIR address the impacts to tourists who are entitled to a quality experience on lands owned by the public? What mitigations are offered?

RESPONSE 024-36

With regard to the Special Conservation Planning (SCP) areas within the General Plan Update, all of the policies and objectives of the SCP overlay in the 1987 General Plan have been included in the Draft General Plan Update. The SCP overlay has not been removed in the Draft

General Plan Update and the protection would remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy.

As discussed in Section 4.3, Biological Resources, of the Revised Draft Program EIR, there is limited potential for direct impacts to biological resources within the UGB. Although future development would occur in open space areas within the UGB, with the implementation measures contained in the Draft General Plan Update, potential for direct impacts to biological resources within the UGB such as candidate, sensitive, or special status species would be less than significant. However, indirect impacts beyond the UGB and the Planning Area could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, the U.S. Forest Service (USFS) has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day. Additionally, the USFS controls the number of overnight visitors and back-country permits for wilderness area travel. Enforcement of such maximum capacity rules would help limit potential impacts from contact intrusion. With regard to the provision of parkland, the Town has established a performance objective of five acres of parkland per 1,000 permanent and seasonal residents to meet the Town's needs for parkland. In accordance with Policy and Implementation Measure IV.1.A.c.2, development regulations would require resort visitor developments to provide on-site and off-site amenities for their guests' benefit and enjoyment which would help to ensure that the recreational needs of tourists are adequately met. In addition, the public lands are managed by agencies other than the Town (i.e., USFS and Bureau of Land Management). The plans for these agencies provide the long-term management and protection of these lands.

With regard to the analysis of impacts, CEQA Guidelines Section 15382 defines Significant effect on the Environment as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." The quality of the recreational experience would not constitute a physical change in the environment.

COMMENT 024-37

The DEIR states that mitigations can be implemented (even wetland impact mitigations), but how can mitigations be implemented within Town boundaries when there is virtually no open space available to which impacts can be mitigated?

RESPONSE 024-37

Issue 4.3-3 of the Revised Draft Program EIR provides an analysis of potential wetland impacts that could result from the buildout of the Draft General Plan Update. As indicated in the discussion, Implementation Measure I.1.B.c.3 requires that direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary applications shall be compensated by replacement, rehabilitation, or creation of wetland habitat as mitigation as approved by appropriate agencies. Any development associated with implementation of the project that would be located within the wetlands areas regulated by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, and California Department of Fish and Game would be subject to review by those agencies and would require the approval of those agencies. In addition, wetlands areas eliminated or otherwise impacted by implementation of the project would be compensated, such that wetlands would be replaced, rehabilitated, or recreated, subject to the approval by state and federal agencies.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted. Open space areas are not required for mitigation of impacts to biological resources as such mitigation can occur on the development project site.

COMMENT 024-38

The new General Plan leaves the real possibility that the current open spaces may be developed to some greater level than is likely under the current General Plan zoning (when policies and open space overlays are followed strictly and variances are not used).

How is the first vision statement then consistent with the rest of the General Plan? As stewards, the Town, via its new General Plan, is not meeting its first vision statement to protect natural resources and it certainly is not meeting its stated obligation to the Town's visitors/tourists. The General Plan EIR clearly states that impacts will be greater on natural open spaces via the new Gen Plan policies and those impacts will spread out to property not owned by the Town, indeed, not even within the Town limits. This does not appear to meet internal consistency of the Gen Plan.

RESPONSE 024-38

The comment relates to the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the

Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-39**The goal to increase Summer Visitation**

The current and new General Plan aspire to increase summer recreation, with a goal to attract summer tourists to even out the income flow to the yearly economy. The summer visitor is documented to be interested in the natural environment, fishing, camping, boating, hiking, backpacking, horseback riding, etc.

However, the proposed General Plan, with its maximum growth policies, density bonuses, and greatly reduced open space protections within the Town are in seeming contrast to the goal of attracting the nature oriented summer visitor. Furthermore, the fact that the new General Plan policies will likely result in loss of in Town open spaces, only adds to the loss of a natural amenity (within the Town) that would likely attract the summer tourist and his/her dollar. Worse, the new policies will create more impacts from residents on Federal & DWP lands, further pushing the nature oriented summer tourist out to less crowded areas of the Federal & DWP lands. Does the DEIR address this conflict? This does not seem to meet the measure of internal consistency of policies and goals.

RESPONSE 024-39

Objective IV.1.A of the Draft General Plan Update is to increase off-peak visitation in the Town. Implementation measures under the objective address enhancing mid-week visitation thus assisting to reduce weekend visitation which is currently the peak visitation time. With regard to summer visitation and the use of public lands, please see Response to Comment No. 024-37 for a discussion regarding potential impacts on the lands surrounding the UGB as well as the management of the public lands. As indicated in Section 3.0, Project Description, of the Revised Draft Program EIR, the adopted General Plan would result in slightly greater build-out in comparison to the Draft General Plan Update. The Draft General Plan Update would not result in a loss of open space.

The comment raises an issue with regard to internal consistency of the Draft General Plan Update. As such, the comment relates primarily to the Draft General Plan Update. The comment is forwarded to the decisionmakers for review and consideration.

COMMENT 024-40**Biological Resources section of the new General Plan**

The new General Plan talks of using other agencies guidelines for home-owners so that they can properly manage their lands in areas of sensitive natural resources. Does the DEIR exam [sic] the effectiveness of advisory guidelines for home-owners, condo managers, etc. when it comes to long term management? How is any Town official going to know if a home-owner improperly disposes of household products, or uses harmful chemicals, or even uses common (not as harmful) chemicals, that due to their use near sensitive resources, do create an environmental impact?

Does the DEIR address the likelihood of the Town monitoring and discovering non-compliance with suggested guidelines? How realistic is that, given the Town's limited ability to staff such a site by site assessment on a year round basis, and on a daily basis?

What is the likelihood that a home-owner will report him/herself for letting grease or soap from washing of a car, which grease and soap then creeps into a sensitive resource area? How effective is such a policy that states that guidelines will be given to home-owners so that they can follow them on their own? The DEIR needs to address the reality of such a hopeful and unrealistic scenario.

To allude that guidelines handed out to home-owners or condo managers will mitigate impacts to sensitive resources is insufficient without some evidence that this can actually work. Past and present studies of the water quality of Mammoth Creek indicate a continued problem with pollution and siltation, and this continues to occur even with the relatively stronger policies of the current General Plan. Does the DEIR address whether the proposed General Plan policies (including home-owner guidelines for self compliance) are likely to be more or less effective than current General Plan policies (which include streambank setbacks and OS/SCP/OSSC overlays)?

RESPONSE 024-40

The public education/information programs are a part of a larger waste management policy. They are not, in and of themselves, intended to provide mitigation. The overall program provides for disposal sites, public outreach, and compliance enforcement. No additional programs are necessary to reduce the impact to less than significant.

It is not clear which specific policy or implementation measure of the Draft General Plan Update is referred to in the comment. With regard to home-owners and the potential for improper disposal of hazardous materials, as described in Section 4.5 of the Revised Draft Program EIR, numerous federal, state and local regulations oversee handling, transport, and management of hazardous materials and waste. While the risk of exposure of hazardous materials cannot be eliminated, oversight by the appropriate agencies and compliance with the applicable regulations would maintain risks at acceptable levels. While there are situations wherein household products

are utilized, officials may not be aware of situations of improper disposal of household products, or use of chemicals near sensitive resources. To attempt to address within the Revised Draft Program EIR the likelihood of the Town monitoring and discovering non-compliance with suggested guidelines would be speculative and therefore, not warranted.

With regard to policies to protect streams and associated biological resources, all of the policies and objectives of the SCP and OSSC overlays within the 1987 General Plan have been included in the Draft General Plan Update. With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, the SCP and OSSC overlays have not been discarded, just reorganized into the policies of the Draft General Plan Update to avoid redundancy.

COMMENT 024-41

Urban Growth Boundary

The p. 12 [sic] of new General Plan states that the Urban Growth Boundary is limited to lands not now designated for open space. This implies that current open spaces would remain undeveloped. Please clarify since the new General Plan also sets policies to delete many areas currently zoned as some form of open space.

RESPONSE 024-41

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 024-42

p. 30 of the 2005 DEIR??? states that Design Guidelines do not apply to Single Family Residential.

An internally consistent General Plan document must provide policies that interrelate at all levels from the General Plan on down to more detailed policies such as the Town Code and Design

Guidelines. The undeveloped portions of the Mammoth Creek Corridor are zoned Residential and are also currently (as of 2005) zoned Special Conservation Planning and Open Space Stream Corridor. Therefore, design guidelines that do not apply to SFR areas would provide zero protection to the Mammoth Creek areas with Residential zoning and current SCP and OSSC overlays. How then do design guidelines provide internal consistency if they do not apply to single family residential areas, which is a zoning category that occurs adjacent to, and within, the Town's only major creek, a creek which feeds one of the largest fish hatcheries in the state?

If design guidelines do not apply to SFR areas, how is this impact assessed in the DEIR and what mitigations are suggested. Of the mitigations, which ones provide the greatest protection for scenic views as well as for protection for streams, including the visual amenity provided by wetland areas surrounding the creek, such as vegetation (inc. trees) within and near the currently zoned OSSC and SPC overlays?

RESPONSE 024-42

The comment is unclear as the October 2005 Revised Draft Program EIR does not contain a page 30. The comment appears to be expressing concern with development within close proximity to Mammoth Creek and a concern with the loss of the Special Conservation Planning (SCP) areas and the loss of the Open Space Stream Corridor (OSSC) overlay within the General Plan Update. All of the policies and objectives of the SCP and OSSC overlays within the 1987 General Plan have been included in the Draft General Plan Update. Please see Response to Comment No. 045-4 for a discussion regarding SCP and OSSC.

With regard to scenic views, Section 4.1, Aesthetics, Light and Glare, of the Revised Draft Program EIR, contains an analysis of potential impacts to scenic views. As indicated in the discussion of Issue 4.1-2, mitigation measures are provided to reduce the potential impacts to scenic resources to a less than significant level. Mitigation Measure 4.1-1 indicates that the Town shall extend the existing easement along Mammoth Creek to the remaining undeveloped parcels to protect scenic resources along the Mammoth Creek corridor.

COMMENT 024-43

Does the DEIR address the impact of the new General Plan policies (including deletions of the SPC/OSSC overlays) on those currently zoned SPC/OSSC areas? What mitigations are offered? Are the new General Plan policies (and deletions) as effective in providing protection of the currently zoned SPC/OSSC overlay areas as the current General Plan that is still in use as of 2005?

RESPONSE 024-43

With regard to the Special Conservation Planning (SCP) areas within the Draft General Plan Update, all of the policies and objectives of the SCP overlay in the 1987 General Plan have been

included in the Draft General Plan Update. With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, the SCP overlay has not been removed in the Draft General Plan Update and the protection would remain. The policies of the Draft General Plan Update have been organized differently than in the 1987 General Plan so as to avoid redundancy.

COMMENT 024-44

The DEIR does not appear to make reference to the current 1987 Gen Plan as a possible alternative for stronger policies that could mitigate natural resources impacts created by the new Gen Plan. The DEIR should consider current Gen Plan policies as an alternative to mitigate impacts.

RESPONSE 024-44

The adopted (1987) General Plan is the No Project Alternative. As discussed in Section 7.3.1 of the Revised Draft Program EIR, under the No Project Alternative, the Draft General Plan Update would not be adopted. Therefore, development would occur under the existing (1987) General Plan. The No Project Alternative would retain the existing General Plan in its current form, including all of its land use designations, policies and plans for the future development of Mammoth Lakes. The Draft General Plan Update does not weaken the policies contained in the 1987 General Plan relative to the protection of resources. The 1987 General Plan does not contain policies that could be incorporated into the Draft General Plan Update that would serve to reduce any impacts from the Draft General Plan Update that have been identified in the Revised Draft Program EIR.

COMMENT 024-45

Forest Service Exchange Lands

P. 35 shows a map with yellow around the Town. Does this yellow indicate Forest Service land that may be exchanged to the Town? If yes, does the DEIR address this added growth?

RESPONSE 024-45

The yellow line that is drawn around the Town on the figure referred to in the comment, which is contained in the Introduction to the Draft General Plan Update, is the UGB. The figure

shows the Key Facilities Master Plan. The potential incremental growth that could occur above the existing development within the UGB based on the Draft General Plan Update is analyzed in the Revised Draft Program EIR.

COMMENT 024-46**Recreation Element**

Why is town allowed to use federal/state lands outside of it's jurisdiction as a means to absorb recreational demands generated from within the Town. The General Plan states that open space and recreation areas outside the town boundaries are already at, near, or are over capacity.

Does the Quimby Act require passive open space allotments per 1,000 people. The General Plan appears to focus only on active recreation, and most of that occurs on leased land from USFS, which impacts the visitors to Mammoth who rely on USFS and other open space lands for their recreational needs.

The General Plan is very thin on assessment of impacts to Non-Town owned open space and it's affect on tourists who come to the Mammoth area. If the town's residents are heavily using non-town owned (but leased) land, then that leaves less for tourists.

As a whole, the new Gen Plan and the DEIR do not offer sufficient data upon which the Town or citizens can measure progress towards goals, that is particularly true of the open space/conservation strategies, most of which are deferred to plans and strategies not yet created.

RESPONSE 024-46

Although not all the parkland listed in Table 4-12.1 under existing and planned parks is or would be owned by the Town, all but one (Whitmore Park) are located within the Town's municipal boundary. Therefore, the Town has included these parks in their parkland acreage as these parks are utilized by its residents and visitors. As indicated in Response to Comment No. 001-16, these acreages were used by the Town to establish the existing level of service (i.e., an existing baseline) and to project future needed parkland. In other words, the information is provided to establish existing background levels. The Town has a performance objective of five acres of parkland per 1,000 permanent and seasonal residents.

With regard to the Quimby Act, the Quimby Act (California Government Code Section 66477) allows the Town to impose the payment of fees or dedication of land, or a combination of both, for park and recreational purposes as a condition to the approval of a tentative tract map or parcel map. The Quimby Act does not establish whether the parkland should be passive or active.

With regard to impacts to open space not owned by the Town, please refer to Response to Comment No. 024-37. As discussed in this response, indirect impacts beyond the UGB and the Planning Area could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, the USFS has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day. Additionally, the USFS controls the number of overnight visitors and back-country permits for wilderness area travel. Enforcement of such maximum capacity rules would help limit potential impacts from contact intrusion.

With regard to the effects on tourists, please also refer to Response to Comment No. 024-37. As discussed in this response, the Town has established a performance objective of five acres of parkland per 1,000 permanent and seasonal residents. As indicated above, the parkland performance objective was based on existing conditions, which does include tourists. In addition, in accordance with Implementation Measure IV.1.A.c.2, development regulations would require resort visitor developments to provide on-site and off-site amenities for their guests' benefit and enjoyment which would help to ensure that the recreational needs of tourists are adequately met.

With regard to the measurement of goals, it is the responsibility of the Town to measure the effectiveness of the Town's General Plan once it is adopted. The Draft General Plan Update does not defer plans or strategies to achieve the stated objectives. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. The Draft General Plan Update provides the vision for the Town buildout over the next two decades. As such, the definition of all plans and strategies is not feasible at this time. Rather, as needed additional environmental analysis will be completed as activities or projects require such analysis.

LETTER NO. 025

Robert Hall Realty
Robert Hall
797 Majestic Pines Drive
Mammoth Lakes, CA 93546

COMMENT 025-1

Let's slow down and rethink this plan, what's the rush? Let's wait for this June's election and be sure this is what the people want.

There is no going back.

RESPONSE 025-1

The comment relates to the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 026

Thom Heller
P.O. Box 1765
Mammoth Lakes, CA 93546

COMMENT 026-1

Thank you for the opportunity to comment on the General Plan. I have three comments to offer concerning the plan and each relate to workforce housing. 1. Workforce housing needs to be located throughout the community. There needs to be a mix of new and purchase of existing housing possibilities for employees to obtain/rent. As a general rule, there should not be large accumulations of units, possibly not greater than 40 units. Certainly that may not be possible throughout town, but the larger projects that are currently underway should not be the standard. While I understand that smaller projects are going to be more expensive in the big picture, the ability to scatter the workforce housing will offer a more cohesive setting and less concentrations of possible problems associated with the larger housing groups.

2. There should not be a large component of workforce housing placed in the South Gateway parcel. The GPAC was unanimous in not wishing to see any type of concentrated housing project at that location. A housing subdivision with a mix of different housing types (single family, duplexes, multi-family units) might work, but developing a concentrated housing project at the entry of town should be avoided at all cost. The concept was not looked at favorably when the Trails Subdivision was created and the effort to try to keep our existing private land boundaries intact should be paramount in our minds as we move forward. With the spread of workforce housing throughout town, the expansion of the private boundary should not be necessary.

3. The bell shaped parcel should be declared open space, but only the northern portion of the parcel should fall into this designation. The southern portion should be available for development and based upon the location, workforce housing would seem to be the best use of the land. The southern parcel is located adjacent to existing housing, has no wetland characteristics, and is positioned near existing transit opportunities. The northern portion could be minimally developed as a neighborhood park with large passive areas contain within. Thank you again for the opportunity to comment on the plan. It has been a lot of work, but it finally appears that we may be on the way to a decision and whatever will follow.

RESPONSE 026-1

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 027

Richard and Sandra Jacobsen
Snowcreek V, Unit 711
Mammoth Lakes, CA 93546

COMMENT 027-1

As second homeowners a Fairway home in Snowcreek V, we are writing to express our deep concern regarding the over development of our cherished Mammoth Lakes community and to support the positions of the Advocates for Mammoth.

We are VERY concerned our children and grandchildren will not be able to enjoy the beauty and openness of what was once the Mammoth Lakes we have loved over the past 50 years. We are concerned we are losing open space which is so valuable to the ambiance of the entire area. We are concerned our children, and those in the future, will lose their "kid-friendly" Mammoth Creek Park, where they have spent many happy hours. We have read about the water situation and are concerned how that will impact all of us. This past Thanksgiving, after our dinner, we all went out on the golf course to "star gaze," showing our grandchildren the many constellations visible in the clear night sky. We fear that will be last too with the development and addition of artificial lights at night. Already, our view toward Mammoth Rock is being ruined with-the mega houses being built on the hillside. When will it stop? The increased population does not improve our outdoor recreational experience but rather, diminish it.

RESPONSE 027-1

The comment expresses general concerns with regard to development in the Town, but does not introduce new environmental information or directly challenge information presented in the document. Please see Section 4.1, Aesthetics, in the Revised Draft Program EIR for a discussion of aesthetics impacts as a result of implementation of the Draft General Plan Update. Specifically, Issue 4.1-1 addresses impacts to scenic vistas, Issue 4.1-2 addresses impacts to scenic resources and Issue 4.1-4 addresses impacts to the night sky from new sources of light and glare as a result of implementation of the Draft General Plan Update. Please see Section 4.6, Hydrology and Water Quality, and Section 4.11, Utilities, of the Revised Draft Program EIR for a discussion regarding water quality and water supply, respectively. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 027-2

PLEASE be very careful what you decide in the way of future development. What you take away today can never be put back again in its natural way. Please help us keep Mammoth Lakes and the surrounding area as undeveloped as possible for our future generations.

RESPONSE 027-2

The comment expresses an opinion with regard to development in the Town. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 028

Keith D. (Doug) Jung, PE, PG
P.O. Box 151
Mammoth Lakes, CA 93546

COMMENT 028-1

I have reviewed certain sections of the draft EIR and offer the following comments:

The Town (Lead Agency) is required to comply with SB 610 and SB 221 of 2001. Under SB 610 if the water supply deemed "insufficient" which is the case in point with the MCWD describing their supply as "insufficient" and "minimal" then the lead agency will approve or disapprove the project.

RESPONSE 028-1

Section 4.11.2.1 of the Revised Draft Program EIR provides a discussion of applicable water regulations, including SB 610 and SB 221. SB 610 requires the preparation of a water supply assessment for specific projects. The Town is required to comply with SB 610 and SB 221.

SB 610, which was codified in the California Water Code, §10910 et seq., describes requirements for both water supply assessments and Urban Water Management Plans (UWMPs) and applies to the CEQA process. SB 610 requires that for specified projects that are subject to CEQA, the urban water supplier must prepare a water supply assessment that determines whether the projected water demand associated with a proposed project was included as part of the most recently adopted UWMP. Included in the requirements for a water supply assessment are the identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, and prior years' water deliveries received by the public water system. The water supply assessment must address project supplies over a 20 year period and consider average, dry, and multiple dry years. In accordance with SB 610 and Section 10912 of the Water Code such projects that are subject to CEQA include:

- Proposed residential development of more than 500 dwelling units;
- Shopping center or business establishment employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- Commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- Hotel, motel, or both, having more than 500 rooms;

- Industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- Mixed-use project that includes one or more of the projects specified in this subdivision; or;
- A project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project (typical water use for 500 dwelling units: one acre-foot per two to three units).

The water supply assessment must be approved by the public water system at a regular or special meeting and must be incorporated into the CEQA document. The lead agency must then make certain findings related to water supply based on the water supply assessment. In addition, under SB 610, an urban water supplier responsible for the preparation and periodic updating of an UWMP must describe the water supply projects and programs that may be undertaken to meet the total project water use of the service area. If groundwater is identified as a source of water available to the supplier, additional information must be included in the UWMP, such as: (1) a groundwater management plan; (2) a description of the groundwater basin(s) to be used and the water use adjudication rights, if any; (3) a description and analysis of groundwater use in the past five years; and (4) a discussion of the sufficiency of the groundwater that is projected to be pumped by the supplier. As required by SB 610, the Revised Draft Program EIR contains a water supply assessment for the proposed buildout of the Draft General Plan Update. Even if the assessment determines that there are not sufficient water supplies for the project, there is nothing to prevent the agency from approving the project, so long as the agency "include[s] that determination in its findings for the project."²²

SB 221, on the other hand, requires written verification from the water service provider that sufficient water supply is available to serve a proposed subdivision or that the local agency make a specified finding that sufficient water supplies are or will be available prior to completion of a project. While SB 221 applies to residential subdivisions of 500 units or more, Government Code Section 66473.7(i) exempts “. . . Any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.” SB 221 applies at the time of procession a tentative map. Verification are considered "fail-safe" because, unlike projects subject to assessments, a tentative subdivision map may not be approved if sufficient water supplies are not determined to be available. However, as indicated previously SB 221 applies only to residential subdivision of 500 units or more.

²² *Water Cede Section 10911, subdivision c*

Therefore, SB 610 is applicable as the Draft General Plan Update would allow more than 500 additional residential units. The required water supply assessment was prepared by MCWD and is provided in Section 4.11 of the Revised Draft Program EIR.

COMMENT 028-2**1. Water Assessment Amendment MCWD, 11-4 2005**

a. detailed methodology (described as a "new methodology"), computations and assumptions need to be provided In the DEIR to provide confidence in these very critical water supply and demand numbers (tables 1, and 2, chart 1 and the figure bottom of pg. 2. [sic] MCWD acknowledges that water supply is "minimal" during 2 and 3 year dry periods. The term "insufficient" is used to describe the supply as the Town nears build out. These tables should be extended to at least a 5 year dry period and better still to a 7 year dry period as these lengthy dry periods are known to occur in this area (Wildermuth 2003).

An estimate should be made of confidence in the accuracy of the estimates (2S%, 50% and so forth).

RESPONSE 028-2

As described in Appendix E of the Revised Draft Program EIR, in response to agency and community comments received on the February 2005 Draft EIR for the Draft General Plan Update, the Town revised the Draft General Plan Update (the project) and issued a Notice of Preparation for the Revised Draft Program EIR on August 15, 2005. The April 2005 Draft General Plan Update involved changes to population data, number of residential units, and non-residential floor area compared with the previously defined project. The change in the project definition would result in a change in the projected water demand previously provided by MCWD. In addition, after receiving comments on the water assessment document, the District further evaluated its water supply and demand calculations and has developed more detailed information that provides greater clarity on supply and demand issues. Therefore, MCWD provided a supplement to the water supply assessment, which is provided in Appendix E of the Revised Draft Program EIR. Section 4.11.1.1 of the Revised Final Program EIR has been revised to remove reference to a different methodology.

With regard to the multiple dry year scenario, as discussed in Response to Comment No. 010-18, the 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District’s water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District’s water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

With regard to the confidence in the accuracy of the estimates, while the Town and the District have confidence in the analysis, the issue regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District’s goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 028-3

2,[sic]4.11 Public Utilities

a. 4.11.1.1 a "different methodology" (pg. 4-253, see above) was used to develop new water supply figures in the Assessment. What is this methodology? Details of both methods need to be provided to understand how the supply figures were generated.

RESPONSE 028-3

As indicated in Response to Comment No. 028-2, the April 2005 Draft General Plan Update involved changes to population data, number of residential units, and non-residential floor area

compared with the previously defined project. The change in the project definition would result in a change in the projected water demand previously provided by MCWD. In addition, after receiving comments on the water assessment document, the District further evaluated its water supply and demand calculations and has developed more detailed information that provides greater clarity on supply and demand issues. Therefore, MCWD provided a supplement to the water supply assessment, which is provided in Appendix E of the Revised Draft Program EIR. Section 4.11.1.1 of the Revised Final Program EIR has been revised to remove reference to a different methodology.

COMMENT 028-4

b. Pg. 4-253 pp 3 could leave out "and not by groundwater".

RESPONSE 028-4

The statement made on page 4-253 regarding the source of surface water is accurate. Please see Comment No. 006-3 regarding the issue of the source of groundwater. Although the District did not request the deletion of the phrase on page 4-253 of the Revised Draft Program EIR, the phrase "and not be groundwater" has been deleted in the Final Program EIR. The revision does not alter the conclusions reached in the analysis contained in the EIR.

COMMENT 028-5

c. What will be the effect of canceling the Master Operating Agreement between the USFS and MCWD?.[sic]

RESPONSE 028-5

The effect of canceling the MOA would be negligible since the management constraints contained in the MOA are included as part of the District's water rights permits issued from the State Water Resources Control Board. The USFS has determined that it does not have the legal authority to enforce the management constraints contained within the MOA. As part of the District's Mammoth Creek EIR process, the District is proposing to modify some of the management constraints and will review the environmental impacts of these modifications.

COMMENT 028-6

d. Top of pg 4-256 do the groundwater levels recover or just "tend" to recover. The supply well production plots would indicate that water levels recover somewhat but over several years, however the recovery (water levels) is less than the year before. It would appear that the aquifer is over drafted. Well interference is commonly exhibited by the supply wells. A "cone of depression" (Schmidt) exists in the well field.

RESPONSE 028-6

During dry-year periods, the District's monitoring data has shown that groundwater levels within the Mammoth Basin tend to decrease due to increased pumping and less recharge. During normal and above-normal precipitation years, groundwater levels increase and tend to recover after two years of normal precipitation. In fact, in 2006, of the District's eight production wells, two have fully recharged to historical high levels, two have recharged to within 10 feet of historical high levels, and two have recharged to within 30 feet of historical high levels. In 2006, of the District's 15 monitoring wells, eight recharged to levels at or higher than the historical high and five have recharged to within just a few feet of historical highs. The District has recently expanded its monitoring program to add additional monitor wells and improve monitoring frequency in production wells. Based upon data that has been collected from all monitor and production wells since 1992, there is no evidence that the aquifer is overdrafted.

With regard to a cone of depression, the Annual Groundwater Monitoring Report for 2005-2006, notes on page 3 that the "cone of depression due to pumping of District wells was limited in size, and did not extend east of the easterly District monitor well (no. 14)." A cone of depression occurs in all aquifers when water is pumped from a well and the cone of depression around District's wells does not extend beyond the District's production well field.

None of the District's water supply wells has exhibited well interference, which is when the cone of depression for two wells overlap. Ken Schmidt's annual groundwater monitoring reports have shown some interaction between several production wells that are located in proximity to each other.

COMMENT 028-7

e. The Cal Trout petition re: Mammoth Creek needs to be considered. What would be the effect on water supply of moving the gauging station location on Mammoth Creek?

RESPONSE 028-7

With regard to the Cal Trout petition referred to in the comment, In December 2004, the Natural heritage Institute on behalf of Cal Trout filed a petition with the State Water Resources Control Board regarding several issues related to the District's Mammoth Creek EIR project. Generally, the petition is to establish appropriate limitations on diversions from Mammoth Creek by MCWD, declare Mammoth Creek fully appropriated, and provide relief to protect public trust resources in Mammoth Creek, Hot Creek, and Upper Owens River. The petition does not directly address moving the gauging station. Please see Response to Comment No. 028-26 for a discussion regarding the Cal Trout petition. With regard to the effect of the water supply of moving the gauging, a decision has yet to be made with regard to whether or not the gauging station is to be relocated. However, the District has estimated that the relocation of the gauging station could result

in a reduction of surface water supplies of between 100 to 300 acre feet per year. This is a preliminary estimate that has not yet been confirmed by the District's consultant. In the event that a reduction in the surface water supply were to occur, the District would need to identify other sources or methods to account for the loss of water if the loss were to create a significant impact with regard to the water supply. This requirement to identify other sources or methods to account for the loss of water supply is a functional effect of Mitigation Measure 4.11-1 which precludes development that will result in a water shortage and requires development to occur in tandem with the development of necessary water supply sources.

COMMENT 028-8

f. The term "expert" (pg 4-256) needs to be defined. Does the term "expert" in this EIR define someone who is licensed by the California Board for Engineers or Geologists/Geophysicists and Hydro geologists"? [sic] If one passes him or herself off as licensed and is not it's against the law. Please name the "expert" and state his/her qualifications. The term qualitative term [sic] "expert" doesn't belong in this document.

RESPONSE 028-8

The discussion on page 4-256 of the Revised Draft Program EIR is regarding the interaction between groundwater pumping and surface water resources. The discussion has been expanded in the Revised Final Program EIR and the term expert has been deleted. Please also see Response to Comment No. 009-2 for a detailed discussion regarding the interaction between groundwater pumping and surface water resources. As indicated in Response to Comment No. 009-2, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headspring. However, USGS evaluation of the data indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources.

COMMENT 028-9

g. MCWD monitoring program apparently is just getting started with an est. of 2 years to complete). [sic] Then it will be several years before enough data, modeling, mapping, testing and so forth will be available to start making operating decisions. In the meantime what happens? Does the MCWD begin to refuse connections at some level of confidence in their supply figures?.[sic]

RESPONSE 028-9

In addition to the District's 14 monitoring wells, the District recently installed five new wells (two deep and three shallow) and is currently working on installing a sixth well.

Section 4.11 of the Revised Draft Program EIR indicates that the existing water supply is sufficient to meet the existing demand. As with the information contained in the Revised Draft Program EIR, the revised water assessment in the Final EIR indicates that buildout of the Draft General Plan Update could result in potentially significant impacts to the water supply. As indicated in Section 4.11, the District is taking steps to reduce the water demand through water conservation, decreasing the water loss in the system, and the use of recycled water. However, due to the uncertainty of the demand reduction sources and the potential future supply, buildout of the Draft General Plan Update would result in a significant impact. Section 4.11 contains a mitigation measure, which requires that the Town work with MCWD to ensure that land use approvals are phased with the development of the necessary water supply sources. In other words, development shall not proceed without demonstration of sufficient water supply.

COMMENT 028-10

h. Pg 4-258 define multiple dry years and what is single dry year?

RESPONSE 028-10

As indicated in Response to Comment No. 028-2 the UWMP contains definitions of single dry year and multiple water year. As indicated in the UWMP, single dry years are generally considered the lowest annual runoff for a watershed since the water-year beginning in 1903. For the mammoth watershed, the year with the lowest April 1 snowpack is 12.3 inches of snow water equivalent on April 1, 1977. Groundwater data is based upon driest year that production wells were in use (1992 for wells #1, 6, 10, and 15 and 2001 for wells #16, 17, 18 and 20). Multiple dry years are generally consider the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth pass.²³

COMMENT 028-11

i. Mammoth Mt. is preparing connect to [sic] the MCWD sewage system. Will the system be adequate to serve the Town and Mammoth Mt.?

²³ Table 10, *Urban Water Management Plan*, MCWD, 2005.

RESPONSE 028-11

As discussed in Response to Comment No. 011-180, MCWD completed a model of its sewage collection system to identify where deficiencies exist and where improvements would be required under buildout of the General Plan Update as well as with the addition of MMSA's Main Lodge (refer to Table 10 in Response to Comment No. 011-180). Applicants proposing development that would contribute sewage flows to the sewage pipelines identified in Table 10 on page 266 would be required to upgrade the pipeline and/or help fund the necessary improvements prior to connecting to MCWD's sewer system. With regard to the capacity of the treatment plant, the design capacity of the treatment facility was upgraded in 2005-2006 to 4.9 million gallons per day (mgd). The upgrade to the facility was designed to accommodate peak flows anticipated under buildout of the General Plan Update (approximately 3.7 mgd) as well as the addition of MMSA's Main Lodge (approximately 0.2 mgd). Therefore, the treatment facility has sufficient capacity to accommodate build-out of the General Plan Update and MMSA's Main Lodge (3.9 mgd combined) as well as an additional 1.0 mgd capacity.

COMMENT 028-12

4.11.1.5 Propane : Actually 2 lines were laid by Rock Creek Energy from the "tank farm" in the Industrial Park up along Meridian and to Sierra Star. One is for propane and the other for natural gas when and if Liquefied Natural Gas (LNG) ever comes to town. These lines and propane service is available to whomever desires it as the lines are laid in Town right-of-way.

RESPONSE 028-12

The comment is acknowledged. The text in Section 4.11.1.5, Propane, of the Final Program EIR has been revised to clarify that two lines were laid by Rock Creek Energy within the Town's right-of-way and that propane service is currently available to anyone living in the vicinity of the existing propane pipeline.

COMMENT 028-13

4.11.2.1

a. Define the acronym CWS, and what does certification by CWS mean?.

RESPONSE 028-13

Section 4.11.1.1 of the Revised Draft Program EIR indicated that the mammoth Community Water District (MCWD) is the water supplier for the Town of Mammoth Lakes. Section 4.11.2.1 of the Final Program EIR has been revised to correctly identify MCWD as the water supplier. The November 2005 water supply assessment for the Draft General Plan Update was prepared by MCWD and approved by the District's Board.

COMMENT 028-14

b. Reliability of supply needs to addressed--100% reliability for instance would imply a reliable supply while a 50% reliability would imply that a supply of water is in doubt and drastic measures need to be taken to keep the town a viable entity.

RESPONSE 028-14

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board adopted by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor or reserve is meant to give the District time to react prior to reaching a crisis situation. When this point is reached, it would signal the need to speed up some of the District's water supply source development measures or to implement water demand reduction measures, such as water conservation and irrigation controls.

COMMENT 028-15

c. Since water supplies are deemed "minimal" by MCWD water shortage contingency plan needs to made. [sic]

RESPONSE 028-15

As indicated in 011-179, the District has an Urban Water Management Plan in place in accordance with the California Water Code Section 10610, which requires that all urban water suppliers providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, must prepare an urban water management plan. In accordance with Section 10632 of the California Water Code, the UWMP contains a water shortage contingency plan.

COMMENT 028-16

d. Since water supply is at best minimal MCWD should establish cut off levels for new connections well short of over drafting the aquifer. There is already well interference between supply wells which implies the deep aquifer is being over drafted [sic]

RESPONSE 028-16

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply

situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

None of the District's water supply wells has exhibited well interference, which is when the cone of depression for two wells overlap. Ken Schmidt's annual groundwater monitoring reports have shown some interaction between several production wells that are located in proximity to each other.

COMMENT 028-17**4.11.4 impacts and mitigation (issue 4.11-1)**

Under any dry year scenario in this EIR water supplies are not sufficient. Any unanticipated upset in the water supply system be it well problems, leaks, earthquakes destroying well casings, accidents to the distribution system, electrical failures, water quality problems, could well dry up any "minimal" surplus that is available. A single days supply is all that is available in the case of a total cutoff of supply. A wide margin of error needs to be built into any supply/demand scenario.

RESPONSE 028-17

The Water Assessment contained in the EIR has been updated based on the 2005 UWMP and input received from MCWD in a comment letter on the Revised Draft Program EIR (see Letter No. 006). As indicated in Response to Comment No. 011-185, while water supply would be sufficient with the implementation of demand reduction measures, including Level 1 retractions, as well as future sources, because of the uncertainty of these supplies the EIR concludes that the Draft General Plan Update would result in a significant impact with regard to water supply. As indicated in Response to Comment No. 011-179, in accordance with Section 10632 of the California Water Code, the UWMP contains a Water Shortage Contingency Plan. The Contingency Plan is an emergency response plan to respond to events that could impact water supplies, such as civil disturbance, floods, snowstorms, explosions, industrial hazards, hazardous substance releases, earthquake, and volcanic eruption. In addition, as indicated in Response to Comment No. 011-179, the MCWD Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes.

COMMENT 028-18

a. A three dry year scenario (multi dry year) is not realistic. The Wildermuth study shows 5 to 7 year drought cycles are not uncommon. A seven year drought should be incorporated into the supply/demand tables.

RESPONSE 028-18

Section 4.11 of the Revised Final Program EIR contains a revised water supply assessment based on the 2005 UWMP. As discussed in Response to Comment No. 010-18, the 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. The Department of Water Resources Urban Water Management Planning Guidebook, which was used to prepare the District's UWMP and the Water Supply Assessment, states that a multiple dry year is generally defined as a three or more consecutive years with the lowest average annual runoff. The DWR states:

“Multiple-dry year period is generally considered to be the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. For example, 1928-1934 and 1987-1992 were the two multi-year periods of lowest average runoff during the 20th century in the Central Valley basin. Suppliers should determine this for each watershed from which they receive supplies.”

The District's water history dates from 1928, but the 1987 to 1992 drought provides superior data on the impacts to the District's water supplies since the District was utilizing groundwater and surface water during those years. The six-year dry period between 1987 and 1992 was used as the basis for predicting impacts on water supplies in future multi-year drought situations. In the UWMP, the District generally used the last three years of the 1987 to 1992 drought. For wells that were not in service during that drought period, the District used pumping information from 2001, which was the driest year in which all existing production wells were in service. As indicated in Table 10 of the UWMP, the multiple dry water years are generally considered the lowest average runoff for a consecutive multiple year period (three years or more) for a watershed since 1903. The driest multiple year period in the Mammoth watershed was the six-year period from 1987 to 1992, which averaged 28.7 inches of snow water content at Mammoth Pass. The base years for the multiple dry year analysis are 1987 to 1992. The UWMP provides a multiple dry year analysis of four years.

COMMENT 028-19

b. Several multi dry year ("what if" or sensitivity cases) should be investigated. One, 3, 5, and 7 year dry cycles should be calculated. Effects of each dry period should be estimated on supply and resultant impact on the Town excluding any MCWD mitigation measures (considered last resort and results problematical).

RESPONSE 028-19

Please see Response to Comment No. 028-18 for a discussion regarding the multiple dry year scenario. The analysis contained in the Revised Final Program EIR considers the potential impacts on available water supply without future supplies or implementation of the water shortage

contingency plan. However, it is appropriate to continue the analysis and present what the District intends to do with regard to reducing water demand or increase water supply.

COMMENT 028-20

d. [sic] Mitigation measures should not be included ("due to uncertainties of implementation as well as the effectiveness") in the "what if" studies 4.11-above since these measures (top of pg. 4-268) are deemed either a long way into the future (Dry Creek, 2014)) [sic], or have proven difficult to achieve (pipeline replacement), recycled water (no time of implementation known) and water conservation, pg.4-268 PP2, [sic] (who will allow Sierra Star and our lawns to dry up?).

RESPONSE 028-20

As indicated in Section 4.11, with the inclusion of demand reduction measures, recycled water, future wells, and conservation measures, the water supply would be adequate. However, given that there is some uncertainty, the potential impact with regard to water supply is considered to be significant. Therefore, mitigation is appropriate to reduce the level of impact to less than significant, if feasible. MM 4.11-1 would ensure that adequate water supplies are available prior to development occurring.

COMMENT 028-21

c. New supply from the Mammoth Basin (where the 8 supply-well field well-field [sic] is located) is highly problematical since exploration for Deep or Basalt aquifer exploration has exhausted high potential areas for new low risk drilling. The complex nature of the fractured basalt aquifer renders simple, reliable location of new wells extremely risky (estimate a 50/50 chance of success at best). Completion of studies by the MCWD to address this problem won't be completed until late 2007.

RESPONSE 028-21

Table 4.11-1 of the Revised Final Program EIR has been revised to reflect the 2005 UWMP, which indicates that future wells would provide approximately 1,000 acre-feet per year beginning in 2020. The future wells could be located in Dry Creek or in the Mammoth Basin. The potential source of future groundwater in the Mammoth Basin involves the modification of existing wells to improve capacity and drilling of new wells. In a 1996 report prepared by Mark J. Wildermuth, it was estimated that a total useful storage in the Mammoth groundwater basin amounted to approximately 135,100 acre-feet. This would indicate that additional groundwater within the Mammoth Basin may be available. The potential for new groundwater supplies is currently under evaluation by the MCWD. The evaluation of the potential for increased withdrawal from the Mammoth Basin should be completed within two years. Please see Response to Comment Nos. 009-6 and 010-21 for discussions regarding future wells and future sources of water supply.

COMMENT 028-22

d. RISK needs to be included all [sic] supply/demand calculations. Single number or point estimates and "multi dry year" scenarios for such estimates border on the suicidal. Risk factors for supply in the 100 to 200 per cent range would be more appropriate.

RESPONSE 028-22

As discussed in Response to Comment No. 028-14, the item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 028-23

e. 4.11-1 ADD: an amount of risk or "cushion" well above (100 to 200%) calculated supply should be incorporated in the supply figures to allow for unforeseen upsets in the supply system.

RESPONSE 028-23

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District's goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 028-24

f. A definition of "overdrafted" is required.

RESPONSE 028-24

The Department of Water Resources Bulletin 118 provides the following definition of overdraft: Groundwater overdraft is defined as the condition of a groundwater basin or subbasin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years, during which the water supply conditions approximate average conditions (DWR 1998). Overdraft can be characterized by groundwater levels that decline over a

period of years and never fully recover, even in wet years. A definition of overdraft has been added to Section 4.11 of the Revised Final Program EIR.

COMMENT 028-25

g. Is the well field overdrafted? What is the evidence?

RESPONSE 028-25

As indicated in Section 4.11 of the Revised Draft Program EIR, the Mammoth Basin has not been identified by DWR as being overdrafted. In order to prevent the basin from being overdrafted, the District maintains an extensive groundwater and surface water monitoring system. Groundwater levels are monitored in 8 production wells and in 14 shallow and deep monitor wells in around the service area.

COMMENT 028-26

h. What would be the effect of the CalTrout petition?

RESPONSE 028-26

In December 2004, the Natural Heritage Institute on behalf of CalTrout filed a petition with the State Water Resources Control Board regarding several issues related to the District's Mammoth Creek EIR project. Generally, the petition is to establish appropriate limitations on diversions from Mammoth Creek by MCWD, declare Mammoth Creek fully appropriated, and provide relief to protect public trust resources in Mammoth Creek, Hot Creek, and Upper Owens River. The petition is still pending. However, as a result of this petition, the District and multiple stakeholders concerned with Mammoth Creek formed a collaborative team to evaluate threats to the creek and determine methods for improvement or additional studies to be performed. Over the last year, MCWD has focused on meeting with the Collaborative Group and working to address their concerns. In addition, at the March 15, 2007 MCWD Board meeting the Board approved a contract with a consultant to manage the EIR for the Mammoth Creek bypass flow project and to expedite the completion of the EIR. Therefore, the outcome of the CalTrout petition is unknown. To attempt to develop scenarios as to what could occur would be speculative.

COMMENT 028-27**4.6 Hydrology and Water Quality**

- a. 4.6.1.4 Use 1 acre rather than 43,560 sq. ft.
- b. 4.6.1.6 groundwater discussed above
- c. add: the Deeper or Basalt aquifer

RESPONSE 028-27

The Town concurs that one acre equals 43,560 square feet. Section 4.6.1.4 has been revised in the Final Program EIR to add one acre parenthetically.

With regard to portion b. of the comment, the portion of the comment is not clear as 43,560 square feet does not appear in Section 4.6.1.6 of the Revised Draft Program EIR.

With regard to portion c. of the comment, the comment is vague as to what is being requested. Based on the Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow (Wildermuth, 2003), there are two distinct aquifer system in the area where MCWD produces groundwater:

- a deep system that is highly responsive to MCWD groundwater production and responds slowly to recharge
- a shallow system that is not impacted by MCWD groundwater production and responds rapidly to recharge

COMMENT 028-28

4.6.1.8 Groundwater Quality One supply well, #17, which waters Sierra Star golf course contains enough arsenic to render it non-potable.

a. the wellhead protection areas around the supply wells should be delineated and results of any testing for compliance with AB 3030 should be presented in the EIR.

RESPONSE 028-28

Based on the MCWD 2005 Water Quality Report, naturally occurring arsenic has been detected in all wells above its detection level of 2.00 ug/L. Concentrations of arsenic have been detected in Well No. 17 at levels ranging from 74 ug/l to 130 ug/L, which is above the maximum concentration level (MCL) of 50 ug/L, during June, August, and October 2002 sampling events. However, Well No. 17 is currently not being utilized as a source of supply for the community.

As indicated in Response to Comment No. 011-94, a Wellhead Protection Area (WHPA) is the surface and subsurface area surrounding a water well or a wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach groundwater. WHPA's can vary in size and shape depending on geology, pumping rates, and well construction. Please see Response to Comment No. 011-94 and associated figures for a detailed discussion regarding wellhead protection areas.

COMMENT 028-29**Other**

- a. put north arrows and scales on all maps and show X-sections on maps and their orientation.

RESPONSE 028-29

The comment is acknowledged. The maps in the Final Program EIR have been revised to include north arrows and/or scales as appropriate. The request to include cross sections on maps and their orientation is not clear. Virtually all of this Commentors' comments regard the subject of water supply and demand which is addressed in Section 4.11, Public Utilities, of the Final Program EIR. However, no maps or other graphics figures are included in that section. The purpose or utility of cross sections on maps presented in the context of other environmental issues in the Final Program EIR is not apparent. Therefore, cross sections have not been shown on maps in the Final Program EIR.

COMMENT 028-30

- b. Madera Co. is to the west of Mono Co.

RESPONSE 028-30

The comment is acknowledged. The text should state that Madera County is located west of Mono County not east of Mono County. Section 3.0, Project Description, of the Final Program EIR has been revised to indicate Madera County is located west of Mono County.

LETTER NO. 029

Millicent and Chuck Kennedy
11122 Valley View Ave.
Whittier, CA 90604

COMMENT 029-1

We have owned our home since 1986 and our large family has enjoyed our retreat in the Sierras. A certain amount of growth is good but we feel what you are proposing now is out of control. We do not want large hotels, we do not want to lose our open space, we fear the lack of water resources with all this building, the traffic alone will be terrible, and we love our dark nights.

Please put a stop to this materialistic insanity. Every time I go down to the new village I get claustrophobia from the heights of the buildings. We do not need more high-rise buildings in that area.

I want answers before the planning commission approves these plans.

RESPONSE 029-1

The comment expresses an opinion with regard to the Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 030

Kenneth M. Klein, D.D.S.
P.O. Box 1654
Mammoth Lakes, CA 93546

COMMENT 030-1

I am very concerned about the seeming shift in emphasis within the town of Mammoth Lakes toward maximum density. Even though the town has finite borders and cannot expand outward, parks, creeks, open space and viewscape are integral components of well-managed growth within a community. A contrary approach seems to be occurring whereby generous concessions appear to be granted to developers. These include: Waiving existing maximum height restrictions on buildings; increasing the number of allowed structures on available sites; and, permitting variances to existing and rational setback requirements. Not only do these concessions violate the first Guiding Principle in the Vision Statement of the General Plan - that the community "places a high value on the sustainability and continuity of our unique relationship with the natural environment." - they will inevitably undermine that very sense of "community" that has brought most of us to Mammoth Lakes. I urge prudence and restraint.

RESPONSE 030-1

The comment is general in nature and pertains to the Town's long-range vision and previous discretionary approvals. This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 030-2

The continued course of development to be permitted (or controlled) by the General Plan and Draft Program Environmental Impact Report will likely define the image and liveability of the town of Mammoth Lakes going forward. It is incumbent on the decision makers that these decisions are made in the best interests of the majority of residents and are not simply a license to grow and profit. I question whether unbridled development, resulting in a "build-out" number approximating 61,000 individuals, is feasible when one considers water usage, infrastructure requirements, greenspace maintenance, traffic management and snow removal.

RESPONSE 030-2

The Revised Draft Program EIR provides an analysis of potential impacts that could result from buildout under the Draft General Plan Update. Section 4.11 of the Revised Draft Program EIR

contains an analysis of water supply; Section 4.11 also contains an analysis of other infrastructure; Section 4.10 contains an analysis of Public Services; Section 4.12 contains an analysis of Recreation; Section 4.13 contains an analysis of traffic; and Section 4.5 contains an analysis of snow removal. As indicated in the Revised Draft Program EIR, with the incorporation of mitigation measures the Draft General Plan Update would result in a less than significant impact with regard to traffic, snow removal, sewer, solid waste, schools, water supply. However, the Draft General Plan Update would result in a significant and unavoidable impact with regard to recreation due to the uncertainty of the timing of the development of future parks. The Draft General Plan Update would result in a significant and unavoidable impact with regard to libraries and hospitals since the Town does not have control over the implementation of the necessary mitigation measures. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 030-3

The timelines for input from the citizenry and cogent response from the Council and Planning Commission is inadequate. Additionally, the timing for the completion of the General Plan and EIR, which falls over a major holiday period, seems ill-advised and restrictive. It seems that far too many critical issues remain unanswered for final decisions to be made by the middle of next month. Respecting the tremendous amount of effort that has gone into these documents and the pressures to finalize decisions, it would be imprudent to adhere to artificial deadlines without appropriate input from the residents and reasoned resolution to our concerns. The future of the community of Mammoth Lakes is in your hands, please proceed cautiously and exercise due diligence in balancing growth and lifestyle. Your efforts and prudence are appreciated.

RESPONSE 030-3

This comment regarding timelines for completion of the Draft General Plan Update and EIR does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. In accordance with CEQA Guidelines Section 15105, the Revised Draft Program EIR for the Draft General Plan Update was circulated for a 45-day comment period. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 031

Susan L. Klein
P.O. Box 1654
Mammoth Lakes, CA 93546

COMMENT 031-1

I have been a permanent resident of Mammoth for a little more than a year. My husband and I have been coming up here for about 16 years after we moved to California. We lived in many places over 25 years while my husband was in the Navy.

Because we have lived in many communities, we have been fortunate enough to see things we liked and things we didn't like. We came to Mammoth because there were so many things about this community that we liked and made sense.

One of the things that make a community special is the amount of open space devoted to beautiful scenery or parkland. With all the new and proposed development, I am seeing more and more concrete and less open space that will be available for our enjoyment, as well as for our children and grandchildren.

Once you build these big high-density buildings, you cannot turn back. The space in Mammoth is limited because of the surrounding forests, but the open space within the community cannot be stressed enough as an important feature of a vibrant community.

I urge you to scale back the development and wait and see what happens with the airport service and increased tourists before you go any further. You only get one chance. Please don't waste it!!

RESPONSE 031-1

The comment expresses general opposition to the project. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 032

Owen Maloy
owen.maloy@verizon.net

COMMENT 032-1

The tables in section 4 have the wrong units for pollutant [sic] concentration,[sic] especially PM₁₀ and possibly others.

Air pollution concentrations are given in mg/m³. The mg (milligrams) should be micrograms/m³ (Greek mu followed by g/m³). I'm sure the Town does not [sic] want to say that [sic] the air pollution is 1000 times higher than it is.

I'm not sure how Greek letters go through email. so [sic] I spelled it out.

RESPONSE 032-1

The Town acknowledges the comment. The Final EIR has been revised to correct the tables as necessary.

LETTER NO. 033

Steve Miesel
P.O. Box 7383
Mammoth Lakes, CA 93546

COMMENT 033-1

1. The 2005 General Plan Update has potentially significant impacts on air quality. For it allows for such growth that increases production of air bourn [sic] particulate material, PM₁₀, in an amount that exceeds the threshold of significance even when all the listed mitigation measures are implemented.

RESPONSE 033-1

Section 4.2 of the Revised Draft Program EIR does conclude that the Draft General Plan Update could result in a significant impact with regard to air quality. With regard to PM₁₀, the analysis indicates that a VMT total greater than 106,600 could be accommodated in the future with achievement of reductions in other emissions sources without exceeding the federal PM₁₀ standards. The existing limit of 106,600 VMT remains the limit until such time as it is lawfully modified. If the Town seeks to increase the VMT limit over 106,600 to accommodate full build-out as envisioned in the Draft General Plan Update, the Town and GBUAPCD will be required to demonstrate continued maintenance of the federal PM₁₀ standards through the process of revising the Municipal Code, GBUAPCD Rule and the AQMP.

COMMENT 033-2

2. The 2005 General Plan Update has potentially significant impacts on water quality. For it allows for such growth that increases household hazardous waste entering the local waters in an amount that exceeds the threshold of significance even when all the listed mitigation measures are implemented.

RESPONSE 033-2

The Town does not concur with the statement that the Draft General Plan Update would result in significant impacts with regard to water quality. As indicated in Section 4.6 of the Revised Draft Program EIR, the Draft General Plan Update contains numerous implementation measures to reduce potential impacts regarding water quality and waste discharge. These measures would serve to protect existing surface and groundwater from pollutants associated with new development. In addition, with compliance with federal, state and local water quality and waste discharge requirements, water quality standards and waste discharge requirements would not be violated.

LETTER NO. 034

Mary K. Prentice
no address provided
Mammoth Lakes, CA 93546

COMMENT 034-1

The Vision Statement guiding the General Plan is well expressed. Achieving these goals of the highest quality of life for its residents & quality of experience for its visitors seems to be more elusive. The vision statement includes the phrase "participatory town government" I would hope this means community consensus about master planning our community.

From all I've read & heard, we are not yet close to a community consensus. There are glaring issues with no answers yet. Since the General Plan is the primary policy document for planning the Town's future development and the basis for future decisions which express and are in harmony with the Vision statement, shouldn't we have some better alternative answers before rather than after adopting the general plan?

About a month ago, you, the Planning Commission summarized major policy questions for consideration. You asked, "Should the build out capacity of the GP be reduced?", "Should the transfer of density policy be refined?", "Should housing be allowed in South Gateway?", "Is the GP consistent with the urban growth boundary?", "Should the GP regulate the rate of growth?", "What policies should the GP have on open space & sensitive area?" There were far more questions than answers. So how are these questions going to be answered, when and by whom? Before or after the adoption of the GP?

If these questions do not have reasonable alternative answers with a reasonable degree of community consensus before the GP is adopted, then the default mode of planning takes over, and development is driven by developer projects rather than by the primary policy document, or general plan.

Of course there are many other critical issues with no good answers yet, such as water availability at build out. There have been many conflicting numbers given. and the unknown aquifer capacity is a little troubling.

Much has already been said about the circulation, parking and transit issue. It obviously needs more work. But the most troubling thing I heard is that it couldn't be resolved until developers give their input. Whose driving policy here?

RESPONSE 034-1

The comment relates to the Draft General Plan Update and the process, not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 034-2

In the EIR, a lot of these problems are called "unmitigated and unavoidable" That really says we can't plan ahead. It put developers and single projects in the drivers seat. When it should be natural resources, infrastructure and community consensus as expressed in a good general plan that drives the process.

RESPONSE 034-2

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 034-3

I'm also concerned that the recommendations GPAG, the community appointed body were not adequately integrated into the GP. One of their recommendations about keeping South Gateway free of housing development was ignored. Housing there would be a planning disaster, encouraging sprawl and destroying the view shed for a potentially beautiful development of educational and a community performing arts center.

More master planning needs to be done. There are specific, master plans for North Village, Snowcreek etc., but what about some master planning and community vision for Main street, for the Bell shaped parcel, for Mammoth Creek Park, and very importantly for South Gateway? The importance of community consensus cannot be overstressed. I would like to support Alimar's proposal for an external planning specialist consultant to assist our process, of gathering more needed data, putting alternative options out to the community and ultimately deriving a document that really corresponds to our vision statement.

RESPONSE 034-3

The comment relates to the Draft General Plan Update and the process, not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 035

Dennis & Patricia Sherrill
DS12711@aol.com

COMMENT 035-1

Q: What has gone wrong with Mammoth Lakes in recent years?

A: Large scale construction projects that have slowly eroded the quaint charm of this mountain community.

The town is in too much of a hurry to let the Real Estate Industry make money.

RESPONSE 035-1

The comment expresses an opinion with regard to development in the community. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 036

Wendy Sugimura
P.O. Box 8244
Mammoth Lakes, CA 93546

COMMENT 036-1

Thank you for the opportunity to comment on the General Plan Update and DPEIR. I appreciate all the hard work the Commission and Town staff has put into this project and sincerely hope we can find some resolutions to successfully conclude this process.

RESPONSE 036-1

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 036-2

I attempted to read and truly understand the EIR, but I found it beyond my expertise as a scientist and research ecologist. Instead of laboring through the document, I've chosen to base my comments on the General Plan Update and previous Planning Commission workshops, focusing on Town growth, water supply and unresolved policy issues.

RESPONSE 036-2

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. With regard to water supply, Section 4.11 of the Revised Draft Program EIR contains an analysis of water supply. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 036-3

Both Mammoth Mountain and the Town have publicly stated the desire to increase mid-week occupancy, yet the general plan focuses on approximately doubling our current bed base. This increased capacity seems intended to accommodate more weekend and holiday demand, but doesn't address midweek occupancy rates. Local air service will help but won't fill the midweek bed base by itself. With Town primarily funded by TOT taxes, midweek occupancy is terribly important. I would like to see a more balanced development strategy pacing growth with the development of Town services and a focused drive to increase mid-week visitation through marketing, recreation opportunities, and quality Town amenities and infrastructure. Development is necessary and healthy

for our Town, but we must balance it with our services and give it direction to grow successfully instead of rampantly.

RESPONSE 036-3

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 036-4

Regarding water supply, a new analysis (not the one included in the EIR) by the Water District based on 2005 usage indicates enough water for about 2,449 more units in multiple dry years, assuming each single family home uses 0.3777 acre-feet of water per year. Granted, condominiums and apartments will use slightly less, perhaps 0.3 acre-feet when landscaping needs are included, bringing the total to 3,083 units if we only build apartments. (Please see the attached computations for complete numbers.) Regardless, Table 3-4 in the EIR indicates 6,839 more units to be constructed between January 2004 and build-out, over twice as many apartments that can be built with the existing water supply. At full build-out, the Water District estimates a shortage of 903 acre-feet, or 275,415,000 gallons a year, assuming Sierra Star is using recycled water. The Dry Creek drainage appears to be the only source to significantly increase our water supply, but it is a politically sensitive and expensive proposition for the Water District. I would like to see the Town work with the Mammoth Community Water District to comprehensively address water supply, growth and pace of development. A fully integrated plan is necessary to accommodate the level of growth we seek within the constraints of our natural resources.

RESPONSE 036-4

Water demand is based on use. Please see Table 5 on page 103 for factors used to estimate projected water demand that would result from buildout of the Draft General Plan Update. As can be seen on Table 5 on page 103, the average daily consumption rate for a single family residence is 240 gallons per day (gpd), or 0.269 acre-feet per year. The average daily consumption rate for Multi-Unit Non Transient is 181 gpd and for Multi-Unit Transient is 140 gpd, or 0.203 and 0.157 acre-feet per year, respectively. Future wells could be located in Dry Creek or in the Mammoth Basin. Please see Response to Comment Nos. 009-6 and 010-21 for discussions regarding future wells and future sources of water supply.

The Town has coordinated closely with MCWD regarding the Draft General Plan Update. The Town also coordinates closely with MCWD with regard to on-going development within the UGB.

COMMENT 036-5**Water Supply Numbers from Mammoth Community Water District, 11/28/05**

- Existing supply provides 4492 acre-feet in a drought year
- 2005 projected use = 3567 ac-ft
- Water usage by a single family home per year:
 - SFH uses ($\sim 9600 \text{ gallons} \times 12 \text{ months}$) = 115,200 gallons/year
 - 1 acre-foot = 305,000 gallons
 - $115,200 \text{ gallons/year} \div 305,000 \text{ gallons/ac-ft} = 0.3777 \text{ ac-ft/year}$
- Condos/apartment use $\sim 0.3 \text{ ac-ft/year}$ when landscaping needs are included
- 4492 ac-ft dry year supply (minus) 3567 ac-ft current use = 925 ac-ft available for new water permits
- Single family homes: $925 \text{ ac-ft} \div 0.3777 \text{ ac-ft per unit} = 2449.0$ units can be built on existing water supply from 2005 to build-out
- Apartments only: $925 \text{ ac-ft} \div 0.3 \text{ ac-ft per unit} = 3,083$ units can be built on existing water supply from 2005 to build-out
- Table 3-4 in EIR shows 6,839 more units to be constructed from 2004 to build-out; Round to 6,500 units to be built from 2005 to build-out to account for some construction in 2004
 - Best case scenario: $6,500 \text{ (minus) } 3,083 = 3,417$ units without water given our existing supply
 - Worst case scenario: $6,500 \text{ (minus) } 2,449 = 4,051$ units without water given our existing supply

Water District Build-out Analysis assumptions:

- Includes 25% state-mandated density bonus to account for some, but not all properties, receiving the actual bonus of 35%; has potential to increase PAOT
- Includes 25% increase in occupancy; does not affect PAOT, just more people more often
- Includes 5% buffer
- Assumes Sierra Star is on recycled water; Snowcreek has their own access rights

Water District Build-out Analysis:

- At build-out, 903 ac-ft deficit per year in dry year conditions
- No deficit in normal years

RESPONSE 036-5

The comment provides water supply numbers from a District meeting on November 28, 2005. The District adopted an updated Urban Water Management Plan at the end of 2005. Section 4.11 of the Revised Final Program EIR has been revised to incorporate the information contained in the 2005 UWMP as well as the information provided in the District's comment letter on the Revised Draft Program EIR.

LETTER NO. 037

Elizabeth Tenney
no address provided

COMMENT 037-1

2.0 Executive Summary

1) Table 2-3 Summary of Environmental Impacts, Mitigation Measures and Levels of Significance After Mitigation, p. 2-42

- 4.13-6 -Clarify phrase: "...this inconvenience may work to lessen the *exiting* [sic] Forest Trail cut-through problem..."

RESPONSE 037-1

The phrase referenced by the commentor was included within Mitigation Measure 4.13-6 in the Revised Draft Program EIR. By prohibiting left turns out of Forest Trail, travel along Forest Trail is made less convenient to motorists, thereby potentially reducing cut-through traffic along Forest Trail, at least in the south-east direction. However, a revised traffic analysis was prepared for the Final EIR. The revisions to the traffic model to correct some assumptions resulted in less impacts. The revised analysis indicates that improvements to the Main Street/Forest Trail intersection would no longer be needed at build out of the Draft General Plan Update. Accordingly, Mitigation Measure 4.13-6 in the Revised Draft Program EIR has been deleted in the Final EIR. Please refer to Response to Comment No. 005-8 for a discussion of the revisions to the traffic model. Please see Section 4.13, Transportation and Circulation, of the Final EIR for revisions to the section based on the revised analysis.

COMMENT 037-2

3.0 Project Description

1) 3.1 Project Location, p. 3-1

- Paragraph 1, last sentence: "Neighboring counties include: Fresno County to the south and Madera County to the east." is incorrect. Correct - Neighboring counties include Inyo County to the south, Fresno County to the southwest and Madera County to the west.

RESPONSE 037-2

The comment is acknowledged. Section 3.1, Project Location, has been revised in the Final Program EIR to correctly indicate adjacent counties and the location of the counties relative to the Town of Mammoth Lakes.

COMMENT 037-3

- Paragraph 3:

a) Should mention that U.S. Highway 395 is a designated State Scenic Highway.

RESPONSE 037-3

The comment is acknowledged. The California Department of Transportation (Caltrans) has designated U.S. 395 as a scenic highway, which includes the stretch from the Mammoth-June Lake Airport to the Mammoth Scenic Loop. Section 3.1 of the Final EIR has been revised to indicate that U.S. Highway 395 is a designated scenic highway.

COMMENT 037-4

b) Sentence 3 and 4 - Change "...State Road 203..." to "...State Route 203. . ."

RESPONSE 037-4

The comment is acknowledged. Section 3.1 of the Final EIR has been revised to read State Route 203.

COMMENT 037-5

2) Figure 3-1 Regional and Project Vicinity Map, p. 3-2

- Inset should show project area as Southern California, not as the greater Bay Area.

RESPONSE 037-5

The inset depicted on Figure 3-1 in the Revised Draft Program EIR provides a close-up of the cities and towns in the general vicinity of the Town of Mammoth Lakes. The Town of Mammoth Lakes is located in Mono County, which is located within the Greater Bay Area, and not in Southern California. The following counties comprise Southern California: Imperial County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and Ventura County, as defined by the Southern California Association of the Governments (SCAG). As such, the inset reflects the correct location of the Town.

COMMENT 037-6

- Inset spelling correction "Navada" to "Nevada"

RESPONSE 037-6

The comment is acknowledged. The inset of Figure 3-1, Regional and Project Vicinity Map, of the Final Program EIR has been revised to reflect the correct spelling of Nevada.

COMMENT 037-7

3) Figure 3-3 Existing Land Use Designations

- Base map shows St. Joseph's Church at wrong location. Church should be on the parcel on the southwest corner of the intersection of Old Mammoth Road and Ranch Road (problem on any figure using this base map including: Figure 3-4, 4.5-1, 4.6-2, 4.7-1, 4.8-1, 7-1, 7-?, 7-3 and Figure 5 in Noise Appendix).

RESPONSE 037-7

The source of the map is the USGS topo map, which the Town used as a base map. The church symbol is located on the correct parcel, across Minaret Road from the label. Therefore, no revision is necessary to the figures in the EIR.

COMMENT 037-8

4) 3.4 Purpose of the 2005 Updated General Plan, p. 3-6

- First bullet point: Should add "Four public workshops, with over 100 attendees *per workshop*."

RESPONSE 037-8

The comment is acknowledged. Section 3.4 of the Final Program EIR has been revised to clarify that over 100 attendees were present at each workshop.

COMMENT 037-9

5) 3.7.1 Key Land Use Policies, p. 3-17

- Last bullet point, last sentence: "These node [sic] include North Village, Snowcreek, Sierra Star, Main Street, *Old Mammoth* and Eagle Lodge."

Is "Old Mammoth" Old Mammoth Road or the Old Mammoth area?

RESPONSE 037-9

The nodes referred to by Old Mammoth is Old Mammoth Road. The bullet has been revised in the Final Program EIR to clarify that it is Old Mammoth Road.

COMMENT 037-10

6) 3.15 Updated Plan Compared to Existing General Plan, p. 3-26

- Seventh bullet point: Should add "Provide more policies *that* support creation of amenities and services"

RESPONSE 037-10

The comment is acknowledged. Section 3.15, the seventh bullet has been revised in the Final Program EIR to add "that".

COMMENT 037-11

- Eight bullet point: Should add "Provide more policies *that* support retention and creation of workforce housing"

RESPONSE 037-11

The comment is acknowledged. Section 3.15, the eighth bullet has been revised in the Final Program EIR to add "that".

COMMENT 037-12

- Ninth bullet point: "Provide energy efficiency and other environmental policies are stronger" does not make sense.

RESPONSE 037-12

The comment is acknowledged. Section 3.15, the ninth bullet has been revised in the Final Program EIR to read "Provide energy efficiency and other environmental policies that are stronger; and".

COMMENT 037-13

- Tenth bullet point - Replace "which" with "that": "Provide policies which support resident oriented services have been included (child care, health care, education)" to "Provide policies *that* support resident . . ."

RESPONSE 037-13

The comment is acknowledged. Section 3.15, the tenth bullet has been revised in the Final Program EIR to read "Provide policies that support resident oriented services (child care, health care, education). The words "have been included" have been deleted so that the bullet reads appropriately.

COMMENT 037-14

- Twelfth bullet point, second sentence - Change "designate" to "designated": "Areas *designate* as Special Conservation Planning..." to "Areas *designated* as Special Conservation Planning..."

RESPONSE 037-14

The comment is acknowledged. Section 3.15, the twelfth bullet has been revised in the Final Program EIR to replace designate with designated.

COMMENT 037-15

4.0 Description of Environmental Setting, Project Impacts and Mitigation Measures 1) Figure 4.1-1 Major Viewpoints from the Town, p. 4-8

- Placement of Mammoth Crest and Crystal Crag images should be switched to represent correct locations.

RESPONSE 037-15

The image and the text with regard to major viewpoints from the Town is intended to represent relative location in relation to the Town, not exact location. Therefore, no change to the figure is necessary.

COMMENT 037-16

2) 4.1.2.2 Outdoor Advertising Act, p. 4-9

- The Mono County sign ordinance should be referred to here.

RESPONSE 037-16

Section 4.1.2.2 in the Revised Draft Program EIR has been revised in the Final EIR to acknowledge that within the Urban Growth Boundary, signage is regulated by the Town of Mammoth Lakes Signage Ordinance included within Section 17.40 of the Town's Municipal Code. Outside of the Urban Growth Boundary, signage is regulated by the Mono County Sign Ordinance.

COMMENT 037-17

*3) VII.3.C.a.1. p.4-14

- U.S. Highway 395 is already designated as a State Scenic Highway.

** These comments are for changes to the General Plan policies. These comments are also stated in Elizabeth Tenney's October 2005 Draft General Plan comment letter.*

RESPONSE 037-17

The comment is correct in stating that US 395 is already designated as a State Scenic Highway. However, the Final Program EIR addresses the impacts of implementing the General Plan Update and does not propose modifications to the implementation measures in the Draft General Plan Update. Any revisions to the implementation measures in the Draft General Plan Update would be made in the final version of the General Plan Update. The comment will be forwarded to the Town's decisionmakers for consideration.

COMMENT 037-18

4) 4.2.1 Existing Conditions, p.4-22

- Paragraph 2:

a) First sentence: "...characterized by...hot summers" maybe change to be "*relatively* hot summers."

RESPONSE 037-18

The Town acknowledges the comment. Section 4.2.1 of the Final EIR has been revised to include the word relatively in referring to hot summers.

COMMENT 037-19

b) Fourth sentence: "...upper 20s degrees Fahrenheit..." change to "...upper 20 degrees Fahrenheit..."

RESPONSE 037-19

The Town acknowledges the comment. Section 4.2.1 of the Final Program EIR has been revised to read upper 20 degrees Fahrenheit.

COMMENT 037-20

c) Sixth and seventh sentence: "Summer winds are northerly at night as a result of cool air draining off the sides of the surrounding mountains. Southerly winds during the day result from strong solar heating of the mountains causing up-slope circulation."

This information does not seem accurate. According to Howard Sheckter, Local Weather Expert at www.mammothweather.com this south/north summer diurnal wind pattern is more associated with the valleys, not Mammoth Lakes. Mammoth Lakes' typical summer winds are west blowing starting around 11 am to 12pm and last until 8 or 10pm. The winds then tend to die off at night. However, these typical summer winds patterns do vary.

RESPONSE 037-20

The Town acknowledges the comment. Section 4.2.1 of the Final Program EIR has been revised to include the following sentence: "Due to the increased elevation of the Town relative to some of the lower lying area in the basin, winds are primarily light and variable. Occasionally a westerly "Zephyr" wind blows beginning in the early afternoon until the early evening during the summer months." This information was provided in a phone conversation with Howard Sheckter in December 2006.

COMMENT 037-21

5) 4.2.4 Impacts and Mitigation, p. 33

- Car idling should be mentioned.

RESPONSE 037-21

The comment is vague as page 4-33 refers primarily to Implementation Measures in the Draft General Plan Update. However, car idling has been considered in the air quality analysis as the emission estimates using the CARB's URBEMIS program account for car idling.²⁴ There are no feasible mitigation measures related to limiting car idling.

COMMENT 037-22

6) 4.3.4 Impacts and Mitigation, p. 4-78

- A substitution or alternative to straw bales should be discussed.

RESPONSE 037-22

Alternatives to straw bales may include silt fencing or sterile straw wattles. As it is understood that BMPs are essential for the prevention of erosion control and sedimentation reduction, the uses of straw bales for these purposes may unknowingly be a contributing factor for the introduction of non-native plant and animal species. Silt fencing is a synthetic geotextile fabric, held in place by stakes, woven to provide structural integrity with small openings that pass water but

²⁴ URBEMIS2002 for Windows Users' Guide: Version 8.7

not soil. Silt fencing as an alternative to straw bales would prevent the introduction of non-native plant and animal species through the practice of BMPs. The same holds true for sterile straw wattles which are sterilized to be free of viable non-native seed material.

COMMENT 037-23

*7) I.1.B.e.2 p.4-83

- Last sentence should add, ". . . making sure that all trash enclosures, *recycling* and food storage areas are animal resistant."

** These comments are for changes to the General Plan policies. These comments are also stated in Elizabeth Tenney's October 2005 Draft General Plan comment letter.*

RESPONSE 037-23

The policy referred to in the comment is contained in the General Plan Update and is referenced verbatim in the Draft EIR. As such, because the sentence is quoted from another document, it cannot be changed in the EIR. However, the comment is acknowledged and will be forwarded to the decision-makers for review and consideration.

COMMENT 037-24

8) 4.8 Noise, p. 4-194

- Should mention car idling and car stereos. Both are not part of the "small-town resort character."

RESPONSE 037-24

Page 4-194 of Section 4.8, Noise, of the Revised Draft Program EIR provides the Environmental Setting. This section provides the following: noise and vibration basics; regulatory framework; and existing conditions. Page 4-202 provides a detailed discussion of the existing noise environment including noise measurement data and existing sources of noise (e.g., traffic, recreational vehicles). As discussed therein, the most significant noise sources in the Town are traffic on State Route 203 and major town roadways, aircraft operations at the Mammoth Yosemite Airport, helicopter operations at Mammoth Hospital, the intermittent noises associated with construction, snow removal activities, snowmaking operations, avalanche control operations, industrial activities near State Route 203 and Meridian Boulevard, and recreation activities. Please note that intermittent noise from sources including car stereos are addressed in the Town of Mammoth Lakes noise ordinance, but are not considered a dominant source of noise within the Town.

COMMENT 037-25

5.0 Cumulative Impacts 1) 5.1 Impacts, p. 5-11

- Public Safety and Hazard should mention the bars and bar scene as a public safety issue.

RESPONSE 037-25

Public Safety and Hazards addresses issues such as wildland and structural fires, aircraft hazards, and snow-related hazards, including avalanches. With regard to bars, the inclusion of a bar in a project would require the approval of a Conditional Use Permit (CUP) by the Town. The MLPD would participate in the review process. The CUP process would provide a site specific review of the use and could impose site-specific conditions to address public safety. Issue 4.10-2 of the Revised Draft Program EIR provides an analysis of the Draft General Plan Update on police services.

COMMENT 037-26

7.0 Alternatives to the Project 1) 7.5.1 Description, p.7-34

- PAOT is not the same thing as density. Make sure there is a distinction between them.

RESPONSE 037-26

As discussed in Section 4.9, Population, Housing, and Employment, on page 4-217, PAOT describes population intensity, and refers to the number of “people at one time” present in the Town on a given day. Density, as used in the Draft General Plan Update and in the Revised Draft Program EIR, refers to the number of housing units per acre. Alternative 3, Reduced Development Alternative, contained in Section 7.5.1 of the Revised Draft Program EI, does make a distinction between PAOT and density, as noted in paragraphs two and three, respectively. Specifically, densities of the alternative and the Draft General Plan Update are compared in paragraph two, and are defined (i.e., 10 units per acre in this Alternative compared to 20 units per acre in the project). PAOT is discussed in the third paragraph, with peak resident and visitor population being referenced, rather than the number of units per acre.

LETTER NO. 038

Bryce & Wilma Wheeler
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Mammoth Lakes, CA 93546

COMMENT 038-1

Thank you for the opportunity to comment on the Revised Draft Program Environmental Impact Report. We are concerned that this document does not address many concerns that have been stated in many meetings and discussions by interested residents and by the General Plan Advisory Commission.

We believe that the document is inadequate and should be rewritten to address these concerns.

RESPONSE 038-1

Per Section 15002 of the California Environmental Quality Act (CEQA) Guidelines, the basic purpose of CEQA is to inform decisionmakers and the public about the potentially significant environmental effects of a proposed project. The Town has determined that the Revised Draft Program EIR has been prepared in accordance with CEQA Guidelines and that the document adequately analyzes potential environmental impacts under buildout of the Draft General Plan Update. The comment is general in nature and does not provide specific comments with regard to the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 038-2

The document does not adequately consider the huge impact of the projected population growth and impact of more than 20,000 visitors at one time on public lands, wilderness areas, Mono Basin Scenic Area, Devil's Postpile, and on the recreation opportunities that they now enjoy.

RESPONSE 038-2

Potential impacts to adjacent public lands and recreation facilities are analyzed in Section 4.3, Biological Resources, of the Revised Draft Program EIR. As discussed in this section, indirect impacts to biological resources beyond the UGB and the Planning Area could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, the USFS has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day.

Additionally, the USFS controls the number of overnight visitors and back-country permits for wilderness area travel. Enforcement of such maximum capacity rules would help limit potential impacts from contact intrusion. Furthermore, as discussed in Section 4.12, Recreation, a number of Policies and Implementation Measures are contained in the General Plan Update to help alleviate issues such as overcrowding of recreational facilities. Specifically, Implementation Measure IV.1.A.c.1 would support the development of facilities and services that enhance mid-week visitation thus assisting to reduce weekend visitation which is currently the peak visitation time; Implementation Measure IV.1.A.c.2 would require resort visitor developments to provide on-site and off-site amenities for their guests' benefit and enjoyment thus creating additional recreational opportunities within the Town; and Implementation Measure IV.2.A.a.1 would ensure that parkland dedicated under the Quimby Act is suitable for active recreation uses thus creating additional active recreational opportunities within the Town.

COMMENT 038-3

Water supply is not adequately addressed. With the projected population and visitor increase, there will be a correspondingly large increase in demand for water. There is no planning for drought or well failures. Water is becoming more and more a critical issue everywhere.

RESPONSE 038-3

Section 4.11 of the Revised Draft Program EIR contains an analysis of water demand under the Draft General Plan Update as well as water supply. The analysis includes a normal year, single dry year and multiple dry year scenario. The single dry year and multiple dry year scenarios take into account drought or a situation where water supply is curtailed for some reason for a period of time. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 038-4

What about the effect of population and visitor growth on air quality, quiet neighborhoods, night sky visibility and scenic values? This document does not attempt to meet environmental sustainability objectives of the General Plan in this regard.

RESPONSE 038-4

The comment expresses general concerns with regard to development in the Town, but does not introduce new environmental information or directly challenge information presented in the document. Please see Section 4.2, Air Quality and Section 4.8, Noise, of the Revised Draft Program EIR for an analysis of potential impacts associated with air quality and noise, respectively, that could result from the incremental growth that could occur under the Draft General Plan Update. Issues 4.1-1 and 4.1-2 provide an analysis of potential impacts to scenic vistas and scenic resources, respectively, in Section 4.1, Aesthetics, Light and Glare. In addition, Issue 4.1-4 provides an

analysis of potential impacts to the night sky as a result of implementation of the Draft General Plan Update.

COMMENT 038-5

The Plan should provide for more not less public parks. Public parks in town are needed for children to play and for everyone to enjoy. Public parks are a great economic benefit to people and to towns.

RESPONSE 038-5

The comment relates to the Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. However, it should be noted that future parks are being planned for within the Town as indicated in Table 4.12-1 in Section 4.12, Recreation, of the Revised Draft Program EIR. The Town would provide approximately 28.03 acres of parkland in addition to the existing 53.19 acres of parkland within the Town for a total of 81.22 acres. Even though redesignation of the five acres within Mammoth Creek Park owned by the Town to Institutional Public could potentially decrease the amount of parkland to 76.22 acres, the Town would still meet its performance objective of five acres of parkland per 1,000 permanent and seasonal residents, which translates to 75 acres of parkland under build-out of the General Plan Update. However, due to the uncertainty regarding where the additional parkland would be provided, the Revised Draft Program EIR concludes that impacts to parks are significant and unavoidable.

COMMENT 038-6

Mammoth Mountain Ski Area has plans for redevelopment. Those are not considered in this document.

RESPONSE 038-6

The Revised Draft Program EIR contains an analysis of potential environmental impacts that could result from the buildout of the Draft General Plan Update. To the extent the MMSA plans are included in the Draft General Plan Update, the plans are addressed at a program level. For example, an analysis of the redevelopment of Eagle Lodge is included at a program level as the site is within the UGB. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required

within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 038-7

We have lived here seventeen years and love this town. We don't want the quality of life for residents and visitors diminished.

Please listen to the public comments and concerns. This document needs to be redone to address these concerns.

RESPONSE 038-7

As stated in Response to Comment No. 038-1, the Town has determined that the Revised Draft Program EIR has been prepared in accordance with CEQA Guidelines and that the document adequately analyzes potential environmental impacts under buildout of the Draft General Plan Update. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 039

Allen Matkins Leck Gamble & Mallory LLP
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COMMENT 039-1

This firm represents the Snowcreek Investment Company ("Snowcreek Investment"), the owner of approximately 161 acres of property (the "Property") located in the southeastern portion of the Town of Mammoth Lakes (the "Town"). The Property is subject to the Snowcreek Master Plan approved by Mono County in 1975 and 1981 (the "Master Plan"). At Chuck Lande's request, Allen Matkins has reviewed the Town's Draft General Plan Update ("DGPU"), dated September, 2005, and the associated Draft Environmental Impact Report ("DEIR"), dated October, 2005. As you are aware, on behalf of our client, we previously submitted to you a letter dated May 17, 2005 containing certain comments regarding the previous draft of the DGPU dated April 25, 2005 and the previous draft of the DEIR dated February, 2005 (the "May 17 Letter"). Section 1.0 of the DEIR "Introduction" states that instead of responding to comments received in connection with the previous version of the DEIR, the Town opted to re-circulate a revised version of the DEIR. The DEIR also provides that new comment letters should be submitted. Consequently, Snowcreek Investment requests that you consider the comments contained in this letter and the comments contained in the May 17 Letter, a copy of which is attached hereto as Exhibit "A".

RESPONSE 039-1

The comment is introductory in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 039-2 through 039-35 for individual responses to each of the comments. Additionally, please see Response to Comment Nos. 039-36 through 039-46 for responses to the May 17 comment letter on the February 2005 Draft EIR.

COMMENT 039-2

The May 17 Letter, [sic] sets forth Snowcreek Investment's concerns about some of the specific language in the DGPU and the DEIR, which appeared to create an ambiguity between what has been permitted on the Property by the Master Plan for over 30 years and what was contemplated in the previous draft of the DGPU. Generally, Snowcreek Investment requests that the Town further consider revising the DGPU for consistency with the Master Plan. Snowcreek Investment also restates its request for revision of the DGPU to address the following issues: (1) the definition of the

"Resort" designation and the residential density permitted under that designation; (2) the difference between "clustering" and "density transfers"; and (3) confirmation that density transfers are not required for the clustering of development within a master planned project. Further, the DEIR incorporates certain mitigation measures (the "Mitigation Measures") to address potential impacts associated with the implementation of the project. The DGPU incorporates implementation measures (the "Implementation Measures") to implement the policies of the DGPU. Below you will find comments regarding some of these Mitigation Measures and Implementation Measures.

RESPONSE 039-2

The comment addresses the relationship of the Draft General Plan Update and the Master Plan for the Snowcreek property. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. With regard to the Resort designation, a definition of Resort and the permitted density are provided in the Draft General Plan Update. As indicated in the Draft General Plan Update and in Section 3, Project Description, of the Revised Draft Program EIR, the Resort designation "...is intended to provide mixed uses consistent with a mountain resort experience. Visitor lodging, amenities and services are the primary emphasis. Affordable workforce housing is allowed within the major resort developments. Amenities within Resort developments include recreation, meeting spaces, and commercial services that support the resort atmosphere. This designation is generally applied to large parcels capable of providing a complete resort experience as found in Sierra Star, Snowcreek and Juniper Ridge." The description of the designation later states that "The density range for the R designation is a maximum of six units per acre for residential development other than visitor lodging up to a maximum of eight dwelling units per acre for visitor lodging."

With regard to density transfers, the concept of such transfers are analyzed in the Revised Draft Program EIR. Clustering of densities within master plan areas is permitted in the resort zones to provide for useable open space, recreation areas, and other amenities. This is not considered to be a density transfer.

With regard to the mitigation measures contained in the Revised Draft Program EIR and the implementation measures in the Draft General Plan Update, the comment is introductory in nature. Please see Response to Comment Nos. 039-3 through 039-46 for detailed responses to the specific comments contained in the letter.

COMMENT 039-3

A. The Current Maximum Density Permitted Under the Resort Designation Should be Maintained.

The Property is designated in the DGPU as Resort. According to the existing General Plan and current zoning regulations, the residential density for properties designated Resort is eight dwelling

units per acre, and densities for hotel/motel uses are computed at a ratio of two guestrooms for each unit, for a total of 16 guestrooms per acre. Both the DEIR and the DGPU now, however, reflect a reduction in the maximum density permitted for residential development in Resort designated lands from eight units per acre to six units per acre, while maintaining the same density for hotel/motel uses found under the existing General Plan and current zoning regulations. The higher density would permit greater flexibility for the project to adapt to market demand without exceeding the total number of units originally envisioned for Snowcreek in the Master Plan. Accordingly, Snowcreek Investment requests that the DGPU be revised to permit the continued development of Snowcreek consistent with the Master Plan, the existing General Plan and current zoning regulations.

RESPONSE 039-3

The comment addresses the relationship of the Draft General Plan Update and the Master Plan for the Snowcreek property. As indicated in Response to Comment No. 039-2, the Draft General Plan provides for a density range in the R designation of a maximum of six units per acre for residential development other than visitor lodging and up to a maximum of eight dwelling units per acre for visitor lodging. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-4

1. Maintaining Density Would Promote a Destination Resort, Golf Course.

Snowcreek Investment's proposal to develop the Property is consistent with the entitlements of the Master Plan and would fulfill a 30 year vision and buttress the Town's desire to create a world-class year-round destination resort by providing a resort development consistent with this vision. Snowcreek Investment's proposed development scenario comes closest to achieving both our understanding of what is permissible under the Master Plan and the 30-year old premise underlying the development of Snowcreek. As discussed in more detail below, proposed amenities include the development of a 94 acre parcel (the "USFS Parcel") which was recently acquired from the USFS and which is designated Open Space in the DGPU. This parcel is outside the Town's Urban Growth Boundary (the "UGB") and is planned to be developed with the second nine holes of the Snowcreek golf course. Snowcreek Investment recognizes that the USFS Parcel is outside the Master Plan, but it nonetheless abuts those portions of the Property within the Master Plan and will provide Snowcreek and the Town with substantial benefits. This attraction will help facilitate an increase in travel to the Town in summer months, and is consistent with the creation of a world-class year-round destination resort economy. The inadvertent and unintended DGPU ambiguities in density for Snowcreek would only serve to hinder years of work toward the realization of the Town's vision.

RESPONSE 039-4

The comment addresses the relationship of the Draft General Plan Update, the Master Plan for the Snowcreek property, and the property owners vision for development of the property. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-5**2. Revision of the DGPU and DEIR.**

If the Town agrees that the residential density of Resort designated land should be maintained at eight units per acre, the DGPU must be revised to reflect this decision. Specifically, on page LU-11, under the Resort designation, ten lines from the top, the number six should be changed to the number eight to reflect the Town's desire to maintain density in Resort designated land at its current level. The Resort definition on page 2-8 of the DEIR and in section 3.7.E on page 3-13 of the DEIR, currently reflects this density level.

Alternatively, the Town could revise the Resort definition on page LU-11 of the DGPU and the Resort definition on page 2-8 of the DEIR and in section 3.7.E on page 3-13 of the DEIR to reflect a range of density for residential dwelling units other than visitor lodging within Resort designated land. Such revision would incorporate the following language beginning at the location noted above: "Density for the R designation may range from six units per acre to eight units per acre for residential development other than visitor lodging, and up to a maximum of eight dwelling units per acre for visitor lodging; provided that this density does not apply if there is a master plan in effect. The following master plans are in effect; North Village Specific Plan, Lodestar at Mammoth Master Plan, Juniper Ridge Master Plan and Snowcreek Master Plan."

A third alternative is to retain the density for Resort designated land as contemplated within the DGPU, but to carve out an exception for Snowcreek that would permit the development of the Property consistent with the Master Plan. This revision would require the addition of the following sentence at the end of the Resort definition on page LU-11 of the DGPU and the Resort definition on page 2-8 of the DEIR and in section 3.7.E on page 3-13 of the DEIR: "Notwithstanding the foregoing density range for the R designation, density within Snowcreek shall be permissible at levels consistent with the Snowcreek Master Plan as described on Page I-33."

RESPONSE 039-5

The comment relates to the allowable density in the Resort designation in the Draft General Plan Update relative to the Snowcreek Master Plan. The analyses contained in the Revised Draft Program EIR are based on assumptions of the constructed densities for those phases that were

complete and assigned maximum potential remaining density per master plan to the undeveloped parcels. For example, all the undeveloped density from the Snowcreek development was assigned to the remaining undeveloped parcels.

COMMENT 039-6**B. USFS Parcel: Permitted Uses.**

Clarification of the DGPU is necessary to reflect that the contemplated golf course proposed for the USFS Parcel is expressly permitted. Page I-33 discusses a second nine holes of golf "planned" for Snowcreek on land to the southeast of the existing Master Plan. It does not indicate, however, that this specific use will be permitted on land designated Open Space and outside the UGB, i.e., the USFS Parcel. Objective V.1 .A.a of the DGPU provides that no residential, commercial or industrial development will be permitted outside the UGB (UG-5). Implementation Measure V.1.A.a.1, however, states that development of recreational facilities outside the UGB will not violate the UGB. In addition, the Open Space designation permits development of facilities such as parks, athletic fields, golf courses, and community gathering spaces that support the environment and recreational objectives of the community (LU-6). The second nine holes of golf for the Snowcreek golf course will assist in fulfilling the recreational objectives of the community. In order to avoid any confusion over what the DGPU permits on the USFS Parcel, please clarify that a golf course is a permitted use on land designated Open Space outside the UGB.

RESPONSE 039-6

This comment pertains to the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-7**C. Clarification of Clustering Versus Density Transfer.**

Snowcreek Investment agrees with the concept of clustering as described in the definition of Resort contained on page LU-1 I of the DGPU, which states that "densities may be clustered within individual Resort developments." The concept of clustering will be used within Snowcreek to promote a more dense village core in order to preserve open space. Clustering is different from the concept of density transfer contained in the DGPU as set forth in Objective LU.1, found on page LU-15, which provides for the transfer of densities between properties designated Resort, Specific Plan, and HDR-2. Clustering allows for the development of the aggregate density allowed for the Property on certain portions of the Property. This is consistent with the Master Plan, which allows for the clustering of densities across lot lines within the Property as a matter of right. Density

transfers, on the other hand, as set forth in the DGPU, permit the transfer of density from one parcel to another within and among certain designated land, but require approval by the Town Council and a series of findings before such transfers may be made.

Clarifying the distinction between clustering and density transfer and clearly stating that clustering is not subject to the findings applicable to density transfers as set forth in LU.1 or any ordinance or regulation subsequently enacted in implementation thereof would facilitate the provision of open space within a Resort development and enhance the Town's mountain resort character. Snowcreek Investment's utilization of clustering as explained in the definition of Resort would similarly promote the Town's development as a world class year-round destination resort. Our discussions with Community Development Department staff suggest that clustering and density transfer are different concepts and that the DGPU's requirements for density transfer do not apply to clustering on the Property. Consistent with these discussions, Snowcreek Investment again request clarification of the DGPU so that readers will not confuse the concept of clustering with the concept of density transfer and incorrectly assume that the requirements set forth in Objective LU.1 applicable to density transfers are applicable to clustering.

One simple revision to avoid any potential confusion would be the deletion of the word "cluster" in Objective LU.1 on page LU-15 and replacement with the following phrase: "transferred between properties." This language mirrors the italicized language directly beneath the LU.1 Objective Statement. In addition, the concept of clustering as set forth in the Resort designation on page LU-11 should be revised to include the following sentence on the thirteenth line of the Resort designation, immediately after the clustering sentence: "This concept shall not be interpreted as a density transfer and in no event shall it be subject to the requirements for a density transfer set forth in Objective LU-1."

RESPONSE 039-7

The Town concurs that clustering and density transfer are two different planning concepts. Clustering is done within a project typically to preserve sensitive resource areas and/or to provide open space. Density transfers are the transfer of allowable density from one property to another. It should be noted that the Town may remove the provision of density transfers from the Draft General Plan Update. The comment is with regard to the text of the Draft General Plan Update and as such does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-8

D. Comments Relating to DEIR Section 4.1 "Aesthetics, Light and Glare". The DEIR provides that in order to protect the important environmental, scenic and recreational corridor, the Town has

already secured an easement along most of Mammoth Creek within the UGB. Mitigation Measure 4.1-1 would extend such easement, it provides that "The Town shall extend the existing easement along Mammoth Creek to the remaining undeveloped parcels to protect scenic resources along the corridor." Further clarification is needed to determine how this easement will be used and how it will be expanded.

RESPONSE 039-8

To provide further clarification of how the easement described in Mitigation Measures 4.1-1 in the Revised Draft Program EIR would be utilized and expanded, Mitigation Measure 4.1.-1 in the Final Program EIR has been revised as follows: "The Town shall enforce the existing setback requirements along Mammoth Creek as they apply to the remaining undeveloped parcels to protect this important biological and scenic corridor. The Town shall secure easements as the remaining parcels develop to ensure that the corridor is permanently protected."

COMMENT 039-9

E. Comments Relating to DEIR Section 4.3 "Biological Resources".

1.DEIR pages 4-60 to 4-62 describe the "migration corridors" for the "Round Valley Herd" and the "Casa Diablo Herd". However, based on this description it is difficult to determine what parts of the Town are affected by these corridors. Please provide further information regarding the location of such corridors.

RESPONSE 039-9

As stated on pages 4-61 and 4-62 of the Revised Draft Program EIR, the Casa Diablo herd's winter range, migratory route, and holding area are all outside and north of the Town's Planning Area. Additional data provided in the Casa Diablo Deer Study (Taylor 1988) and the Upper Basalt Geothermal Exploration Project EA (BLM 2004) indicate that the migration route of the Casa Diablo Herd is north of the Town. Individual deer in this herd are not expected to occur within the Town.

Pages 4-60 and 4-61 of the Revised Draft Program EIR discuss the location of the Round Valley Deer Herd in relation to the Planning Area. The holding area and migration routes of this herd are much closer to the Town than the Casa Diablo Herd and individuals from the Round Valley Herd likely occur in the Town. As shown in Figure 11 of the Upper Basalt Geothermal Exploration Project EA (BLM 2004), dispersed movement from the migrations routes may occur through the Town as deer migrate to and from the San Joaquin and Mammoth Passes. The Final EIR has been revised to include a figure showing deer migration routes. Please see Response to Comment No. 011-67 for a discussion regarding deer migration.

COMMENT 039-10

2. DEIR Page 4-65, Section 4.3.1.4,, sixth line, please delete "and a CDFG Streambed Alteration Agreement." CDFG has jurisdiction over streambeds and wetlands that are part of the "streambed," but its jurisdiction is not co-existent with that of the U.S. Army Corps of Engineers.

RESPONSE 039-10

As a point of clarification, CDFG and ACOE jurisdiction can overlap, regardless if the "streambed" supports wetlands. ACOE jurisdiction is typically included within CDFG jurisdiction but is not additive. The determination of CDFG and ACOE jurisdictions are based on Fish and Game Code Section 1602 for delineating streambeds and ACOE definition of a wetland which use different criteria. Fish and Game Code Section 1602 defines the streambed as, "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes water courses having a surface flow that supports or has supported riparian vegetation." The lateral extent of a streambed is further defined as, "the outer edge of riparian vegetation between riparian and upland habitats." The ACOE delineates wetlands in accordance to the methods outlined in the Corps of Engineers Wetland Delineation Manual (Environmental Laboratory 1987) based on hydrologic, edaphic features, and the vegetation composition. A wetland is defined as, "those areas inundated or saturated by surface or ground water at a frequency and duration sufficiency to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions."

Based on the above, no change to the text of the EIR is necessary.

COMMENT 039-11

3. DEIR Page 4-73. Section 4.3.3, third bullet point, please replace "through direct removal, filling, hydrological interruption, or other means" with "through filling some or all of the wetland." Based on the existing language it is difficult to determine what is meant by "removal" of a wetland (unless the intended meaning is "draining" a wetland, in which case the word "draining" along with "filling" should be included). In addition, the terms "hydrological interruption" and "other means" are overly broad, over encompassing, and have no definite meaning. Please consider redefining these terms in a more concrete fashion.

RESPONSE 039-11

The thresholds of significance regarding biological resources as stated in the Revised Draft Program EIR are as provided for in applicable laws, statutes, and implementing guidelines. As indicated in Section 4.3.3, the language used in the Thresholds of Significance is taken directly from the CEQA Guidelines, Appendix G. An impact is considered potentially significant under CEQA if it would eliminate or substantially impair the functions and values of a wetland or other aquatic resource. Further, Section 404 of the CWA regulates the discharge of dredged material, placement

of fill material, or excavation within “waters of the U.S.” and authorizes the Secretary of the Army, through the Chief of Engineers, to issue permits for such actions. “Waters of the U.S.” are defined by the CWA as “rivers, creeks, streams, and lakes extending to their headwaters and any associated wetlands.” Wetlands are defined by the CWA as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.” The permit review process entails an assessment of potential adverse impacts to ACOE jurisdictional “waters of the U.S.” and wetlands. In response to the permit application, the ACOE will also require conditions amounting to mitigation measures.

COMMENT 039-12

4. DEIR Page 4-76, Section I.1.B.d.4. change "as required by CDFG and Department of Fish and Game" to "as recommended by California Department of Fish and Game." (this follows the form of section 1.1.B.e.1). Except for CESA-listed and "fully protected" species, CDFG is not in a position to make any other "requirement", but it may always make "recommendations" following consultation.

RESPONSE 039-12

It is acknowledged that the CDFG can only “require” mitigation for CESA-listed or “fully protected” species. One of the criteria for the issuance of an Incidental Take Permit by the CDFG states that a permit cannot be issued unless “the applicant has ensured adequate funding to implement the measures required under the permit to minimize and fully mitigate the impacts of the taking...” (California Code of Regulations, Title 14, Section 783.4). The specific measures required are typically included in the permit conditions.

The term “required” is used in Implementation Measure I.1.B.d.4 of the Revised Draft Program EIR because the measure is intended to be comprehensive in nature and include all sensitive species whether CESA-listed (higher level of protection) or California Special Concern Species (lower level of protection). Therefore the more stringent terminology was used. However, it is assumed that during site-specific analyses, if no CESA-listed or fully-protected species would be impacted by a proposed project, then the CDFG would not “require” mitigation to offset impacts, only make recommendations to ensure the protection of sensitive species.

COMMENT 039-13

5. DEIR page 4-80, last paragraph, reference is made to the "Mammoth Creek corridor" and required setbacks. However, the DEIR does not set forth the setback requirements. In order to avoid ambiguity, such requirements should be set forth in the DGPU.

RESPONSE 039-13

Minimum setbacks shall be in accordance with the Town Municipal Code, specifically Sections 17.16.040 and 17.20.040, which stipulate a minimum 50-foot setback “between any construction other than trails, streets, other public facilities and the bank of any permanent lake or stream”.

COMMENT 039-14

6. DEIR Page 4-85, Mitigation Measure 4.3-1 requiring a disclosure statement regarding mountain lions appears excessive. Snowcreek Investment understands that there is not any greater incidence of lion attack in this area than any other area of California. This disclosure may unintentionally serve to unreasonably raise fears of lion attacks, thereby lessening resident awareness of a myriad of other even more potentially dangerous conditions (i.e., fire, heavy winter, etc.), Please consider deletion of this Mitigation Measure.

RESPONSE 039-14

Such disclosure in the Covenants, Conditions, and Restrictions (CC&R) for any new development near open space and wildlands is standard practice. The residents are entitled to know about the physical characters of the property they reside in, including the presence of sensitive habitats and wildlife species. They need to understand that rural developments encroach onto the natural environment of animals and should expect to be sharing habitats not only with mountain lions, but bears, coyotes, bobcats, rattlesnakes, and other wild animals. Residents will need to educate themselves on the various animals and other wildlife and understand that some of these animals can be dangerous to humans, especially children, the elderly, and pets. CC&R’s are typically issued on a project-by-project basis through Home Owners Associations. The CC&R’s will provide the residents with information that may be useful for rural living and to answer commonly answered questions. Mitigation Measure 4.3-1 is provided to ensure that impacts to biological resources are reduced to a less than significant level.

COMMENT 039-15

F. Comments Relating to DEIR Section 4.4 "Geology Seismicity, Soils and Mineral Resources".

1.DEIR Page 4-105, two implementation measures seem slightly inconsistent with one another. Implementation measure II.3.A.b.2 proposes that the Town, "Require soils reports for new developments to identify the potential for liquefactions, expansive soils, ground settlement, and slope failure." This measure seems to indicate that all new developments will be required to prepare soils reports; however, in measure II.3.B.a.2 provides that "The Town shall require a soils report on all development permits within areas of known slope instability or where significant potential hazards have been identified." This second measure seems to indicate the Town's intent only to require soils reports from developments in areas of slope instability or areas with significant

potential hazards. It is also unclear what "significant potential hazards" would be. The Town should consider revising these Implementation Measures to make them consistent with one another.

RESPONSE 039-15

Implementation Measure II.3.A.b.2 has been prepared to implement Policy II.3.A.b, which states to "minimize loss of life, injury, property damage, and natural resource destruction that may result from public safety hazards." Accordingly, a soils report would be prepared to identify potential safety hazards (i.e., liquefaction, expansive soils, ground settlement, slope failure, etc.) and remedial actions or mitigation measures, as necessary, to minimize such hazards. In comparison, Implementation Measure II.B.a.2 has been prepared to implement Policy II.3.B.a, which states "The Town shall limit the creation of new parcels on slopes over 30 percent." Accordingly, a soils report would be required for new developments within areas of known slope instability or where a significant potential slope hazard has been identified. The reference to "significant public hazard" in Implementation Measure II.B.a.2 refers to slope stability hazards, as referenced in Policy II.3.B.a. A soils report can include an analysis of various hazards, including public safety hazards referenced in Policy II.3.A.b (i.e., liquefaction, expansive soils, ground settlement, slope failure), as well as slope instability, which is referenced in Policy II.3.B.a. Thus, the reference to a soils report in both implementation measures. The comment is acknowledged and will be forwarded to the decisionmaker for review and consideration.

COMMENT 039-16

2. DEIR Page 4-112, Implementation Measure II.4.B.a.1 states that when mineral extractions occur within the Town, "The Town is responsible for and shall prepare the Surface Mining and Reclamation Act." It appears that there is something missing in this sentence. Perhaps the DEIR should state that the Town shall be responsible for preparation of any reports required to be prepared pursuant to the Surface Mining and Reclamation Act. Furthermore, the Town seems to indicate that it will pay for the preparation of such documents, regardless of who undertakes the mineral extractions, the DEIR should clarify this issue.

RESPONSE 039-16

In accordance with the comment, the Town is the responsible jurisdiction for the implementation of the Surface Mining and Reclamation Act (SMARA). Any party proposing mineral extraction that is subject to SMARA would have to apply to the Town and pay the appropriate processing fees. The Town is also responsible for reviewing and approving a Reclamation Plan pursuant to the provisions of the Act. The text in Issue 4.4-6 in the Revised Draft Program EIR has been revised in the Final Program EIR to provide clarification in accordance with the comment. However, the Final Program EIR addresses the impacts of implementing the General Plan Update and does not propose modifications to the implementation measures in the Draft General Plan Update. Any revisions to the implementation measures in the Draft General Plan

Update would be made in the final version of the General Plan Update. The comment will be forwarded to the Town's decisionmakers for consideration.

COMMENT 039-17

G. Comments Relating to DEIR Section 4.5 "Public Safety and Hazards". DEIR Page 4-127, the second to last sentence in the first paragraph under "Discussion" states, "It can be concluded that any additional non-residential uses would increase the use and transport of hazardous materials and an increase in the generation of hazardous waste." As is, this statement would support the conclusion that "resort uses" and "open space uses" in the Plan area will lead to greater use and transportation of hazardous wastes than "residential uses." Such a conclusion would be incorrect based on the evidence presented in the DEIR, thus this sentence should be revised to state, that "some" non-residential uses would have such an effect.

RESPONSE 039-17

The Town acknowledges the comment. The text in Issue 4.5-1 in Section 4.5.4 of the Final EIR has been revised to clarify that additional non-residential uses, such as some new commercial or industrial uses, would increase the use and transport of hazardous materials and increase the generation of hazardous waste. This revision does not change the conclusions reached in the EIR.

COMMENT 039-18

H. Comments Relating to DEIR Section 4.6 "Hydrology and Water Quality".

1. DEIR Page 4-144, Section 4.6.1.3 indicates that Bodle Ditch is a watercourse. We understand that other Town residents and developers have asserted that Bodle Ditch is not a watercourse.

RESPONSE 039-18

Bodle Ditch is an intermittent drainage. Originally, Bodle Ditch ran through the Snowcreek property. Now, Bodle Ditch skirts the edge of Snowcreek the property. Surface water from Lake Mary is diverted on a seasonal basis into what is known as the Bodle Ditch per an agreement with the U.S. Forest Service. Water is normally diverted into the ditch from May through October. The Bodle Ditch flows into the Old Mammoth meadow area and a portion is allowed to flow into Mill Creek. Flows in the Bodle Ditch are physically inspected on a daily basis.²⁵ Section 4.6.1.3 of the Final EIR has been revised to clarify the description of Bodle Ditch.

²⁵ Groundwater Management Plan for the Mammoth Basin Watershed, MCWD, 2005.

COMMENT 039-19

2. According to the Investigation of Groundwater Production Impacts on Surface Water Discharge and Spring Flow, Final Report," prepared for the Mammoth Community Water District, November 2003 (Wildermuth Environmental, Inc.) groundwater pumping in the Snowcreek area has no impact on flows in Mammoth Creek/Hot Creek, even if groundwater pumping were to increase. DEIR Page 4-145, Section 4.6.1.6 should be revised accordingly.

RESPONSE 039-19

Section 4.11 of the Revised Draft Program EIR contains a discussion regarding the connection between groundwater pumping and surface flows. This discussion has been expanded in the Final Program EIR and includes a discussion of the Wildermuth 2003 study referred to in the comment.

COMMENT 039-20

3. The description of groundwater supply regulation is missing from DEIR Section 4.6.1.6. Please consider adding an explanation that groundwater supplies are regulated by the County, Town and MCWD. Groundwater is also subject to private ownership. Where groundwater is a source for surface watercourse, state water control board regulation is also applicable. Groundwater needed by federal uses may be subject to federal reserved rights as well.

RESPONSE 039-20

The information in this comment is generally correct, though the Town at this time does not have an ordinance in place establishing regulatory authority or intent over groundwater. In some instances, subject to adjudication, groundwater may also be subject to private control.

COMMENT 039-21

I. Comments Relating to DEIR Section 4.7 "Land Use and Planning". Policy/measure I.3.A.1b on DEIR Page 4-188, provides that "All new development along [or] adjacent to National Forest Lands shall be required to provide pedestrian access routes." This policy requires clarification. The mandatory nature of this requirement leaves no flexibility. This mandatory requirement may unnecessarily restrict development along National Forest Lands, which appears to an unintended outcome. The Town may consider replacing the above language with the following: "Where feasible, all new development along [or] adjacent to National Forest Lands shall provide pedestrian access routes."

RESPONSE 039-21

Policy I.3.A.1 states "Where feasible, accessibility of public lands for outdoor recreation shall be maintained." Implementation Measure I.3.A.1b is intended to implement that specific

policy. The comment is with regard to the text of the Draft General Plan Update and as such does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-22**J. Comments Relating to DEIR Section 4.10 "Public Services".**

1.DEIR Page 4-237, Section 4.10.1.5, a sentence in the second paragraph reads: "The Town currently requires a ten-foot roadside easement for snow storage." This sentence is very vague and should be revised to state whether such easements are required for all roads, or whether the regulation differs as to public roads, private roads, service roads, paved roads and gravel roads. The DEIR should also specify the process and timing for obtaining such easements.

RESPONSE 039-22

The comment is acknowledged. The Town requires that all roads within the Town, public or private, provide a ten-foot easement for snow storage. The Town ensures that these easements are accounted for in development plans during the development review process. Section 4.10.1.5, Roadway Maintenance and Snow Removal, of the Final Program EIR has been revised to specify that all roads within the Town are required to provide a ten-foot easement for snow storage and that the Town ensures that these easements are accounted for in development plans during the development review process.

COMMENT 039-23

2. DEIR Page 4-238, Section 4.10.2.1 "Fire Protection," the first sentence refers to the "Health and Safety Code," but does not state whether it is the state or federal code that apply. This sentence should be revised to reflect which code source governs the building law.

RESPONSE 039-23

The comment is acknowledged. The reference is to the California Health and Safety Code. Section 4.10.2.1, Fire Protection, of the Final Program EIR has been revised to clarify that it is the California Health and Safety Code.

COMMENT 039-24

3. DEIR Page 4-240, the paragraph entitled "Discussion" refers to the relocation of the training tower currently located at Fire Station No. 2, 1574 Old Mammoth Road, in response to community complaints about it being a nuisance. The MLFPD reportedly owns a parcel of land in town to which it plans to move the training tower as the area around Station No. 2 develops; however, the

DEIR does not disclose the proposed relocation site. The DEIR should disclose the location of the proposed relocation site in order to properly analyze the environmental impact caused by such relocation.

RESPONSE 039-24

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with large-scale development plans such as the Town of Mammoth Lakes General Plan Update. Subsequent analysis of specific development projects, including the relocation of any service facilities, will be required at a project-level environmental document during the development review/permitting process. Project-level environmental documentation examines the environmental impacts associated with construction and operation of a specific project. Accordingly, if MLFPD decides to relocate the training tower in the future, the Town would ensure preparation of the appropriate environmental documentation to analyze potential impacts associated with its relocation.

However, upon further assessment by Mammoth Lakes Fire Protection District (MLFPD), relocation of the training tower is no longer under consideration for the time being as a more suitable location has not been identified (Personal Communication with Tom Heller, Fire Marshal, MLFPD, September 28, 2006). Section 4.10.4, Impacts and Mitigation, of the Final Program EIR has been revised to reflect this change. Please note that this new information does not alter the conclusions made in this Section with respect to fire protection services.

COMMENT 039-25

4. DEIR Page 4-241, Implementation Measure II.4.A.e.4 refers to the "development of a third fire station" but again, the DEIR does not disclose the proposed relocation site. The DEIR should disclose the location of the proposed relocation site in order to properly analyze the environmental impact caused by such relocation.

RESPONSE 039-25

As indicated in Response to Comment No. 011-156, a third fire station was originally planned near the North Village area. Upon further consideration by MLFPD, the future station is now planned near Main Lodge where it would better serve the needs of the Town (Personal Communication with Tom Heller, Fire Marshal, MLFPD, September 28, 2006). Information regarding the exact location of the fire station will be disclosed when an appropriate location has been secured. Section 4.10.1.1, Fire Protection, of the Final Program EIR has been revised accordingly. Please note that this new information does not alter the conclusions made in this Section with respect to fire protection services. As indicated in Response to Comment No. 039-24,

this is a program-level EIR which provides an overall preliminary evaluation of potential environmental impacts associated with the buildout of the Town under the Draft General Plan Update. Subsequent analysis of specific development projects, such as the third fire station, will be required during the development review/permitting process. Accordingly, the Town would ensure preparation of the proper environmental documentation to analyze potential impacts associated with construction and operation of the third fire station at the appropriate time.

COMMENT 039-26

5. DEIR Page 4-242, the paragraph entitled "Discussion" refers to the police department's plans to build a new police facility on a parcel of land it owns in the Town. It also refers to a proposed land exchange with the USFS for "a second larger property" on which to build a 12,500 square foot public safety facility and jail/holding cells. Again, the DEIR does not disclose the sites of either new development. The DEIR should disclose the location of the proposed relocation site in order to properly analyze the environmental impact caused by such relocation.

RESPONSE 039-26

The Town-owned parcel of land referred to in Section 4.10, Public Services, of the Revised Draft Program EIR, is no longer under consideration as a potential site for the construction of a new police station. The Town will utilize this property for workforce housing (Personal Communication with Randy Schienle, Police Chief, MLPD, October 12, 2006). The second, larger parcel referred to in Section 4.10 is proposed to be the site of the new police station. This parcel, which is located east of Sierra Park Road and south of Highway 203, is currently in the process of a land trade between the Town and the U.S. Forest Service which is expected to close in early 2007. There are no plans for a second police station at this time. There has been some discussion about the possibility of opening a "storefront" police office within the Village to allow officers to write reports and handle other police related matters at this location (Personal Communication with Randy Schienle, Police Chief, MLPD, October 12, 2006). It is anticipated that this office would only be staffed on an occasional basis. Section 4.10.4, Impacts and Mitigation, of the Final Program EIR has been revised to reflect these changes. Please note that this new information does not alter the conclusions made in this Section with respect to police protection services.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with large-scale development plans such as the Town of Mammoth Lakes General Plan Update. Subsequent analysis of specific development projects is required at an individual level during the development review/permitting process, prior to any approvals for development being granted. Project-level environmental documentation examines the environmental impacts associated with construction and operation of a particular project. Accordingly, when plans for the new police station move forward, the Town will ensure preparation of the appropriate

environmental documentation to analyze potential impacts associated with its construction and operation.

COMMENT 039-27

6. DEIR Page 2-243, the first full sentence at the top of the page refers to "the cost of the fire suppression facilities, vehicles and equipment;" however, this is a repeat from the previous section on fire hazards. This sentence should be revised to read "the cost of law enforcement facilities, vehicles and equipment" to reflect the correct percentages for this section.

RESPONSE 039-27

The comment is acknowledged. The text should refer to police protection facilities, vehicles, and equipment not fire suppression facilities, vehicles, and equipment. Section 4.10.4, Impacts and Mitigation, of the Final Program EIR has been revised to indicate police protection facilities, vehicles, and equipment.

COMMENT 039-28

7. DEIR Page 4-247, the first paragraph under "Library" refers to the fact that a parcel of land has been purchased to accommodate a new library being built by Mono County. Moreover, the DEIR provides that because the library system is controlled by the Mono County, impact caused by the project at hand is significant and unavoidable [Issue 4.10-4, DEIR Page 2-35]. However, lack of control over this service does not automatically make this impact significant and unavoidable. Please consider implementing a Mitigation Measure in connection with the impact that the project will cause on library services.

RESPONSE 039-28

As indicated in Response to Comment No. 011-164, construction of the new library began in Spring of 2006 and is expected to be complete in Fall 2007. As stated in Section 4.10.4, Impacts and Mitigation, of the Revised Draft Program EIR, the new library would be adequate to accommodate the increased population under buildout of the Draft General Plan Update. However, to be conservative and present a worst-case scenario, until the new library is operational, the Town maintains that the potential impact to libraries is significant and unavoidable. With regard to mitigation, Implementation Measure II.1.C.a.1 of the Draft General Plan Update requires that the Town ensure service providers are involved in the development review process. This would include the Mono County Library system. No mitigation measures have been suggested for consideration in the comment.

COMMENT 039-29

8. Similarly, the DEIR provides that the impact to hospital and health services is significant and unavoidable because this service is out of the control of the Town[Issue 4.10-4, DEIR Page 2-35]. However, lack of control over this service does not automatically make this impact significant and unavoidable. Please consider implementing a Mitigation Measure in connection with the impact that the project will cause on hospital and health services.

RESPONSE 039-29

As stated in Section 4.10, Public Services, Policy and Implementation Measure II.1.E.b.1 of the General Plan Update provides for open communication between the Town and Mammoth Hospital to ensure that Mammoth Hospital is aware of development review and construction activity status within the Town. This measure would help facilitate evaluation of the need for additional hospital and health services as build-out of the General Plan Update occurs. However, to be conservative and present a worst-case scenario, the Town maintains that the potential impact to hospital and health services is significant and unavoidable, as it does not have ultimate control over these services. Because Mammoth Hospital is privately owned and operated, the Town cannot require Mammoth Hospital to expand and/or construct additional facilities. No mitigation measures have been suggested for consideration in the comment.

COMMENT 039-30

9. DEIR Page 4-249, Implementation Measure IV. 1.A.c.2 requires that "resort visitor developments provide on-site and off-site amenities for their guests' benefit and enjoyment" and that such amenities be "available to the public as appropriate." However, mandatory public access could be detrimental for business purposes. Please consider revising the language of this Implementation Measure to encourage public access where feasible provided that provision of such public access will not be detrimental to or overly burdensome on the business model of the affected development project.

RESPONSE 039-30

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-31

K. Comments Regarding DEIR Section 4.11 "Public Utilities".

1 .DEIR Pages 4-255 and 4-256, there appear to be two (2) graphs missing from the document. The final sentence of the last full paragraph on page 4-255 states, "The following graph shows historical annual groundwater volumes pumped by the District." There is no table following that sentence and the next available table shows current and future volumes, not historical volumes. The first full sentence on page 4-256 states, "The following graph depicts historical groundwater levels in one of the District's production wells...", but there is no graph following and the next available graph contains groundwater pumping projections, not historical data. Please revise accordingly.

RESPONSE 039-31

The Town acknowledges the comment. Section 4.11.1.1 of the Final EIR has been revised to include the graphs referred to in the text. Graphs were provided in the 2005 MCWD Water Assessment contained in the February 2005 Draft EIR. The information has been updated in the 2005 UWMP.

COMMENT 039-32

2. DEIR Page 4-256, last paragraph, states that the "USGS reviewed the monitoring data", but the document does not make clear which data has been reviewed. This sentence should be revised to state "the monitoring data provided by CDFG, referred to in the above paragraph."

RESPONSE 039-32

As indicated in Response to Comment No. 009-2, In 1992, CDFG and the University of California expressed concern regarding potential impacts of the District's groundwater pumping program on wildlife, vegetation, and fishery resources of Mammoth Creek, the Hot Creek headsprings, and Valentine reserve. Under agreements with CDFG and the University of California, the District installed a groundwater monitoring program in 1993 in order to assess the potential hydrologic connectivity between groundwater and surface water. Hydrogeologic evaluations were conducted for the District by Kenneth D. Schmidt and Associates in 1993 to present. On behalf of CDGD, the U.S. Geological Survey reviewed the available data. Section 4.11.1.1 of the Final EIR has been revised to clarify that the USGS reviewed the MCWD available data.

COMMENT 039-33

4.[sic] DEIR Page 4-265, in the second to last full sentence on the page, the DEIR provides, counter to the data provided in the Water Assessment charts, that "it appears that the three dry years would be a surplus of 31 rather than a deficit of 31 acre-feet per year." assertion seems unsupported by the evidence set forth on the charts. That sentence should be deleted.

RESPONSE 039-33

The information presented in the text and in Table 4.11-5 in the Revised Draft Program EIR is from the MCWD water assessment, which is contained in Appendix E of the Revised Draft Program EIR. The existing supply is shown to be 4,492 acre feet in a year with a demand from the Draft General Plan Update of 4,898 acre feet. Since demand is less than supply, this would result in a surplus of 31 acre feet rather than a deficit as indicated in the MCWD water assessment. Therefore, the discrepancy was indicated parenthetically in the text and as a note in the table. However, the conclusions reached by MCWD are included in the Revised Draft Program EIR.

COMMENT 039-34

L. Comments Concerning DEIR Section 4.13 "Transportation and Circulation". Mitigation 4.2-1 (DEIR Page 4-36) proposes to limit VMT (vehicle miles traveled) in order to meet a federal PM-10 air quality standard. This would apply to larger (500 daily trips) projects with mitigation credit for elimination of certain activities/uses (wood stoves, fireplaces and traction materials). This could be very problematic. Exceeding PM-10 air quality standards is a regional problem, it is unclear how these analyses would be applied to individual projects or how regional effects would be accounted for (i.e. the Town could have 0 emissions and the PM₁₀ standard could be exceeded from regional effects). It is unclear how this Mitigation Measure will be applied, but more importantly, it could result in making every potential development project infeasible because no mitigation is available. Snowcreek Investment asks that you please consider revision of this Mitigation Measure.

RESPONSE 039-34

Unlike other air pollutants, such as ozone which can be formed over the San Joaquin Valley and transported to Mammoth Lakes, ground level ambient concentrations of PM₁₀ are the result of emissions sources in relative proximity to the receptor. The GBUAPCD analyzed monitoring data, and identified the various sources of PM₁₀ in and around the Town, which includes wood burning, roadway dust, background, and tailpipe emissions. Due to various sections of the Municipal Code, the emissions from wood burning is declining over time. VMT growth, and the emissions from vehicular travel, are projected to increase due to future development projects. The impacts are additive in nature. Thus, mitigation must be applied to each development project, to the extent feasible and practical, so that growth can continue to the full buildout that could occur under the Draft General Plan Update. Regardless of development that could occur under the Draft General Plan Update, the Town may not grant approval to any project which would create peak VMT in excess of the applicable limit, currently capped at 106,600, since it would violate the Municipal Code as well as the AQMP. The Town, as demonstrated by the Implementation Measures listed in the Revised Draft Program EIR, will manage VMT and resultant air pollutant emissions from mobile and stationary sources via a feasible and equitable mitigation program backed by a commitment to restrict development if necessary.

COMMENT 039-35**M. Conclusion.**

For all the foregoing reasons, the DGPU should maintain the density for the Snowcreek Master Plan at eight dwelling units per acre as contemplated in both the existing General Plan and the Master Plan for Snowcreek. The DGPU should be clarified to reflect that a golf course is permitted for the USFS Parcel, and the DGPU should clarify the distinction between clustering and density transfers as set forth in Objective LU.1. Generally, Snowcreek Investment also respectfully requests that the Town consider the other comments on the DEIR and the DGPU included herein.

Please call with any questions or if Snowcreek Investment or I can provide additional information with respect to this matter.

RESPONSE 039-35

The comment is conclusionary in nature and is related to the Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-36

This firm represents the Chadmar Group ("Chadmar"), the owner of approximately 161 acres of property (the "Property") located in the southeastern portion of the Town of Mammoth Lakes (the "Town"). The Property is subject to the Snowcreek Master Plan approved by Mono County in 1975 and 1981 (the "Master Plan"). At Chuck Lande's request, Allen Matkins has reviewed the Town's Draft General Plan Update ("DGPU"), dated April 25, 2005, and the associated Draft Environmental Impact Report ("DEIR"), dated February, 2005. As you are aware, we have some concerns about some of the specific language in the DGPU and the DEIR which appears to create an ambiguity between what has been permitted on the Property by the Master Plan for over 30 years and what is presently contemplated in the DGPU.

For the reasons set forth below, we request that the Town consider revising the DGPU for consistency with the Master Plan. We also request revision of the DGPU to address the following issues: (1) the definition of the "Resort" designation and the residential density permitted under that designation, (2) the difference between "clustering" and "density transfers," and (3) confirmation that density transfers are not required for the clustering of development within a master planned project. The DGPU should also be revised to reflect that the contemplated land exchange between Snowcreek and the United States Forest Service ("USFS") has been completed and that a golf course is a permitted use on such land. We also request that the Town consider our comments

pertaining to the mitigation measures contained in the DEIR and the Implementation Measures contained in the DGPU.

RESPONSE 039-36

The comment is introductory in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow and detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 039-37 through 039-46 for individual responses to each of the comments. These comments are on the February 2005 Draft Program EIR and not the Revised Draft Program EIR. For comments from this commentor specific to the Revised Draft Program EIR, please see Response to Comment Nos. 039-1 through 039-35.

COMMENT 039-37

A. The Master Plan Has Always Contemplated a Total of 2,332 Units for the Snowcreek Project.

The Property is designated in the DGPU as Resort. According to the existing General Plan and current zoning regulations, the residential density for properties designated Resort is eight dwelling units per acre, and densities for hotel/motel uses are computed at a ratio of two guestrooms for each unit, for a total of 16 guestrooms per acre. Section 3.6.5 of the DEIR describes in detail the implementation of the DGPU, which the DEIR refers to as the Project Action Alternative. The Project Action Alternative does not contemplate a reduction in density for the Resort designation and is consistent with the density projections of the Master Plan. Section 3.7 of the DEIR provides that the only change to the Resort designation under the Project Action Alternative is to permit the development of grocery stores. After the circulation of the DEIR, however, the DGPU was revised to reflect a reduction in the maximum density permitted for residential development in Resort designated lands from eight units per acre to six units per acre, while maintaining the same density for hotel/motel uses found under the existing General Plan and current zoning regulations.

RESPONSE 039-37

As indicated in Section 3, Project Description, of the Revised Draft Program EIR, the R designation would allow a density range of a maximum of six units per acre for residential development other than visitor lodging, and up to a maximum of eight dwelling units per acre for visitor lodging. The comment relates to the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 039-38

For approximately 30 years, the Snowcreek Master Plan has provided for the development of 2,332 units in the Master Plan area. Discussions with Town Community Development Department staff suggest that it has been and should continue to be the DGPU's intent to permit the residential density for Snowcreek that is contemplated in the Master Plan. Approximately 1,000 units have either been constructed or are under construction in the Master Plan area. Accordingly, approximately 1,332 units remain to be developed. The description of the Master Plan in both the DGPU (Page I-28) and Section 4.7 of the DEIR (Page 4-141) is consistent with the aforementioned figures. The DGPU nevertheless proposes to reduce the residential density within the Resort designation to six dwelling units per acre, but maintains the current density levels for hotel/motel uses. The higher density would permit greater flexibility for the project to adapt to market demand without exceeding the total number of units originally envisioned for Snowcreek in the Master Plan. Accordingly, we request the DGPU to be revised as set forth in Section A.2 below, to permit the continued development of Snowcreek consistent with the Master Plan.

RESPONSE 039-38

As indicated in Response to Comment 039-37, the Draft General Plan Update indicates that the R designation would allow a density range of a maximum of six units per acre for residential development other than visitor lodging, and up to a maximum of eight dwelling units per acre for visitor lodging. As indicated in Section 4.7 of the Revised Draft Program EIR, the Snowcreek Master Plan would allow for approximately 2,300 units. The comment relates to the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 039-39

1. Maintaining Density Would Promote a Destination Resort Golf Course. One major goal of the DGPU is to create an economy for the Town founded upon a world-class year-round destination style resort. Objective IV.1.D.c of the DGPU provides that a "destination resort development that achieves a variety of economic needs and implements the goals, objectives and policies of the General Plan is encouraged." The Implementing Measure thereof, labeled IV. L .D.a. l on page RE-16, states that the Town shall develop a program that provides resort development incentives including density bonuses and development entitlements in exchange for specified community benefits. The DGPU's proposed density reduction is inconsistent with Objective IV.1.D.c, and the creation of a world-class year-round destination resort economy.

Chadmar's proposal to develop the Property consistent with the entitlements of the Master Plan would fulfill a 30 year vision and buttress the Town's desire to create a world-class year-round destination resort by providing a resort development consistent with this vision. Chadmar's proposed

development scenario comes closest to achieving both our understanding of what is permissible under the Master Plan and the 30-year old premise underlying the development of Snowcreek. As discussed in more detail below, proposed amenities include the development of a 94 acre parcel (the "USFS Parcel") which was recently acquired from the USFS and which is designated Open Space in the DGPU. This parcel is outside the Town's Urban Growth Boundary (the "UGB") and is planned to be developed with the second nine holes of the Snowcreek golf course. We recognize that the USFS Parcel is outside the Master Plan, but it nonetheless abuts those portions of the Property within the Master Plan and will provide Snowcreek and the Town with substantial benefits. This attraction will help facilitate an increase in travel to the Town in summer months, and is consistent with the creation of a world-class year-round destination resort economy. The inadvertent and unintended DGPU ambiguities in density for Snowcreek would only serve to hinder years of work toward the realization of the Town's vision.

RESPONSE 039-39

The comment relates to the Draft General Plan Update and the proposed future development in the Snowcreek Master Plan area. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 039-40

2. Revision of the DGPU and DEIR.

If the Town agrees that the residential density of Resort designated land should be maintained at eight units per acre, the DGPU must be revised to reflect this decision. Specifically, on page LU-8, under the Resort designation, ten lines from the top, the number six should be changed to the number eight to reflect the Town's desire to maintain density in Resort designated land at its current level. The Resort definition on page 2-7 of the DEIR and in section 3.6.5 on page 3-7 of the DEIR, currently reflects this density level.

Alternatively, the Town could revise the Resort definition on page LU-8 of the DGPU and the Resort definition on page 2-7 of the DEIR and in section 3.6.5 on page 3-7 of the DEIR to reflect a range of density for residential dwelling units other than visitor lodging within Resort designated land. Such revision would incorporate the following language beginning at the location noted above: "Subject to Town approval, density for the R designation may range from six units per acre to eight units per acre for residential development other than visitor lodging, and up to a maximum of eight dwelling units per acre for visitor lodging; provided that this density does not apply if there is a master plan in effect. The following master plans are in effect; North Village Specific Plan,

Lodestar at Mammoth Master Plan, Juniper Ridge Master Plan and Snowcreek Master Plan. A total of 1,332 additional units may be built in the Snowcreek Master Plan area."

A third alternative is to retain the density for Resort designated land as contemplated within the DGPU, but to carve out an exception for Snowcreek that would permit the development of the remaining 1,332 units on the Property consistent with the Master Plan. This revision would require the addition of the following sentence at the end of the Resort definition on page LU-8 of the DGPU and the Resort definition on page 2-7 of the DEIR and in section 3.6.5 on page 3-7 of the DEIR: "Notwithstanding the foregoing density range for the R designation, density within Snowcreek shall be permissible at levels consistent with the Snowcreek Master Plan as described on Page 1-28." If this approach is taken, please revise DGPU page I-28 under the heading Snowcreek Master Plan, third line from the bottom to read "2,332 residential units..." In addition, please revise DEIR page 4-141 under the heading Snowcreek Master Plan, second line from the bottom to read "2,332 residential units..."

RESPONSE 039-40

As indicated in Response to Comment 039-37, the Draft General Plan Update indicates that the R designation would allow a density range of a maximum of six units per acre for residential development other than visitor lodging, and up to a maximum of eight dwelling units per acre for visitor lodging. As indicated in Section 4.7 of the Revised Draft Program EIR, the Snowcreek Master Plan would allow for approximately 2,300 units. The comment relates to the Draft General Plan Update and suggests options with regard to density as it relates to the Snowcreek Master Plan. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 039-41

B. Completion of USFS Parcel Exchange; Permitted Uses.

The DGPU, page 1-30, discusses the Town's desire to exchange lands under the control of the USFS for other lands outside the Town. Page I-30 also identifies the USFS Parcel as one of the parcels under consideration for exchange with permittees. As noted above, this exchange has been completed. The DGPU should therefore be revised to reflect that the exchange for the USFS Parcel has been completed. One suggested revision would be to simply delete the reference to Snowcreek contained in the second parenthetical of the first paragraph on page I-30.

Clarification of the DGPU is also necessary to reflect that the contemplated golf course proposed for the USFS Parcel is expressly permitted. Page I-28 discusses a second nine holes of golf planned for Snowcreek on land to the southeast of the existing Master Plan. It does not indicate, however, that

this specific use will be permitted on land designated Open Space and outside the UGB, i.e., the USFS Parcel. Objective V.1.A.a of the DGPU provides that no residential, commercial or industrial development will be permitted outside the UGB (UG-5). Implementation Measure V.1.A.a.1, however, states that development of recreational facilities outside the UGB will not violate the UGB. In addition, the Open Space designation permits development of facilities such as parks, athletic fields, golf courses, and community gathering spaces that support the environment and recreational objectives of the community (LU-6). The second nine holes of golf for the Snowcreek golf course will assist in fulfilling the recreational objectives of the community. In order to avoid any confusion over what the DGPU permits on the USFS Parcel, please clarify that a golf course is a permitted use on land designated Open Space outside the UGB.

RESPONSE 039-41

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-42

C. Clarification of Clustering Versus Density Transfer.

Chadmar agrees with the concept of clustering as described in the definition of Resort contained on page LU-8 of the DGPU, which states that "densities may be clustered within individual Resort developments." The concept of clustering will be used within Snowcreek to promote a more dense village core in order to preserve open space. Clustering is different from the concept of density transfer contained in the DGPU as set forth in Objective LU.1, found on page LU-12, which provides for the transfer of densities between properties designated Resort, Specific Plan, and HDR-2. Clustering allows for the development of the aggregate density allowed for the Property on certain portions of the Property. This is consistent with the Master Plan, which allows for the clustering of densities across lot lines within the Property as a matter of right. Density transfers, on the other hand, as set forth in the DGPU, permit the transfer of density from one parcel to another within and among certain designated land, but require approval by the Town Council and a series of findings before such transfers may be made.

Clarifying the distinction between clustering and density transfer and clearly stating that clustering is not subject to the findings applicable to density transfers as set forth in LU.1 or any ordinance or regulation subsequently enacted in implementation thereof would facilitate the provision of open space within a Resort development and enhance the Town's mountain resort character. Snowcreek's utilization of clustering as explained in the definition of Resort would similarly promote the Town's development as a world class year-round destination resort. Our discussions with Community

Development Department staff suggest that clustering and density transfer are different concepts and that the DGPU's requirements for density transfer do not apply to the Property. Consistent with these discussions, we request clarification of the DGPU so that readers will not confuse the concept of clustering with the concept of density transfer and incorrectly assume that the findings set forth in Objective LU.1 applicable to density transfers are applicable to clustering.

One simple revision to avoid any potential confusion would be the deletion of the word "cluster" in Objective LU.1 on page LU-12 and replacement with the following phrase: "transferred between properties." This language mirrors the italicized language directly beneath the LU.1 Objective Statement. In addition, the concept of clustering as set forth in the Resort designation on page LU-8 should be revised to include the following sentence on the thirteenth line of the Resort designation, immediately after the clustering sentence (lines 12-13): "This concept shall not be interpreted as a density transfer and in no event shall it be subject to the findings required for a density transfer set forth in Objective LU-1 ."

Alternatively, the Town may wish to consider exempting Snowcreek from the density transfer finding requirements. To achieve this, we suggest adding the following language to both Objective LU.1 and Implementation Measure LU.1.a on page LU-12: "Clustering within Snowcreek does not require a density transfer as set forth herein, and is not subject to the findings required pursuant hereto."

RESPONSE 039-42

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The Town concurs with the portion of the comment regarding the difference between clustering and density transfer. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-43

D. Concerns Relating to Mitigation Measures and Implementation Measures.

The DEIR incorporates mitigation measures (the "Mitigation Measures") to address potential impacts associated with the implementation of the Project Action Alternative. The DGPU incorporates implementation measures (the "Implementation Measures") to implement the policies of the DGPU. After careful review of both the Mitigation Measures and the Implementation Measures, we have some concerns pertaining generally to the lack of flexibility contained in both, as well as specific comments with regard to certain measures. Set forth below are specific suggestions that we believe would benefit the Town as well as project developers.

RESPONSE 039-43

The comment is introductory in nature and does not provide specific input with regard to mitigation measures and implementation measures. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided in Response to Comment 039-44 and 039-45.

COMMENT 039-44**1. Mandatory Mitigation Measures May Prohibit Flexibility.**

Many of the Mitigation Measures and Implementation Measures are mandatory in nature, not permissive. This would make it extremely difficult to change a Mitigation Measure in the future, say for example, if the actual impacts created by the development of a project are different and require creative mitigation not contemplated in the DEIR. It may benefit the Town to use permissive terms rather than mandatory terms when describing mitigation measures to allow the Town flexibility to deal with changed future conditions. For example, Mitigation Measures 4.1 x on page 2-23 and 4.3h on page 2-29 and Implementation Measure VI. 1.A.a.3 on page A-8 provide that the Town shall require projects adjacent to watercourses to "integrate the watercourses into new development in such a way that they enhance the aesthetic and natural character of the site." Committing to this measure, rather than crafting a mitigation measure requiring project by project study of the feasibility and practicability of integrating watercourses, may leave the Town in a position where such integration is economically infeasible or aesthetically unacceptable. Federal permits could be required for each such change and could require review under NEPA. The Town may ultimately desire that a specific project not integrate an adjacent watercourse, but create a stark visual contrast between such project and watercourse. A mandatory measure requiring integration may unnecessarily bind the Town.

Similar mandatory Mitigation Measures and Implementation Measures that could lead to unnecessary and unanticipated inflexibility are sprinkled throughout the DEIR and DGPU. The following list of such Mitigation Measures and Implementation Measures also flags some of the potential problems that may spring to life in the future:

a. Mitigation Measure 4.7p on page 2.29 requires zoning regulations that provide for vegetative buffers between Open Space areas and incompatible land uses which will likely prevent the Town from later crafting creative conditions of approval on a project by project basis when such project abuts Open Space.

b. Mitigation Measures 4.3.f on page 2-29, 4.6.p on page 2-43, 4.6.y and 4.6.ee on page 2-44, and 4.6.11 on page 2-45 establish a mandatory requirement that the Town use the Town Development Code to retain primary community watercourses, which would be better addressed by crafting a

mitigation measure that allows for flexibility (requiring future study on a project by project basis) in addressing this issue. For example, a future project may require a minor displacement of an existing watercourse that may actually provide benefits to the community.

c.Mitigation Measures 4.1 .a through 4.1 .c on page 2-21, 4.1 .q on page 2-22, and Implementation Measure I.5.A.a on page ES-22 require the implementation of zoning regulations as well as development review to protect view corridors. This policy would be better implemented though the development of a design review process which would provide the Town with greater flexibility to structure projects in a manner that produces the least impact on scenic vistas.

While we do not take issue with many of the concepts contained within the aforementioned Mitigation Measures and Implementation Measures, the use of mandatory rather than more permissive language does give cause for concern. As outlined above, the inflexibility of these Mitigation Measures may lead to unintended and unanticipated consequences. Thus, some flexibility should be built into these Mitigation Measures to militate against these potentially unintended consequences. In short, the inclusion of a flexibility theme in these, and other, Mitigation Measures would not detract from their enforcement, rather, it would allow the Town to weigh the costs and benefits of such measures as applied to a particular project.

RESPONSE 039-44

The comment is from a letter dated May 17, 2005 and is a comment letter on the February 2005 Draft Program EIR. The EIR was revised and recirculated in October 2005. The Revised Draft Program EIR does not contain the same mitigation measures as the February 2005 Draft Program EIR. With regard to the language in the implementation measures, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 039-45

2. Mitigation and Implementation Measures Requiring Clarification.

In addition to the inflexible Mitigation Measures and Implementation Measures described above, there are Mitigation Measures and Implementation Measures that require clarification. Mitigation Measure 4.7.p on page 2-49 requires Open Space to be designed to be "usable and accessible." Presumably the use of the USFS Parcel as a golf course would qualify as both usable and accessible. We request the Town to define, however, what is meant in Mitigation Measure 4.7.p by both usable and accessible. Implementation Measure J.1.B.c.1 on page ES-14 requires a continuous public corridor along Mammoth Creek in order to implement the objective of protecting wetlands, wet meadows, and riparian area from development impacts. What is intended by a "public corridor"? Does it require a public path along Mammoth Creek, and if so, how does this protect from development impacts? Similarly, Implementation Measure I.3.A.1.b on page ES-21 requires all

development adjacent to National Forest Land to provide pedestrian access routes. We would like clarification on (1) whether development next to National Forest Land will be required to provide a public access easement, (2) whether access routes will be required to be located on the peripheries of parcels adjacent to National Forest Land, and (3) how much pedestrian access is required and how it will be measured. Mitigation Measures 4.2.g and 4.2.i on page 2-26, 4.2.p and 4.2.r on page 2-27, and 4.2.x and 4.2.dd on page 2-28 ban solid fuel burning. We respectfully request that you consider allowing one wood burning fireplace in each unit. Units with two fireplaces should be required to have an EPA-2 fireplace, as the second fireplace.

RESPONSE 039-45

As indicated in Response to Comment No. 039- 44, the comment is from a letter dated May 17, 2005 and is a comment letter on the February 2005 Draft Program EIR. The EIR was revised and recirculated in October 2005. The Revised Draft Program EIR does not contain the same mitigation measures as the February 2005 Draft Program EIR. With regard to the language in the implementation measures, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

With regard to wood burning fireplaces, as indicated in Section 4.2 of the Revised Draft Program EIR, Section 8.30.040 of the Town's Municipal Code allows no more than one solid fuel appliance to be installed in any new dwelling or nonresidential property and requires that the appliance be the primary form of heat in any new construction.

COMMENT 039-46

E. Conclusion.

For all the foregoing reasons, the DGPU should maintain the density for the Snowcreek Master Plan at eight dwelling units per acre as contemplated in both the existing General Plan and the Master Plan for Snowcreek. The DGPU should be clarified to reflect the completed exchange for the USFS Parcel as well as expressly permitting the contemplated uses thereon, and the DGPU should clarify the distinction between clustering and density transfers as set forth in Objective LU.1. The Town should also consider our comments on both the Mitigation Measures in the DEIR and the Implementation Measures in the DGPU.

Please call with any questions or if we can provide additional information with respect to this matter.

RESPONSE 039-46

The comment is conclusionary in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented

in the document. Please see Response to Comment Nos. 039-37 through 039-45 for detailed responses. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 040

Cardinal Real Estate Investments
Jesse Langley, Partner
880 Apollo Street, Suite 213
El Segundo, CA 90245

COMMENT 040-1

Subject: Zoning of Property at 2 Meadow Lane at the corner of Old Mammoth & Minaret Roads, APN 40-020-01

Cardinal Real Estate Investments, LLC is currently in escrow with the Seller of the property located at 2 Meadow Lane situated on the corner of Old Mammoth and Minaret Roads, APN 40-020-01. The current RMF-2 zoning permits 36 rooms per acre for a condominium hotel. The proposed General Plan for the Town of Mammoth Lakes plans to down zone this property to 20 rooms per acre for a condominium hotel. We are requesting that hotel zoning for this site remain unchanged under the new General Plan.

We have been planning a five star full-service condominium hotel to include a dramatic view restaurant, spa and other luxury amenities. The subject property is in a prime location for many of the year round and off-season activities Mammoth has to offer outside of skiing.

Change in Development Type

The current zoning allows us to support the goals of the General Plan as documented in our letter to the Planning Commission dated June 2, 2005 attached hereto. With the proposed down zone for the condominium hotel on the property, it would require us to look at using the zoning for a Single Family Residence/Condominium development which would not serve the goals of the General Plan, in our estimation.

A development of 50-60 condominium units would greatly change the developmental make up of the site. A single family or residential condominium development would require us to maximize the buildable footprint to the site as that market demands more space between units. We would not be able to keep the development in a denser hotel composition with a more limited footprint but rather it would be spread out over the site minimizing the open space.

This would limit the nature aspect on the site as well as hinder the community amenity that could be provided by the creek and natural areas. This would eliminate any plans to preserve an area south of

the creek for community benefit. There are many instances in the draft General Plan that reference open space and the desire to keep as much nature in tact as possible. We support the movement towards maximizing open space and have invested time and money to support this.

In conjunction with the draft General Plan, we wish to provide resort amenities for community benefit. A condominium development would not provide the opportunity for public amenities such as a spa and a destination restaurant to be enjoyed by the community.

Financial Aspects

As stated in the General Plan, the Transient Occupancy Tax (TOT) is 65% of the revenue for the town. The 190-room condominium hotel will have a higher occupancy rate and produce more TOT than a condominium community. Cardinal Real Estate Investments has put forth time and money on this parcel under the direction from the town that the condominium hotel zoning would not change.

Impact of the Proposed Zone Change on the Subject Property

The below tables outline the impact that the proposed zoning will have on the subject property. Under the current zoning, the zoning allows for 36 rooms per acre. Under the proposed zoning, the zoning is reduced to 20 rooms per acre. The proposed zone change will decrease the density of the 5.297-acre property from 190 rooms to 105 rooms.

This is a decrease in density by 44%.

Current Zoning			
Density	36 rooms/acre		
Property	5.297 acres		
Total Rooms	190.7		
Type	No. Rooms	No. Units	Total Rooms
Studio	1	30	30
1 BR	1	31	31
2 BR	2	30	60
3BR	3	23	69
Total		114	190

PROPOSED ZONING			
Density	20 rooms/acre		
Property	5,297 acres		
Total rooms	105-94		
Type	No. Rooms	No Units	Total Rooms
studio	0.5	20	10
1 BR	0.5	19	9.5
2 BR	2	25	50
3 BR	3	12	36
TOTAL		76	105.5

We don't feel that it is fair under the proposed General Plan to reduce zoning for our parcel and up zone other areas.

We appreciate your consideration to retain the current zoning on the property located at 2 Meadow Lane to provide for a feasible development that provides community benefit.

We are not asking for increased density but rather the current density to remain the same as to when we began development of this project. Our proposed development mirrors many of the goals detailed in the General Plan and can provide benefits desired by the Town of Mammoth Lakes.

RESPONSE 040-1

The comment relates to the proposed General Plan designation on a particular property. As such, the comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. With regard to the attached letter, please see Response to Comment No. 041-1 for a written response.

LETTER NO. 041

Cardinal Real Estate Investments
Jesse Langley, Partner
CA

COMMENT 041-1

Subject: Zoning of Property at 2 Meadow Lane at the corner of Old Mammoth & Minaret Roads, APN 40-020-01

Dear Mammoth Lakes Planning Commission,

Cardinal Real Estate Investments, LLC is currently in negotiations with the Seller of the property located at 2 Meadow Lane situated on the corner of Old Mammoth and Minaret Roads, APN 40-020-01. The current RMF-2 zoning permits a 180-room condominium hotel.

We plan to purchase the land and develop a five star full-service condominium hotel to include restaurants, spa and other luxury amenities. The subject property is in a prime location for many of the year round and off season activities Mammoth has to offer outside of skiing. In addition, there is an opportunity to work with the town for the development of a public trail near the creek running along Old Mammoth Road and a roundabout on the corner of Old Mammoth and Minaret Roads to benefit the community.

We are aware that the Town is currently updating the General Plan for the Town of Mammoth Lakes and that this property may be down-zoned; however, after reading the Draft of the General Plan Update we believe this development supports the goals of the Planning Commission as addressed in the General Plan. We are requesting the zoning remain unchanged in the new plan.

Below we address (I) the impact the change in zoning will have on this property followed by (II) the benefits that this development will bring to the Town of Mammoth Lakes and the areas of the General Plan that support the development.

I. IMPACT OF THE PROPOSED ZONE CHANGE ON THE SUBJECT PROPERTY

The below tables outline the impact that the proposed zoning will have on the Subject Property. Under the current zoning, the zoning allows for 36 rooms per acre. Under the proposed zoning, the zoning is reduced to 20 rooms per acre. The proposed zone change will decrease the density of the 5.297-acre property, by 45% from 190 rooms to 105 rooms. The tables provide a breakdown by unit

size, which is 114 condominium hotel units under the current zoning and 76 condominium hotel units under the proposed zoning, a decrease in units of 33%.

Current Zoning				PROPOSED ZONING			
Density 36 rooms/acre				Density 20 rooms/acre			
Property 5.297 acres				Property 5,297 acres			
Total Rooms 190.7				Total rooms 105-94			
Type	No. Rooms	No. Units	Total Rooms	Type	No. Rooms	No Units	Total Rooms
Studio	1	30	30	studio	0.5	20	10
1 BR	1	31	31	1 BR	0.5	19	9.5
2 BR	2	30	60	2 BR	2	25	50
3BR	3	23	69	3 BR	3	12	36
Total		114	190	TOTAL		76	105.5

II. BENEFITS THE PROPOSED DEVELOPMENT PROVIDES TO THE TOWN OF MAMMOTH LAKES

II-1. TRANSIENT OCCUPANCY TAX (TOT)

The 180 rooms in our proposed development will produce TOT Revenue for the Town of Mammoth Lakes. We understand that the TOT accounts for the majority of the Town's Budget and the TOT generated from this development will enhance the Town's revenues.

II-2. PROMOTE MAMMOTH AS A YEAR ROUND RESORT PROVIDING LODGING IN CLOSE PROXIMITY TO MANY OFF-SEASON AND MID-WEEK ACTIVITIES

Providing a five star condominium hotel development on the south-side of Mammoth will help promote Mammoth as a year round resort by providing a short-term, luxury housing product with close access to many of the off-season and non-ski activities that Mammoth has to offer. Our proposed development consisting of a condominium hotel, spa and restaurants supports nightly, non-ski and off-season visitors. These accommodations are near off season and midweek activities such as golf, fishing, hiking and cycling.

Vision Statement, Section 11-7, of the Draft General Plan Update, the Town "supports the relationship with visitors as one way to maintain high quality of life". The Town also seeks to provide a "year round destination resort community based on diverse outdoor recreation and tourism".

Destination Resort Economy, Section I39-40, "to increase its success as a tourist destination, Mammoth Lakes needs activities, facilities and accommodations that encourage mid-week and off

season business and provide a year round alternative to downhill skiing on the weekends." "A mix of visitor accommodations that reflects Mammoths varied markets, both existing and potential."

Resort Economy, Section RE-11 Visitor Amenities, "In order to be successful in today's tourism market and provide options for a greater number of visitors while not overburdening the resources, Mammoth intends to augment the existing opportunities with a greater number and variety of recreation and leisure activities. New development will be expected to provide amenities, services and activities in addition to accommodations. These will be needed for the community to succeed in its objectives of increased mid-week visitation and high-occupancy visitor accommodations while protecting; the natural environment that provides the basis for our business."

Our on-site spa, restaurants and other full-service hotel amenities will preserve the town's goals to provide new leisure activities while supporting the natural resources.

Resort Economy, Section RE-3, Modern Resort Trends, "There are opportunities for fishing, skiing, camping, hiking, horseback riding, golfing, sightseeing, road and mountain biking, boating, hunting, snowmobiling, tennis and other recreational pursuits." Many of those activities are easily accessed on the south side of town and our proposed condominium hotel development will allow visitors close access to those activities.

II-3. PROVIDE THE FIRST FIVE STAR CONDOMINIUM HOTEL DEVELOPMENT ON THE SOUTH-SIDE OF TOWN WITH A SHORT-TERM HOUSING PRODUCT IN CLOSE PROXIMITY TO THE PROPOSED SNOWCREEK VILLAGE.

Aesthetics, Section A-4 Built Environment, "Many of the newer multiple family developments have taken on the form of a "condo hotel" where units are individually owned, but the premises have a front desk and amenities associated with a hotel."

Resort Economy, Section RE-10 New Visitor Lodging Units, "In recent years, several larger condominium hotels have been constructed, providing a more contemporary resort accommodation. These projects will add diversity to Mammoth Lakes' accommodation base and will appeal to a new market segment. For Mammoth Lakes to be competitive in the national and international resort market, visitor accommodations must meet current trends and evolve with the needs and expectations of the guests." The success of condominium hotels in the town will be spread to an area of town where this type of lodging is not currently available but can hosts many non-ski and full-season activities.

Destination Resort Economy Section I-41, Strategic direction of the General Plan, "cluster density adjacent to transit routes and major activity areas to decrease private vehicle use."

II-4. DEVELOP A PROJECT THAT PRODUCES COMMUNITY BENEFITS. The development would provide an opportunity to work with the Town of Mammoth on a public trail alongside Mammoth Creek. The trail in the creek corridor will help connect the path around Mammoth for biking, walking, jogging and hiking. This will be especially beneficial in summer months to promote pedestrian traffic.

To alleviate traffic flow and enhance the trails a roundabout on the corner of Old Mammoth Road and Minaret Road could be developed. The location of the condominium hotel and spa development, as well as development of the creek trail and roundabout, provide pedestrian traffic to activities such as golf, fishing, hiking and the proposed Snowcreek Village. These routes will also provide pedestrian traffic to the spa and restaurants at the proposed development and decrease private vehicle use on the south side of town.

This land usage and underground parking for owners and guests will alleviate the growing problem of snow storage and eliminate large parking lots that can have a negative visual effect.

Section II-7, Vision Statement VII, "variety of transportation options that emphasis connectivity, convenience and alternatives to personal vehicle use with strong pedestrian emphasis."

Environmental Sustainability, Section ES-10 Visual Resources, "Community strongly supports the retention of major landscape characteristics and unique natural features."

Strategic Direction of the General Plan, Section I 41, "cluster density adjacent to transit routes and major activity areas to decrease private vehicle use".

We appreciate your consideration to retain the current zoning on the property located at 2 Meadow Lane to provide for feasible development. Our proposed development mirrors many of the goals detailed in the General Plan and can provide benefits desired by the Town of Mammoth Lakes.

RESPONSE 041-1

The comment relates to the proposed General Plan designation on a particular property. As such, the comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 042

Mammoth Mountain Ski Area
Thomas Hodges, Director of Planning
P.O. Box 24, 1 Minaret Road
Mammoth Lakes, CA 93546

COMMENT 042-1

Mammoth Mountain Ski Area (MMSA) thanks you for the opportunity to comment on the Revised Draft Program Environmental Impact Report (RDPEIR) for the Town of Mammoth Lakes General Plan dated October. One of our primary reasons for commenting on the RDPEIR is to ensure that MMSA's proposed developments are consistent with the direction of the updated General Plan. In particular, improvements at the three base lodges (Eagle, Canyon, and Main) are important not only to MMSA but to the U.S. Forest Service as the permit holder, which recognizes that redevelopment is in the public interest. The goal is to allow growth to an acceptable level while protecting the environment and natural resources that make Mammoth Lakes the ideal location for residents and visitors alike. We have organized our reply by providing comments on the Draft Program Environmental Impact Report in order of its contents.

RESPONSE 042-1

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. As indicated in the comment, specific comments follow. Detailed responses to each of the comments are provided below. Please see Response to Comment Nos. 042-2 through 042-___ for individual responses to each of the comments.

COMMENT 042-2

- Project Description

1. Section 3.0 Project Description, Page 3-5, It should be noted in the FPEIR that MMSA skier visits in 2004/2005 were 1.43 million and with additional uses including Tamarack X-Country Ski Center, Scenic Gondola Rides, and Snowmobile Adventures, MMSA accounted for a total of 1.46 million guests.

RESPONSE 042-2

The comment is acknowledged. Section 3.2 has been revised to update the information regarding visitors to the area during the winter. The sentence "Skier visitors in 2004 and 2005 were 1.43 million and with additional uses including Tamarack X-Country Ski Center, Scenic Gondola

Rides, and Snowmobile Adventures, MMSA accounted for a total of 1.46 million guests" has been added to the Final EIR.

COMMENT 042-3

- *Aesthetics, Light and Glare*

2. Section 4.1: Aesthetics, Light, and Glare - 1.5.B.b.4 "no new development on prominent ridge lines" could create a potential conflict with MMSA's master plans. MMSA will build future skier support facilities on Lincoln Mountain/Saddle, not to mention other chair lift replacements or additions. Such projects will follow the appropriate NEPA environmental approvals as administered by the Forest Service at the time of implementation. This measure should be re-written to state that all proposed development on prominent ridge lines will be required to meet visual quality analysis criteria as may be administered by the applicable public agency having jurisdiction, whether or not required by the zoning code applicable to the land use designation. As currently drafted, the overall policy statement appears vague and overreaching. For example, it does not specifically indicate which ridge lines are prominent from particular vantage point(s). Ambiguities of this nature should be addressed in the project specific approval process.

RESPONSE 042-3

The Town agrees that Implementation Measure 1.5.B.b.4 as currently drafted does provide ambiguities that could be challenged during project specific approval processes. However, the Final Program EIR addresses the impacts of implementing the General Plan Update and does not propose modifications to the implementation measures in the Draft General Plan Update. Any revisions to the implementation measures in the Draft General Plan Update would be made in the final version of the General Plan Update. The comment will be forwarded to the Town's decisionmakers for consideration.

As indicated in the comment, the Town does not have control of all development on prominent ridgelines or bluffs that could impact views from the Town. While the Town may not have jurisdiction over development on Federal lands, it is official Town policy to urge another agency with jurisdiction to minimize visual intrusion.

COMMENT 042-4

- *Air Quality*

3. Section 4.2: Air Quality - With respect to Section 4.2, MMSA believes that its plans for the Ski Back Trail to the Village and Eagle Lodge development will contribute to the reduction in PM-10 particulate matter from re-suspended road dust. One of the goals for each of these projects is to reduce motor vehicle traffic by ski area guests, especially along Highway 203 from the Village to

Main Lodge. The Ski Back Trail would help accomplish this by offering guests a way to ski back to the Village at the end of the day and thus avoid waiting for shuttle buses, the Village Gondola, or private vehicles at guest pick-up or day skier parking areas in the Main Lodge area. Ecosign Mountain Resort Planners has estimated the Ski Back Trail comfortable carrying capacity at 900-1200 skiers. Ecosign has also estimated that each privately-owned vehicle (POV) carries an average of 2.5 skiers. Thus, if the Ski Back Trail were utilized at even the low end of the trail capacity (900 skiers), approximately 360 POV trips in the Main Lodge area could be eliminated, or roughly 2,880 vehicle miles traveled (VMT).

RESPONSE 042-4

It is the responsibility of the Lead Agency to investigate feasible mitigation measures for all major development projects. The effects of the proposed Ski Back Trail, which is a development project that would occur on U.S. Forest Service land, will be analyzed in a separate environmental document.

COMMENT 042-5

Additionally, the Eagle Lodge development will further reduce PM-10 levels by offering more guestrooms and amenities in that area, so that once guests have arrived they will not have to drive their personal vehicles until the end of their stay. Projected traffic reduction figures (or VMT) will be presented in the NEPA analyses for the Ski Back Trail. As is the case with the proposed Eagle Lodge as well, by providing destination services that allow guests to park their cars or arrive in Mammoth via air service without a private vehicle, an overall reduction in town-wide VMT is achieved with a commensurate reduction in PM-10 levels.

RESPONSE 042-5

Impacts from the proposed Eagle Lodge development have been analyzed in a project-level EIR/EA.

COMMENT 042-6

Implementation measures should incentivize private developers by providing offsets to other mitigations where reductions in PM-10 (and also ambient noise from autos) are realized through comprehensive development designs which reduce overall traffic levels in Town as verified through project-specific traffic analyses. Projects such as Eagle Lodge and the Ski Back Trail are examples of this process. Where a project, such as the Ski Back Trail, is not attributable to a specific development of dwelling units per se, the project proponent should be allowed to quantify to the extent possible and bank credits towards mitigation on future projects.

RESPONSE 042-6

The Town acknowledges the comment. The comment provides a procedural suggestion. As such, the comment will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-7

4. On page 4-35, Implementation Measure VII.2.B.a.1 states that, "The Town shall require major traffic generators, including the school district and ski resort to develop and implement trip-reduction measures. In particular, ski area ops should be managed to reduce the overall pm peak traffic generation and to disperse these trips between the various mountain portals." It should be noted in the FPEIR that at current peak visitation to MMSA, traffic is at or near maximum levels and will not change drastically with build-out relative to peak daily VMT associated with alpine skiing at MMSA. The incremental increase in peak daily VMT will be attributable primarily to non-skiers, as MMSA does not anticipate an increase in its currently permitted 24,000 SAOT during the term of the contemplated community build-out. Implementation measures should be amended to allow for offsets or banked credits (see above). Furthermore, the Traffic and Circulation and Air quality sections of the FPEIR should acknowledge that MMSA is already providing free public transportation to and from its major portals via bus service and the Village Gondola.

RESPONSE 042-7

This comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-8

- Biological Resources

5. Species impacts. The RDPEIR identifies several broad policies regarding special status plant and animal protections that would be implemented by the TOML when discretionary approvals are sought. In certain respects, these policies can be read to impose burdens and requirements above those required by existing state and federal species laws. The FPEIR should clarify that the TOML does not intend to independently develop or implement species protection measures beyond those required by state and federal resource laws. The RDPEIR further states that the implementation of the TOML's General Plan policies regarding wildlife assures that no significant impacts will occur to candidate, sensitive or special status species with the Town's urban growth boundary and that no mitigation is therefore required (RDPEIR page 4-77). Given this analysis, the FPEIR should state that any development proposal within the urban growth boundary that is subject to the same TOML General Plan policies identified in the RDPEIR will not generate significant impacts to candidate, sensitive or special status species and not require further mitigation.

RESPONSE 042-8

The Town does not intend to independently develop or implement species protection measures beyond those required by state and federal resource laws. The implementation measures relevant to Policy I.1.B.d ensure coordination with the U.S. Fish and Wildlife Service and California Department of Fish and Game for potential impacts to sensitive species and compliance with all applicable laws.

All future development projects within the Urban Growth Boundary would be subject to the policies and implementation measures provided in the Draft General Plan Update upon its adoption. Specifically, Implementation Measure I.1.B.d.4 requires a site-specific analysis of the resource values if a project has the potential to significantly impact animal or plant habitats, has the potential to impact areas where the habitats of special status plant and animals species are known to exist, and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by the resource agencies. Therefore, further mitigation may be required in the future for new projects based on site-specific analyses of impacts to sensitive resources. However, the Revised Draft Program EIR concludes that buildout of the Draft General Plan Update would not result in direct impacts with regard to candidate, sensitive, or special status species due to development within the UGB and the implementation of the policies and measures contained in the Draft General Plan Update. However, the EIR concludes that the Draft General Plan Update could result in indirect significant and unavoidable impacts to candidate, sensitive, or special status species from incidental contact or intrusion impacts from an increase in recreational visitation to wilderness and open lands areas. This conclusion is appropriate and cannot be revised.

COMMENT 042-9

6. Wetlands and waters. The General Plan update and RDPEIR should define wetlands in terms of the U.S. Army Corps of Engineers 1987 Delineation Manual three-part criteria (soils, vegetation and ponding) and not utilize the more ambiguous Code of Federal Regulations definition (see, RDPEIR, page 4-65). The RDPEIR identifies several broad policies regarding wetland, waters and riparian protections that would be implemented by the TOML when discretionary approvals are sought. In certain respects, these policies can be read to impose burdens and requirements above those required by existing state and federal aquatic and riparian area regulations. The FPEIR should clarify that the TOML does not intend to independently develop or implement wetland, waters and riparian protection measures beyond those required by state and federal resource laws. The RDPEIR also states that, with the implementation of the TOML's General Plan policies regarding riparian and aquatic areas, no significant impacts will occur to wetlands or waters within the Town's urban growth boundary (RDPEIR page 4-80 and 4-82). Given this analysis, the FPEIR should state that any development proposal within the urban growth boundary that is subject to the TOML General Plan policies would not generate significant impacts to wetlands, waters or other aquatic areas and would not require further mitigation.

RESPONSE 042-9

The wetland definition provided on page 4-65 of the Revised Draft Program EIR is the definition provided in the 1987 Wetland Delineation Manual.²⁶ The “three-part criteria” suggested in the comment are the diagnostic environmental characteristics that are used in the field to determine if an area qualifies as a wetland. These are the presence of hydrophytic vegetation, evidence of hydrology, and the presence of hydric soils or evidence of reducing soil conditions. One positive wetland indicator from each of the three parameters is necessary in order to define an area as a wetland according to ACOE guidelines.

The Town does not intend to independently develop or implement wetland, waters, and riparian protection measures beyond those required by state and federal resource laws. Two specific implementation measures are included in the Draft General Plan Update to ensure that the proper permits are obtained from the regulatory agencies. Implementation Measure I.1.B.c.2 states that all activities within “jurisdictional” wetlands require a U.S. Army Corps of Engineers Section 404 Clean Water Act permit, California Regional Water Quality Control Board Clean Water Certification or Waiver, and shall notify the California Department of Fish and Game pursuant to Section 1600 and, if necessary, obtain a Lake and Streambed Alteration Agreement. Additionally, Implementation Measure I.1.B.c.3 states that all feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate state and federal agencies. Therefore, further mitigation may be required by the resource agencies in the future for new projects based on site-specific analyses of impacts to wetlands or other “jurisdictional” areas.

COMMENT 042-10

- Geology and Soils

No comment.

RESPONSE 042-10

The comment indicates that there are no comments with regard to Section 4.4, Geology, Seismicity, Soils, and Mineral Resources, of the Revised Draft Program EIR. No further response is necessary.

²⁶ Wetland Training Institute, Inc. 1995 *Field Guide for Wetland Delineation: 1987 Corps of Engineers Manual*. Poolesville, Md. WTI 95-3. 143 pp.

COMMENT 042-11

- Public Safety/Hazards

7. Section 4.5: Public Safety and Hazards - As the airport is to be included as part of the Proposed Action Alternative, then the analysis of Community Health and Safety should include the airport, including fire protection (especially since there are proposed residential units at or near that location).

RESPONSE 042-11

Issue 4.5-4 of the Revised Draft Program EIR analyzes impacts associated with airport safety at the Mammoth Yosemite Airport. As stated under Issue 4.5-4, the Mammoth/June Lake Airport Land Use Plan (ALUP) identifies land uses in the vicinity of the airport that would be compatible with the airport. The proposed uses in the Draft General Plan Update on and around the airport are consistent with the ALUP. All future development related to the airport must be in compliance with the adopted ALUP. The implementation measures cited under Issue 4.5-4 require the Town to promote the maintenance and improvement of general and commercial aviation facilities in a manner that is compatible with surrounding land uses (VII.3.A.a.1). Also, Implementation Measures VII.3.A.a.3, requires that airport improvements be consistent with the Mammoth Yosemite Airport Master Plan and the Airport Land Use Plan for the Mammoth Yosemite Airport. Impacts regarding airport safety were discussed in the Mammoth Yosemite Airport Supplement to Subsequent EIR, SCH 2000034005, March 2002 (SSEIR). Mitigation measures in the SSEIR require future development to comply with the adopted land use policies of the Airport Land Use Commission; and development of a complete water supply, storage, and distribution system meeting the requirements of the Long Valley Fire Protection District (FPD). These measures were implemented through the Mammoth/June Lake ALUP, Town land use approvals, the Long Valley FPD, and building permits.

Issues 4.5-7 and 4.10-1 in the Revised Draft Program EIR address impacts regarding fire safety and fire protection services, respectively. As discussed under each of these issues, numerous policies and/or implementation measures would be implemented by the Town and/or future development projects to ensure impacts regarding fire safety and protection services would be reduced to a less than significant level. Furthermore, as discussed under Issue 4.5-7, all development projects, including residential projects, must comply with the Uniform Fire code and are subject to review by the Mammoth Lakes Fire Protection District. Implementation of the Draft General Plan Update's policies and implementation measures, site-specific environmental review, and compliance with the local and State regulations regarding fire safety would ensure that impacts regarding fire safety and protection services would be less than significant.

COMMENT 042-12

- Hydrology and Water Quality

8. Creek and hydrology protection. The General Plan update and RDPEIR should clarify that the TOML policies (i.e., General Plan policy II.4.A.a.3) and mitigation measures designed to "preserve" creeks to the "maximum extent possible" (i.e., RDPEIR at 4-163) apply to perennial waterbodies within the Town's jurisdiction. Intermittent and ephemeral watercourses would continue to be regulated by state and federal resource agencies and protected consistent with TOML policies by obtaining applicable permits from these agencies. The RDPEIR states that, with the implementation of the TOML's General Plan policies, no significant impacts will occur to water quality as a result of new or existing stormwater facilities (i.e., RDPEIR pages 4-164 and 4-170). As a result, the FPEIR should state that any development proposal that is subject to TOML General Plan policies would not generate significant impacts to water quality and would not require further mitigation.

RESPONSE 042-12

The issue regarding clarification of applicability of policies and implementation measures contained in the Draft General Plan Update is acknowledged. This portion of the comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This portion of the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

With regard to the summary of water quality relative to Issue 4.6-4 and 4.6-9, these issues are addressing capacity of infrastructure. The issue of water quality is discussed under Issue 4.6-1. As indicated in the Revised Draft Program EIR, with the implementation measures contained in the Draft General Plan Update and compliance with federal, state and local water quality and waste discharge requirements, the Draft General Plan Update would result in a less than significant impact with regard to water quality.

COMMENT 042-13

9. Section 4.6: Hydrology and Water Quality - This section currently can be read to suggest that MCWD has finished the upgrades to the wastewater facility. To be accurate, the RDPEIR should note that these upgrades are proposed for completion in 2006. On page 4-258 it is acknowledged that the upgrades are not yet complete but in the Executive Summary and Project Description and Hydrology Section, and in the discussion of issue 4.11-2, the RDPEIR appears to assume that the upgrades are already complete.

RESPONSE 042-13

The upgrade of the wastewater facility was completed in 2006. Section 4.11.1.2 of the Final EIR has been revised to indicate that the upgrade of the wastewater facility was completed in 2006.

COMMENT 042-14

- Land Use and Planning

10. Revised Population Growth Projections. MMSA does not support the reduction in HDR2 from 12 DU's per acre to 10 DU's per acre in the Canyon Lodge Area. This proposal is inconsistent with one of the explicit goals of the General Plan, the clustering of density immediately adjacent to the resort amenities and public transportation facilities. Reducing existing zoning densities adjacent to major resort destinations such as the Canyon Lodge area and along public transportation corridors would, in contrast, created [sic] incentives for development away from major resort amenities. MMSA supports the prior plan to designate at least certain of the Canyon Lodge area as HDR3 with a 48 unit per acre density. At [sic] a minimum, MMSA requests that HDR2 densities be maintained at the present 12 DU's per acre in all areas generally adjacent to public transportation corridors and/or resort amenities to help create affordable workforce housing and/or an improved transient occupancy bed base.

RESPONSE 042-14

The comment is with regard to the density allowed in the Draft General Plan Update compared with allowable densities under the existing General Plan. The comment expresses an opinion with regard to the allowable density. As such, the comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-15

11. Rezoning of Arrowhead Drive/Chaparral Road Properties. MMSA does not support the rezoning of three MMSA-owned properties at the corner of Arrowhead Drive and Chaparral Road from the previous RMF2 designation to the proposed HDR1 designation. These locations provide critical seasonal employee housing for MMSA and the proposed rezoning will adversely affect MMSA's current and planned future employee housing operations. The entire adjoining neighborhood has already been developed under the RMF2 zoning and would be subject to the new HDR2 designation. As a result, it would be inconsistent to rezone the three MMSA parcels to HDR1 in conflict with historical and future adjacent uses. MMSA also requests that the existing density of 12 DU's per acre be retained specifically for each of the three MMSA-owned parcels.

RESPONSE 042-15

The comment is with regard to the redesignation of MMSA-owned properties that would occur if the Draft General Plan Update were to be adopted. The comment expresses opposition to the designations on the subject properties. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft

Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-16

12. Density transfers. The RDPEIR should clarify that although HDR areas have been nominally downzoned to 10 units per acre, the Town expects that the new General Plan density transfer policy will allow for appropriate concentration of development at or near recreational hubs, including ski lifts. The RDPEIR further states that density transfers must conform with a number of policies, including reductions in traffic and the avoidance of "new significant environmental effects" or an increase in a previously identified effect (RDPEIR at 4-193). The FPEIR should clarify existing language in the RDPEIR (e.g., page 4-193) regarding the need for additional environmental review and indicate that, given the transfer criteria, no review would be necessary beyond the simple determination of no new impacts.

RESPONSE 042-16

As indicated in the discussion regarding Issue 4.7-2 in the Revised Draft Program EIR, Policy LU.1 of the April 2005 Draft General Plan Update would provide for density transfers to occur between properties in the Resort, Specific Plan, and HDR 2 designations. However, such a transfer would require approval by the Town Council and would require that a list of findings be made regarding the transfer. As further indicated in the discussion regarding density transfers in Issue 4.7-2, if and when an application is submitted for a density transfer, environmental review would be necessary. The environmental review would be used to determine whether or not new impacts would result from a proposed density transfer. However, the Town may remove the provision of density transfers from the Draft General Plan Update. The removal of the density transfers would also mean that the traffic analysis would overstate the potential impacts as the traffic model assumes density transfers as indicated in Section 4.13, Transportation and Circulation, of the Revised Draft Program EIR. In addition, the traffic noise and air quality analyses are based on the traffic study, and therefore, should the density transfers be deleted, these analyses would also overstate the potential impacts.

COMMENT 042-17

13. Density transfers. Table 4.7-1 states that "density may be increased within 500 yards of a ski lift through HDR2 transfers or other Resort Properties." A similar statement should be added to the RDPEIR Executive Summary and Project Description and in the discussion of Land Use Designations for the HDR2 and Resort zone to fully characterize the allowable uses in the applicable areas.

RESPONSE 042-17

The comment is acknowledged. As indicated in Response to Comment No. 042-16, the Town may remove the provision of density transfers from the Draft General Plan Update. Density transfers are addressed in Section 3.0, Project Description, of the Revised Draft Program EIR in the subsection entitled Key Land Use Policies. See Section 3.7.K of the Final Program EIR. The Executive Summary of the Final Program EIR has been revised to present the key land use policies in the Executive Summary as Section 2.3.13.

COMMENT 042-18

14. Density transfers. Table 4.7-1. The discussion of both the HDR and Resort land use designations must include the statement that densities may be transferred to the HDR2 land use designation in addition to the Resort and NVSP designations. Without this specification density transfers may be adversely affected in the immediate vicinity of Canyon Lodge and other areas within 500 yds of a ski lift terminus and thus conflict with a significant General Plan update objective.

RESPONSE 042-18

Table 4.7-1 of the Revised Draft Program EIR does indicate in the HDR changes column that density may be transferred from the HDR-2 to specific areas in the R and NVSP designations. The change column in the Specific Plan row indicates that densities may be increased in the NSVP designation within 500 yards of a gondola terminal through transfers from the HDR-2 or other Resort properties. The issue of density transfer is also address in the Resort change column as noted in Comment No. 042-17. It should be noted that the Town may remove the provision of density transfers from the Draft General Plan Update.

COMMENT 042-19

15. Industrial and commercial development projections. The General Plan update will significantly increase build out levels of industrial and commercial development (see Table 3-5). It is not clear that the reallocation of the TOML economic development capacity from the area's core visitor-serving and resort -residential business to industrial and commercial/office uses represents an achievable or desirable result. As a result, the FPEIR and General Plan update should be revised to allow for the reallocation of unused commercial or industrial capacity to visitor-serving uses in the event that TOML growth deviates from the RDPEIR projections.

RESPONSE 042-19

As indicated in Table 3-5 of the Revised Draft Program EIR, the Draft General Plan Update would allow for an incremental increase of approximately 154,233 square feet of industrial floor area on 20 acres, and an incremental increase of approximately 85,000 square feet of commercial floor area within the existing designated land. The Revised Draft Program EIR provides an analysis of the land use pattern and intensity of development that could occur under the Draft General Plan

Update. The Draft General Plan Update provides the Town's vision for the future buildout of the community. The comment is on the allowable land use designations and allowable intensity of development that could occur under the Draft General Plan Update and does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-20

16. Page 4-185, Juniper Ridge Master Plan. Amend FPEIR to include the proposed Eagle Base Lodge development, a currently submitted application, as part of the overall Juniper Ridge Master Plan.

RESPONSE 042-20

The Eagle Lodge development, now approved by the Town, did require amendments to the Juniper Ridge Master Plan to allow the use as well as the proposed building envelope. The Juniper Ridge Master Plan previously allowed commercial square footage and a parking structure on the site. As Eagle Lodge is a specific development project, environmental review has been completed for the project. The Environmental Assessment and Final EIR were dated December 2006. The Draft EIR contained an analysis of the Eagle Lodge project relative to the existing General Plan as well as the Draft General Plan Update. However, the section has been revised in the Final Program EIR to mention the proposed Eagle Lodge development.

COMMENT 042-21

- Noise

No specific comments. The Noise section should generally note that proposed Ski Back facilities will reduce traffic and noise associated with skier transportation (see comment #3 above).

RESPONSE 042-21

The Town concurs that the Ski Back facilities could reduce traffic and noise associated with skier transportation. No application or environmental review has been completed for the Ski Back facilities. The analysis of potential traffic-related noise impacts included in Section 4.8, Noise, of the Revised Draft Program EIR reflects a conservative estimate of potential traffic noise levels. As shown in Table 4.8-8 of the Revised Draft Program EIR, future traffic noise levels at some of the locations would exceed 60 dB Ldn at the 100-foot distance. Where noise-sensitive receptors (full-time occupancy residences) are located next to roads, there is a potential for noise impacts if noise levels exceed 60 dB Ldn.

COMMENT 042-22

- Population, Housing, and Employment

17. Section 4.9, Page 4-217 and 4-218 analyze and interpret data to derive current average peak population figures (PAOT). As this data points out, a major contributor to the current PAOT figure is the 18,476 skiers on an average peak winter Saturday. Following this same logic through to the estimated 60,700 PAOT at build out, the TOML needs to identify what additional winter time recreational amenities will be provided to support the 60,700 PAOT population at build-out. MMSA does not anticipate any substantial growth in the average peak winter Saturday visitation figures (ref. Page 4-286, paragraph 2). Therefore, the FPEIR must provide some type of combined analysis of the overall "comfortable" carrying capacity for all community and resort recreational amenities to support the estimated 60,700 PAOT at build out in some fashion similar to the current PAOT calculation as represented in Table 4.9-3.

RESPONSE 042-22

Please refer to Response to Comment No. 016-1 for a discussion regarding PAOT. In addition, with regard to recreational amenities Section 4.12, Recreation, of the Revised Draft Program EIR provides an analysis of whether the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governments facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for parks, or would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. As described in the Revised Draft Program EIR, Policies and Implementation Measures are contained in the Updated Plan to ensure that park development and acquisition is prioritized and planned in concurrence with development (IV.2.A.a.3), resort visitor developments provide on-site and off-site amenities for their guests' benefit and enjoyment (IV.1.A.c.2), and that establishment of joint-use facilities is maximized. Nevertheless, impacts to recreation were determined to be significant and unavoidable as no mitigation measures beyond the policies and/or implementation measures identified in the Updated Plan were identified as feasible.

COMMENT 042-23

18. Daycare Facilities. The RDPEIR does not discuss the significant impact on employment due to a lack of daycare facilities within the community. This is a major issue that has been brought to the attention of town authorities at recent Planning Commission and Town Council meetings. MMSA provides one of the few infant and pre-school day care facilities in town at a net operating loss. This issue should be discussed as one of the impacts of increased population and employment. Implementation measures should encourage the development of further daycare facilities within the

community. Commensurate mitigation should be required of developers in direct correlation to employee generation figures to account for the incremental demand created for daycare facilities.

RESPONSE 042-23

The comment is acknowledged. With regard to an analysis of child care facilities, the Town is aware of the issue and the Draft General Plan Update addresses child care as it considers the needs of the community, and acknowledges the need for the provision of additional child care facilities. Implementation Measures II.1.E.a.1, II.1.E.a.3, and II.1.E.a.4 have been proposed to facilitate development of additional child care facilities. However, specific locations for child care facilities have not been identified or analyzed in the Revised Draft Program EIR. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 042-24

- Public Services

No comment.

RESPONSE 042-24

The comment indicates that there are no comments with regard to Section 4.10, Public Services, of the Revised Draft Program EIR. No further response is necessary.

COMMENT 042-25

- Public Utilities

19. Water supply. The RDPEIR concludes that, at build out, Mammoth Community Water District (MCWD) water supplies are not adequate to meet demand during three consecutive drought years. An element of this analysis is the assumption that Sierra Star Golf Course will use recycled water. The FPEIR should clarify that Sierra Star Golf Course is under an obligation to use recycled water at the time that the MCWD develops such supplies for its use but is not required to build recycled supplies on its own.

RESPONSE 042-25

The Town concurs that Sierra Star Golf Course is required by a condition of approval to use recycled water at the time that MCWD develops such supplies. The use of recycled water is under consideration and is the topic of an EIR that was released by MCWD in September 2006. The 2005 Urban Water Management Plan and the September 2006 EIR regarding recycled water make it clear that MCWD would implement the necessary improvements for the use of recycled water.

COMMENT 042-26

20. Mitigation Measure 4.11-1 states that no development will be approved that would "result in an excess of water demand" above the levels indicated in the MCWD 20-year analysis. The FPEIR should clarify this measure to mean that as long as a proposed project is consistent with (i.e., does not cause an exceedance of) the population and water use projections cited in the RDPEIR, the project would not conflict with the availability scenarios identified in the RDPEIR. Mitigation Measure 4.11-1 should primarily apply to projects that would result in an exceedance of the projected 60,700 PAOT level or that propose substantially more intensive and unanticipated water uses compared with those considered in the RDPEIR.

RESPONSE 042-26

Section 4.11 of the Revised Partial Draft EIR concludes that buildout of the April 2005 Draft General Plan Update would result in a significant impact on water supply due to the uncertainty of the implementation as well as the effectiveness of the future programs. Mitigation Measure 4.11-1 applies to all future development to ensure that as development occurs, water supply is available to meet the projected demand. Because of the uncertainty of the timing of future water supply sources as well as the effectiveness of demand reduction measures being implemented by MCWD, it would not be appropriate to apply MM 4.11-1 only to development projects that would exceed the projections in the April 2005 Draft General Plan Update and the Revised Draft Program EIR.

COMMENT 042-27

21. On page 4-256, there is no corresponding graph to the sentence in paragraph one.

RESPONSE 042-27

The Town acknowledges the comment. Section 4.11.1.1 of the Final EIR has been revised to include two graphs that were inadvertently omitted from the text. Graphs were provided in the 2005 MCWD Water Assessment contained in the February 2005 Draft EIR. The information incorporated into the Final EIR is from the 2005 UWMP.

COMMENT 042-28

22. Pg 4-276, re: Electricity and Geothermal, Implementation Measure 1.1.C.b.3 should be expanded to provide off-set or banked mitigation credits to private developers who provide a significant contribution to the realization of geothermal district heating within the community or attainment of LEED certification. MMSA is pursuing the potential for both LEED certification and direct use geothermal heating at Eagle Lodge at significant out-of-pocket cost, yet for benefits that may potentially serve the entire community.

RESPONSE 042-28

The comment is regarding the wording of an implementation measure in the Draft General Plan Update. As such, this comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-29

- Recreation

23. Page 4-279 references a children's daycare facility. As noted above, no daycare facility is provided by the Town for public use at this or any other location. The FPEIR should specifically address infant and child care measures and policies to be integrated into the General Plan update.

RESPONSE 042-29

At one time, there was a children's daycare program located at Community Center Park. However, the Town acknowledges that the children's daycare program no longer exists. The reference to the children's daycare in Section 4.12.1, Existing Conditions, of the Final Program EIR has been deleted. This updated information does not alter the conclusions made in this Section with respect to recreation.

The portion of the comment with regard to integrating child care policies and implementation measures into the Draft General Plan Update is a comment on the Draft General Plan. Policy II.1.E.a. and Implementation Measures II.1.E.a.1, II.1.E.a.3, and II.1.E.a.4 address child care. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. This portion of the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-30

24. Page 4-280, MMSA accommodated 1.43 million skiers in 2004/2005 on Mammoth Mountain and 1.46 million guests annually when Tamarack X-Country Ski Center, Scenic Gondola Rides, and Snowmobile Adventures are included.

RESPONSE 042-30

The comment is acknowledged. The text within 4.12.1, Existing Conditions, of the Final Program EIR has been revised to update the number of skiers and guests that Mammoth Mountain Ski Area accommodated in 2004/2005 at its various facilities. Please note that this updated information does not alter the conclusions made in this Section with respect to recreation.

COMMENT 042-31

25. Page 4-282, Table 4.12.2, Meeting Facilities, should also include the Village's Grand Sierra Lodge, Main Lodge Mountainside Conference Center, and Eagle Lodge is also available. The ski museum might also be appropriate for Table 4.12.2.

RESPONSE 042-31

The comment is acknowledged. These four facilities have been added as meeting facilities to Table 4.12-2 in Section 4.12, Recreation, of the Final Program EIR. Please note that this new information does not alter the conclusions reached in this section of the EIR with respect to recreation.

COMMENT 042-32

- *Transportation and Circulation*

26. Section 4.13: Transportation and Circulation. The traffic analysis appears to include certain significant errors that should be corrected in the FPEIR. Attachment "A" to this letter includes comments from LSA Associates that identify specific analysis concerns. The FPEIR should re-evaluate the traffic study based on LSA's comments and particularly assess whether the projected LOS at some negatively impacted intersections will be improved under the corrected assumptions.

RESPONSE 042-32

The comment is general in nature regarding the traffic analysis and does not provide specific issues with the Revised Draft Program EIR. Please see Response to Comment Nos. 042-42 through 042-53 for detailed responses to the comments raised in Attachment A.

COMMENT 042-33

27. Live-work policies and zoning. The TOML should clarify that the proposed General Plan update zoning already incorporates substantial consideration of the live-work policies identified in the RDPEIR (i.e., page 4-308 to 4-310). Absent such a clarification, the live-work policies could be read to require significant zoning modifications in the future to reduce traffic loads, a result inconsistent with other General Plan provisions and possibly requiring further environmental review.

RESPONSE 042-33

The policies and implementation measures referred to in the comment on pages 4-308 to 4-310 of the Revised Draft Program EIR are policies and implementation measures to reduce the potential impacts regarding roadway capacities. Existing regulations are summarized throughout the document in sections entitled regulatory framework. The intent of listing the policies and implementation measures in each section is to refer to the policies and implementation measures that are contained in the Draft General Plan Update that would serve to reduce potential environmental impacts. The comment is acknowledged and will be forwarded to decisionmakers for review and consideration.

COMMENT 042-34

28. Parking. RDPEIR Section 4.13-6 should be revised to state that LSA Associates has prepared a parking analysis that has been considered and circulated by the TOML. The analysis indicates that the Town's construction of a planned parking facility along Canyon Blvd. in the North Village Specific Plan area is essential to address regional parking needs. As a result, the construction of the Canyon Blvd. facility should be added to Section 4.13-6 as a specific mitigation measure to be implemented by the TOML as soon as possible.

RESPONSE 042-34

As discussed in Issue 4.13-6 of the Revised Draft Program EIR, the Town acknowledges that many of the commercial areas within the Town currently lack adequate parking supply as determined by the Town's Municipal Code. As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. As indicated in the discussion of Issue 4.13-6, all projects would be required to comply with parking standards contained in the Town's Municipal Code and to mitigate its impact on parking availability.

To address the Town's existing parking deficiencies, the Draft General Plan Update includes numerous implementation measures that would help to alleviate such deficiencies. Specifically,

with regards to the Village area, Implementation Measure IV.1.F.d.3 requires a comprehensive assessment of the parking needs in the Village area. This assessment would determine the appropriate parking solutions for this area. The applicable implementation measures and compliance with the Town Municipal Code parking standards would ensure that parking impacts are reduced to a less than significant level. As such, mitigation measures are not warranted.

LSC Transportation Consultants completed the *Mammoth Lakes 2005 Parking Study* (May 20, 2005) for the Town of Mammoth Lakes. This study, which was adopted by the Town Council and its recommendations included in the Master Facilities Plan, detailed parking demand and supply. Should the Town determine that the referenced Canyon Boulevard parking facility should be constructed, the facility would be required to undergo site-specific environmental review to determine if the facility is appropriate to serve a particular area or future development project(s), in addition to a review of environmental impacts. Therefore, the Canyon Boulevard facility is not being considered as a parking mitigation measure. Please also refer to Response to Comment No. 011-223.

COMMENT 042-35

29. On page 4-296 it is stated that the parking lot on the corner of Old Mammoth and Tavern is free parking and implies that it will remain in this form and use. The Land Use section map on page 4-180, however, designates the lot as the future site of the Police Station. This should be clarified as it appears to be in error.

RESPONSE 042-35

The discussion regarding parking on page 4-296 of the Revised Draft Program EIR addresses the existing conditions. As is indicated in the Revised Draft Program EIR, currently, the lot at the corner of Tavern and Old Mammoth provides a park-and-ride lot that can accommodate up to 100 cars. Figure 4.7-1 has been revised in the Final Program EIR to correctly indicated that the parcel at the corner of Old Mammoth and Tavern is a park-and-ride lot.

COMMENT 042-36

30. In Table 4.13.1, the superscript "a" in the Project Action Alternative (2024) column is not defined. One of the most impacted roadway-intersection combinations is Highway 203 from Main Lodge through the Village to the Minaret-Main Street intersection. It would be helpful to assign a LOS to that section of roadway for both existing conditions as well as the alternatives. The mitigations listed in Table 4.13.8, or a substitute approved by a traffic engineer, should be enforced by the Town so that development can proceed as described in the Project Action Alternative. The analysis should also specifically state that LOS exceedances will occur only on peak days and that mitigation measures will ensure acceptable LOS performance for average winter (and other low volume) days.

RESPONSE 042-36

The Town acknowledges the comment. A note for superscript “a” has been added to Table 4.13-1 of the Final Program EIR. The superscript “a” implies that the volume to capacity ratio is for planning purposes only. The traffic analysis analyzes impacts to the Main Street/Minaret Road and Minaret Road/Forest Trail intersections. The level of service at these intersections have been determined for existing conditions and at build out of the Draft General Plan Update, as well as the alternatives. As discussed under Issue 4.13-2, both intersections would require mitigation in the form of traffic improvements to operate at an acceptable service level.

With regard to the enforcement of mitigation measures, the Town of Mammoth Lakes would monitor and enforce all mitigation measures identified in the Revised Draft Program EIR through the adoption of a Mitigation Monitoring and Reporting Program (MMRP). The MMRP will incorporate all of the appropriate mitigation measures for the action that is approved by the Town. Typically, this is in a table format, which lists the measure and provides the frequency of monitoring and the agency or department responsible for the enforcement of the measure. The traffic analysis and prescribed mitigation measures have been developed for typical winter Saturday conditions, not peak holiday traffic conditions. Please see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 042-37

- Cultural Resources

31. RDPEIR Section 4.14 should be revised to note that cultural resources are regulated by state and federal agencies and that the primary TOML protection policies focus on implementing applicable state and federal law. Mitigation Measures 4.14-1 to 4.14-7 should be clarified to state that they are intended to implement state and federal requirements and not to generate an independent TOML regulatory process. Section 4.14 should conclude that compliance with state and federal cultural protection requirements will reduce impacts associated with the implementation of the General Plan to less than significant levels.

RESPONSE 042-37

Section 4.14.2 of the Revised Draft Program EIR contains a discussion of the applicable cultural Federal and state regulations. The purpose of Mitigation Measures 4.14-1 through 4.14-7 is to ensure compliance with applicable state and federal laws regarding cultural resources. The Town does not intend to generate an independent regulatory process with regard to cultural resources.

COMMENT 042-38

- Irreversible Environmental Changes

No comment.

RESPONSE 042-38

The comment indicates that there are no comments with regard to Section 6.1, Irreversible Environmental Changes, of the Revised Draft Program EIR. No further response is necessary.

COMMENT 042-39

- Growth-Inducing Impacts

No comment.

RESPONSE 042-39

The comment indicates that there are no comments with regard to Section 6.2, Growth Inducing, of the Revised Draft Program EIR. No further response is necessary.

COMMENT 042-40

- Significant Unavoidable Environmental Impacts

32. Significant and unavoidable impacts. RDPEIR Section 4.3 repeatedly states that the TOML General Plan policies will reduce biological impacts to less than significant levels. RDPEIR Section 6 should be revised to be consistent with this approach and to state that since the General Plan will be limited to focus in the urban growth area, impacts to biological resources will not be significant and unavoidable. Similarly, given that the RDPEIR concludes that air impacts are generally being caused by extra-regional factors that the TOML cannot control, the FPEIR should also indicate that air quality impacts associated with the General Plan update will be mitigated to levels that are not significant and unavoidable.

RESPONSE 042-40

Section 6.D, Significant and Unavoidable Impacts, of the Revised Draft Program EIR provides a summary of the conclusions contained in the Revised Draft Program EIR relative to impacts that are determined to be significant and unavoidable. Consistent with Section 4.3, Biological Resources, Issue 4.3.1, the project would not result in a direct impact to candidate, sensitive, or special status species due to the implementation measures contained in the Draft General Plan Update. However, as concluded in Section 4.3, Section 6.D indicates that impacts

related to candidate, sensitive, or special status species would be potentially significant and unavoidable from incidental contact or intrusion impacts due to Draft General Plan Update induced increases in recreational visitation to wilderness and open lands areas. In addition, as analyzed in Chapter 5, Cumulative Analysis, of the Revised Draft Program EIR, Section 6.D, indicates that the project would contribute to a cumulatively significant impact due to an increase in population that would occur from the related projects in combination with the project. Therefore, no revisions are required to this section.

Similar to biological resources, Section 6.D of the Revised Draft Program EIR provides a summary of the air quality analyses contained in Section 4.2, Air Quality, and Chapter 5, Cumulative Analysis, of the document. The EIR concludes that although Mitigation Measure 4.2-1 would decrease the long-term impacts to air quality from wood burning and road dust as it relates to attainment of the federal PM₁₀ standard, emissions will continue to threaten attainment of the State standards for PM₁₀ and O₃. Therefore, the Draft General Plan Update would result in a significant and unavoidable air quality impact and sensitive receptors would be exposed to substantial pollutant concentrations associated with implementation of the Updated Plan. Therefore, no revisions are required to this section.

COMMENT 042-41

- *Potential Secondary Effects*

No comment.

Again, thank you for the opportunity to comment on the RDPEIR for the Town General Plan.

RESPONSE 042-41

The comment indicates that there are no comments with regard to Section 6.5, Potential Secondary Effects, of the Revised Draft Program EIR. The comment also acknowledges the opportunity to comment on the Revised Draft Program EIR. No further response is necessary.

COMMENT 042-42

ATTACHMENT "A"

MEMORANDUM

DATE: December 2, 2005

TO: Scott Schoenfeld and Alex Fabbro

FROM: Les Card

SUBJECT: Comments on Town of Mammoth Lakes (Town) General Plan and Draft EIR Transportation Elements

I have reviewed the subject documents and prepared the following comments. Some of the comments are very technical in nature but have profound impacts on future land development permitting and required mitigation measures. For these reasons and the fact that many times during a formal EIR comment and response process there is misunderstanding and final responses do not accurately address the intended comment, I recommend that a face-to-face meeting with Town staff and their consultants be conducted to fully elaborate and clearly articulate these issues.

1. General Plan LU-12: The exhibit illustrating North Village Specific Plan (NVSP) does not reflect abandoned streets and new alignments for Berner Street and Canyon Boulevard.

RESPONSE 042-42

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-43

2. General Plan T&C-6: The circulation plan shows Berner Street connecting to Minaret Road, which is inconsistent with the adopted NVSP.

RESPONSE 042-43

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-44

3. General Plan T&C-21: The description of congestion on SR-203 overstates actual conditions. The description should be revised to emphasize that the congestion on SR-203 typically occurs only on winter weekends and holidays and only in the afternoon.

RESPONSE 042-44

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific

comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-45

4. General Plan T&C-21: The local transit discussion should highlight the significant system provided by MMSA during the most congested traffic conditions. This system provides extensive coverage throughout the Town for free.

RESPONSE 042-45

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-46

5. EIR Page 2-40: Mitigation Measure 4.13-1 regarding Minaret Road is not required. The traffic demand at the north end of the segment is not over capacity (1,029 demand equals 0.79 v/c ratio or LOS C) and at the south end of the segment, Minaret Road is already four lanes.

In addition, the traffic model highway network for 2024 assumes Berner Street connecting to Minaret, which will influence Minaret Road traffic volumes inconsistent with the adopted NVSP. It is recommended that the overall traffic network and traffic analysis zone loading assumptions be reviewed in the NVSP area due to their sensitivity to traffic demand on Minaret Road.

RESPONSE 042-46

The traffic analysis in Section 4.13, Transportation and Circulation, in the Final EIR has been revised and a new model run has been prepared that adjusts the model network. Please refer to Response to Comment No. 005-8 for a discussion of the revisions to the traffic model. As a result of the new model run, it is estimated that the 2004 Town-wide vehicle miles traveled (VMT) is 74,051. Upon build out of the Draft General Plan Update, the Town-wide VMT is estimated to be 128,270, for a net increase of 77 percent. The updated VMT analysis has been added to Appendix F of the Final EIR. The revised VMT was estimated as follows:

- The 2024 VMT resulting from the revised Existing General Plan traffic model run was estimated.
- It was assumed that the same percent reduction in VMT would occur under all alternatives if the same changes in the model were made.

Therefore, the revised Proposed General Plan VMT was estimated by multiplying the Proposed General Plan VMT identified in the Revised Draft Program EIR by the ratio of the revised Existing General Plan VMT to the Existing General Plan VMT identified in the Revised Draft Program EIR. Based upon the revised traffic data, the mitigation measure requiring widening of Minaret Road, Mitigation Measure 4.13-1 in the Revised Draft Program EIR, and Mitigation Measures 4.13-6 and 4.13-7 requiring improvements to the Main Street/Forest Trail and Main Street/Meridian Boulevard intersections, respectively, are not necessary as the service levels would not exceed the threshold at these intersections under the Draft General Plan Update build out conditions. In addition, the Development Impact Fees identified in the Master Facility Plan projects would be updated to reflect the recent changes in the prescribed mitigation measures.

COMMENT 042-47

6. Page 2-41, Mitigation Measure 4-13-3: The need for the eastbound acceleration lane has not been technically demonstrated. The primary mitigation measure, providing separate southbound left- and right-turn lanes, appears sufficient to adequately mitigate the deficient LOS condition. It is recommended that the eastbound acceleration lane recommendation be deleted.

RESPONSE 042-47

Mitigation Measure 4.13-3 in the Revised Draft Program EIR refers to a westbound acceleration lane. This was a typographical error that has been corrected in the Final EIR to refer to an “eastbound” acceleration lane (Mitigation Measure 4.13-2 in the Final EIR). The eastbound acceleration lane is necessary to reduce the minor street delay that would occur under buildout of the Draft General Plan Update to less than five vehicle hours. Without the eastbound acceleration lane, the minor street approach to this intersection would operate at LOS F with over 13 hours of vehicle delay in the PM peak hour, which would exceed LOS standards.

COMMENT 042-48

7. Page 4-305/306: The peak-hour traffic volume shown for Minaret Road, 1,346 vehicles, represents the volume at the approach to the Main Street/Lake Mary Road intersection, where the roadway is four lanes, and therefore has a capacity of 2,600 vehicles, not 1,300 vehicles. See additional discussion on comment #5.

RESPONSE 042-48

The segment analyzed is meant to represent the entire length of Minaret Road between Main Street/Lake Mary Road and Forest Trail. In order to analyze the “worst case segment,” the roadway was assumed to be a two lane road (one lane per direction) with a capacity of 1,300 vehicles per hour per direction. In addition, as discussed in Response to Comment No. 005-8, the traffic data and corresponding analysis has been revised in the Final EIR, which has resulted in a decrease in traffic volumes to some roadway segments within the Town. As shown in Table 4.13-5 in the Final

EIR, the capacity of Minaret Road from Main Street to Forest Trail would not be exceeded. As discussed in Response to Comment No. 005-8, Mitigation Measure 4.13-1 has been deleted in the Final EIR.

COMMENT 042-49

8. Page 4-309, Policy VII.1.B.c.1: This policy appears to require a full general plan build out cumulative analysis for a land development project. This analysis should only be required if a project exceeds or is otherwise inconsistent with the adopted General Plan intensity. If a project is consistent with the general plan, then the analysis in this General Plan EIR is adequate. The cumulative analysis for General Plan-consistent projects should be the existing traffic condition plus all projects in the pipeline (approval or in process, but not built) plus the specific development project.

RESPONSE 042-49

Development projects will require the preparation of a traffic study if potential traffic impacts could occur from the implementation of the specific project. As indicated in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

With regard to cumulative traffic analysis, Policy VII.1B.c.1 of the April 2005 Draft General Plan Update would require that cumulative impacts be modeled assuming full build-out of the General Plan. However, if a proposed project were completely within the assumed trip generation rates for the TAZ in which the project is located, including full development of all other parcels in that TAZ, no further traffic analysis would be necessary. Otherwise, a new traffic model run may be necessary. The determination would be made at the appropriate time in the application review process. The comment is specific to the policy in the Draft General Plan Update. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 042-50

9. Page 4-318, Mitigation Measure 4.13-7, Main Street/Meridian: The traffic volumes driving this mitigation measure appear out of context with the design day of a typical winter "Saturday." The projected peak-hour volume of 521 northbound left turns seems way out of context, as well as 375

east-bound right turns. These 521 left turns drive the deficiency and should be reexamined to verify accuracy.

The traffic generation for TAZ 114 (immediately adjacent to the intersection) does not appear to realistically reflect typical winter Saturday conditions. This zone assumes a generation of 44,245 daily trips and the vast majority are a Home to Other attraction. This is probably the college, which would not be in full session on a Saturday. In summary, the Traffic generation of TAZ 114 should be reevaluated to reflect the design day and the mitigation at Meridian/Main Street should be reconsidered.

RESPONSE 042-50

As discussed in Response to Comment No. 005-8, review by LSC Transportation Consultants of the of the traffic model assumptions utilized in conducting the traffic analysis in the Revised Draft Program EIR found that TAZ 114 included a high person trip rate per student (78 trips per student), which represents the College TAZ. LSC worked with the Town of Mammoth Lakes staff to re-evaluate the trip generation associated with TAZ 114, to reflect current development proposals and projected uses at build out of the area. As a result the land uses in the model for TAZ 114 were changed and the trip generation of this TAZ was reduced. Accordingly, the traffic data and corresponding analysis have been revised in the Final EIR, which indicated a decrease in traffic volumes to some roadway segments within the Town. As shown in Table 4.13-8 in the Final EIR, the Main Street/Meridian intersection would operate at an acceptable level of service. Therefore, Mitigation Measure 4.13-7 in the Revised Draft Program EIR has been deleted in the Final EIR.

COMMENT 042-51

10. Traffic generation in TAZ 119: This zone assumes 150,000 sf of retail use and generates in excess of 30,000 trips, one of the highest zones in the Town. This appears unrealistic since the type of retail use expected in this zone would not be comparable to other conventional retail use like North Village.

RESPONSE 042-51

The land use assumptions for the model runs were developed by Town of Mammoth Lakes staff and are considered accurate. The Draft General Plan Update traffic analysis is meant to provide a general picture of the potential future Town-wide issues. Regardless, the Village TAZ generates 1,400 vehicle trips per hour and 12,800 trips per day in the revised traffic model run (not 30,000). While this assumption is conservative, it is feasible.

COMMENT 042-52

11. Peak Hour Factor: Level of Service Analysis (12/6/04) by LSC Consultants: It should be acknowledged that the long-range Town build out traffic forecasts represent an extremely conservative assessment of traffic conditions by assuming two critical factors: (1) an occupancy rate of 100 percent for all residential units, and (2) a "peak hour factor" that increases the projected traffic an additional 10 percent (5 percent on Main Street [Old Mammoth to Lake Mary] and Old Mammoth [Main Street to Meridian]) above that forecast by the traffic model.

RESPONSE 042-52

Please see Section 4.13.1 in the Revised Draft Program EIR for a discussion of the methodology used to calculate and analyze existing and future traffic volumes within the Town. As discussed in this section, future traffic volumes represent those that would occur on a typical (average) winter Saturday. The traffic model was "validated" so that it matches reality for all critical links in the system. In other words, adjustments were made until the modeled traffic volumes approximated existing traffic volumes, often referred to as "ground counts." Once the model was validated, then the model was used to estimate future travel patterns and volumes. Thus, the model provides an accurate assessment of future traffic model volumes based on the proposed land uses in the Draft General Plan Update. Also note that the peak-hour factor used in the analysis correspond with peak-hour factors typically used in LOS analyses. The traffic model does not utilize an occupancy rate per se to determine traffic volumes, but rather assigns a trip generation rate per dwelling unit for residential use. The traffic model assumes maximum development and applies the applicable trip generation rate to the projected number of dwelling units at buildout of the Draft General Plan Update. As such, the model appropriately calculates the number of trips associated with the total number of dwelling units at buildout of the Draft General Plan Update. The use of a peak-hour factor of less than one does not result in the analysis of higher traffic volumes. Instead, the peak-hour factor is used in the LOS analysis to generate the LOS that occurs during the peak 15 minutes, versus the average over an hour. Also note that the peak-hour factor used in the analysis is in line with peak-hour factors typically used in conducting a LOS analyses. The analysis used a peak-hour factor ranging from 0.90 to 0.95, which is consistent with traffic counts recently conducted in 2005 as a part of the Eagle Lodge Base Development Project EIR, which were as follows:

- Minaret Road/Main Street – Peak-hour factor = 0.92
- Minaret Road/Main Street – Peak-hour factor = 0.92
- Old Mammoth Road/Meridian Boulevard – Peak-hour factor = 0.94
- Old Mammoth/Meridian Boulevard - Peak-hour factor = 0.94

- Minaret Road/Meridian Boulevard- Peak-hour factor = 0.94
- Minaret Road/Forest Trail - Peak-hour factor = 0.94

Therefore, the long-range Town build out traffic forecasts represent an accurate assessment of future traffic conditions. Please also see Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element.

COMMENT 042-53

12. Typical Winter Saturday Design Day: It appears that the previously stated Town policy of designing a highway system for a "typical winter Saturday" has been lost in the analytical traffic modeling process. The town has consistently stated that it was not its intent to design a transportation system sufficient for the 10 to 15 peak winter days of the year. Yet, it appears that the Town build out 2024 traffic forecasts represent a "peak" Saturday condition. This is substantiated by the assumption of 24,000 skiers, 100 percent occupancy of all visitor accommodations, and further, the increase of all traffic volumes, an additional 10 percent above the 100 percent occupancy levels via the Peak Hour Factor (PHF) adjustments noted in comment #11. All of these conditions combined represent that mitigation measures are being recommended for the absolute highest traffic day of the year.

RESPONSE 042-53

Please refer to Response to Comment No. 011-209 for a discussion of the rationale for analyzing traffic impacts on a typical winter Saturday, as established by Policy 1.7 in the Town of Mammoth Lakes General Plan Transportation Element. The traffic model assumes that 24,000 skiers would visit the ski area on a typical Saturday in 2024. It is true that currently on a typical winter Saturday, roughly 16,000 skiers visit the mountain and 24,000 skiers only visit the mountain on peak days. However, as population increases in the Town, it is assumed that the ski area would generate the maximum number of skiers more often. Therefore, the number of skiers on a typical winter Saturday would represent the capacity of the ski area. Adopted plans regarding ski portal capacity currently indicate a buildout of the capacity at 24,000 skiers. The peak hour adjustments referred to in Comment #11 are discussed in Response to Comment No. 042-52. Please see Response to Comment No. 042-50 for a discussion of the methodology utilized in the traffic model. In addition, as discussed in Response to Comment No. 005-8, the traffic data and corresponding analysis has been revised in the Final EIR, which has resulted in a decrease in traffic volumes to some roadway segments within the Town. Based on the revised traffic data, the number of mitigation measures in the Revised Draft Program EIR has been reduced in the Final EIR.

LETTER NO. 043

Raley's
Kent Haggerty, Vice President - Real Estate
500 West Capitol Avenue
West Sacramento, CA 95606-2696

COMMENT 043-1

I understand that you will be submitting a proposal to develop a Raley's supermarket in Mammoth Lakes. The purpose of this letter is to communicate our interest in this area and our desire to work with Wall Street Property Company as our Preferred Developer. Our interest in opening a store will be subject to review of the overall feasibility of the specific location including an acceptable site plan, sales volume study, economics and Board of Director's approval. Please convey the benefits that our long standing relationship with your company and our approach of working in partnership with Wall Street and the other local stakeholders will bring to the Town of Mammoth Lakes.

A few items that you can share to help introduce Raley's to the people we will be working with are summarized below. Raley's was voted No. 1 supermarket chain in the U.S. by readers of a leading national consumer magazine each of the last three times this survey was published. It also was awarded the top spot in both the best meat and best produce categories, as well as the most outstanding regional chain. According to the November 2005 issue of Forbes magazine, Raley's is the eighth largest private company in California.

Please keep us advised on the status of this opportunity and let us know what we can do to assist with your efforts.

RESPONSE 043-1

The comment expresses interest from a supermarket with regard to locating in Mammoth Lakes. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 044

Wall Street Property Company
Michael R. Perry, Managing Partner

COMMENT 044-1

As a follow-up to our previous meetings and your conversation with Michael Pavlovich this letter will serve to register interest on behalf of Wall Street Property Co. to continue discussions about how we can creatively incorporate a Raley's Supermarket into a mixed use development on the "Bell Property".

Wall Street Property Co. is a community shopping center development company that has been in business for 25 years. We have developed and currently operate 19 community shopping centers in the California and Nevada markets. As we discussed at our previous meetings, some of our projects that you may be familiar with include the Gateway Shopping Center in Truckee, CA anchored by Safeway and Rite Aid and 5 shopping centers in Reno of which 3 are anchored by Raley's Supermarkets, 1 anchored by Safeway Supermarket and 1 lifestyle center anchored by Borders Books, Cost Plus World Market, Bed Bath & Beyond, Chevy's Mexican Restaurant and the Claim Jumper Restaurant.

Regarding the development of a community shopping center in the town of Mammoth Lakes, our company is the exclusive developer for Raley's Supermarkets. I have enclosed a copy of a letter from Kent Haggerty, Vice President of Real Estate for Raley's, indicating their interest in locating a store in your community and their commitment to our company as their preferred developer. We believe that a collaborative effort between Raley's, the town of Mammoth, and our firm will result in a new, vibrant shopping center with a supermarket to serve the growing community. Our vision is to create a shopping center incorporated into a mixed use development featuring multi-family housing and retail with convenient street level parking for the retail component and structured parking for the multi-family component. We envision clusters of small shops, with one- and two-story elevations surrounding the Raley's building creating a village environment that welcomes shoppers and diners.

We propose that our company and the Town of Mammoth Lakes form an alliance and enter into an exclusive negotiating agreement to design this new commercial center. It is my understanding that the town is currently going through a general plan update. I believe this would be the ideal opportunity to create an open forum with the community with regards to this project.

We are excited about the opportunity this presents for our firm and the community. Please feel free to discuss our proposal at the next planning commission meeting scheduled on December 14, 2005.

We at Wall Street Property Co. and Raley's Supermarkets are available and would welcome the opportunity to discuss this project in greater detail with the town.

Thank you for your consideration of our request and we look forward to hearing from you in the near future. Should you have any questions, please feel free to contact me.

RESPONSE 044-1

The comment expresses interest from a supermarket with regard to locating in Mammoth Lakes. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 045

Advocates for Mammoth
33 Signers
P.O. Box 2005
Mammoth Lakes, CA 93546

COMMENT 045-1

Completely Ignores MMSA plans-Key to Transportation, recreation availability and Housing.

RESPONSE 045-1

The Draft General Plan Update provides the proposed designations for MMSA-owned property within the UGB. Potential buildout in accordance with the Draft General Plan Update on MMSA-owned property is included in the analyses contained in the Revised Draft Program EIR.

COMMENT 045-2

Loss of Mammoth Creek Park.

RESPONSE 045-2

The comment expresses concern regarding the potential loss of the five acres within Mammoth Creek Park owned by the Town. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-3

Housing in Institutional Public Zone.

RESPONSE 045-3

This comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-4

Loss of SCP designation that protected sensitive environments and loss of stream corridor overlay.

RESPONSE 045-4

The comment expresses a concern with the loss of the Special Conservation Planning (SCP) areas and the loss of the Open Space Stream Corridor (OSSC) overlay within the General Plan Update. All of the policies and objectives of the SCP and OSSC overlays within the 1987 General Plan have been included in the Draft General Plan Update. With regard to the SCP overlay, the Low Density Residential-1 land use designation covers the area of the SCP. The LDR1 incorporates the lot coverage and density requirements of the Rural Residential (RR) zoning and SCP text. In addition, the design review requirements are incorporated in the aesthetic policies, the Snow Deposition Design Zone is retained in the plan policies, and the Laurel Meadows properties acquired by the Town are re-designated to OS.

For the OSSC overlay, the Laurel Meadows properties, which were acquired by the Town, are re-designated to OS and the policies regarding stream bank setbacks and flood damage prevention are contained in the Community Health and Safety Chapter, specifically Implementation Measures I.1.A.b.2, I.1.A.b.3, I.1.B.c.1, I.1.B.c.2, I.1.B.c.3, II.4.A.a.1, and II.4.A.a.3. Therefore, the SCP and OSSC overlays have not been discarded, just reorganized into the policies of the Draft General Plan Update to avoid redundancy.

COMMENT 045-5

Almost doubling the amount of Industrial without analysis or justification.

RESPONSE 045-5

The comment is on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-6

No clearcut height limit (We thought the 200ft lighted building proposed for Sierra Star was a typo, wrong.

RESPONSE 045-6

The Draft General Plan Update and Land Use Map provide the land use designations and land use pattern that would result under the Draft General Plan Update. The land use designations provide the types of land uses and the maximum density allowed for each designation. The development standards, which include setbacks, height, lot coverage, etc., are contained in the Town's Municipal Code. The maximum height allowed by the Code is 110 feet (90 foot high building with a 20 foot high parking garage below) within the North Village Specific Plan area.

However, the Code does allow for exceptions to the height limit. Such an exception would require discretionary action. Environmental review would be completed as part of the process.

COMMENT 045-7

500 yard (quarter mile) walking distance to ski lifts.

RESPONSE 045-7

The comment is not clear. However, as indicated in the Revised Draft Program EIR, the Draft General Plan Update would allow an increase in densities within 500 yards of a ski lift terminus through transfers from the HDR-2 or other Resort Properties. However, the Town may remove the provision of density transfers from the Draft General Plan Update. Please see Response to Comment No. 011-104 for a discussion regarding the 500 yards walking distance to ski lifts.

COMMENT 045-8

780 room bonus and transfer rights in North Village.

RESPONSE 045-8

The comment appears to be on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-9

Inadequate water assessments and no concrete plan to resolve problems.

RESPONSE 045-9

The comment expresses an opinion with regard to the water supply assessment. Section 4.11 of the Revised Draft Program EIR contains a detailed analysis of water demand and water supply. As indicated in Section 4.11, the District has plans for acquiring additional future water supplies. Please see Response to Comment No. 010-23 for a detailed discussion regarding the District's water shortage contingency plan.

COMMENT 045-10

Ignores noxious odors from diesel buses, trucks, autos, snow removal and construction equipment.

RESPONSE 045-10

As the Draft General Plan Update does not directly increase the number of diesel vehicles operating in the Town of Mammoth Lakes, there is no impact with respect to odors from the implementation of the Draft General Plan Update. Objectionable odors are considered air contaminants by the APCD Rule 109.B.2, and compliance with Rule 402 prohibits the discharge of air contaminants that cause injury, detriment, nuisance, or annoyance to any considerable number of people. Operators of potentially odorous sources are required to comply with Rule 402.

COMMENT 045-11

Ignores the noise and air pollution from the equipment listed in 10.

RESPONSE 045-11

According to the AQMP p. 5-8, PM₁₀ emissions from vehicle tailpipes contribute <1 ug/m³, which comprises 0.5 percent (negligible) of the total PM₁₀ measured ambient levels on a road dust dominated design day. On a wood burning dominated day, vehicle tailpipe emissions are predicted to contribute 5 ug/m³, approximately 2.4 percent, of the measured PM₁₀ concentrations. Thus a sizeable increase in vehicle tailpipe emissions will not significantly increase the ambient concentration of PM₁₀ experienced. It should be noted that an increase in vehicles miles traveled, which is directly proportional to the number of cars on the road and/or distances driven, will increase the road dust contribution to ambient PM₁₀ levels. This is why the GBUAPCD and the Town choose to limit VMT to a town-wide cap of 106,600, which allows for a growth from existing VMT levels of approximately 78,500. Tailpipe emission factors were derived from EMFAC2002, which calculates tailpipe emissions using fleet mix in addition to a variety of other factors. The fleet mix was assumed for Mono County, which represents the most representative vehicle mix available for the Town of Mammoth Lakes. This vehicle mix would include heavy duty and medium duty vehicles, which would include busses, vehicles associated with the snow clearing process, as well as a variety of other vehicles that would be operating in Mono County. The tailpipe emission factors as well as the other emission factors applied to the calculations in the Revised Draft Program EIR are conservative numbers that are used to estimate worst-case conditions.

Regarding potential noise impacts, a thorough analysis of potential traffic-related noise impacts is provided in Section 4.8, Noise, of the Revised Draft Program EIR. The noise levels were evaluated using a version of the Federal Highway Administration (FHWA) Traffic Noise Prediction methodology (FHWA-RD-77-108), traffic data provided by the project traffic consultant, and fleet mix (e.g., autos, trucks, buses, etc.). The projected increase in traffic that would result from buildout of the Draft General Plan Update would result in an increase in the amount of ambient noise in the Town during the high traffic periods. As shown in Table 4.8-8 of the Revised Draft Program EIR, future traffic noise levels at some of the locations analyzed would exceed 60 dB Ldn at the 100-foot distance. Where noise-sensitive receptors (e.g., residences) are located next to roads,

there is a potential for noise impacts if noise levels exceed 60 dB Ldn. Snow removal equipment and construction equipment are considered intermittent sources and are addressed by the Town's Noise Ordinance. The Noise Ordinance identifies specific restrictions regarding construction noise. As outlined in Section 8.16.090 of the Town Noise Ordinance and presented in Table 4.8-4 of the Revised Draft Program EIR, the Town has established maximum exterior noise levels from the operation of equipment used in construction, drilling, repair, alteration or demolition work. All mobile and stationary internal-combustion-powered equipment and machinery is also required to be equipped with suitable exhaust and air-intake silencers in proper working order.

As discussed on page 4-202 of the Revised Draft Program EIR, Section 8.16.100 of the Noise Ordinance provides an exemption for the performance of emergency work such as may be required to prevent or alleviate personal or property damage caused by an emergency. Although not specifically cited as such in the Noise Ordinance, the Town considers snow removal activities for purpose of public safety as emergency work when it occurs on public roadways, in parking lots, or around places of business.

COMMENT 045-12

Requires 10 intersections and streets to be reworked without consideration of cost or inconvenience during rework.

RESPONSE 045-12

As discussed under Issue 4.1-2 in the Revised Draft Program EIR, improvements identified in the mitigation measures would be financed through the Town's Capital Improvement Program and/or payment of Development Impact Fees by future development projects. The Town collects Development Impact Fees from all new projects to fund these improvements. The Town has a traffic-monitoring program to determine the timing of the improvements. Additionally, future development projects will be required to prepare a traffic study. If a project triggers the necessary improvement, it would be required to install the improvement or pay a Development Impact Fee sufficient for the Town to construct the necessary improvement.

Traffic control during construction is implemented in accordance with the Construction Traffic Control Manual. Minor traffic delays and/or detours may occur during construction. Specific details are developed on a case by case basis with safety of the traveling public and workers as the primary concern and the minor delay or detour is secondary. Most streets in town have alternate routes so vehicles can use alternate routes if desired during the periods of construction

COMMENT 045-13

Accepts traffic service level D on an average winter Saturday.

RESPONSE 045-13

Policy 1.7 in the Transportation and Circulation Element of the adopted General Plan states that LOS D or better shall be established and maintained on a typical winter Saturday for signalized intersections and for primary through movements for unsignalized intersections along arterial and collector roads. This standard is also confirmed in Policy VII.1.B.c in the Draft General Plan Update. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-14

Ignores obvious mitigations to environmental impacts (better regulations and enforcement, new and better equipment, design changes, etc.)

RESPONSE 045-14

The comment is general in nature and does not provide a specific reference or example. Typically, enforcement of regulations would not be considered a mitigation measure for an environmental impact. The comment expresses an opinion and therefore, will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-15

Zones Bell shaped parcel as Resort.

RESPONSE 045-15

As indicated in Section 4.7, Land Use and Planning, of the Revised Draft Program EIR, the Bell-shaped parcel is currently undeveloped and is designated Resort. As shown in Figure 3-4, under the Draft General Plan Update the Bell-shaped parcel would also be designated Resort. Therefore, the Draft General Plan Update would not result in a change to the designation on this Town-owned parcel.

COMMENT 045-16

No concrete solutions to parking problems

RESPONSE 045-16

Parking is analyzed under Issue 4.13-6 in the Revised Draft Program EIR. As discussed under Issue 4.13-6, policies and implementation measures contained in the Draft General Plan Update would require that as part of the future project review process, conditions of approval and implementation of the Development Impact Fee schedule, that each development adequately mitigate its impact on parking availability (Implementation Measure II.I.C.a.2). All development projects would be required to comply with Title 17 (Zoning) of the Town Municipal Code parking

standards. In addition, Implementation Measure VII.1.F.a.1 requires that the Town reevaluate the parking requirements in Title 17 to ensure that the requirements result in adequate parking. The Draft General Plan Update also contains a measure that requires the Town to evaluate options for shared parking, covered parking, fee parking and other parking alternatives (IV.I.F.c.4). These implementation measures as well as compliance with the code requirements would ensure that future development would provide adequate parking. Therefore, compliance with the Town Municipal Code parking requirements and implementation of the Draft General Plan Update policies and implementation measures would ensure that parking impacts are reduced to a less than significant level. Please also refer to Response to Comment Nos. 011-223 and 011-224 for further discussion of parking impacts. In addition, Response to Comment No. 005-4 provides a discussion on construction-related parking impacts.

COMMENT 045-17

Fails to analyses the effect of over 20,000 additional visitors on public lands and the recreation experience.

RESPONSE 045-17

As discussed in Section 4.3, Biological Resources, of the Revised Draft Program EIR, indirect impacts beyond the UGB and the Planning Area could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area. However, the USFS has established a maximum capacity on most of its wilderness parks within the Planning Area, thus restricting the number of people allowed to enter a park on a given day. Additionally, the USFS controls the number of overnight visitors and back-country permits for wilderness area travel. Enforcement of such maximum capacity rules would help limit potential impacts from contact intrusion. Furthermore, the preliminary focus of the Revised Draft Program EIR is to analyze potential impacts on biological resources within the Town.

COMMENT 045-18

Rejects the clearly environmentally superior alternative, because it does not meet a supposed Town objective requiring intense development with no quantitative analysis as to how much development is needed.

RESPONSE 045-18

Section 7.6 in the Revised Draft Program EIR concludes that the Reduced Development Alternative is the Environmentally Superior Alternative. As discussed in Section 7.6, while the Reduced Development Alternative would incrementally reduce the severity of project impacts, this Alternative would not eliminate any impacts that would result under the project. Section 3.16 of the

Revised Draft Program EIR provides the objectives of the project. The objectives do not include a requirement for intense development. The Draft General Plan Update, which is analyzed in the Revised Draft Program EIR was developed with a community process over a period of time. The Draft General Plan Update determines the intensity of development that could occur. Typically, the actual development is a result of market conditions. The Revised Draft Program EIR provides a worst case analysis of the project, which is the full buildout of the community that could occur under the Draft General Plan Update. The discussion contained in Section 7.6 of the revised Draft Program EIR does not reject the Reduced Development Alternative, but rather provides a discussion of the ability of the Reduced Development Alternative to meet project objectives relative to the Draft General Plan Update. All of the identified project alternatives will be reviewed and considered by the decisionmakers.

COMMENT 045-19

Fails to provide enough park land even though there is obviously enough vacant land (Gateway, Bell Shaped Parcel, Shady Rest Tract, Mammoth Creek corridor, etc.

RESPONSE 045-19

As indicated in Table 4.12-1, the Town plans to provide approximately 28.03 acres of additional parkland under buildout of the Draft General Plan Update to meet the stated performance objective of five acres per 1,000 permanent and seasonal residents. However, due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks, impacts to parks and recreation were concluded to be significant and unavoidable. Although the Town owns undeveloped land that could potentially be used to meet the Town's recreational needs, it must also consider and balance the other public service needs of the Town.

COMMENT 045-20

Completely emphasizes resort economy which is inherently unstable while ignoring features to diversify economy. (Telecommuting - make town wireless, Encourage writers artists and artisans-zoning and art venues, retirees - they bring built in paychecks and lots of paying skiers, and shop on Wednesday.

RESPONSE 045-20

The comment is on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-21

No solution as to how to route a state highway to a major ski area and a National Monument through the center of a 6000 person pedestrian "village".

RESPONSE 045-21

The Revised Draft Program EIR analyzed traffic impacts to the existing roadway network as a result of buildout of the Draft General Plan Update. Mitigation measures were identified as appropriate in response to identified traffic impacts. The identified mitigation measures did not identify rerouting a state highway as necessary to mitigate a traffic impact. Also, Issue 4.13-4 analyzes impacts associated with hazards due to design features and Issue 4.13-7 analyzes impacts related to conflicts with adopted plans, policies or programs supporting alternative transportation. Within these discussions, the Revised Draft Program EIR considers numerous policies and implementation measures related to providing safe and efficient pedestrian facilities, which include the following: I.7.B.c.3, II.1.A.a.1, II.1.B.b.1, II.1.C.a.2, VI.1.D.a.1, VI.1.D.a.2, VII.1.A.a.1, VII.1.A.a.2, VII.1.A.a.3, VII.1.A.a.4, VII.1.A.a.5, VII.1.A.a.6, VII.1.A.a.7, VII.1.A.a.8, VII.1.B.a.4, VII.1.B.b.4, VII.1.B.c, VII.1.D.a.3, VII.2.A.a.2, VII.2.B.b.1 and VII.3.B.a.3.

Although more visitors and pedestrians would occur in the future, with implementation of the applicable policies and implementation measures in the Draft General Plan Update, pedestrian operation and safety Townwide would improve when compared to existing conditions. In addition, the planning roadway capacities used in the EIR traffic analysis included a 1 to 7 percent reduction to roadway capacity due to the presence of pedestrian crossings.

COMMENT 045-22

Intense development with huge numbers of visitors in NV and Juniper Springs effectively isolates residential neighborhoods in Knolls, Slopes and Majestic Pines.

RESPONSE 045-22

The comment is on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-23

No provision for second Super Market.

RESPONSE 045-23

The comment is on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-24

Doesn't address difficulty of winter pedestrian passage through roundabouts.

RESPONSE 045-24

Please refer to Response to Comment No. 011-216 for a discussion regarding pedestrian safety and roundabout operations.

COMMENT 045-25

Complete emphasis on high end visitor. No consideration to traditional California guests that built ski area - Joe six pack and Suzie boarder.

RESPONSE 045-25

The comment is on the Draft General Plan Update and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 045-26

Where will ski clubs stay and park their buses?

RESPONSE 045-26

The comment is general and does not provide specifics with regard to ski clubs and buses. Nonetheless, the analysis of Issue 4.13-6 which addresses parking includes policies and implementation measures contained in the Draft General Plan Update that require as part of the future project review process, conditions of approval and implementation of the Development Impact Fee schedule, that each development adequately mitigate its impact on parking availability (II.I.C.a.2). All development projects would be required to comply with Title 17 (Zoning) of the Town Municipal Code parking standards. In addition, Implementation Measure VII.1.F.a.1 requires that the Town reevaluate the parking requirements in Title 17 to ensure that the requirements result in adequate parking. Ski clubs would stay in the accommodations that are provided either in the Town or in the surrounding area.

LETTER NO. 046

Brigitte H. Berman
P.O. Box 9753
Mammoth Lakes, CA 93546

COMMENT 046-1

1. Building Code: At one of the first town General Plan Update meetings we placed dots on the preferred building façade for new buildings in town. We voted for the “Village Look”. What have we got: ugly plain buildings (Starbuck’s building) and affordable housing of bland looking density.

RESPONSE 046-1

The comment expresses an opinion with regard to building design. The comment does not introduce new environmental information or directly challenge information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decision-makers for review and consideration.

COMMENT 046-2

2. The MM new development at the Main Lodge has to be included in the EIR.

RESPONSE 046-2

As indicated in Response to Comment No. 011-229, Section 15130 of the CEQA Guidelines requires the cumulative analysis in an EIR to discuss not only approved projects under construction and approved projects not under construction, but also unapproved projects currently under environmental review. Section 15130 subsection (b)(1)(B) authorizes a Lead Agency to limit its analysis of probable future projects to those which are planned or which have had an application at the time the Notice of Preparation (NOP) is released for review. Without this guideline, the cumulative impact analysis may suffer frequent revision as new, incremental projects are identified. As no application is pending for the future redevelopment of the Main Lodge, the Main Lodge is not included in the cumulative analysis.

COMMENT 046-3

3. MM Ski Area has to be included in the EIR. How can MM handle double the skiers from today. Is the town even talking to MM management?

RESPONSE 046-3

As described in Chapter 3.0, Project Description, the Revised Draft Program EIR analyses buildout of the Draft General Plan Update which assumes a maximum number of people at one time (PAOT) on an average winter Saturday which includes skiers at Mammoth Mountain Ski Area (MMSA). Moreover, the number of skiers on MMSA would not double under buildout of the General Plan Update as the comment suggests. As discussed in Section 4.12, Recreation, of the Revised Draft Program EIR, MMSA currently accommodates more than 20,000 skiers at one time (SAOT). However, MMSA's Peak Design Capacity is 24,000 skiers. The Town has and will continue to work with the U.S. Forest Service and MMSA on any future MMSA projects.

COMMENT 046-4

4. Back Country impact of doubling of visitors: The EIR states “no significant impact since the town has no jurisdiction beyond the town boundaries. Not so! Summer impact with only a small increase in visitors will be very significant. Doubling the summer visitors will be devastating to the back country. The EIR must address the impact by consultation with the Forest Service and National Park management.

RESPONSE 046-4

This comment is similar to Comment No. 020-2. Please refer to Response to Comment Nos. 020-2 for a detailed discussion of impacts as they relate to land beyond the Town boundary and associated mitigation measures.

COMMENT 046-5

5. Mule Deer migration to Mammoth Pass is not outside the town boundary, but through Snow Creek, Old Mammoth, Bluffs, Valentine. The EIR has to address that issue – see Power Plan EIR. Mitigation: Open spaces, no gated communities, reduced speed limits.

RESPONSE 046-5

Please refer to Response to Comment No. 011-67 for a discussion regarding deer migration.

COMMENT 046-6

6. Seismic activity and volcanism in the Mammoth area is considered in the EIR as “less than significant” and “no mitigation measures are required”. Not so! Hazards from volcanic ashes and especially fire, and a new escape route along Sherwin Road have to be addressed.

RESPONSE 046-6

Please refer to Response to Comment Nos. 011-76 and 011-77 for a discussion of volcanic-related hazards. Please refer to Response to Comment No. 011-83 for a discussion of impacts

regarding the implementation of the Updated Plan and the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evaluation plan. As discussed in Response to Comment No. 011-83, Implementation Measure II.4.C.a.2 requires the Town to establish appropriate evacuation routes and incorporate them into the Emergency Preparedness and Response Plan. This comment, which states that a new escape route along Sherwin Road needs to be addressed, will be considered for inclusion in the Emergency Operations Response Plan. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 047

Doug Jung, PE, PG
P.O. Box 151
Mammoth Lakes, CA 93546

COMMENT 047-1

1. Introduction final draft

A. Doug Jung, Colo. Mines, PE (#1151), PG (#2871), MBA USC, retired after 40 yrs in E&P, various oil companies

RESPONSE 047-1

The comment provides the credentials of the author of the comment letter. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 047-2

2. Discussion (MCWD 11/14/2005, Water Assessment, rev)

A. MCWD assessment indicates only a “minimal” supply is available, margin of error is too slim, need a “cushion” and/or a risk factor built in

RESPONSE 047-2

The item regarding a safety margin or contingency factor for planning purposes was discussed by the MCWD Board at the February 16, 2006 Board meeting. Board Item D-4 on that agenda was a discussion of a water supply contingency factor. The Board agreed by consensus a policy of a 10 percent contingency factor to be used for planning purposes. The purpose of the contingency factor is meant to give the District time to react prior to reaching a crisis water supply situation. The District’s goal is to stay ahead of the 10 percent contingency line and to develop water sources in a timely manner to avoid the need for water restrictions and other conservation measures.

COMMENT 047-3

C. 5 and 7 yr drought periods have not been considered. These do occur.

RESPONSE 047-3

As discussed in Response to Comment No. 028-2, the 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios. Please see Response to Comment No. 028-2 for a discussion regarding the multiple dry year scenario.

COMMENT 047-4

D. wettest years 78-86 in 63 yr records, followed by driest years 87-94 in 63 yr record, history shows water yrs precip is highly variable

RESPONSE 047-4

The Town concurs that the precipitation is variable. As discussed in Response to Comment No. 047-5, the 2005 UWMP includes an analysis of normal year, single dry year and multiple dry year scenarios.

COMMENT 047-5

E. An unnamed “expert” is cited in the EIR – who is it? Qualifications? Licensed by CA?

RESPONSE 047-5

The discussion on page 4-256 of the Revised Draft Program EIR is regarding the interaction between groundwater pumping and surface water resources. The discussion has been expanded in the Revised Final Program EIR and the term expert has been deleted from the text. Please also see Response to Comment No. 009-2 for a detailed discussion regarding the analysis of the interaction between groundwater pumping and surface water resources. As indicated in Response to Comment No. 009-2, based on the available information on the interaction between groundwater pumping and surface water in the Mammoth Basin, the weight of expert opinion, based upon available data at the time the Draft EIR was circulated, is that there is insufficient evidence to show a connection between groundwater pumping and surface water flows in the Mammoth Basin. Most of the evidence indicates that there is not a connection between District groundwater pumping and the surface flows in Mammoth Creek, or the flow discharges at the Hot Creek headspring. However, USGS evaluation of the data indicates that the existing data is inconclusive and that additional information will be required in order to draw definitive conclusions on the interaction between groundwater pumping and surface water resources.

COMMENT 047-6

F. a new “methodology” for calculating S&D, what is it? Assumptions and so on

RESPONSE 047-6

As described in Appendix E of the Revised Draft Program EIR, in response to agency and community comments received on the February 2005 Draft EIR for the Draft General Plan Update, the Town revised the Draft General Plan Update (the project) and issued a Notice of Preparation for the Revised Draft Program EIR on August 15, 2005. The April 2005 Draft General Plan Update involved changes to population data, number of residential units, and non-residential floor area compared with the previously defined project. The change in the project definition would result in a change in the projected water demand previously provided by MCWD. In addition, after receiving comments on the water assessment document, the District further evaluated its water supply and demand calculations and has developed more detailed information that provides greater clarity on supply and demand issues. Therefore, MCWD provided a supplement to the water supply assessment, which is provided in Appendix E of the Revised Draft Program EIR. Section 4.11.1.1 of the Revised Final Program EIR has been revised to remove reference to a different methodology. Please see Response to Comment No. 010-19 for a discussion regarding factors used to calculate water demand.

COMMENT 047-7

G. what is “CWS” mentioned in the EIR?

RESPONSE 047-7

Section 4.11.2.1 of the Revised Draft Program EIR incorrectly cited CWS rather than MCWD as the water supplier for the Town. Section 4.11.1.1 correctly identified the water supplier as MCWD. As indicated in Section 4.11 of the Revised Draft Program EIR, the water supply assessment was prepared by MCWD. Section 4.11.2.1 of the Final Program EIR has been revised to correctly identify MCWD as the water supplier.

COMMENT 047-8

H. My calculations indicate a shortage in any multiple dry year scenario, well interference and overdrafting in the well field is being observed.

RESPONSE 047-8

Please see Section 4.11 of the Revised Final Program EIR for an updated water supply assessment based on the 2005 UWMP. As indicated in Table 4.11-5, water demand would exceed supply in year 3 and 4 of a multiple dry year scenario without any conservation, water demand reduction, recycled water, or future wells. However, with the inclusion of future water wells, water supply would be adequate to meet the demand. However, a shortfall would occur in a single dry year. In order to meet demand in a single dry year, conservation measures (Level 1 restrictions) would be necessary. However, as indicated in Section 4.11 of the EIR, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the Draft General Plan Update

would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence of water supply prior to development, would serve to reduce the impact to a less than significant level. MM 4.11-1 would ensure that connections would not exceed the available supply.

With regard to well interference, none of the District's water supply wells has exhibited well interference, which is when the cone of depression for two wells overlap. Ken Schmidt's annual groundwater monitoring reports have shown some interaction between several production wells that are located in proximity to each other.

COMMENT 047-9

3. Recommendations

A. Develop a "safe water supply" ASAP to provide a 100% excess of supply over demand.

RESPONSE 047-9

The District adopted an updated UWMP in 2005 in accordance with the Urban water Management Planning Act. The District's is charged with the long-term resource planning responsibility to ensure adequate water supplies to meet existing and future demands for water. The 2005 UWMP provides the projected water demand, the available water supply, as well as a water shortage contingency plan. The Town and the District coordinate with regard to development to ensure that adequate water supply is available to meet development demand so as to ensure that sufficient supply exists.

COMMENT 047-10

B. Do not permit connections that would exceed the "safe water supply" AF number.

RESPONSE 047-10

Based on the revised water supply assessment contained in Section 4.11 of the Revised Final Program EIR, with the inclusion of future water supplies, demand reduction measures, and implementation of the water shortage contingency plan, the projected water demand from buildout of the Draft General Plan Update would not exceed the water supply. However, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the Draft General Plan Update would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence of water supply prior to development, would serve to reduce the impact to a less than significant level. MM 4.11-1 would ensure that connections would not exceed the available supply.

COMMENT 047-11

C. Do not count on additional supply from line repair, waste water, Dry Creek, irrigation cutbacks, or anything other than surface and new groundwater supply that can be developed.

RESPONSE 047-11

Article 2 of the State Water Code provides the requirements for the content of Urban Water Management Plans. Section 16031(b) of the Code indicates that the existing and planned sources of water available to the supplier shall be identified. Section 16031(h) indicates that the UWMP should "Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use..." Please see Response to Comment No. 010-19 for a discussion regarding future water sources. It is not necessary to have licenses and permits before the future water sources can be considered.

LETTER NO. 048

Don Sage
no address provided

COMMENT 048-1

Comments regarding General Plan

Please consider plans which promote economic diversity.

Advantages of economic diversity:

- Provide for sustainable income not dependent on tourism
- Increase cultural and economic diversity among community residents
 - Cultural opportunities
 - Education
- Make Mammoth Lakes a better place to live

Examples of economic diversity not dependent on tourism:

- Artistic endeavors
- Software and product design
- Meetings and conventions

These businesses require communication and mobility.

Among the things the Town could provide would be:

- Support for high speed internet connectivity
- To promote dependable air transportation
- (This isn't merely a tourism issue.)*

RESPONSE 048-1

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 049

George Sandvig
Mammoth Creek Condominiums, Unit 31
Mammoth Lakes, CA 93546

COMMENT 049-1

Thank you for this opportunity to address the commission on this important Issue.

You will be happy to know my comments will take 3 minutes 25 seconds including this remark.

My name is George Sandvig and I am a property owner in the Mammoth Creek condominium complex. My unit fronts mammoth Creek and the Sherwin and I have no plans to sell in the next 5 to 7 years.

First I would like to thank the planning commission and city staff for the job you all have done in getting us to where we are today. As a proponent of quality growth in the town of Mammoth I believe our new general plan may serve as a critical yardstick regarding future projects. The recent revision of the general plan gives an encouraging depiction of the best case scenario assuring the spirit of the plan prevails.

The next few years may be the most challenging for the city council and city staff due to the volume of major projects proposed. Again, for this reason, it is so important to finish the general plan prior too many of these project being proposed.

RESPONSE 049-1

The comment is general in nature and does not introduce new environmental information or directly challenge information presented in the Revised Draft Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 049-2

Now for the reason for my appearance here today, I wish to remind the planning commission that the current zoning in Mammoth gives the planning process a lot of flexibility to approve projects that may be inconsistent with the neighborhoods they may enter. An example of this is 5.3 acre parcel at the corner of old mammoth road and minaret.

Mammoth Creek condominiums, which are adjacent to this 5.3-acre lot, have 6 units, with a height limit of 35 feet. I recently learned from city staff the adjacent lot could be approved for 24 units per

acre or more. It would also be possible to build a major hotel at this intersection with a restaurant on site. The height limit for a hotel is 55 feet I believe.

RESPONSE 049-2

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment expresses concern regarding a specific development project and is therefore acknowledged and will be forwarded to the decisionmakers for review and consideration.

As described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. Program EIRs are generally prepared to provide an overall preliminary evaluation of potential environmental impacts associated with a series of related actions that can be characterized as one large project, such as the Town of Mammoth Lakes General Plan Update. Analysis of subsequent activities, or specific development projects, associated with the General Plan Update is required within project-level environmental documentation during the development review/permitting process, prior to any approvals for development being granted.

COMMENT 049-3

Our new general plan has an entire chapter on environmental sustainability, which I believe is one of the highlights of our revised plan. As you know better than I, this section of the plan talks about “maintaining a balance of fragile ecological cycles”, protection of mammoth creek setbacks and vegetation, tree preservation, noise abatement, view shed protection, night visibility, and many other issues that make Mammoth the special place it is today. Imagine a 100 plus unit hotel and restaurant on the corner of old mammoth road and minaret. It may be 5 feet high, and the restaurant would be accessed either on minaret or meadow lane. Clearly this is not the intent of our new revised general plan. In this example, I view this as a commercial project and much higher density injected into a residential neighborhood. I bring up this example because our revised general plan at least in spirit maybe in conflict with zoning.

RESPONSE 049-3

The comment relates to the Draft General Plan Update and future development. The April 2005 Draft General Plan Update does not provide for an increase in heights above the 1987 General Plan. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 049-4

I will confess as an outsider to the process I know very little about the dynamics of the planning process and how a project gets final approval. I do know however, what I see and experience every time I come back up to mammoth. So in conclusion, I would only ask, please continue with the environmental sustainable development, with consideration to the spirit of this general plan in making the town of Mammoth worthy of David McCoys [sic] vision. Continue to consider the character and density of neighborhoods prior to final approval. Again thank you for your time and more importantly your hard work and commitment to keeping Mammoth the special place it is.

RESPONSE 049-4

This comment is general in nature regarding the Draft General Plan Update and the planning process. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Partial Draft EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 050

Nancy Peterson Walter, PhD
P.O. Box 2383
Mammoth Lakes, CA 93546

COMMENT 050-1

I am very impressed with the Cultural Resources section, [sic] It is certainly better than the first one I read but there are still a few problems. The inclusion of the various state and federal laws is very important. It is also important to refer to cultural resources since it includes all of areas [sic] that are covered by law: prehistorical historical, and paleontological.

RESPONSE 050-1

The comment is general in nature with regard to the inclusion of regulations. Section 4.14.2, Regulatory Framework, provides a discussion of applicable federal and state regulations. The comment does not provide specific reference. Therefore, no further response is provided.

COMMENT 050-2

Table 2.3 is well done although there are still a few minor details I would like to see incorporated into the document. The comments about little mitigation measures referring to the possibility of below ground resources forgets to include mention that below ground is just that. How can you rule out the possibility of something being below if you have never seen below? Granted the probability [sic] is low - but it is still there! The foundations of buildings around the North Village have made me shudder as I wonder what may have been around the tree roots that were pulled out, much less if there were artifacts there because of land shift through time. "Little mitigation" is a term with little meaning to me. How do you define "little mitigation"? Is this a phrase that matches "below ground"? Vague phrases often lose cultural resources. Please don't forget that the city of Troy was the seventh city down from the surface and several outer cities were below Troy. Very little was on the surface to indicate where to excavate.

RESPONSE 050-2

The comment is unclear. It is not certain what "little mitigation measures" are being referred to in the comment with regard to Section 4.14, Cultural Resources, of the Revised Draft Program EIR. Nevertheless, Mitigation Measures 4.14-1 through 4.14-7 are adequate to ensure that in the event that any cultural resources are discovered below the ground surface during build-out of the General Plan Update, they would be handled appropriately.

COMMENT 050-3

On page 2-47: under mitigation measures it still refers only to historical resources when it should say cultural resources.

RESPONSE 050-3

Appendix G of the California Environmental Quality Act (CEQA) Guidelines provides a checklist of questions to assist in determining whether a proposed project would have a significant impact related to 17 environmental topics including cultural resources. Within the cultural resources topic, four specific issues are individually addressed including historical resources, archaeological resources, paleontological resources, and human remains. The Revised Draft Program EIR prescribed individual mitigation measures for historical resources, archaeological resources, and human remains. Accordingly, Mitigation Measure 4.14-1 on page 2-47 of the Revised Draft Program EIR solely addresses historical resources. Therefore, the measure should not say cultural resources as the comment suggests.

COMMENT 050-4

Throughout the RDPEIR there is constant reference to the Town Archives. As a town, Mammoth Lakes is not very old. There is a great deal of historical data in the vaults of our County seat in Bridgeport. The documents are easy to work with, very accessible. I have used them often for my own research as well as to check things for Ginny Smith.

RESPONSE 050-4

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 050-5

Throughout Table 2.3 and the section dealing with Cultural Resources (4-) there is mention of the public needing to be educated about Cultural Resources. This is very true but has to be well done or like much of the mines in the Mammoth area it will disappear as people disregard the laws. I have often found throughout the Eastern Sierra that a great deal of "pot hunting" takes place. I have had surgery at Mammoth Hospital with one of the doctors telling me about his latest "find" as he was backpacking as I went under - they told me later I drifted off saying that picking up artifacts was illegal! IT IS ILLEGAL on public lands.

RESPONSE 050-5

As indicated in Section 4.14 of the Revised Draft Program EIR, Implementation Measure IV.2.B.a.1 states "The Town shall continue to support the efforts to facilitate and enhance

understanding and appreciation of the cultural, natural, and historical resources of the region." The comment does not raise issue with the Implementation Measure and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. However, the comment suggests caution with regard to the implementation of the reduction. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 050-6

On page 4-337 I would correct the statement to say ALL THE EASTERN SIERRA.

RESPONSE 050-6

The comment is unclear. It is not certain what statement on page 4-337 of the Revised Draft Program EIR should state "all the Eastern Sierra". Therefore, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 050-7

On page 4-338 many of the Paiute that lived in Long Valley were Mono Lake Paiute.

RESPONSE 050-7

The comment is acknowledged. The comment does not introduce new environmental information, but provides support for the cultural background of Mammoth Lakes such that the Long Valley area has been inhabited by several groups of Northern Paiute, including the Mono Lake Paiute. Following on work by Steward (1933, Ethnography of the Owens Valley Paiute), differences between the groups included habitat use practices and dialect. The comment emphasizes that in the recent or ethnographic past the Long Valley area was not isolated and the archaeological record there may be ethnically diverse.

COMMENT 050-8

There are still a few spelling errors. Page 4-338 paigi is spelled wrong - the text has paigt. Part of this confusion is that the word does not exist in our language. The linguists say that the i at the end of the word is a barred (i). The mention of piagi at Page 4-343 has the same problem. For your purposes, you might just want to leave it piagi.

RESPONSE 050-8

The comment is acknowledged. All references to "paigi" or "paigt" within Section 4.14, Cultural Resources, of the Final Program EIR have been revised to "piagi".

COMMENT 050-9

Dr. Catherine Fowler (UNR) and I harvested piagi Shady Rest Park with several of the Paiute in the early 80s, Harvesting Pandora Moth Larva with the Owens Valley Paiute, JOURNAL OF CALIFORNIA AND GREAT BASIN ANTHROPOLOGY Vol.7, No. 2, pp155-165 (1985). There are thousands of recorded archaeological sites that are tied into food collection of piagi. For this see Aboriginal Exploitation of Pandora Moth Larvae in East-Central California, JOURNAL OF CALIFORNIA AND GREAT BASIN ANTHROPOLOGY Vol. 8, No. 2, pp161-179 (1486). Richard A. Weaver, U.S. Army Corp of Engineers and Mark E. Basgall UC Davis.

RESPONSE 050-9

The comment provides general information regarding cultural resources. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 050-10

There are also misspellings on 4--339 Miwok is spelled Miwot and on 4-342 creek is misspelled creed..[sic]

RESPONSE 050-10

The comment is acknowledged. Section 4.14, Cultural Resources, of the Final Program EIR has been revised to correct Miwol to Miwok and Creed has been revised to Creek.

COMMENT 050-11

The people who inhabited the Eastern Sierra own close lovely places to live and camp, just as we do. They put their camps in places like Doe Ridge, Mammoth Creek, Hot Creek, and all the nice places around our community. They liked to camp in the coolness of the trees; taking the obsidian blanks they had gathered and reducing them to projectile points; taking the basketry materials they had collected and preparing it for making their baskets when they moved to warmer areas in the winter. Bluffs were often used as sacred areas. The medicine went there and today all you see are ceremonial objects if you are trained and know what to look for. Trees that have been uprooted for construction often have artifacts in the upper root sections. These shamans regularly went to the high areas of the White mountains, Glass mountain and the passes of the high Sierra as well as the Bishop Tuff area. Obsidian is everywhere and it was used for many things. The resources of this area are rich with flora and fauna and are often still collected. For over thirty years John and I have taken Paiute and Shoshone elders into the forests to collect traditional foods. A few yews ago the Natural History Museum of Los Angeles County needed to replace some Great Basin materials for a display so a Mono Lake Pauite and I took her out and harvested medicinal plants and some foods -

all within a few miles of downtown Mammoth Lakes. Just because you don't see what is here does not mean it was never here until you came.

RESPONSE 050-11

The comment provides general information regarding cultural resources in the area. Section 4.14, Cultural Resources, of the Revised Draft Program EIR provides an analysis of potential impacts to cultural resources under buildout of the General Plan Update. As outlined in Section 4.14, mitigation measures have been recommended to ensure the protection of cultural resources.

LETTER NO. 051

Nancy Peterson Walter, PhD
P.O. Box 2382
Mammoth Lakes, CA 93546-

COMMENT 051-1

I am very impressed with the Cultural Resources section. The inclusion of the various state and federal laws is very important. It is also important to refer to cultural resources since it includes all of areas [sic] that are covered by law: prehistorical historical, and paleontological.

RESPONSE 051-1

The comment expresses an opinion with regard to a section of the Revised Draft Program EIR. The comment does not introduce new environmental information or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decision-makers for review and consideration.

COMMENT 051-2

Table 2.3 is well done although there are still a few minor details I would like to see incorporated into the document. The comments about little mitigation measures referring to the possibility of below ground resources forgets to include mention that below ground is just that. How can you rule out the possibility of something being below if you have never seen below? Granted the probability [sic] is low - but it is still there!

RESPONSE 051-2

The comment is similar to Comment No. 050-2. Please refer to Response to Comment No. 050-2 for a response to this comment.

COMMENT 051-3

On page 2-47: under mitigation measures it still refers only to historical resources when it should say cultural resources.

RESPONSE 051-3

This comment is similar to Comment No. 050-3. Please refer to Response to Comment No. 050-3 for a response to this comment.

COMMENT 051-4

Throughout the RDPEIR there is constant reference to the Town Archives. As a town, Mammoth Lakes is not very old. There is a great deal of historical data in the vaults of our County seat in Bridgeport. The documents are easy to work with, very accessible. I have used them often for my own research as well as to check things for Ginny Smith.

RESPONSE 051-4

This comment is similar to Comment No. 050-4. Please refer to Response to Comment No. 050-4 for a response to this comment.

COMMENT 051-5

Throughout Table 2.3 and the section dealing with Cultural Resources (4-) there is mention of the public needing to be educated about Cultural Resources. This is very true but has to be well done or like much of the mines in the Mammoth area it will disappear as people disregard the laws. I have often found throughout the Eastern Sierra that a great deal of "pot hunting" takes place. I have had surgery at Mammoth Hospital with one of the doctors telling me about his latest "find" as he was backpacking as I went under - they told me later I drifted off saying that picking up artifacts was illegal!

RESPONSE 051-5

The comment is similar to Comment No. 050-5. Please refer to Response to Comment No. 050-5 for a response to this comment.

COMMENT 051-6

On page 4-337 I would correct the statement to say ALL THE EASTERN SIERRA.

RESPONSE 051-6

The comment is similar to Comment No. 050-6. Please refer to Response to Comment No. 050-6 for a response to this comment.

COMMENT 051-7

On page 4-338 many of the Paiute that lived in Long Valley were Mono Lake Paiute.

RESPONSE 051-7

This comment is similar to Comment No. 050-7. Please refer to Response to Comment No. 050-7 for a response to this comment.

COMMENT 051-8

There are still a few spelling errors. Page 4-338 paigi is spelled wrong - the text has paigt. Part of this confusion is that the word does not exist in our language. The linguists say that the i at the end of the word is a barred (i). The mention of piagi at Page 4-343 has the same problem. For your purposes, you might just want to leave it piagi.

RESPONSE 051-8

The comment is similar to Comment No. 050-8. Please refer to Response to Comment No. 050-8 for a response to this comment.

COMMENT 051-9

There are also misspellings on 4-339 Miwok is spelled Miwot and on 4-342 creek is misspelled creed..[sic]

RESPONSE 051-9

The comment is similar to Comment No. 050-10. Please refer to Response to Comment No. 050-10 for a response to this comment.

COMMENT 051-10

The people who inhabited the Eastern Sierra own close lovely places to live and camp, just as we do. They put their camps in places like Doe Ridge, Mammoth Creek, Hot Creek, and all the nice places around our community. They liked to camp in the coolness of the trees; taking the obsidian blanks they had gathered and reducing them to projectile points; taking the basketry materials they had collected and preparing it for making their baskets when they moved to warmer areas in the winter. Bluffs were often used as sacred areas. The medicine went there and today all you see are ceremonial objects if you are trained and know what to look for. Trees that have been uprooted for construction often have artifacts in the upper root sections. These shamans regularly went to the high areas of the White mountains, Glass mountain and the passes of the high Sierra as well as the Bishop Tuff area. Obsidian is everywhere and it was used for many things. The resources of this area are rich with flora and fauna and are often still collected. For over thirty years John and I have taken Paiute and Shoshone elders into the forests to collect traditional foods. A few yews ago the Natural History Museum of Los Angeles County needed to replace some Great Basin materials for a display so a Mono Lake Pauite and I took her out and harvested medicinal plants and some foods - all within a few miles of downtown Mammoth Lakes. Just because you don't see what is here does not mean it was never there.

RESPONSE 051-10

The comment is similar to Comment No. 050-11. Please refer to Response to Comment No. 050-11 for a response to this comment.

LETTER NO. 052

Town of Mammoth Lake Planning Commission Meeting

COMMENT 052-1

TOWN OF MAMMOTH LAKES PLANNING COMMISSION

Special Adjourned Meeting
Wednesday, November 30, 2005 – 9:00 a.m.
Council Chambers, Suite Z
Minaret Village Shopping Center

MINUTES

I. CALL TO ORDER

The Special Adjourned Meeting was called to order at 9:07 a.m.

II. ROLL CALL

Present were Commissioners Rhonda Duggan, David Harvey, Elizabeth Tenney and Vice Chair Roy Saari. Chair Neil McCarroll had an excused absence due to being out on vacation. Also present were Mark Wardlaw, Community Development Director; Bill Taylor, Deputy Director of Community Development; Sonja Porter, Senior Planner; and Tina Bohannon, Administrative Coordinator.

III. REPORTS FROM THE COMMISSION

Commissioner Tenney commented on the following: a local's mode of transportation; new sewer line being installed from Reno to Mt. Rose – could cause increased development; traffic jams in Bend, Oregon due to lack of transit system; Level of Service "D" is troubling for our community.

Vice Chair Saari complemented the Town Recreation staff for the light posts and banners along Old Mammoth Road and Main Street.

IV. COMMENTS FROM THE PUBLIC

John Hooper spoke on the topic of affordable housing in Mammoth Lakes. He suggested an alternative solution to the affordable housing mitigation fee (DIF) by allowing larger new single

family homes to be designed with a caretaker accessory unit. He suggested creating this as an incentive to the property owner or developer. He said it could add more living units for locals. He said the issue of increased density would not be an issue as most of the larger second homes are vacant most of the year. The Commission expressed interest in further discussion of this concept.

Jo Bacon commented on the Use Permit for a Verizon cellular tower approved by the Commission on November 9, 2005. She said the tower was to be placed on a prominent ridge and would be very visible. She suggested asking Verizon to consider using a tower that utilizes the artificial tree antennas. She also questioned whether it was consistent with the General Plan.

V. BUSINESS MATTERS

1. General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report – Receive public testimony (No action will be taken).

Vice Chair Saari provided introductory comments prior to the public comment period.

Paul Payne inquired about an executive summary comparing the existing General Plan with the new draft document.

Senior Planner Sonja Porter directed Mr. Payne to the Draft PEIR, Chapter 3.

Jo Bacon commented on the following: she recommended that the Commission address one or two topics per meeting during their deliberations.

- Commercial, retail and industrial: She expressed concern that the amount planned for build-out may not be sufficient to sustain the needs of the number of persons who will occupy all the new units proposed. She said we don't have a financial analysis that illustrates how hot beds will result in a viable economy. She said we run the risk of overbuilding units without enough commercial, retail and industrial to provide needed services. She said the proposed designations are not always conducive to services that are needed. She gave an example of the need for a second grocery store but with no place to put it. She said a mixed use commercial designation probably would not provide enough square footage for a large scale market.

- Recreation – town is lacking in recreational facilities for all the visitors. Parks and Recreation Element not being updated until 2006; it needs to be included in the Update. Supports identification of sensitive lands; should continue and expand the Special Conservation Overlay; should identify access points to wilderness corridors; should identify biological resources;

recommends setting up separate designation in Land Use for parklands because they are different than open space; don't use IP designation for Mammoth Creek Park; the Bell-shaped parcel should be placed into new parkland designation; use DIF to purchase more land along Mammoth Creek corridor. Thom Heller commented on the following: as member of GPAG, he spoke about the committee's views on workforce housing – members had mixed views; interest by some members but not consensus to build new units, rehab older units, any new units should be built throughout town; most members felt there should not be a large amount of workforce housing between college and MCWD.

George Sandvig, owner of unit at Mammoth Creek condos, spoke favorably about the Update to General Plan. Felt the Plan is good as long as the spirit of the Plan prevails; need to adopt the Plan in a timely fashion in order to face challenge of many development projects; spoke of proposed project at corner of Old Mammoth Road and Minaret Road; very concerned that large development with potential for hotel, restaurant and excessive height will be in direct conflict with existing residential neighborhood; requests that Commission consider the character and density of neighborhood prior to project approval and to strongly support the policies in the Environmental Sustainability chapter.

Director Wardlaw encouraged those in attendance to participate in the public process by voicing their concerns, comments and ideas to the Planning Commission. He said there are several more opportunities to address the Commission – this evening at 6:00 p.m. and two sessions on December 14, 2005.

VI. DIRECTOR'S REPORT

1. Director's Department Report Director Wardlaw spoke of an application by Mammoth Hillside which is currently under staff review. He announced that the applicant did not meet submittal requirements necessary to move forward with the public hearing in December, 2005. He said the project would require further ADP review.

Director Wardlaw also spoke about a new Code Compliance Master Log that will give staff the ability to track Conditions of Approval and Mitigation Measures for approved projects. He said this should provide a more responsive approach for staff. He said work has begun on the Log and should take several weeks to complete.

VII. ADJOURNMENT

The Special Adjourned Meeting ended at 9:50 a.m. and adjourned to a Special Adjourned Meeting at 6:00 p.m. in Suite Z for the purpose of receiving public testimony on General Plan Amendment

Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report.

Respectfully submitted,

Mark Wardlaw
Community Development Director
Tina Bohannon
Administrative Coordinator

RESPONSE 052-1

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

LETTER NO. 053

Town of Mammoth Lake Planning Commission Meeting

COMMENT 053-1

TOWN OF MAMMOTH LAKES PLANNING COMMISSION
Special Adjourned Meeting
Wednesday, November 30, 2005 -6:00 p.m. Council Chambers, Suite Z
Minaret Village Shopping Center

MINUTES

I. CALL TO ORDER

The Special Adjourned Meeting was called to order at 6:05 p.m.

II. ROLL CALL

Present were Commissioners Rhonda Duggan, David Harvey, Elizabeth Tenney and Vice Chair Roy Saari. Chair Neil McCarroll had an excused absence due to being on vacation. Also present were Mark Wardlaw, Community Development Director; Bill Taylor, Deputy Director of Community Development; Sonja Porter, Senior Planner; and Greta Boyer, Administrative Assistant.

III. REPORTS FROM THE COMMISSION

None. IV. COMMENTS FROM THE PUBLIC

None. V. BUSINESS MATTERS

1. General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report – Receive public testimony (No action will be taken).

Vice Chair Saari stated the purpose of the evening meeting was for the purpose of taking public testimony, with no action to be taken, and that the Commission will listen, may ask clarification questions, but will not discuss nor debate comments received or questions asked. Vice Chair Saari requested that speakers keep comments to three minutes with a five minute maximum. Individuals

with multiple issues may consider bringing some issues forward now and others at the next meetings on December 14th. Vice Chair Saari also emphasized that there were two mechanisms for submitting input, oral and written, both of which are equally valid. The following individuals spoke to the Commission:

RESPONSE 053-1

The comment is the start of the special adjourned meeting of the Planning Commission held on November 30, 2005. The comment introduces the item, which is the Revised Draft Program EIR for the Draft General Plan Update. The comment provides information regarding the process for meeting as well as methods for providing comments on the EIR. The comment states the close of the public comment period on the EIR.

COMMENT 053-2

1. Brigitte Berman stated that she retired to Mammoth in 1986. Ms. Berman's comments were received by the Commission as follows: (a) The Village facility is okay but the Starbuck's box is not pretty. The affordable housing looks awful—it is too dense; a professional would not want to live in them and these are not what was discussed in public meetings (dots) where the community stated how they wanted Mammoth to be developed. We must improve our style, not build boxes because they are not incentives for visitors to come here. We need to develop Destination Resort standards and building codes for major streets. (b) Mammoth Mountain Ski Area (MMSA) should be in the Environmental Impact Report (EIR) because it wants to connect into the sewage system. There is not enough communication between the Town and MMSA. Where are the extra people going to go? MMSA may put limits on the number of people on the mountain at one time-- where will the rest of the people go? (c) Back country – documents state that there is no impact; this is not so, the EIR is not sufficient on this topic. The Lakes Basin is full, look at the last fishing tournament. Where are people going to go? Is there communication with the Forest Service? Ms. Berman stated that she can see day passes and other restrictions in the future that should be worked out with FS, even with National Parks, now. What are the impacts on Yosemite? (d) Deer mitigation states no significant impact-- there is a tremendous impact. Deer will continue to be on the golf course, in Snowcreek, Old Mammoth Road, Valentine Reserve, etc. There should be open spaces, speed limits, some mitigation to keep deer safe. There should not be gated communities so that we can manage deer. The EIR is not sufficient on seismic impacts; (e) Sherwin Road should be paved and plowed for better access. Seismic and volcanic dangers, with fire being the biggest hazard. People should be aware. Oregon has big signs telling people where to go in emergency. The Town needs another escape route through Sherwin when Snowcreek further develops. We should also advise people that we have an active volcano. Ms. Berman's written comments were received.

RESPONSE 053-2

Comment (a) expresses an opinion with regard to development that recently occurred within the Town and the need to improve future development. As such, this portion of the comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

With regard to MMSA (portion (b) of the comment), please refer to Response to Comment No.011-180 where information regarding Mammoth Mountain Ski Area's (MMSA) intent to connect to the existing sewer system is addressed. As discussed in Response to Comment No. 011-180, the treatment facility has sufficient capacity to accommodate buildout of the General and MMSA's Main Lodge (Main Lodge is the only portion of MMSA that is not currently connected to Mammoth Community Water District's sewage collection system).

In regards to potential impacts on the backcountry (portion (c) of the comment), please refer to Response to Comment No. 001-17 where potential impacts to surrounding national park facilities are addressed. As discussed in this response, indirect impacts to biological resources beyond the UGB could be potentially significant and unavoidable. Such potential is associated with contact intrusion (i.e., vehicle mortality, noise, recreational use, human-caused fires, domestic pets) as a result of increased recreational visitation to wilderness and open land areas beyond the UGB and the Planning Area.

With regard to deer migration, (portion (d) of the comment), please refer to Response to Comment No. 020-4 for a discussion regarding potential impacts to deer migration.

With regard to emergency access (portion (e) of the comment), Section 4.5, Public Safety and Hazards, of the Revised Draft Program EIR provides an analysis of emergency access. Section 4.4, Geology, Seismicity, Soils, and Mineral Resources, of the Revised Draft Program EIR contains an analysis of potential seismic and volcanic impacts.

Please see Comment Letter No. 020 and the associated responses for detailed responses to the written comments received.

COMMENT 053-3

2. Nancy Petersen Walter, PhD in Anthropology. (a) Mrs. Walters stated she has spent a lot of time looking at and reviewing EIRs and is impressed with Cultural Resources section and that the inclusion of State and Federal laws are important. (b) Table 2.3 is well done, but a few minor details need to be incorporated. Mrs. Walter recommended improving upon the wording "startled" as it relates to what is below ground, because a person will not know what is below ground until

construction starts. (c) The new revised report references Town archives. Town not very old and a great deal of information is contained in the vaults of Mono County in Bridgeport, with the documents being easily accessible. (d) Table 2.3 and the section dealing with Cultural Resources, references public education. This is true and should be well done or much could disappear. Pot hunting throughout the Eastern Sierra is a pet peeve--people are not afraid of prosecution. People need to be informed that this activity is illegal. The Paiutes referenced in document are Mono Lake Paiutes and some wintered in various places such as Round Valley, the back side of Mono Lakes and Hot Creek. (e) There are a few spelling errors. Finally, those who inhabit the Eastern Sierra chose places to live and camp and sit under trees to make projectile points. The same places attractive to residents and visitors today, are only a few miles from downtown Mammoth.

RESPONSE 053-3

Comments (a) through (e) are presented in Dr. Walter's written comment letters. Please see Comment Letter Nos. 050 and 051. Also, please refer to Response to Comment Nos. 050-1 through 050-11 and 051-1 through 051-10 for detailed responses to the written comments.

COMMENT 053-4

3. Doug Jung, Petroleum Engineer, Geologist, MBA from USC. Mr. Jung spoke to the Town's water supply. Mammoth Community Water District (MCWD) indicates only minimal surplus water supply is available, approximately 31 acre feet, which is not much of a cushion. A 5 to 6 year drought period is not included in the EIR. History shows that precipitation is highly variable. The EIR mentions an unnamed expert, who is it, what are the individual's qualifications? The EIR mentions new methodology for calculating supply and demand but nothing states how it is calculated. CWS is not defined in EIR. Mr. Jung's calculations show shortage in any dry period and recommends development of a safe water supply as soon as possible to provide a 100 percent excess of supply and demand. Don't permit connections that exceed the safe water supply. What is MCWD cushion—it was never defined at the MCWD meeting. Mr. Jung recommended that the Council not count on additional supply from line repair, dry creek, irrigation cutbacks or anything other than surface and new ground water supply.

RESPONSE 053-4

The issues raised in the verbal comment were also raised in written comments from the speaker. Please see Comment Letter No. 47 and the associated responses.

More specifically, with regard to multiple dry year scenarios, please see Response to Comment No. 047-4.

With regard to the term "expert", please see Response to Comment No. 028-8.

With regard to the methodology for the water supply assessment, please see Response to Comment No. 047-7.

With regard to "CWS", please see Response to Comment No. 047-8.

With regard to a cushion, please see Response to Comment No. 028-23.

With regard to future water sources, please see Response to Comment No. 047-12 as well as Response to Comment No. 010-19.

COMMENT 053-5

4. Pat Eckert stated that she has been a member of the water board and water concerns are her main issue. Ms. Eckert stated that she has attended most water board meetings and read many, many documents and has much information regarding water loss. A lot of attention must be paid to water supply compared to demand. Ms. Eckert has been following water losses monthly since 1998 and this October is higher than last year. The Commission must be aware of a lot of information to be knowledgeable in all areas. Charts from 1992 to 1994 show that the wells have dropped. Water loss is also higher than last year. Who is on the Town staff is monitoring water?[sic] Who is knowledgeable historically as well a currently?[sic] Commissioner Tenney requested information regarding the relationship between TOML and MCWD. Deputy Director Bill Taylor stated that the Town is required to consult with MCWD and then provide water analysis. In the end, the MCWD has the ultimate control because if they do not have water, they will not connect.

RESPONSE 053-5

The comment expresses concern with regard to water supply. Section 4.11 of the Revised Final Program EIR contains an updated water supply analysis based on the District's 2005 UWMP. The comment does not provide a specific comment with regard to the analysis contained in the EIR. The comment asks about the relationship between the Town and the District, which was addressed by Town staff. The Town has coordinated closely with the District in the preparation of this Revised Final Program EIR. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-6

5. John Cunningham, in his 50th year in Mammoth, expressed the following concerns and comments regarding the EIR and the General Plan Update (GPU). Where are we now and where are we going? Business is good in Mammoth, but how do we sustain a good business community? We will be completely build out in five years, but the GPU does not address what will happen in that event in a 20 year plan. The GPU should not incentivize development but must set high standards, reduce density, require landscaping, large setbacks, and adequate snow storage. The

public workshops make it clear what the community wants. We must build a beautiful community in order to attract residents and visitors. Does the GPU implement the Town's Vision Statement and vision of the community? Mr. Cunningham does not think so. The GPU is not in alignment with the Vision Statement. (a) The documents are thick and there is not sufficient time for the public to read thoroughly. Although the GPAG and PC have worked hard, the Town Council is trying to ram the document through. (b) The EIR is good, much improved over previous. © Comments contained in the Executive Summary are not mitigated. Mr. Cunningham stated that he would leave his written comments. (d) Significant but not mitigated impacts are buried. Light, air, pollution, animal habitat, emergency, etc. state that policies are place [sic] but are not discussed. Fire, traffic noise, impacts on schools, libraries, hospitals, water shortage, Benton Crossing landfill concerns are not mentioned at all, together with the impact on recreation facilities and forest service land, level of service D exceeded with mitigation not funded, and the shortage of parking. (e) The GPU comments are more global. The town is congested on holidays and weekends. Can we get 20,000 more visitors to come here regularly? We need a marketing study. Regarding population, the current GP, page 11, maximum PAOT is 48,000. The new EIR interprets this to mean 61,376. No where in the GP does it mention any other number than 48,000. The EIR states a reduction from the old plan; this is not true. (f) Density transfers and density bonuses are good for developers but not the community with increased building heights and densities. Only state mandated bonus density should be granted. (g) The traffic analysis is inappropriate, as it does not acknowledge current problems such as snow storms. (h) The water supply is uncertain, and water is a big issue. (i) The GPU recommends open space and parks be rezoned to allow development which is inconsistent with the Town's Vision Statement. (j) The Quimby Act for parks are not being met. (k) The GPU has no limitation on building height. Building heights should be limited to 35/55.

RESPONSE 053-6

Portions of the comment relate to the Draft General Plan Update rather than the EIR and therefore, these are acknowledged and will be forwarded to the decisionmakers for review and consideration. A written comment letter on the Revised Draft Program EIR was submitted by the speaker. Please see Comment Letter No. 21 and the associated responses. The Town does not concur that significant impacts are buried. Table 2-3, which is contained in the Executive Summary of the Revised Draft Program EIR contains a summary of the environmental impacts, the mitigation measures and the level of significance after mitigation.

With regard to the comparison of PAOT under the existing General Plan and the Draft General Plan Update, the PAOT that could occur under the existing General Plan is greater than the 48,000 provided in the text of the General Plan as a result of changes that have occurred as well as assumptions made with regard to buildout. Please see Response to Comment No. 011-25 for a detailed discussion regarding the comparison of the PAOT under the existing General Plan and the Draft General Plan Update.

Portion (f) of the comment expresses an opinion with regard to density bonuses. As such, this portion of the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

The Town does not concur that the traffic analysis is inappropriate. The Town has conducted an independent evaluation of the traffic study and has determined that the analysis is adequate.

With regard to water supply, Section 4.11 of the Revised Draft Program EIR contains an analysis of water demand and water supply. As indicated in the discussion, there are uncertainties with regard to the effectiveness of programs and future water supply sources. Therefore, the potential impact to water supply was considered to be significant. Mitigation Measure 4.11-1 is provided to reduce the impact to a less than significant level.

With regard to building height, the Draft General Plan Update does not change the existing building heights that currently are allowed.

COMMENT 053-7

6. Jo Bacon commended the Planning Commission for all their hard work on the Vision Statement, policies and implementation measures. (a) The Alternatives section provides no quantitative analysis. The other alternatives are supposed to be descriptive enough to allow us to determine the distinct aesthetic impacts of each alternative.

RESPONSE 053-7

As discussed in the introductory paragraph of Section 4.1, Aesthetics, of the Revised Draft Program EIR, aesthetics refers to the overall visual qualities of an area or within a given field of view. As quantitative standards are not available to analyze visual quality and individuals respond differently to changes in the visual environment, the evaluation of aesthetic impacts can be termed a subjective exercise due to widely varying personal perceptions. What may be considered an improved visual scene to one person may be considered an adverse visual condition to another. Accordingly, a qualitative rather than a quantitative analysis is provided for aesthetic impacts.

Section 7.0, Alternatives, of the Revised Draft Program EIR includes a discussion and analysis of the three alternatives to the Draft General Plan Update. As required by CEQA section 15126.6(d), alternatives need not be analyzed in the same depth as the proposed project, however, sufficient information must be provided to allow meaningful evaluation, analysis, and comparison with the project. The three alternatives analyzed in Section 7 of the Revised Draft Program EIR include the No Project Alternative, the Workforce/Affordable Housing Alternative and the Reduced Development Alternative. Each alternative discussion includes an evaluation of aesthetic impacts

regarding the Town's visual quality and character. A comparative analysis of impacts to the proposed General Plan Update is provided consistent with CEQA section 15126.6(d). Neither the proposed Draft General Plan Update nor the identified Alternatives provide any provision to increase the maximum allowable height of buildings cited in the Town's Municipal Code. Thus, the maximum allowable building heights are the same under the Reduced Development Alternative and the proposed Draft General Plan Update. As such, an evaluation of building height is not necessary in the Revised Draft Program EIR.

Issue 4.1-1 in the Revised Draft Program EIR analyzes impacts to scenic vistas. The analysis identifies potential areas that could experience loss of scenic views. The discussion states that the aesthetic impacts and intrusion upon scenic vistas would be most pronounced in and around the major resort nodes, where development intensification (through density transfers and bonuses for community benefits and amenities) would occur. As discussed in Issue 4.1-1, to reduce such impacts, the Draft General Plan Update includes numerous policies and implementation measures that would reduce potential impacts to scenic vistas. The General Plan Update does not propose any specific development projects that would impair views of a scenic vista. However, future development project would undergo environmental and design review on a site-specific basis to ensure that that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas from areas around the major resort nodes. As concluded under Issue 4.1-1, the General Plan Update's policies and implementation measures, along with project-specific environmental and design review by the Town, would reduce impacts to scenic vistas to a less than significant level.

The discussion of light and glare impacts under Issue 4.1-4 in the Revised Draft Program EIR considers all future development projects in assessing impacts to the night sky. Each future development project would be subject to environmental and design review on a site-specific basis to ensure that light and glare impacts do not substantially increase the amount and intensity of nighttime lighting nor cause light spillover onto adjoining properties, do not reduce night sky visibility, and do not increase the potential for glare onto adjacent areas. However, as stated under Issue 4.1-4, while the Town has policies and regulations regarding lighting, given the cumulative increase in development that would occur under the Draft General Plan Update compared with existing conditions, the Draft General Plan Update would result in an increase in lights at night which would impact the night sky. Therefore, the Draft General Plan Update would result in a significant impact with regard to night lighting and a reduction in the quality of star-gazing for residents and visitors. No feasible mitigation measures have been identified to reduce this impact. Thus, impacts have been identified as significant and unavoidable.

Please see Table 7-7 of the Revised Draft Program EIR for a summary comparison of the impacts that would result from the Draft General Plan Update and the three alternatives.

COMMENT 053-8

(b) Although the EIR states that the impacts will be mainly around the resort nodes (which are highly visual areas) there is no discussion on the impacts of taller buildings and requested that the cumulative affects be analyzed. There is also no analysis of the cumulative effects of light and glare.

RESPONSE 053-8

Issue 4.1-1 in the Revised Draft Program EIR analyzes impacts to scenic vistas. The analysis identifies potential areas that could experience loss of scenic views. The discussion states that the aesthetic impacts and intrusion upon scenic vistas would be most pronounced in and around the major resort nodes, where development intensification (through density transfers and bonuses for community benefits and amenities) would occur. As discussed in Issue 4.1-1, to reduce such impacts, the Draft General Plan Update includes numerous policies and implementation measures that would reduce potential impacts to scenic vistas. The Draft General Plan Update does not propose any specific development projects that would impair views of a scenic vista. However, future development projects would undergo environmental and design review on a site-specific basis to ensure that that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas from areas around the major resort nodes. As concluded under Issue 4.1-1, the policies and implementation measures contained in the Draft General Plan Update, along with project-specific environmental and design review by the City, would reduce impacts to scenic vistas to a less than significant level. Furthermore, the Draft General Plan Update does not provide any provision to increase the height of buildings in comparison to the adopted General Plan. Thus, similar aesthetic impacts would occur on a Townwide basis under the existing General Plan and the Draft General Plan Update. Please see Response to Comment No. 011-235 for a discussion of cumulative light and glare impacts.

COMMENT 053-9

(c) Regarding population and employment, the impact of fractional ownership is not analyzed in the EIR, these units have higher occupancy than traditional units. There is no definition of fractional in the EIR.

RESPONSE 053-9

As described in Section 4.9 of the Revised Draft Program EIR, transient uses include all dwelling units within the Resort, Specific Plan, Commercial General, Commercial Lodging and Residential Multi-family 2 zones which are either intended for transient occupancy or can be rented out on a nightly basis. These include all hotel, motel, fractional and resort condominium lodging as well as single-family homes or condominium units which are privately owned and can be rented out on a nightly basis. The non-transient unit category includes all detached dwelling units and attached dwelling units including deed restricted and market rate apartments and multi-family condominiums which prohibit transient rentals. This includes all multi-unit developments located within the

Residential Multi-Family 1 zone and Affordable Housing zone and any other single-family or multi-unit development in Town that prohibits transient rental.

As indicated in Table 4.9-4 of the Revised Draft Program EIR, buildout of the Draft General Plan Update could result in the development of 2,380 units (576 acres) of single-family non-transient, 97 units (24 acres) of single family transient, 144 units (16 acres) of mobile homes, 2,091 units (119 acres) multi-unit non-transient, and 11,998 units (559 acres) of multi-unit transient. Fractional ownership units are a subset of housing that occurs in the Town. However, whether or not a unit is fractional ownership does not affect the number of residents that would occupy the unit. The General Plan Update, as with the existing General Plan, is based on the number of residential units and the populations, either permanent or PAOT, that would occupy the units.

COMMENT 053-10

(d) Table 4.9.4 points out density of remaining development in town, less space with more asphalt; multi-unit transit at 16 units an acre and remaining development projected at 33 units an acre.

RESPONSE 053-10

The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration. However, while it is acknowledged that according to the data presented in Table 4.9-4 of the Revised Draft Program EIR in January 2004, there were a total of 6,821 transient multi-units developed on 402 acres resulting in a density of 16 units per acre. As indicated in the table, buildout of the Draft General Plan Update would result in a total of 11,998 transient multi-units developed on 559 acres would result in a density of 21.46 dwelling units per acre, not 33 units an acre.

COMMENT 053-11

(e) Single family transient category is not defined in category.

RESPONSE 053-11

The definition for single family transient housing is provided in the Municipal Code. The Municipal Code is the implementation tool for the General Plan. According to Section 17.36 of the Town Municipal Code, Single-Family Transient encompasses all detached dwelling units located within the resort and specific plan zones which are permitted by master plan and/or specific plan conditions to be rented out on a nightly basis.

COMMENT 053-12

7. Marshall Minobe, a member of the General Plan Advisory Group, stated that none of the alternative are cohesive in the GPU. Town staff made the alternatives by simply grouping related policies according to category and this grouping had nothing to do with a cohesive plan. Mr. Minobe stated that he had requested staff to put together a presentation on how the plan might be cohesive and how trade offs could have occurred to preserve the small town feel while also supporting development. None of his requests have been met. Mr. Minobe addressed the public stating that whether you are for development or not, the elements of the GPU should be reviewed to ensure that the controls protect the community. Mr. Minobe stated that the EIR is an informational document only and can be adopted and Council can override significant impacts. The EIR does not protect the community, and the burden is on the community to be vigilant to assure that their interest(s) are acknowledged. Mr. Minobe stated that the GPU suffered from a flawed process from day one. Outreach did not reach a broad classification of community and results were not cross checked. Mr. Minobe stated that the document does not show the true statement of the community and lacks accountability. GPAG has spent a lot of time on a project that could have been better. Mr. Minobe encouraged the community to speak now.

RESPONSE 053-12

The comment relates to the Draft General Plan Update and the process but not to the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-13

8. Julie Yost a 30 year owner and a 10 year permanent resident thanked the Planning Commission for their hard work, especially Mr. Saari with his article in the Real Estate Times encouraging comment on the GPU and EIR. Mrs. Yost stated that she will submit written comments. Mrs. Yost also stated that while development is inevitable, it is how it is done that is important. The community should look for smart, well planned and unhurried development not just development oriented toward Town revenue sources. Town revenue concerns have worked their way into the heart of the GPU and also the EIR. Everything appears to be oriented toward revenue sources. (1) Policy issue number 4, don't change the meaning of institutional public. Don't allow rezoning or redefinition. Don't put work force housing in South Gateway. Additionally, there is a need for a decent size grocery, not a chain, but with sufficient parking as residents will not ride the bus to grocery shop. (b) Policy issue 10, define open space as open space not buildings – keep the bell shaped parcel as Open Space with perhaps a bike path, wooden plank walkway, an area for people who are not able to go into the mountains to also have a mountain experience. Don't put big buildings in it. (c) Policy issue 6, growth rate, think about controlling the rate of growth with infrastructure to go along with it. Needs to be spelled out. State mandates that you can't build

unless you have water (d) Policy issue 10, transient rentals in single family residential could affect the character of town – keep single family residential areas as they are, don't change zoning to raise more money. It does not make sense to put multi-family workforce housing in with single family. Mrs. Yost stated that she is assuming that this will not happen, but should not be left open within the GPU and EIR, Mrs. Yost expressed her feeling against density transfers and her belief that they should not be a commodity. (e) Policy issue 1, don't overbuild condominiums, doing so could make our community too dense and cause traffic gridlock. Mrs. Yost stated that a service level D is bad. Mrs. Yost clarified that college housing was appropriate but any additional workforce housing is a violation.

RESPONSE 053-13

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. Written comments were not received from the speaker. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-14

9. Ken Cline, a new resident to Mammoth Lakes, expressed concern about the shift in emphasis toward maximum density development. Parks, creeks, views, etc. are important for a well managed community. Concessions to developers will undermine a sensitive community. Mr. Cline urged prudence and restraint.

RESPONSE 053-14

The comment is related to the intensity of development that would be allowed under the Draft General Plan Update. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. The Revised Draft Program EIR contains an analysis of the potential environmental impacts that could result from buildout of the April 2005 Draft General Plan Update. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-15

10. Evanne Jardine, a 13 year resident and a longer visitor, expressed her selfish plea for people who live here. (a) We need a market if 20,000 more people are anticipated. There is currently no plan for space for another market (b) In town, where people live and where there are children, we don't have but one park. Some space must be dedicated to parks—a park in Sierra Valley Sites perhaps. (c) Water quality is now no better than Santa Barbara's water. Water is a real issue for quality as well as quantity and should be addressed more. (d) Traffic and making left hand turns is difficult of any weekend. There is not a lot of accommodations for traffic issues. (e) Access to

resources is difficult; the Village is not that accessible. We need to think about accessibility for residents to avail themselves of amenities in town as well as the visitors. (f) Roofs coming over treetops, how many more will violate height limit?

RESPONSE 053-15

Comment (a) requests an additional market in the Town. Markets are generally allowed in land that is designated for commercial use. Comment (a) is acknowledged and will be forwarded to the decisionmakers for review and consideration. In regards to comment (b), please refer to Section 4.12, Recreation, of the Revised Draft Program EIR, which contains an analysis of parks and recreation. Table 4.12-1 provides an analysis of existing and planned parks. As discussed in this section, due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks, impacts are concluded to be significant and unavoidable. In regards to comment (c), please refer to Section 4.6, Hydrology and Water Quality, and Section 4.11, Public Utilities, which contain discussions regarding water quality and water supply, respectively. As discussed in Section 4.6, with the Implementation Measures contained in the Draft General Plan Update and compliance with federal, state, and local design and construction requirements, potential impacts to water quality would be less than significant. As discussed in Section 4.11, with the incorporation of Mitigation Measure 4.11-1 and the Implementation Measures of the General Plan Update, potential impacts to water supply would be less than significant. In regards to comment (d) and (e), please refer to Section 4.13, Transportation and Circulation, which provides a summary of the traffic analysis conducted for the project. With the incorporation of mitigation measures and the Implementation Measures of the Draft General Plan Update, potential impacts to traffic and access would be less than significant. In response to comment (f), please refer to Section 4.1, Aesthetics, Light and Glare, in which an analysis of height limits based on the Draft General Plan Update is presented. The comment addresses exceptions that are allowed by the Town relative to the height limits. Development projects, especially those requiring discretionary review to exceed an allowable height limit, would require environmental analysis. As the future exceptions are unknown, this portion of the comment is acknowledged and is forwarded to the decisionmakers for review and consideration.

COMMENT 053-16

11. Wilma Wheeler, Sierra Club, wondered how the projected population wonders will affect public land and parks, how the increased density of town will affect quality of life of those who live here. Additionally, commercial development at Mammoth Creek Park is a very big concern and we cannot afford to give up park space. Mrs. Wheeler will submit further comments. Mrs. Wheeler provided a white paper for public lands to the Commission.

RESPONSE 053-16

Section 4.12, Recreation, of the Revised Draft Program EIR analyzes the potential impacts of the Draft General Plan Update on parks and recreation. As discussed in Section 4.12, due to the increased demand on existing facilities and the uncertainty regarding the location of future needed parks, impacts to parks and recreation were concluded to be significant and unavoidable.

It should be noted that under the General Plan Update, Mammoth Creek Park would be redesignated as Institutional Public. As stated in Section 3.0, Project Description, this designation would allow for the development of public facilities and institutional uses on the park site (i.e., public schools, hospitals, governmental offices and facilities, museums, and related uses), not commercial uses.

With regard to the impact increased density would have on the quality of life within the Town, this issue is addressed through the various issues areas contained in the Revised Draft Program EIR. An EIR analyzes the potential impact of about 16 environmental issue areas per the California Environmental Quality Act (CEQA) including air quality, biological resources, land use, noise, public services, recreation, and transportation and circulation. The physical issue areas that are analyzed under CEQA are factors in determining potential impacts to the quality of life within the Town. Please see Comment Letter No. 038 and the associated responses for written responses to the written comments received.

COMMENT 053-17

12. Dan Dawson, SNARL, asked how have we come to this point stating he has attended workshops leading up to the formation and provided input to consultants, staff, Planning Commission, and Town Council. The GPU and EIR that analyzes runs contrary to the bulk of input provided by the populous. Section 7 lays out other alternatives and then rejects those in favor of preferred alternative. Mr. Dawson urged the Commission to give strong consideration to the reduced development alternative rather than the alternative driven by town revenue needs. The EIR supports that argument; the reduced development alternative (maximum population of 51,000) is the environmentally superior alternative but is rejected because of economic interests. Urges Commission to recommend to Town Council a different alternative.

RESPONSE 053-17

Section 7.6 in the Revised Draft Program EIR concludes that the Reduced Development Alternative is the Environmentally Superior Alternative. As discussed in Section 7.6, while the Reduced Development Alternative would incrementally reduce the severity of project impacts, this Alternative would not eliminate any impacts that would result under the Draft General Plan Update. The discussion does not reject the Reduced Development Alternative, but rather provides a discussion of the ability of the Reduced Development Alternative to meet project objectives in

comparison to the Draft General Plan Update. The comment expresses an opinion with regard to the Reduced Development Alternative. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-18

13. Heather Johnson stated her concerns are with over development so that people will not want to come to Mammoth Lakes. Ms. Johnson further encouraged open space, the protection of the Mammoth Creek corridor as sacrosanct, remembering that this is a recreational community where walking through the forest and enjoying the aesthetic value of the community is also important to those of us who live here. It is the Planning Commission's duty to protect open space and sensitive areas. The Town should buy lands along Mammoth Creek and expand the OSSC overlay. Additionally, building heights should be no higher than trees--money is not more important than the integrity of the area. Ms. Johnson thanked the Commission for all their time and service.

RESPONSE 053-18

The comment expresses concern regarding future development in the Town. Section 4.3, Biological Resources, of the Revised Draft Program EIR contains an analysis of biological resources, including Mammoth Creek. The comment, which suggests an expansion of the OSSC overlay and Town purchase of lands along Mammoth Creek, is a comment on the Draft General Plan Update. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-19

14. Stan Heller stated his biggest concern is at build-out and the number of people going out to do something--what are 60,000 people doing to do for shopping, recreation? The town should pay more attention to sales tax income. A visitor's experience should be pleasant and they must have access to shopping, getting around--it doesn't matter how beautiful things are. (2) The town is currently marketed by the resort--Intrawest and MMSA. Other resorts have true reservations that represents the entire town. If we build all, marketed by Intrawest-Starwood Mammoth, how will the rest of the town's businesses survive?

RESPONSE 053-19

Please refer to Section 4.12 and 4.13 of the Revised Draft Program EIR where recreation and access are addressed, respectively. The purpose of CEQA is to identify potential physical impacts that could result from a project. The comment addresses the Town's future vision. As such, the comment is related to the Draft General Plan Update. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-20

15. Wendy Sugimura speaking on behalf of Andrea Lawrence and ALIMAR. Ms. Sugimura stated that they have been listing [sic] to what is being said, that people lack confidence in the process in that the documents do not reflect what people have expressed. People are confused by the complicated documents and constantly changing numbers. ALIMAR wants to have a better process that builds transparency. Wendy Sugimura suggested a different process using charettes, a professional planner and trained facilitator in order to build community consensus.

RESPONSE 053-20

The comment is general in nature and does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment provides suggestion with regard to the process. As such, the comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-21

16. John Walter presented a partial list of concerns from the Advocates. Mr. Walter stated that longer descriptions will be submitted when their comments are submitted. (a) The Advocates biggest worry is lack of balance or emphasis. The project alternative of 10,000 additional people at one time (from today) was thrown out because it did not meet the town objectives of resort development for affordable housing. Nowhere has anybody quantified how much is required. (b) How much development and how fast? If they don't come, we've invested a lot in infrastructure and we won't have the money to pay for it. If we proceed too fast with too much, we could overshoot or create a bad experience. The Advocates recommend that the Town go slower and amend the General Plan as necessary. Building too much could make for a bad experience with no return visits. If we build less they will have to come during the week. Building more does not fill mid-weeks. The EIR should fit general plan, they should work together. The EIR should not be certified and General Plan made to fit to EIR.

RESPONSE 053-21

The Town received the letter prepared by Advocates for Mammoth. Please see Comment Letter No. 011 and the associated responses. The purpose of a General Plan is to provide comprehensive, long-term guidance for buildout of a community. A General Plan does not determine the pace of development. Rather, the General Plan provides the guidance and the pace of development is typically driven by the market. The Town is required by State law to have a General Plan in place. Horizons for General Plans are typically 20 to 25 years. With regard to the environmental analysis, as described in Section 1.0, Introduction, of the Revised Draft Program EIR, this document represents a program-level EIR as defined by CEQA Guidelines Section 15168. The Program EIR for the Draft General Plan Update is prepared to provide an overall preliminary evaluation of potential environmental impacts associated with the buildout that could occur under

the Draft General Plan Update. As development occurs, project-specific environmental analysis would be completed as necessary.

The comment, which is generally regarding the Draft General Plan Update, is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 053-22

VI. DIRECTOR'S REPORT

1. Director's Department Report None. VII. ADJOURNMENT The Special Adjourned Meeting ended at 7:40 p.m. and adjourned to the next regular meeting of December 14, 2005, at 9:00 a.m. in Suite Z. Respectfully submitted,

Mark Wardlaw
Community Development Director

Greta J. Boyer
Administrative Assistant

RESPONSE 053-22

The comment pertains to general business and procedures of the Planning Commission meeting and does not pertain to the Revised Draft Program EIR. Therefore, no response is necessary.

LETTER NO. 054

Town of Mammoth Lake Planning Commission Meeting, CA

COMMENT 054-1

TOWN OF MAMMOTH LAKES PLANNING COMMISSION

Regular Meeting

Wednesday, December 14, 2005 - 9:00 a.m.

Council Chambers, Suite Z

Minaret Village Shopping Center

MINUTES

I. CALL TO ORDER

The meeting was called to order at 9:05 a.m.

II. ROLL CALL

Present were Commissioners Rhonda Duggan, David Harvey, Elizabeth Tenney, Vice Chair Roy Saari, and Chair Neil McCarroll. Also present were Mark Wardlaw, Community Development Director; Bill Taylor, Deputy Community Development Director; Craig Olson, Senior Planner; and Sonja Porter, Senior Planner.

III. REPORTS FROM THE COMMISSION

Commissioner Tenney (1) displayed a copy of the High Sierra telephone book stating how proud she was of the cover and how we should think about our amenities as we go through the general plan—that is why we are here; (2) stated that she had viewed a cell tower tree which should be reconsider for Mammoth use; (3) asked about completion of a report on the peer resort. Tourism and Recreation Director Danna Stroud stated that she and Deputy Town Manager Karen Johnston are working on the report, the last communication has just been received, will be incorporated into the report, and should be available by the first of the year; and (4) Will talk to Ruth Harrell at the Village regarding a more coordinated effort with music could make the Village experience more pleasant. Commissioner McCarroll stated that he has had conversations with Marshall Minobe regarding becoming a wired community, has read an article on a town that started wireless community for purposes of coordination between town departments that also had dividends for the

community. Mr. McCarroll stated that he has spoken with Tony Barrett who will further research the project.

IV. COMMENTS FROM THE PUBLIC

Senior Planner Craig Olson reported to the Commission that he has been in contact with Tim Sanford regarding the Fairway Road access gate. Mr. Sanford has informed the Town that there will be a provision in the easement documents between the owners and Chadmar for a four foot easement for pedestrian access. When staff has received a copy, the gates will be activated. Commissioner Saari stated that in the winter time, when the roads are plowed, the access will be inaccessible and should be maintained. In his opinion “pedestrian access should be provided” means access and snow removal. Mr. Olson stated that there is no provision in the document for snow removal. Deputy Director Bill Taylor stated that staff will follow up with Mr. Sanford for clarification. John Wentworth, a resident of Mammoth Lakes for 5 years, who resides at 42 Davison Road, #2, read a prepared statement regarding the vehicle gate on Ranch Road and supporting the Sherwin access, which was presented to staff and included 30 signatures. Commissioner Tenney requested that the Commission receive copies. Marshall Minobe, a member of the General Plan Advisory Group, stated that it is important to look at the Sherwins access as a proactive situation and anticipate future. Access to the Sherwins needs a plan—a gate and vacation of land is not enough. Staff should have taken time to determine how access would affect the community.

V. APPROVAL OF MINUTES

1. Minutes of September 28, 2005

Action: It was moved by Commissioner Tenney, seconded by Vice Chair Saari, and carried by a 4-0-1 vote, with Commissioner Duggan abstaining, to approve the Minutes of September 28, 2005, with the following corrections: (1) page 2, during Gordon Shaw’s statement, include: Gordon Shaw stated that levels of service were calculated with no snow on the roads, and (2) page 3, last paragraph, include in Heather Johnson’s statement that she stated she would be willing to donate her own contiguous property to the Town if Mr. Kenney sells his property to the Town..

2. Minutes of October 12, 2005

Action: It was moved by Commissioner Tenney, seconded by Vice Chair Saari, and carried by a 4-0-1 vote, with Commissioner Duggan abstaining, to approve the Minutes of October 12, 2005, with the following correction: The statement on page 3 attributed to Chair McCarroll should read Vice Chair Saari.

3. Minutes of November 30, 2005 - 9:00 a.m. and 6:00 p.m.

Action: It was moved by Vice Chair Saari, seconded by Commissioner Tenney, and carried by a 4-0-1 vote, with Commissioner Harvey abstaining, to approve the Minutes of November 30, 2005, 9:00 a.m. meeting, with the following correction: Page 1, item 3, should be amended to note that the sewer line to Mt. Rose should reflect that it is going to the ski area. Action: It was moved by Vice Chair Saari, seconded by Commissioner Tenney, and carried by a 4-0-1 vote, with the Chair McCarroll abstaining, to approve the Minutes of November 30, 2005, 6 p.m. meeting, with the following corrections: (1) page 3, item 3, in the comment from Doug Jung, the reference to Dry Creek should be capitalized; (2) page 6, item 10, Evanne Jardine’s statement including “selfish plea for people who live here” should be in quotes; (3) Item 12, Dan Dawson statement includes a reference to populous, the correct spelling is the populace.

VI. CONSENT AGENDA

None.

VII. PUBLIC HEARINGS

1. **Tentative Tract Map 36-235 and Use Permit Application 2005-09** – Request to construct a 193 Unit Condominium Hotel, understructure parking hearing, or 259 vehicles with full-time valet parking services, spa, pool and patio facilities, meeting facilities, restaurant/bar, and associated landscape improvements on five parcels of land consisting of seven acres. Applicant: Mammoth Hillside, LLC. Location: Canyon Boulevard, north of Lake Mary Road. APNs: 33-020-10, -11, -21, -33 and 31-110-27. Zoning/General Plan: The property is designated Plaza Resort (PR) as Specific Plan (SP) with an Activity Node Overlay by the General Plan. Staff contact: Craig Olson, Senior Planner – x269. **STAFF IS RECOMMENDING A CONTINUANCE TO A DATE TO BE DETERMINED. A STAFF REPORT HAS NOT BEEN INCLUDED AT THIS TIME. NO ACTION WILL BE TAKEN.**

Chair McCarroll open the public hearing at 9:31 a.m. Rhona Hunter, representing Meridian Partners, stated that no Planning Commission date has been set to review this item. Ms. Hunter stated that the applicants feel they have gone above and beyond incorporating staff and ADP comments. Ms. Hunter stated that delays impact them and continued delays may cause them to loose an additional opportunity to work with another 5 star operators.

Vice Chair Saari stated that the January 11 special meeting is full but felt the item should be continued to a date certain. Mr. Wardlaw advised the Commission that staff continues to work diligently to accommodate the applicants and felt it a good strategy to hold an introductory hearing, with no action taken and with subsequent review by ADP. Mr. Wardlaw also stated that this project is significant and that the plans have been modified from the first ADP review. Mr. Wardlaw

further stated that ADP comments should be received in order for staff to make an informed recommendation to the Commission. It was the Consensus of the Commission that this item be continued to Thursday, January 12, 2006, at 3:00 p.m., the only item on the agenda.

Taken out of order: Upon reconvening at 1:10 p.m., Chair McCarroll stated that he was uncomfortable with the earlier tenor of item 1; that the Commission did not wish to hear the item until staff was ready to bring it to the Commission. Community Development Director Mark Wardlaw stated that staff has had extensive meetings and negotiations with the applicant, but will place the item on the agenda for January 12, 2006, as a non-action item.

RESPONSE 054-1

The comment pertains to general business and procedures of the Planning Commission meeting and does not pertain to the Revised Draft Program EIR. Therefore, no response is necessary.

COMMENT 054-2

2. General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report. Receive public testimony. No action will be taken.

Chair McCarroll opened the meeting for general public testimony:

RESPONSE 054-2

The comment relates to the topic of the meeting and the process. No further response is necessary.

COMMENT 054-3

Gordon Alper distributed written comments to the Commission and staff. Mr. Alper stated that the General Plan is the single most critical document to determine livability of the community and that he is disappointed in the draft general plan as presented. The document is different than previously reviewed and has not included information for the document to be complete. Mr. Alper recommended forwarding the updated general plan, without a recommendation, and let the Council make the decisions. The General Plan Update fails to adhere to the guiding principles of the Town's Vision Statement. Projects being built are too dense. The proposed build-out does not deliver an acceptable transportation level. South Gateway is not reflected in build-out numbers. IP zoning specifically to include housing is contrary to the Vision Statement. Population, density, assumptions, and logic for 60,700 does not match today's data. Additionally, we must understand what people will be doing before we invite them to Mammoth. The mountain only has 30% more

capacity therefore this should be our limit. The general plan update falls short by not considering it as part of the plan. Why isn't the Main Lodge development part of the plan—this should be added to the general plan for the document to be meaningful. How will fractional ownership in single family residential areas affect neighborhoods, what are the hospital and college plans for 20 years, etc.? The proposed general plan is a good effort but falls short of meeting the community needs. We are approving development but we are not taking care of ourselves. What about park acquisition? We should identify, zone and acquire land for parks. Our priorities need to take precedent over developer priorities.

RESPONSE 054-3

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-4

Jo Bacon stated that the EIR provides no cushion in water supply and demand; there is no mention of potential loss of surface water because of the Mammoth Creek EIR; and including Dry Creek in the supply is against water code. Ms. Bacon stated her concern about Chapter 7 and how new development could use only a small amount of water. This section requires more study and a more detailed comparison. The transportation study has serious flaws it does not deal with pedestrian crossings and only deals with the LOS of intersections not entire streets. Ms. Bacon recommended less population versus widening streets to solve LOS D. There is no data to analyze increased traffic. What will Sierra Park and Meridian Boulevard look like? Work force housing for South Gateway is not included in the data and should be included. Ms. Bacon stated that there is conflict between document pages that speak to the housing element but in other places statements that say we are not changing the element. Ms. Bacon reiterated Thom Heller's comment of November 30th wherein he stated that workforce housing should be distributed throughout the community, with emphasis on refurbishing existing stock. Finally, an alternative outlined in chapter, states that the reduced development alternative would result in a lack of workforce housing but has no supporting data.

RESPONSE 054-4

Ms. Bacon's comments consist of a series of observations, conclusions and recommendations in addition to a question. While thoughtful, these comment do not present new environmental information nor challenge information presented in the Revised Draft Program EIR. With regard to the question, future designs for Sierra Park and Meridian Boulevard are not available as part of the General Plan Update, and, therefore, the future appearance of these roadways is not known at this time.

COMMENT 054-5

Jesse Langley, representing Cardinal Real Estate Investments, stated that they are currently in escrow on property at Minaret and Old Mammoth Road. Mr. Langley provided a document to the Commission asking that the Commission not change the current zoning. Current zoning permits 36 hotel rooms per acre and the proposed density of the General Plan would limit them to 20 rooms per acre. Jesse Langley stated that a hotel such as the one they are proposing supports numerous other goals of the general plan. Hotel design would decrease lot coverage and increase public space above and beyond the requirements of current zoning.

RESPONSE 054-5

The comment relates to the Draft General Plan Update. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-6

Dan Dawson stated he has served as a Mono County Planning Commissioner for six years as well as three years on the Technical Advisory Commission during the 1987 general plan process. Mr. Dawson stated that a general plan should reflect the will of the people and that the interpretation of the people is not included. Mr. Dawson also felt that those who attend workshops should carry the weight on how things shape up as they have participated and that this is the public process that should be followed. Mr. Dawson stated that he does not like the draft general plan but does support the reduced development alternative, which would mean less revenue to the Town. Mr. Dawson does not support an ice rink, police department, or a big government center. Workforce housing is inconsistent with the original intent of the South Gateway acquisition and Mr. Dawson opposes the sale of 25 acres to Mammoth Lakes Housing. Regarding heights, Mr. Dawson supports maintaining existing height limits. The urban growth boundary does not accurately reflect the policy as adopted. If we can contain boundaries, we can retain the small community flavor and not impact the surrounding areas. The public facilities section is vague and needs to be tightened up. A government center outside the urban growth boundary violates the proposed general plan. Traffic level D is unacceptable and recommends a change to level C.

RESPONSE 054-6

The comment relates to the Draft General Plan Update and the process. The comment expresses an opinion with regard to the process. In addition, the comment expresses a preference for the Reduced Intensity Alternative. The comment does not introduce new environmental information specific to the Revised Draft Program EIR or directly challenge information presented in the document. The comments are acknowledged and will be forwarded to the decisionmakers for review and consideration. With regard to the UGB, the Draft General Plan Update does not propose

a change in the UGB. The UGB defines the limits of urban growth for the Town. The growth proposed within the Draft General Plan Update does not violate adopted UGB policies.

With regard to public facilities, Section 4.10 and 4.11 provide analyses of public services and public utilities, respectively. Additional information regarding these issue areas can be found in the responses to comments. For example, for additional information regarding solid waste, please see Response to Comment No. 009-12. For additional information regarding wastewater, please see Response to Comment No. 011-180 and for additional information regarding hospitals, please see Response to Comment No. 011-166.

With regard to the threshold of significance for traffic, level of service (LOS) D is the significance threshold established by the Town. The comment expresses an opinion with regard to the threshold. The comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-7

Policy issue [sic] 1: Does the Draft General Plan modify the intent of the current Urban Growth Boundary policy:

Public Testimony: (1) John Walter (a) automatic inclusion of Forest Service exchanged land, i.e., the Mill City Tract, would be a clear violation of the urban growth boundary and recommended that it not be included in the proposed general plan but amend the general plan at a later date if necessary. (b) Allowing public facilities out of the urban growth boundary, i.e., performing arts, administrative offices, public parking lots is also a violation of the urban growth boundary. Toilets and recreation supporting facilities are acceptable; however, the current language allows for too much discretion. (2) Gordon Alper stated that he authored the urban growth boundary accepted by the Town Council and only Council should make changes. Additionally, if the proposed general plan is adopted, we are abandoning the urban growth policy previously accepted by the Town Council. Rezoning South Gateway from SP to IP to allow single family residences was not the intent of policy. The UGB restricted development to the already urbanized portions of the community, Mr. Alper noted his disappointed to find the work of the GPAG ignored and abandoned at this late date. South Gateway was not discussed during GPAG in spite of requests for information. (Deputy Director Bill Taylor clarified that the proposed housing in the South Gateway district has been included in all drafts of the General Plan). Chair McCarroll opened the meeting to general public comments. (3) Dan Dawson, referencing the Madden property, not contiguous but within the urban growth boundary, stated that there is a move to make the property contiguous to the town adjacent to the ski bridge. This would require a land trade and would be an acceptable amendment to the UGB and require a general plan adjustment. ***Commission comments:*** Commissioner Tenney stated that the South Gateway property is prime real estate with a southern exposure, bike path, etc. and should be park acreage. Mrs. Tenney believes in living where you work and is troubled that there is consideration for a subdivision on the South Gateway property.

Mrs. Tenney supports housing along the transit corridors and student/employee housing on the college campus. Additionally, more industrial land is needed and is not sure that is the highest and best use of that land is industrial as there is space at the Airport and Sierra Business Park. Mrs. Tenney questioned if there is a method by which incentives may be offered to reorganize the industrial area so some uses could be placed in another spot. Mrs. Tenney stated her support of the urban growth boundary. Commissioner Saari[sic] expressed his support of the urban growth policy, believes we need to remain flexible, and that park lands should be identified now, perhaps South Gateway should be identified as a park. Commissioner Harvey noted that restriction of South Gateway to college housing only has challenges as most family have two income earners and it would be difficult to draw the line. Mr. Harvey also stated that parks could come from development and a source of revenue is needed to purchase and develop them, the bell-shaped parcel requires a great deal of consideration. Mr. Harvey stated that market forces will drive the amount of development. Downzoning just to achieve a reduced population may not be the answer; this requires strong consideration and Commission discussion to fully understand the consequences. Commissioner Duggan expressed her appreciation of the public's comments. Mrs. Duggan stated that the urban growth boundary definition requires clarification as a broad interpretation may be beneficial to the community but may also be detrimental in the future. Mrs. Duggan stated that she will not reject the proposed general plan, but will continue to do her job. Regarding the housing definition, Mrs. Duggan stated that it may not be strong enough and also believes that we must develop workforce housing that fits the vision of the community. With regard to Mammoth Lakes Housing and the college, Mrs. Duggan previously understood that Mammoth Lakes Housing would develop the college's student housing. Parks, whether active and passive, are not clearly defined but believes the community to be looking for passive parks. Mrs. Duggan supports the urban growth boundary and also supports an in-depth review of future projects. Commissioner McCarroll stated he supports the urban growth boundary but also supports tightening language to make sure the town is unable to sell off land and build outside the urban growth boundary. Mr. McCarroll also supports tightening language in the implementation measures and land exchange language so that land exchanges with the forest service would be limited to existing uses only. Mr. McCarroll noted that hotel uses are not addressed in the general plan update. The existing general plan calls out for hotel and the best way to address the general plan update is to insert the language back into the RMF2 zone.

RESPONSE 054-7

The comment, which provides the comments received at the public meeting, relate to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 1, which relates to the UGB. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-8***Policy Issue 2: Should the build-out capacity of the Draft General Plan be reduced? Separate population from land use?***

Public Comments: (1) John Walter stated the general plan update cannot be decoupled from Mammoth Mountain Ski Area capacity. What is the right number? The Advocates of Mammoth have no idea. But once a number is placed on paper, it almost becomes a right. It is harder to reduce a number than to let it develop naturally. If Mammoth becomes too crowded, visitors will not come. If we achieve the objective and bring in double visitors, it is also bad if visitors don't come because we could have empty buildings and low TOT. Regarding bonus density transfer policies, densities transfers can promote growth. The optimum resort development would be the reduced alternative. Regarding affordable housing, the Advocates strongly support affordable housing but expressed concern that building anywhere and at any cost will require less affordable housing. In addition the reduced development alternative would require less affordable housing, which was not factored into the analysis. Mr. Walter recommended that the pie chart be placed in the EIR. (2) *Dan Dawson* stated strong support for the reduced alternative. Mr. Dawson also stated that the vision statement has conflicting principles to the general plan. Mr. Dawson disagreed with Commissioner Harvey that the market can control us. Clean air, clean water, and no congestion are environmentally superior alternatives that cannot be discarded for economic interests. How else can we achieve a community that is livable for all of us? He stated that the population is the crux of the General Plan and existing peak holiday weekends are already bordering on unlivable. Development is not a right is a privilege.[sic] Commission comments: Commissioner Duggan stated that the population number is arbitrary. Mrs. Duggan recommended that Lynn Carpenter from Mammoth Mountain Ski Area present the Mountain's marketing plan for the Commission and community benefit. Mrs. Duggan stated that we should be explicit with density transfers so that we don't have issues later. Mrs. Duggan stated that she does not agree that a reduction in population reduces the need for affordable housing. Workforce housing includes our peers as well as doctors, nurses, teachers, etc. Additionally, everything cannot be tied to TOT. Commissioner Harvey stated that he does not agree with tying all PAOT to the ski area because cross-country, snowmobiling, etc. are not directly associated with the ski area. Mammoth Lakes is in competition with all other resort areas and Mr. Harvey finds it interesting that we still have the level of interest in light of our development impact fees, affordable housing mitigation and amazed that developers are willing to pay the price. Mr. Harvey felt that density transfers should be controlled very carefully since we don't fully understand them and don't know what can happen in the future. Regarding affordable housing, affordable housing is not what it was five years ago--five years ago we were addressing service and industry workers who needed assistance to live here. Today everyone who works in Mammoth requires assistance unless they own a home. Mr. Harvey stated that the PAOT number is not relevant at this time and that the market will continue to drive development or lack of it in the future. Mr. Harvey is not hung up on a build-out number nor trying to reduce it by utilizing different properties. Commissioner Saari stated that he has reread Section 7 and though it sounds like a good alternative he agrees with Dan's and John's comments and how hard it would be to come off of 60,000 number. We should continue to learn more about density bonuses, don't give

them away, but is currently not in favor of downzoning. Commissioner Tenney stated that there is not enough information in Section 7.6 regarding the impacts of “reduced alternative critical mass...” for conclusions at this time. Commissioner McCarroll stated that we must look at each problem such as sustainability, smart growth, etc., but doesn’t believe that growth control is good. Mr. McCarroll believes that growth control and downzoning leads to an elitist community. Mr. McCarroll believes we want Mammoth to change the way the Mountain changed the way they moved people. Additionally, Mr. McCarroll stated that there are many things we can do to make Mammoth special, bit by bit, project by project. Mr. McCarroll noted that mobility plans are critical to maintain projects as part of that approved according to smart growth principles. The Town’s affordable housing mitigation and development impact fees are the highest in the nation. We are not a developer friendly community because it is hard to get through the process because our zoning is amongst the toughest in the nation which is an indication of our community changing itself for the better. All communities visited on the peer resort tour have a transfer of development rights which is different than harvesting development rights. Commissioner Duggan stated her appreciation of the Advocates general plan table and its specific recommendations but stated that she would not use the table as a goal to reduce the PAOT, but would use it as a discussion item to do the right thing and utilize it to identify which pieces of property are too valuable to develop. Commissioner McCarroll stated that the PAOT is not a scientific number, but is useful for generating discussion. The general plan should not be based plan on PAOT.

The Commission broke for lunch at 12:30 and reconvened at 1:10 p.m.

Regarding Policy Issue 2, Commissioner Tenney questioned the Town’s ability to ask the applicant how they would support our community. Staff will research our peer resorts.

RESPONSE 054-8

The comment, which provides the comments received at the public meeting, relate to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 2, which relates to buildout capacity of the UGB. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-9

Policy Issue 3: Should the Bell-Shaped Parcel, Mammoth Creek Park, East Gateway, and a portion of the South Gateway properties be designated as “Open Space?”[sic]

Deputy Director Bill Taylor stated that housing is only proposed on that portion of South Gateway owned by Mammoth Unified School District, Mono County, Kern Community, and the Foundation. Regarding population, Mammoth Creek Park, East Gateway and portions of South Gateway do not

affect the population numbers but making the bell shaped parcel open space could reduce development by 450 PAOT. Community Development Director Mark Wardlaw stated that the Commission may recommend different language for different sites.

Public Comments:

(1) *John Walter* stated that Mammoth Creek Park should be open space with passive recreation. A line should be drawn between multi-purpose facilities with parking versus a true park like facility. East Gateway should be designated as a park now. Mammoth Community Water District has provided no analysis of further need for industrial park. Staff should review viewshed impacts. Mr. Walter stated that under this general plan, if we proceed as we are now, we will reach build-out in about 10 years. Property between Mammoth Community Water District and Foundation should be set it aside now for a park. (2) *Jo Bacon* stated that she receives comments that people see the East Gateway parcel as open space. We should maintain it as open space and protect the Mammoth Mountain RV Park, the only year-round camping facility. Maintain open space by the South Gateway skate park. Also save the view corridor to the Sherwins, this should be an open view not a view between buildings.

Commission comments: Commissioner *Saari* opened discussion on conservation easements for the bell-shaped parcel. Mr. Saari also stated that he did not believe that the actual parcel to be transferred to Mammoth Lakes Housing within the South Gateway parcel has been clearly defined, but is owned by the Foundation. We must weigh all values in order to achieve a balanced community and maintain open space, housing, industrial, and commercial. Commissioner *McCarroll* stated his general concern that as much flexibility as possible be given in order to affect the best possible outcome. Additionally, designating open space may preclude us from something better. Neil stated that he did not agree with the concept of designating OS for the bell-shaped parcel..[sic] Putting a portion of the bell-shaped parcel into a conservation easement and developing the rest, could bring the Town money. Mr. Saari favors the existing zoning. The east portion of South Gateway could be OS, but the IP designation allows the town more flexibility. State Highway 203 and RV Park also known as the North Gateway should be IP in order to allow flexibility. South Gateway should be in the IP designation in order to give the community as much flexibility as possible to deal with the future. Mr. McCarroll stated that he would not necessarily be in favor of workforce housing without seeing a project. The Planning Commission needs to be tough on a project by project basis. Mammoth Creek Park language should be toughened as to what is allowed on the property. Commissioner *Harvey* agreed with Commissioner McCarroll's comments. Commissioner *Saari* stated that he also agrees with Commissioner McCarroll and that flexibility is necessary. Commissioner *Tenney* stated her agreement with the need to be flexible, but we also cannot miss opportunities. Mrs. Tenney stated that North Gateway sets the mood, should be left as OS and a buffer for the industrial park and 203; East Gateway should be set aside as park. Mrs. Tenney stated that she is not in favor making the west side of Mammoth Community Water District industrial. Mrs. Tenney stated that she is troubled by Mammoth Creek Park and an IP designation. With regard to the bell shaped parcel, a large portion of the open space could be boardwalks and leveraged as an asset of the town to realize some preservation and benefit; same thing with Mammoth Creek Park. Staff will draft language. Commissioner *Duggan* stated that she

does not want to see the bell shaped parcel for condominiums, favors leaving as designated but more definitive, incorporating policies more so not so generalized. Mrs. Duggan believes the transportation element key to be the key to success.

RESPONSE 054-9

The comment, which provides the comments received at the public meeting, relate to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 3, which relates to specific properties within the Town and the proposed designations. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 054-10**VIII. BUSINESS MATTERS**

1. Fiscal Year Annual Planning Activities Report 2004-2005. Staff contact: Craig Olson, x269. Deputy Community Development Director Bill Taylor stated that comments or suggestions for changes should be forwarded to Craig Olson as soon as possible so the document may be forwarded to the Town Council and the State.

IX. DIRECTOR'S REPORT**1. Director's Department Report**

Community Development Director Mark Wardlaw advised the Commission that members of the Town Council and Planning Commission toured five projects and discussed concerns about some of the details. He will be writing a paper to the Town Council to request direction as to whether or not the Planning Commission and Town staff should spend time scoping out issues, which would require a reallocation of resources and affect the current work program. Vice Chair Saari requested a written summary.

X. ADJOURNMENT

The meeting ended at 2:25 p.m. and adjourned to a Special Adjourned Meeting of December 14, 2005, at 6:00 p.m. in the Council Chambers to hold a public hearing to take public testimony on General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report.

Respectfully submitted,

Mark Wardlaw
Community Development

Director Greta J. Boyer
Administrative Assistant

RESPONSE 054-10

The comment pertains to general business and procedures of the Planning Commission meeting and does not pertain to the Revised Draft Program EIR. Therefore, no response is necessary.

LETTER NO. 055

Town of Mammoth Lake Planning Commission Meeting , CA

COMMENT 055-1

TOWN OF MAMMOTH LAKES PLANNING COMMISSION

Special Adjourned Meeting
Wednesday, December 14, 2005 – 6:00 p.m.
Council Chambers, Suite Z
Minaret Village Shopping Center

MINUTES

I. CALL TO ORDER

The meeting was called to order at 6:10 p.m.

II. ROLL CALL

Present were Commissioners Rhonda Duggan, David Harvey, Elizabeth Tenney, Vice Chair Roy Saari and Chair Neil McCarroll. Also present were Mark Wardlaw, Community Development Director; Bill Taylor, Deputy Community Development Director; and Sonja Porter, Senior Planner.

III. COMMENTS FROM THE PUBLIC

None.

IV. PUBLIC HEARINGS

1.General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report. Receive public testimony. No action will be taken. Chair McCarroll stated that the purpose of today's meetings is to take public testimony, with all discussions being preliminary in nature. There will be no definitive discussion until all public comments on Draft EIR are responded to by staff. On January 9, 10, and 11, 2006, the Planning Commission will begin to definitively discuss policy issues as well as each issue of the general plan. The public hearing at was opened at 6:13 p.m.

RESPONSE 055-1

The comment pertains to general business and procedures of the Planning Commission meeting. The comment opens the public hearing to take public testimony on the Draft General Plan Update and Revised Draft Program EIR. Therefore, no response is necessary.

COMMENT 055-2

Pastor Justin Everson stated his appreciation of the hard work the Planning Commission has put into general plan process. Pastor Everson also stated he has spoken with David Wilbrecht regarding non-profits in general, faith based or not, concerning the loss of a community center, little green church, and the pricing of land not allowing for places to be available for meetings. Pastor Everson encouraged establishment of a plan providing for non-profits in particular. Also in the existing general plan, churches are acknowledged as an integral part of community; the proposed general plan deletes any mention of churches. Pastor Everson asked for consideration of churches and non-profits in the proposed general plan. Deputy Director Bill Taylor stated that additional language is provided in IP zone to allow places of public assembly, including churches. Commissioner Saari stated his concern about addressing this issue and requested additional information to assist him in making a rational conclusion.

RESPONSE 055-2

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-3

Andrea Clark, Executive Director for Mammoth Lakes Housing (MLH), stated that workforce housing is necessary for a viable, sustainable community. Current town policy is to house 80 percent of the workforce within the urban growth boundary; at a later date, MLH may choose to assist in housing the remaining 20 percent outside of the community. In order to address the changing needs of the community, MLH requires as much flexibility as possible within all land use designations of the general plan, except the Open Space and Forest Service designations. Housing would be provided through both new and refurbished units. Ms. Clark stated that the proposed residential reduction in maximum density will constrain the ability of MLH in continuing to house 80 percent of our workforce within the community; the residential zone should allow for something other than state density bonuses, also MLH requests additional flexibility in how bonuses are applied; it would be also be appropriate to have higher densities in the C1 and C2 zones; and the transit core allows up to 20 units per acre and up to double density for projects with additional community benefit--workforce meets that need. Mrs. Clark also stated that MLH believes that work force housing should be allowed in the IP designation. The current proposed draft recommends

housing only in the South Gateway portion of IP, which may not be the appropriate location. Proposed draft should allow for housing in an entire IP designation so that housing can be placed where appropriate. Workforce housing should also be allowed in industrial zones with implementing measures. MLH believes that housing for the workforce is a health and safety issue, yet there is no mention of housing in Community Health and Safety section of the proposed general plan. Ms. Clark requested a reference to work force housing in the Community Health and Safety section and stated that density transfers should be maintained as an option.

RESPONSE 055-3

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-4

David Dahl, a partner in the Sierra Nevada Inn, requested C2 density modifications, as greater density should be in the commercial zone rather than the residential areas. Mr. Dahl stated that if the Town makes it too difficult to redevelop existing properties, existing properties will not be redeveloped. Mr. Dahl asked that the Planning Commission carefully consider the modification to the C2 zoning.

RESPONSE 055-4

The comment relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-5

John Walter representing the Advocates for Mammoth stated that the proposed general plan does not consider the impacts on public lands and the effect if we double population. Our visitors come here for the natural environment, yet the proposed general plan does not analyze the effect on the wilderness, trailheads, Lakes Basin, etc. Secondly, the Town and Mammoth Mountain Ski Area (MMSA) are not talking to each other. The fact that MMSA is looking at redevelopment has not been a secret, yet they lack mention in the proposed general plan. MMSA is the biggest employer, provider of amenities and transit provider and their actions need to be incorporated into the document. Mr. Walter pointed out that there is no analysis of schools, little of hospitals, fire departments, etc. that the Town does not have responsibility to provide mitigations, although CEQA indicates that the Town must analyze. Mr. Walter stated that the EIR has many good things, but also some glaring deficiencies. If existing policies are not adequate to mitigate we should strengthen

them or mitigate them by adopting a project with a smaller PAOT. The attorney for the Advocates feels the EIR has shortcomings in the water and air quality areas. The document emphasizes resort density to get amenities, the Vision Statement is about quality of life, and there is no mention of economic diversification or maintaining a village in the trees. A Conservation Element is required but is not included. Mr. Walter stated that the staff should consider Alamar's proposal to sit down and go through process one more time--put another year into it; it is worth doing right. Mr. Walter requested withdrawal of the EIR to bring the document up to speed and circulate for comment.

RESPONSE 055-5

Portions of the comment relate to the Draft General Plan Update. These portions of the comment are acknowledged and will be forwarded to the decisionmakers for review and consideration.

To clarify, the Revised Draft Program EIR contains the environmental analysis for the April 2005 Draft General Plan Update. The Revised Draft Program EIR includes an analysis of potential impacts with regard to schools, hospitals, and fire protection services. Please see Section 4.10 of the Revised Draft Program EIR. Under CEQA, the Town as lead agency, is required to consider mitigation measures that would reduce a significant environmental impact if such an impact is identified in the environmental analyses that are prepared for a project. Shute, Mihaly & Weinberger, LLP submitted a written comment letter on behalf of the Advocates for Mammoth. Please see Comment Letter No. 010 and the associated responses.

COMMENT 055-6

Mary K. Prentice, a resident of Mammoth Lakes, read a letter and provided a copy to staff for entry into the record.

RESPONSE 055-6

Please see Comment Letter No. Prenticex and the associated responses, which provide a detailed response to each of the comments contained in the letter.

COMMENT 055-7

Marshall Minobe, a member of GPAG, stated that he supports a community based approach and the policy papers do not answer basic question of what the setback to workforce housing goal might be. The policy papers do not attack the interrelatedness of the general plan elements. Mr. Minobe stated that we have not been as informed as we should have been and requested that he be shown the plan's cohesiveness.

RESPONSE 055-7

The comment relates to policy papers on the Draft General Plan Update and not the Revised Draft Program EIR. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-8

Wilma Wheeler, Chair of Range of Light, Sierra Club, submitted written comments, concerning the impact on surrounding Forest Service lands and other public lands. Mrs. Wheeler stated that the increase in visitors will have great impact on areas like the Lakes Basin with overcrowding and over use. Mrs. Wheeler also stated that we must also consider water uses. Additionally, the redevelopment that Mammoth Mountain Ski Area is proposing is not considered in general plan and should be because it impacts the town and surrounding lands. Mrs. Wheeler also submitted written comments on behalf of her and her husband.

RESPONSE 055-8

Please see Comment Letter No. 038 and the associated responses, which provide a detailed response to each of the comments contained in the letter.

COMMENT 055-9

Policy Issue 4: Is workforce housing an appropriate use in the South Gateway Master Plan area (serving student, faculty, and general community)? Deputy Director Bill Taylor advised the Commission that the IP designation identified for workforce housing is for the South Gateway area, totaling approximately 80 acres and approximately 360 units, mostly student housing, uses accessory to the college, or available for workforce housing.

Public Testimony: Jo Bacon stated that college enrollment is declining and recommended that reservation of housing units without turning them over to another purpose. John Walter stated that land should be set aside for faculty, dorms, etc., and to limit to auxiliary uses supported by institutions and community facilities such as a performing arts center. More housing will result in urban sprawl. Mammoth Lakes Housing should be encouraged to fix up the older units. Mary Prentice stated that the property is exquisite, with unequaled views, perfect for performing arts, conference center, amphitheatre--workforce housing would considered urban sprawl. Mrs. Prentice encouraged redoing some of the older units in town keep the college area a beautiful spot for community/educational arts center. Marshall Minobe reinforced his point about how the policy papers do not do a good job satisfying and informing as he is unable to determine the types of impacts without sufficient analysis. *Commission Comments:* Commissioner Tenney stated that her preference is leaning toward housing on the college campus for faculty and students. The area between the college and the water district parcel should be dedicate to OS, could be park land. Vice

Chair *Saari* stated that the zoning language should be both flexible and integrated and is opposed to a 10 or 25 acre parcel being segregated from the college parcel. There should be flexibility for affordable housing on the South Gateway, just not a segregated parcel. Chair *McCarroll* stated his agreement with Vice Chair *Saari* regarding the need for flexibility of workforce housing in the IP zone. Mr. *McCarroll* also asked for additional research of the appropriateness of applications considering representations made to the Forest Service when the property was acquired. Mr. *McCarroll* stated that he cannot comment specifically until he sees a project application and would favor a master or specific plan for this area. Commissioner *Harvey* stated that there are many different mitigation solutions available in the affordable housing area that we did not have three and four years ago—the idea of utilizing older stock in town and excluding workforce housing from the South Gateway parcel may not allow us to meet needs. He said that we require flexibility and, is therefore, leaning in the direction of housing in South Gateway area. Commissioner *Duggan* stated that the original master plan of the Foundation at build-out included residences for staff and students and a large component for the arts. Mrs. *Duggan* encouraged caution so as not to impact previous commitments; workforce for this segment should be of the highest standard and quality, should be well defined, overall in favor, but the language should be tightened. Vice Chair *Saari* stated that he has had no input from staff excluding the arts. Commissioner *Tenney* stated that she would consider housing in the IP zone subject to further specificity and adopted changes to the zoning. In response to Marshall *Minobe* comments regarding the housing element, Mr. *Taylor* stated that the Housing Element has been incorporated into the proposed general plan and does meet the requirements of State. E. L. *Smoogen* commented that housing should be regulated and asked that a definition of student be added so the community is aware for whom they are subsidizing housing.

RESPONSE 055-9

The comment, which provides the comments received at the public meeting, relate to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 4, which relates to a specific property within the Town and the appropriate use of the property. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-10

Policy Number 5: Should the Draft General Plan establish controls to regulate the rate of development in the community?

Public testimony: John *Walter* stated that we are currently growing at the rate of 700 units per year and anticipates that it will higher in the future. We should put in place a slow down mechanism that will work; don't give density bonuses, don't make it easier for the developer. The best way to slow down is to take out things that add development, like density bonuses and incentives and add them later if there is not enough development. Marshall *Minobe* stated that in the past 5 years the growth

rate has caused stresses in the community and recommended a study of other communities that have added growth control measures. What is the growth rate that will stabilize our community and help alleviate some of the stresses that have occurred?

Commission comments: Commissioner *Harvey* stated that market forces will dictate how fast and how long we will grow. Real estate development is cyclical, all triggered by different things that are hard to analyze. Our past eight years of good development and growth are not normal, considering that we have one of the toughest resort towns in America within which to develop. In light of our affordable housing mitigation and development impact fees, a developer must prove to his investment institution that there is a market and viability to building in our area. Commissioner *Harvey* stated that he is not in favor of permit cap as it does not solve the problem, but could compound it. Commissioner *Harvey* stated that we need common sense approaches. Chair *McCarroll* stated that he is leery of caps and believes that option 1 is way to deal with this issue. Commissioner *Saari* stated his concern is that the product being built is condominium hotels. Commissioner *Tenney* stated that this is her largest issue, and her fear that we are not getting the best possible outcome because we are not meeting the vision. Mrs. *Tenney* stated that the peer resort tour was an eye opener. Mrs. *Tenney* feels that development is coming too fast. Mrs. *Tenney* noted that Missoula has adopted a lighting ordinance based on ours; unfortunately, we have not been able to enforce the lighting ordinance except on a complaint basis. Mrs. *Tenney* also expressed her concern about how we take it slower to make sure it turns out okay. Our town can be fabulous and must be the best we can make it. How do we assure we do it better than anybody else? A quick pace does not allow the Planning Commission to do their due diligence. Mrs. *Tenney* stated that she did not believe caps was the answer. The staff and Commission must take the time necessary to do their job correctly. Commissioner *Duggan* stated that Aspen had limited their permits; she was shocked at the small number of permits that they did issue, and limiting them did not solve the problems.

Further public testimony: *John Walter* questioned that if caps were not the answer, then what will happen in two years when we are not meeting the water needs. The Commission should determine some mechanism to slow development if monitoring programs say slow down. *Dieter Fiebiger* questioned when and how we apply the brakes. In the 70s and 80s it took many years to institute a water moratorium, now we're down to three years, can we use this as a thermometer? After two years of drought, can we use this as a measurement?

RESPONSE 055-10

The comment, which provides the comments received at the public meeting, relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 5, which relates to whether or not the Draft General Plan Update should establish controls to regulate the rate of growth in the community. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-11

Policy Issue 6: Should the Draft General Plan set an objective of achieving LOS C or better, or should the Draft General Plan increase the Level of Service (LOS) standard for traffic performance from LOS C or better?

Senior Planner Sonja Porter stated that LOS D has been the Town's policy since 1997. If the policy changes, roads would have to be widened, sidewalks removed, and the visual character of the town could be impacted. *Public testimony: John Walter* representing the Advocates for Mammoth stated a problem with Level D because if we accept a Level D we are setting ourselves up for failure when we have snow storms--we need to set a higher goal. Once again, Mr. Walter stated that the reduced development alternative would make it easier. *Marshall Minobe* stated that the Town has spent a lot of money on traffic modeling, yet we don't continue to use it as a tool to address different alternatives. Mr. Minobe proposed that the traffic model be used for more modeling to support planning activities. *Commission comments:* Vice Chair *Saari* stated that traffic is a big concern. Moving from a LOS D to C could cause additional problems; our real goal should be to reduce from level D. Reducing to a Level C has great consequences that as a Commissioner he would not recommend. Chair *McCarroll* stated that Level D is consistent with sidewalks, etc., making a more attractive community. Mr. McCarroll recommended that we develop solutions that recognize who we are, what we are, and strive to get our residents and visitors out of cars. We must continue to emphasize getting people out of cars by building strategic parking facilities--thus shrinking Main Street to make it more pedestrian oriented could improve our community. Commissioner *Harvey* stated that our goal should be to be better than Level D. Mr. Harvey noted that his dream walk would be from Mammoth Creek Park to the Village on sidewalks. Mr. Harvey stated that making larger roads and intersections will not solve our problems and believes that we can have a Lionshead-type transportation in Mammoth. Transportation this summer was nice with the trolley; moving to a Level C as a standard defeats what we have been working toward the last several years. Commissioner *Duggan* stated that a slower pace makes for a better community feel. Mrs. Duggan stated that she cannot approve of making roads bigger to improve traffic flow. Anything we can do to improve traffic flow is not tied to widening our roads but is tied to other issues that should be addressed. Our policy of Level D with a goal to improve is appropriate. Commissioner *Tenney* stated that our goal to leave cars at the lodging is based on our ability to provide adequate transportation. Mammoth Mountain Ski Area has limited its parking and must provide fun, reliable, and frequent transportation. Additionally, Mrs. Tenney felt that striving to achieve better than Level D should be our goal as a community but that it does not have to be our standard. Commissioner *McCarroll* stated that we are much larger than our peer resorts and because of our size we have issues they don't have; transportation is an issue that we are facing. Mr. McCarroll noted that the traffic through North Village is a problem and is going to continue to be a problem but there are solutions. Mr. McCarroll's concern is the level of traffic now. Commissioner *Duggan* stated the need to address other options. Senior Planner Sonja Porter noted that the Town does have a traffic model working in conjunction with our GIS that is used on a regular basis. John Walter stated that we must consider the total traffic and must work with Mammoth Mountain Ski Area more. Dieter

Fiebiger stated that last January he spoke to the Commission about parking, how to get people out of their cars, and his suggestion at that time was to consider a huge parking structure as you come in to town that connects with a bus system that brings our visitors into town.

RESPONSE 055-11

The comment, which provides the comments received at the public meeting, relates to the Draft General Plan Update and not the Revised Draft Program EIR. The comment is a discussion regarding Policy Issue 6, which relates to the threshold for traffic. The comment does not introduce new environmental information or provide specific comments regarding information presented in the Revised Draft Program EIR. This comment is acknowledged and will be forwarded to the decisionmakers for review and consideration.

COMMENT 055-12

V. REPORT

1. Director's Department Report

Director Mark Wardlaw recommended that the Commission adjourn to Tuesday, December 20, 2005, at 6:00 p.m. to continue with Policy Issues 7-16. Thereafter, January 9, 2006, meeting has been rescheduled to 6:00 p.m., January 10, 2006, remains at 9:00 a.m. and January 11, 2006, remains at 9 a.m.

VI. ADJOURNMENT

The meeting ended at 9:00 a.m. and adjourned to a Special Adjourned Meeting of Tuesday, December 20, 2005, at 9:00 a.m. in the Council Chambers to hold a public hearing to take public testimony on General Plan Amendment Application 2003-01 Draft General Plan Update for the Town of Mammoth Lakes and the Draft Program Environmental Impact Report.

Respectfully submitted,

Mark Wardlaw
Community Development Director

Greta J. Boyer
Administrative Assistant

RESPONSE 055-12

The comment pertains to general business and procedures of the Planning Commission meeting and does not pertain to the Revised Draft Program EIR. Therefore, no response is necessary.