

FINAL ENVIRONMENTAL IMPACT REPORT

SNOWCREEK VIII, SNOWCREEK MASTER PLAN UPDATE - 2007 PROJECT

Lead Agency:
Town of Mammoth Lakes
Community Development Department
PO Box 1609
Mammoth Lakes, CA 93546

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Submitted to:

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I. INTRODUCTION

In accordance with Sections 15088, 15089, and 15132 of the *CEQA Guidelines*, the Town of Mammoth Lakes has prepared this Final Environmental Impact Report (Final EIR) for the Snowcreek VIII, Snowcreek Master Plan Update – 2007 (Project). This Final EIR includes the following sections: 1) Introduction; 2) Response to Comments; 3) Corrections and Additions to the Draft EIR; and 4) Mitigation Monitoring Program. Comment letters on the Draft Environmental Impact Report (Draft EIR) are provided in Appendix A.

A. LOCATION

The Project site is located in the Town of Mammoth Lakes (Town), Mono County, California. The Town is located on the eastern slopes of the Sierra Nevada at an elevation of approximately 7,900 feet above sea level within Section 34, Township 3 South, and Range 27 East. The Town is located approximately 168 miles south of Reno, Nevada, and approximately 310 miles north of Los Angeles, California. Neighboring communities of the Town include June Lake to the northwest, Benton to the east, and Tom's Place to the southeast. Regional access is provided by U.S. Highway 395 and California State Highway 203. Local roadways which provide access to the site include Minaret Road to the north, Fairway Drive and Old Mammoth Road in the central portions of the site, and Sherwin Creek Road to the east.

B. SUMMARY OF THE PROPOSED PROJECT

The Project consists of adoption by the Town of the Snowcreek VIII, Snowcreek Master Plan Update - 2007 (2007 Master Plan) to revise the Updated Master Plan for Snowcreek at Mammoth (1981 Master Plan), which was an update of the original Snowcreek Master Plan (1974 Master Plan). The 2007 Master Plan or Project addresses proposed build-out of the remaining Snowcreek Master Plan area (i.e., Snowcreek VIII) and is intended to fulfill the vision of the previously approved master plans.

The Project proposes the development of 850 residential dwelling units, 400 Hotel rooms/suites¹, and up to 75,000 square feet for non-residential uses on a total of approximately 237 acres. The following provides a brief account of these components:

- **Residential:** The residential component could include a mix of residential uses from condominium units, single family dwellings, stacked flats and townhomes that will vary in size from 650 square feet (minimum) to 3,500 square feet (maximum). A Resident's Club with a snack bar, pool, spa and grill will accompany this component.

¹ Hotel would accommodate 250 guest rooms/suites (125 dwelling units) and 150 Private Residence Club (PRC) suites (75 dwelling units); total 400 rooms/suites. Under Town Municipal Code a hotel room/suite or private residence room equals ½ of a unit, thus the 400 Hotel rooms/suites equates to 200 dwelling units.

- **Resort:** The resort component will include 400 guest suites that will be part hotel, part Private Residence Club (PRC)/suite units or the like. The resort will also include retail space, a lounge, a fitness area, a pool, a spa/wellness center, and an ice skating pond.
- **Recreation:** While recreational amenities are incorporated throughout the Project, additional stand-alone recreational components will include a Golf Clubhouse, an expanded golf course and attendant facilities, and the Outfitters' Cabin. The existing privately owned publicly accessible nine-hole golf course on the north and west portions of the Project site will be expanded to include nine additional holes on the east and south edges of the Project site, thus creating a privately owned publicly accessible 18-hole golf course.
- **Retail:** In addition to the retail space provided at the resort, a stand-alone Market/General Store (The Store) will be incorporated into the Project. The Store will serve the "Old Mammoth" portion of the Town with food, deli, drinks, and sundries. The Store draws inspiration from the historic Lutz Market during the early settlement days of Mammoth Camp.
- **Public Amenities:** In addition to public amenities provided in the expanded and enhanced golf course facilities, the Project will include amenities to enhance public recreational opportunities and support economic stability. These amenities will include a Natural Resources and Historic Interpretive Center (Interpretive Center), an Outfitters' Cabin, and the provision of Hotel rooms/suites, restaurants, retail, and conference facilities.

C. ENVIRONMENTAL REVIEW PROCESS

California Environmental Quality Act (CEQA) does not require formal hearings at any stage of the environmental review process (Section 15202(a) of the *CEQA Guidelines*). However, it does encourage "wide public involvement, formal and informal... in order to receive and evaluate public reactions to environmental issues..." (Section 15201 of the *CEQA Guidelines*).

Pursuant to *CEQA Guidelines* Section 15063, the Town prepared a preliminary Initial Study which concluded that the proposed project could result in potentially significant environmental impacts and an EIR would be required. The Town circulated a Notice of Preparation (NOP) of a Draft EIR for the proposed project to the State Clearinghouse and interested agencies and persons on October 19, 2006 for a 30-day review period and a public scoping meeting was held November 16, 2006. Comments received on the NOP and comments received at the public scoping meeting were both considered in the preparation of the Draft EIR.

The Draft EIR was made available to various public agencies, citizen groups, and interested individuals for a 45-day public review period from September 6, 2007 through October 22, 2007. A Planning Commission meeting was held on October 10, 2007 to gather public comments on the Draft EIR. The Draft EIR was circulated to state agencies for review through the State Clearinghouse of the Governor's

Office of Planning and Research. Copies of a Notice of Availability (NOA) of the Draft EIR were also sent to citizens surrounding the Project site, interested groups and agencies. Copies of the Draft EIR were available for review at the Town of Mammoth Lakes Community Development Department, Mono County Library, and via internet at www.ci.mammoth-lakes.ca.us.

The purpose of the review period is to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the Draft EIR and to submit testimony on the possible environmental effects of the proposed project.

This document, together with the Draft EIR, makes up the Final EIR as defined in the *CEQA Guidelines* Section 15132 as follows:

The Final EIR shall consist of:

- a) The Draft EIR or a revision of the draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

As Lead Agency under CEQA, the Town must provide each public agency that commented on the Draft EIR with a copy of its responses to comments at least ten days before certifying the Final EIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the Final EIR before certification, although this is not a requirement of CEQA.

D. USE OF THIS DOCUMENT

The Final EIR allows the public and Lead Agency to review revisions to the Draft EIR, comments, and responses to comments before approval of the project. This Final EIR (which includes the Draft EIR, incorporated by reference) will serve as the environmental document used by the Town when considering approval of the project. After completing the Final EIR and before approving the project, the Lead Agency must make the following three certifications (*CEQA Guidelines* Section 15090).

- The Final EIR has been completed in compliance with CEQA;

- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision making body reviewed and considered the information in the Final EIR prior to approving the project; and
- The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, if an EIR that has been certified for a project identifies one or more significant environmental impacts, the Lead Agency must adopt findings of fact (*CEQA Guidelines* Section 15091[a]). For each significant impact, the Lead Agency must make one of the following findings.

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (*CEQA Guidelines* Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring Program (MMP).

In addition, when a Lead Agency approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the EIR. Because the proposed Project would result in significant and unavoidable impacts related to the following:

- **Aesthetics.** The Project would result in significant unavoidable impacts to public views and scenic vistas, visual character, and light and glare. The Project would result in significant impacts to scenic vistas by altering the visual character of the site, which would be apparent to viewers looking south toward the Sherwin Range from public areas near the Project site. The Project would represent a substantial change in the visual character of the Project site by constructing housing and resort uses on a formerly undeveloped meadow. Although the Project would be required to implement and be consistent with all Town ordinances related to outdoor lighting, the

introduction of light and glare on a formerly undeveloped meadow would create a new source of light or glare that would be noticeable and would expand the existing lit footprint of the Town.

- **Air Quality.** The Project would result in significant unavoidable impacts to air quality from Project construction generated PM₁₀ emissions as well as cumulative impacts from construction generated PM₁₀ emissions. These PM₁₀ emissions that cannot be reduced to zero with the implementation of the recommended mitigation.
- **Utilities.** The Project would result in significant unavoidable cumulative impacts to water supply. Even with full implementation of various planned water supply projects, it is expected that insufficient water would be available to meet projected demand during a single dry year. Therefore, because these future water sources do not exist at present the Project's contribution to overall water supply demand within the Town would be cumulatively considerable.

Due to these findings the Town would be required to adopt a statement of overriding considerations if it approves the Project. The statement of overriding considerations is not a substitute for the findings of fact described above.

These certifications, the findings of fact, and the statement of overriding considerations are included in a separate findings document prepared by the Town. The Draft EIR (incorporated by reference), Final EIR, findings of fact, and statement of overriding considerations are submitted to the Lead Agency for consideration of the Project.

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II. RESPONSE TO COMMENTS

A. OVERVIEW

The purpose of the public review of the Draft Environmental Impact Report (Draft EIR or DEIR) is to evaluate the adequacy of the environmental analysis in terms of compliance with the California Environmental Quality Act (CEQA). Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The purpose of each response to a comment on the Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088 (b) of the *CEQA Guidelines* describes the evaluation that CEQA requires in the response to comments by stating:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Section 15204(a) (Focus of Review) of the *CEQA Guidelines* helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the Lead Agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204.5(a) of the *CEQA Guidelines* clarifies this for reviewers by stating:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant

environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

This guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) of the *CEQA Guidelines* states:

Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

B. LIST OF THOSE WHO COMMENTED ON THE DRAFT EIR

The Town of Mammoth Lakes (Town) received a total of 50 comment letters on the Draft EIR not including attachments. Comment letters were divided into two categories; those submitted by public agencies and governments were assigned the letter “A” and those submitted by private organizations, companies, and individuals were assigned the letter “B.” Comment letters in each category were numbered according to the date they were received by the Town. Individual comments within each comment letter were numbered. Thus, for example, the comment letter from the Native American Heritage Commission is numbered “A1” and individual comments in that letter are numbered “A1-1”, “A1-2”, “A1-3”, etc.

Comments were also verbally submitted at the Planning Commission meeting held on October 10, 2007 and were subsequently transcribed. Some comments were similar or identical to comments submitted in writing by the same commenter. As such, these comments were addressed in the applicable responses to comments and excluded from the transcribed comments included herein. Transcribed comments were assigned the letters “TS” and individual comments were numbered. Thus, for example, the comment from John Walter is numbered “TS-1.”

In addition to the 50 comment letters, the Town received one letter from the State Clearinghouse on September 10, 2007. The letter stated that the Town extended the public review period to October 22,

2007 and enclosed a letter from the Town to the State Clearinghouse providing notification of the change in review period from August 30, 2007 through October 15, 2007 to September 6, 2007 through October 22, 2007. All 50 comment letters and the State Clearinghouse letter are provided in Appendix A to the Final EIR.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to the Project's merits with points and opinions relevant to the potentially significant environmental effects of the Project. The responses acknowledge comments addressing points and opinions relevant to the Project's merits, and discuss as necessary the points relevant to the environmental review required by CEQA.

Table FEIR-1 lists the organizations and persons who provided written comments on the Draft EIR to the Town during the 45-day public review period.

Table FEIR-1
Inventory of Comment Letters Received on the Draft EIR

Correspondence Alpha	Date of Correspondence	Commenter
Public Agencies and Governments		
A1	September 10, 2007	Native American Heritage Commission (Singleton, Dave)
A2	September 10, 2007	State of California State Clearinghouse and Planning Unit (Morgan, Scott)
A3	September 26, 2007	Mammoth Community Water District (Hegeman, Ericka)
A3a	December 17, 2007	Mammoth Community Water District (Sisson, Gary)
A3b	January 10, 2008	Mammoth Community Water District (Sisson, Gary)
A4	October 8, 2007	Department of Transportation District 9 (Rosander, Gayle)
A5	October 15, 2007	Mono County Department of Public Works (Nikirk, Evan)
A6	October 22, 2007	Big Pine Paiute Tribe of the Owens Valley (Helmer, Bill)
A7	October 22, 2007	Bishop Paiute Tribe (Stone-Yanez, Theresa)
A8	October 22, 2007	Mono Lake Kutzadika ^a Tribe and Mono Lake Kutzadika ^a Indian Community Cultural Preservation Association (Lange, Charlotte and Andrews, Raymond)
A9	October 22, 2007	United States Department of Agriculture Forest Service Inyo National Forest (Schlafmann, Michael)
A10	October 25, 2007	Mammoth Lakes Fire Protection District (Heller, Thom)
Private Organizations, Companies and Individuals		
B1	September 18, 2007	Stern, Kay
B2	September 20, 2007	Deem, Mark
B3	September 24, 2007	Davis, Donald
B4	September 24, 2007	Erickson, Jackie
B5	September 24, 2007	Kearney, Krista
B6	September 24, 2007	Sandvig, George
B7	September 25, 2007	Swan, Jeff
B8	September 26, 2007	Ringold, Randy
B9	September 27, 2007	Omeste, Donna

Table FEIR-1
Inventory of Comment Letters Received on the Draft EIR

Correspondence Alpha	Date of Correspondence	Commenter
B10	September 28, 2007	Becker, Cynthia
B11	September 28, 2007	Becker, Megan
B12	October 1, 2007	Sandvig, George
B13	October 1, 2007	Werner, Debra and Steven
B14	October 2, 2007	Siddens, Marc
B15	October 2, 2007	Snow, David
B16	October 6, 2007	McKinney, Tricia
B17	October 9, 2007	Kenyon, Jane
B18	October 10, 2007	Peterson Walter, Nancy
B19	October 10, 2007	Snowcreek V, Fairway Homes II HOA (Hipp, Lauren)
B20	October 11, 2007	Warwick, Jeff
B21	October 12, 2007	Crosby, Bill
B22	October 12, 2007	Laskey, Bob
B23	October 12, 2007	Malone, Ed
B24	October 12, 2007	Ryerson, Devin
B25	October 12, 2007	Snowcreek Fairway Owners Association (Collins, Donald)
B26	October 15, 2007	Anaheim Resort RV Park (Bostwick, Paul)
B27	October 18, 2007	Mammoth Lakes Trails and Public Access (Wentworth, John)
B27a	October 18, 2007	Mammoth Lakes Trails and Public Access (Oberholtzer, Laurie)
B27b	October 18, 2007	Mammoth Lakes Trails and Public Access
B27c	October 18, 2007	Mammoth Lakes Trails and Public Access
B27d	October 18, 2007	Mammoth Lakes Trails and Public Access
B27e	October 18, 2007	Mammoth Lakes Trails and Public Access
B27f	October 18, 2007	Mammoth Lakes Trails and Public Access
B27g	October 18, 2007	Mammoth Lakes Trails and Public Access
B27h	October 18, 2007	Mammoth Lakes Trails and Public Access
B27i	October 18, 2007	Mammoth Lakes Trails and Public Access
B28	October 18, 2007	Maw, Peter
B29	October 19, 2007	Tenney, Elizabeth
B30	October 19, 2007	Wilson, John
B31	October 21, 2007	Smyth, John
B32	October 22, 2007	Advocates for Mammoth (Walter, John)
B33	October 22, 2007	Bacon, Jo
B34	October 22, 2007	Bradfield Cooper, Stephanie
B35	October 22, 2007	California Indian Legal Services (Sharpe, Delia)
B36	October 22, 2007	Kenyon, Jane
B37	October 22, 2007	Ludwig, Hans
B38	October 22, 2007	Peterson Walter, Nancy
B39	October 22, 2007	Snowcreek V, Fairway Homes II HOA (GHH Engineering)
B40	October 22, 2007	Wheeler, Wilma
B41	No Date	Heller, Thomas
Transcript from Planning Commission Meeting		
TS	October 10, 2007	Various Commenters

C. TOPICAL RESPONSES

Certain topics were raised repeatedly, albeit in slightly different forms, in comments on the Draft EIR. In order to minimize duplication and to provide a more comprehensive discussion, “Topical Responses” have been prepared for some of these issues, and responses to individual comments reference these topical responses as appropriate. Each topical response is intended to provide a general response to several comments on the given subject. A particular topical response may provide more information than requested by any individual comment. Conversely, the topical response may not provide a complete response to a given comment, and additional information may be contained in the individual response to that comment.

Topical responses in this Final EIR address the following issues:

1. Standards for Responses to Comments and Focus of Review of Commenters
2. Project Details
3. Recreation

Topical Response 1: Standards for Responses to Comments and Focus of Review of Commenters

Various comments request additional analysis, mitigation measures, or revisions that are not provided in the Final EIR for reasons more specifically addressed in the individual comments. Section 15204(a) of the *State CEQA Guidelines* (“*CEQA Guidelines*”) (Focus of Review) provides basic guidance regarding this issue.

Section 15204(a) states:

In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information

requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).

(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Reviewers are encouraged to focus on the sufficiency of the environmental document's analysis, mitigation measures, and project alternatives. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA requires that lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” In addition, various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised but fail to provide substantial evidence in support of their assertion. Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic

impacts that do not contribute to, or are not caused by, physical impacts on the environment.

Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Finally, various comments request that the EIR analyze the potential impacts of scenarios that require significant speculation. CEQA does not require such analysis. *CEQA Guidelines* Section 15145 provides that:

If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

Topical Response 2: Project Details

The Snowcreek VIII Master Plan is a program-level plan. Although the Master Plan proposes use and development standards for details such as grading plans and building designs, the detailed plans and designs have not been proposed. An illustrated conceptual plan is shown in Figure III-4 in the Draft EIR. Conceptual elevations of the residential units proposed by the Project are shown in Figures III-7 through III-9 in the Draft EIR. Following the Town of Mammoth Lakes' adoption of the Master Plan, the Project would require the approval of Conditional Use Permits, Vesting Tentative Tract Maps, Grading and Building permits, and would undergo Design Review. During approval of Grading and Building permits, the Town would review all Project plans for consistency with Town grading regulations, Regional Water Quality Control Board (RWQCB) regulations, the adopted Master Plan and any other applicable regulations. During Design Review, the Town would review all final proposed building designs for consistency with the Town's design standards, Zoning Ordinance, and consistency with development standards in the adopted Master Plan.

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur "before a project gains irreversible momentum" (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334). In other words, CEQA requires agencies to prepare EIRs "as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment" (see *CEQA Guidelines* Section 15004, subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such Project details not being required at this juncture in the

application process or for CEQA analysis, the Project applicant is in the process of diagramming such site specific details as parking configurations, trails and internal bicycle paths and pedestrian pathways, etc., and will provide this information at the appropriate time.

Topical Response 3: Recreation

The Town of Mammoth Lakes is a recreational/resort destination and as such both visitors and residents value the abundance of recreational opportunities that the Mammoth Lakes area offers. While the Town and the Project applicant are aware of the importance of recreational land uses and access to those lands, this Project at its current location has been contemplated for over 20 years. The Project is compliant with applicable land use designations and is not introducing an incompatible development in the Town. The applicant has requested a Zoning Code Amendment to 1) allow the proposed maximum building height for the Hotel and 2) to cluster unused density from developed to undeveloped areas within the Snowcreek Master Plan as allowed under the 2007 General Plan.

As stated on page IV.L-8 of the Draft EIR, the Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. The Project would expand, by approximately 94 acres (4,094,640 square feet), the existing privately owned but publicly accessible golf course into the proposed 155-acre 18-hole Snowcreek Golf Course. In addition, a 3,000 square foot publicly accessible golf clubhouse; a public parking area and a 1,700 square foot publicly accessible Outfitters' Cabin designed to serve as a hub for summer and winter recreational activities and to provide retail services and equipment rental for these types of activities; a 900 square foot publicly accessible Natural Resources and Historic Interpretive Center (Interpretive Center); a 3,500 square foot publicly accessible Market/General Store; 10,000 square feet of retail space; a 10,000 square foot publicly accessible lounge; a 12,900 square foot publicly accessible spa/wellness center; and a publicly accessible ice skating pond/rink associated with the resort Hotel would be developed as part of the Project. Thus, despite the removal of the existing privately owned publicly accessible driving range and the temporary loss of use of the existing nine-hole golf course for minor changes, the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes area. Therefore, Project impacts affecting Town recreation facilities would be less-than-significant.

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of additional public access to public land have not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access and the Town's Trail System Plan as described on page IV.L-5 of the Draft EIR. As implementation of the individual components of the Project proceeds, the Town will evaluate each development review application(s) for consistency with General Plan policies including trails and public access. The specific routing of trails and points of access that are needed on the site to satisfy the consistency requirement will be determined by the Town as part of the development review process for each Project component.

The privately owned Project site has periodically been crossed by some pedestrians and hikers for purposes of obtaining access to the Sherwin Range and Inyo National Forest. However, this one route is not the only current point of entry available to access the Sherwin Range and the Inyo National Forest. The development of the Project will require persons who may have previously crossed the privately owned Project site to now hike around the perimeter of the Project site to reach these areas. Despite this re-routing of users of the public lands to an access location adjacent to the Project site, the Project would not prevent access to these public lands. In addition, this re-routing does not eliminate any existing Town-approved trail across the site as a Town-approved trail does not currently exist on the site as noted in the Mammoth Lakes' Trail System Plan. The Project applicant has proposed to provide the Outfitters' Cabin (i.e., a recreation rental facility) along the eastern edge of the Project site adjacent to existing public access to public lands via Sherwin Creek Road. That existing access, while not as convenient as the current access points and routes on the Project site, will be permitted and lawful and will be enhanced with a facility that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment. With the existing Sherwin Creek Road access remaining and the development of the associated Outfitters' Cabin as part of the Project, the impact to public access to public lands was determined in the Draft EIR to be less than significant. No policies requiring privately owned land to be made available to the public have been adopted by the Town. Thus, despite the re-routing of users of the public lands adjacent to the Project site, the Project would not block or prohibit access to these public lands.

Recreation, as a category of land use, is considered in the Draft EIR's Land Use analysis as presented in Section IV.H (Land Use & Planning). This analysis addresses the Project's consistency with the Town's recreation policies as defined in the General Plan. CEQA requires that a project's consistency with adopted plans and policies be evaluated (see *CEQA Guidelines* Section 15125). An EIR uses this policy analysis as an indicator of the resources that might be affected by a project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. The General Plan Guidelines published by the State Office of Planning and Research define consistency in the following manner: "An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." Therefore, the standard for analysis used in the Draft EIR is based on general agreement with the policy language and furtherance of the policy intent. The determination that the Project is consistent or inconsistent with the 2007 General Plan policies or other Town plans and policies is ultimately the decision of the Town.

Response to Comment Letter A1**Native American Heritage Commission (Singleton, Dave)*****Comment A1-1***

The Native American Heritage Commission (NAHC) is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a significant effect requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines Section 15064.5(b)(c). Because of the number of 'known' Native American cultural resources identified at this project site or 'area of potential effect (APE)' and the concerns expressed to the NAHC by local tribes, we strongly recommend the employment of Native American Monitors during any ground-disturbing activity at this site. This would be in addition to a qualified archaeologist.

Response to Comment A1-1

In response to this comment, Mitigation Measure CULT-1 has been revised under Impact CULT-1 on page IV.E-10 of Section IV.E (Cultural Resources) in the Draft EIR as follows:

Mitigation Measure CULT-1

~~For the entire portion of the Project CA-MNO-3 site located north of Old Mammoth Road, including the CA-MNO-3 site, the applicant shall implement any of the following measures to reduce the significant impact to a less than significant level:~~

- ~~• plan construction to avoid the site,~~
- ~~• deed conservation easements,~~
- ~~• cap the site prior to construction, or~~
- ~~• perform archaeological data recovery.~~

that portion shall be avoided or capped as determined by the Town based on the advice of the qualified archeologist in consultation with the Native American Monitors, as such persons are selected and designated below. The archeologist shall be selected as follows. The Town shall prepare a list of at least three proposed qualified archeologists. The applicant and the MLD (Most Likely Descendant, as determined by the Native American Heritage Commission) shall mutually agree upon and select one of the archeologists on the Town's list within 15 days after receipt of the list. If the applicant and the MLD cannot agree upon an archeologist, the Town

shall make the decision. The MLD shall select at least one but not more than three Native American Monitors for this Project. However there shall be no more than one Native American Monitor per construction crew. If the MLD cannot select a Native American Monitor(s) within 15 days after receipt of request the Town, in consultation with the Native American Heritage Commission and the MLD, shall make the decision. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the applicant.

In addition, Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f on pages IV.E-11 and IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR have been revised as follows:

Mitigation Measure CULT-2a

A Mitigation Monitoring and Reporting Plan (MMRP) shall be prepared by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology¹ and the Native American Monitors as selected per requirements identified in Mitigation Measure CULT-1 prior to Project construction.~~for the portion of the Project site north of Old Mammoth Road.~~ The MMRP shall outline the protocol for notification, temporary protection, documentation, and evaluation of previously unrecorded cultural resources encountered during construction, as well as mitigation of Project-related impacts to any such resources that are considered significant under CEQA, and the curation of any artifacts or samples collected in the field. The MMRP shall include a sample data recovery plan and a curation agreement. This document shall be completed prior to commencement of any ground-disturbing activity associated with the Project site (including clearing, brushing, grubbing, vegetation removal, disking, grading, trenching, excavation, and/or boring) and shall include a provision requiring cultural resources awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities.

Mitigation Measure CULT-2b

A qualified archaeologist and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall monitor all ground-disturbing construction in native soils for the portion of the Project site north of Old Mammoth Road. ~~(Construction work within stockpile material does not require monitoring.)~~ The construction archaeological and Native American monitor(s) shall be supplied with maps and site records for the previously

¹ National Park Service, ARCHEOLOGY AND HISTORIC PRESERVATION: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated], website: http://www.nps.gov/history/local-law/arch_stnds_9.htm, November 18, 2007.

recorded cultural resources within the Project site, so that she/he can distinguish new resources from those that have been previously recorded and evaluated. The monitors shall prepare a daily monitoring log recording the type of work monitored, soil conditions, discoveries, and general observations.

Mitigation Measure CULT-2c

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing (to be outlined in the MMRP) until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American Monitor(s) and the applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level.

Mitigation Measure CULT-2e

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Mitigation Measure CULT-2f

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

Comment A1-2

In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that

effect. To adequately assess the project-related impacts on historical resources, the Commission understands that your archaeologist and environmental firm has already contacted the California Resources Information System (CHRIS) and the Native American Heritage Commission to determine the existence of archaeological and cultural resources at the site.

Response to Comment A1-2

This comment correctly states that the Project applicant's cultural resources consultant conducted a CHRIS records search for the Project. As discussed on page IV.E-6 of Section IV.E (Cultural Resources) in the Draft EIR, the Town contacted the NAHC and received the results of a check of the Sacred Lands File as well as a list of Native American contacts for government-to-government consultation consistent with Senate Bill (SB) 18. The Town then contacted the NAHC-listed Native Americans. No new responses identifying cultural resources or concerns were received during this process.

Comment A1-3

- The NAHC advises the use of Native American Monitors, as recommended above, to ensure proper identification and care given [sic] cultural resources that may be discovered. Also, the NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources [sic] may be known only to a local tribe(s).

Response to Comment A1-3

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project. See Responses to Comment A1-1 and A1-2.

Comment A1-4

- ▶ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Section 15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Response to Comment A1-4

Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2d, CULT-2e, and CULT-2f on pages IV.E-11 and IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR address the potential to discover previously unknown cultural resources consistent with Section 15064.5(f) of the *CEQA Guidelines*. Furthermore, Mitigation Measures CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing construction activities (see Response to Comment A1-1). Mitigation Measures CULT-2a and CULT-2f specifically provide for the curation of artifacts recovered during archaeological monitoring.

Comment A1-5

- Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

Response to Comment A1-5

Mitigation Measure CULT-2d on page IV.E-11 of Section IV.E (Cultural Resources) in the Draft EIR provides for mitigation to occur upon accidental discovery and treatment of human remains, including Native American remains. It cites and is consistent with Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA Section 15064.5(e).

Comment A1-6

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial [sic] Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American [sic], identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Response to Comment A1-6

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project. See Responses to Comments A1-1, A1-2 and A1-5.

Comment A1-7

- Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and Section 15064.5(d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Response to Comment A1-7

See Response to Comment A1-5.

Comment A1-8

- Lead agencies should consider avoidance, as defined in Section 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Response to Comment A1-8

Section 15370 of the *CEQA Guidelines* presents avoidance as one of five aspects of the definition of mitigation. Mitigation Measure CULT-1 on page IV.E-10 of the Draft EIR includes avoidance as a means of mitigating Project-related impacts to site MNO-3 to a level below significant. While avoidance and preservation, which include capping, are the preferred mitigation measures, it is not always feasible to avoid or preserve resources in place and it is not possible to determine before uncovering a resource what mitigation measures are feasible and which are most appropriate. The decision concerning the most appropriate, feasible mitigation measure will be made by the qualified archeologist chosen as set forth in Mitigation Measure CULT-1 set forth in Response to Comment A1-1.

Response to Comment Letter A2**State Clearinghouse and Planning Unit (Morgan, Scott)*****Comment A2-1***

The Lead Agency has extended the review period for the above referenced project to October 22, 2007 to accommodate the review process. All other project information remains the same.

Response to Comment A2-1

This comment is a letter to all reviewing agencies from the State Clearinghouse stating that the review period for the Draft EIR was extended to October 22, 2007. No response is required.

Response to Comment Letter A3**Mammoth Community Water District (Hegeman, Ericka)*****Comment A3-1***

The District has reviewed the Draft Environmental Impact Report for Snowcreek VIII, the 2007 Snowcreek Master Plan Update. We appreciate the opportunity to comment on the contents of the Draft EIR.

Response to Comment A3-1

This comment confirms that the Mammoth Community Water District has reviewed the Draft EIR. No response is required.

Comment A3-2

1. Within the Project Description chapter on page III-2 and Table III-Ion page III-3, there is a minor mistake describing the District's facilities within the Snowcreek development areas. The District's groundwater treatment plant #1 is located within the development area, not the wastewater treatment plant. This facility is located on the District's property at the corner of Meridian Boulevard and Highway 203 at the eastern extremity of Town.

Response to Comment A3-2

In response to this comment, the text on page III-2 of Section III (Project Description) in the Draft EIR has been revised as follows:

The Project being evaluated in this Draft EIR pertains only to the remaining portion of the current 1981 Master Plan development areas. The Project does not include the existing/entitled Snowcreek Master Plan in which development has either already occurred or is currently in progress. The existing/entitled developments include the residential areas of Snowcreek I through VII, the Snowcreek Athletic Club, the Catholic Church, the Mammoth Lakes Fire Protection District (MLFPD) Fire Station 2, Aspen Village Workforce Housing, the Mammoth Community Water District (MCWD) ~~Wastewater~~ Groundwater Treatment Plant #1 and the existing privately owned publicly accessible nine-hole golf course (refer to Table III-1). While the nine-hole golf course is considered an existing feature, the environmental impacts related to merging it with undeveloped land to create a privately owned publicly accessible 18-hole course is considered part of the Project. Reconfiguration could include modification to the irrigation system or increasing native vegetation in the "rough." However, major recontouring and reconfiguration of the existing nine-hole course is not anticipated.

In addition, the text in Table III-1 on page III-3 of Section III (Project Description) in the Draft EIR has been revised as follows:

**Table III-1
Development Areas of the 1974 and 1981 Master Plans**

Development Area by Year Developed/Entitled	Dwelling Units (DU)
Original 1974 Snowcreek Master Plan	
1978 - Snowcreek I	107
1979 - Snowcreek II	123
1979 - Snowcreek Athletic Club	
1982 - Snowcreek III	86
Existing 1981 Updated Master Plan for Snowcreek at Mammoth	
1986 - Snowcreek IV	138
1987 - The Ranch	19
1988 - Snowcreek Crest	58
1988 - MCWD Wastewater Groundwater Treatment Plant	
1989 - MLFPD Fire Station 2	
1990 - Snowcreek V-1	150
1991 - Nine-hole Golf Course	
1992 - Fairway Ranch	24
1992 - Catholic Church	
1997 - Snowcreek V-2	144
2004 - Snowcreek VI	106
2004 - Aspen Village	72 ⁽¹⁾
2006 - Snowcreek VII	118
Master Plan Build-Out To Date	1,145⁽²⁾
Total Master Plan Units Allotted	2,368
Total Master Plan Units Remaining	1,223⁽³⁾
Total Non-Residential Square Footage Remaining	150,000
Notes: (1) Aspen Village has two phases; 48 unit phase and 24 unit phase for a total of 72 units. (2) Developed, entitled and/or currently under construction (3) Totals remaining exceed amount proposed under the Project (i.e., 237 acres, 75,000 sf non-residential space, and 1,050 residential units. Sources: 1974 and 1981 Snowcreek Master Plan EIRs, Town of Mammoth Lakes Department of Community Development, and Snowcreek Resort Conceptual Plan, December 2006.	

Comment A3-3

- In the Project Description chapter on page III-19, the second to last sentence under Image and Character states that the use of recycled water on Snowcreek Golf Course “could result in the availability of untreated groundwater that could be treated and used to meet other project or future needs of the Town.” This statement also occurs in the Land Use and Planning chapter on page IV.H-21 at the end of the LRWQCB section. The only offset of existing demands that would result from the use of recycled water would occur on the existing nine holes since the District supplements supplies from an existing Snowcreek owned well during the summer irrigation season. The use of recycled water on the new nine holes, while beneficial to the community and

all users of Mammoth Basin water supplies would not result in an offset of potable water since this is a new source of water demand within the Basin.

Response to Comment A3-3

As stated on page III-19 of Section III (Project Description) in the Draft EIR, “[f]urthermore, the applicant is currently working with Mammoth Community Water District (MCWD) on the expansion, improvement and distribution of MCWD’s recycled water (i.e., tertiary treated water) for use in irrigating the 18-hole golf course. If an agreement between the two parties is finalized and recycled water from MCWD’s Wastewater Treatment Plant becomes available at a reasonable cost, the irrigation needs for the golf course may be provided with the recycled water, and thus could result in the availability of untreated ground water that could be treated and used to meet other project or future needs of the Town.” Although the possibility exists that groundwater currently used for irrigation of the existing nine-hole golf course could be replaced with recycled water, this statement was not intended to imply that the use of recycled water would “offset” the need for water for the remainder of the Project. The Water Supply Assessment prepared for the Project by the MCWD includes the use of both recycled water and groundwater to be used for future projected water supply. Because neither of these are proven sources of water, they were not used in the Draft EIR to offset the impacts of water use for the proposed Project. Nonetheless, in response to this comment, the text on page III-19 of Section III (Project Description) in the Draft EIR has been revised as follows:

Furthermore, the applicant is currently working with MCWD on the expansion, improvement and distribution of MCWD’s recycled water (i.e., tertiary treated water) for use in irrigating the 18-hole golf course. If an agreement between the two parties is finalized and recycled water from MCWD’s Wastewater Treatment Plant becomes available at a reasonable cost, the irrigation needs for the golf course may be provided with the recycled water, and thus could result in the availability of untreated ground water that could be treated and used to meet ~~other project or~~ future needs of the Town.

Comment A3-4

3. In the Cultural Resources chapter on page IV.E-S, the document states that the District purchased water rights to Bodle Ditch in the 1980s, which should be clarified. In 1977, the District entered into an agreement with the Arcularius Ranch, which had the effect of transferring all riparian and overlying water rights from Arcularius to the District. It is unclear as to whether or not Arcularius had any water rights to Bodle Ditch that were transferred to the District. Currently, the District operates a diversion from Lake Mary, not Coldwater Creek (the original diversion point was located in Mammoth Creek above Lake Mary) and maintains flows in Bodle Ditch as a requirement of the management constraints that are contained in the District’s water rights permit with the State Water Resources Control Board.

Response to Comment A3-4

In response to this comment, the text on page IV.E-5 of Section IV.E (Cultural Resources) in the Draft EIR, under Archaeological Site CA-MNO-893H (The Bodle Ditch), has been revised as follows:

The Bodle ditch system was constructed in 1879. Originating at ~~Coldwater~~ Mammoth Creek above Lake Mary, the ditch supplied water and power to Mill City for both mining and domestic use. A side ditch was used to irrigate pasture in the meadow in the southern portion of CA-MNO-3. The meadow supplied feed for both local cattle destined for Mill City and Mammoth City, and large herds en route to Reno from the Owens Valley. Later, dairy cows and sheep grazed on Windy Flat. The Bodle Ditch was recorded by the U.S. Forest Service in the 1970s. ~~Water rights of Bodle Ditch were purchased by the~~ Currently, the Mammoth County Community Water District maintains flows in Bodle Ditch as a requirement of the management constraints that are contained in the District's water rights permit with the State Water Resources Control Board. ~~in the 1980s and irrigation was discontinued.~~ In the 1990s the California State Historic Preservation Office found the Bodle Ditch to be not eligible for the National Register of Historic Places. There is no indication that the determination of eligibility listing was finalized, however, and the portion of the ditch within the Project site was transferred out of federal ownership. A ditch and pipeline associated with the historic component of the CA-MNO-3 site was identified; however, it is located outside of the current Project area.

Additionally, the Snowcreek Golf Course has reserved water rights, as do the development parcels, as summarized below. These reservations and grants are found in the Arcalarius/MCWD Settlement Agreement of May 1977, the MCWD/Dempsey Agreement of August 1983, the MCWD/Dempsey Agency Agreement of August 1983, and the grant deed from the United States to Dempsey for the new nine-hole parcel. This is discussed on pages IV.N-19 and IV.N-20 of Section IV.N (Utilities) in the Draft EIR.

Comment A3-5

4. Within the Hydrology and Water Quality chapter on pages IV.G-15 and IV.G-16, the impact of using recycled water is discussed. While possible mitigation measures are included in this section, the District would like to reiterate the importance that the Lahontan Regional Water Quality Control Board has placed on prohibiting recycled water from entering Mammoth Creek. The District is of the understanding that storage ponds used for recycled water must be able to contain water in a 100-year storm event. The District will be initiating the formal agreement process with Snowcreek in the near future for the use of recycled water on the golf course. We hope to address these issues and find an amicable method for supplying recycled water to the golf course.

Response to Comment A3-5

In order to comply with all regulations set forth by the Lahontan Regional Water Quality Control Board and the Mammoth Community Water District, Mitigation Measure HYD-1 on page IV.G-16 of Section IV.G (Hydrology and Water Quality) in the Draft EIR has been revised and Mitigation Measure HYD-1b has been added as follows:

Mitigation Measure HYD-1a

The golf course expansion (Areas E2, E4, and F) area may be irrigated with reclaimed or potable water. At this time, mitigation requirements for the use of reclaimed water have not been determined. However, if reclaimed water is used for irrigation, options shall be explored to ~~limit~~ prevent reclaimed water from entering ~~the tributary area that flows toward~~ Mammoth Creek. These measures could include:

- *Irrigate all retention basins and the swale from the retention basins (located to the west of Sherwin Creek Road) using potable water.*
- *Irrigate any landscaping within or directly tributary to these features which requires irrigation using potable water. Golf course areas immediately south of the basins shall be constructed to retain all stormwater runoff and shall not overflow to the basins.*
- ~~*Increase capacity of on-site retention for the golf course areas irrigated with reclaimed water to include capacity for a storm of 100-year intensity.*~~
- *Grade southeasterly limits of the golf course expansion area in some locations to ~~block~~ minimize tributary drainage from the south and direct it east toward Sherwin Creek Road.*

At this stage, it is unknown if it will be required to limit reclaimed water from entering the tributary area that flows toward Mammoth Creek. The final determination of outflow conditions if reclaimed water is used will be made during the final design in coordination with the RWQCB and other applicable agencies. In the event that reclaimed water is used, the above mitigation measures will be implemented to avoid any impacts to the water quality of Mammoth Creek.

In consultation with the Town, the Project applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, the golf course, and storm drain inlets. These BMPs shall include detention and sedimentation basins as well as infiltration devices designed to filter runoff from paved areas

on the Project site. The design and location of these BMPs will be subject to review and comment by the Town but shall generally adhere to the standards associated with the Phase II NPDES stormwater permit program.

Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits. Compliance with these mitigation measures would reduce potential impacts resulting from Project operation on receiving water quality in Mammoth Creek to a **less-than-significant** level.

Mitigation Measure HYD-1b

Capacity of on-site retention basins for the golf course areas irrigated with recycled water shall include the capacity for a 24-hour storm of 100-year intensity in order to limit recycled water from entering Mammoth Creek.

Comment A3-6

5. The Hydrology and Water Quality chapter should discuss the potential impacts to Mammoth Basin groundwater resources in the event that recycled water is not utilized for golf course irrigation. While the Draft EIR mentions the possibility of either potable or recycled water for such irrigation, it does not state the volume of groundwater that would be extracted in the event that potable water is utilized. The new nine-hole golf course is located outside of the District's service area and, thus, was not included in the water source assessment for this project. Potable water from the District's distribution system is not available for irrigation of the new nine-hole golf course, so it would be assumed that a production well would be constructed on site. Impacts to the District's groundwater supplies should be addressed in the Draft EIR in the event that groundwater is utilized for irrigation.

Response to Comment A3-6

In the event that recycled water is not available for the proposed additional nine-hole golf course the Project would not impact Mammoth Community Water District's (MCWD's) groundwater supplies. As discussed on page IV.N-19 and IV.N-20 of Section IV.N (Utilities) in the Draft EIR, the Snowcreek Golf Course has reserved water rights, as do the development parcels, as summarized below. These reservations and grants are found in the Arcalarius/MCWD Settlement Agreement of May 1977, the MCWD/Dempsey Agreement of August 1983, the MCWD/Dempsey Agency Agreement of August 1983, and the grant deed from the United States to Dempsey for the new nine-hole parcel.

The new nine-hole golf course parcel acquired in the 2005 Land Exchange with the USFS retains all the surface and groundwater rights that run with the conveyance of the land. There has been no conveyance of these water rights to MCWD.

The existing nine-hole golf course parcel has an expressly reserved groundwater right for a well, not to be located within 2,000 feet of an MCWD well, for production up to 450 gallons per minute. This right exists for the purpose of maintaining the aesthetic and open space appearance (which had the golf course use in mind at the time this use was described).

Snowcreek predecessor owners expressly conveyed in trust, and appointed MCWD as exclusive agent, all riparian and overlying rights of the Property (all of the original Snowcreek Master Plan property annexed into the Town), solely for the use and benefit of the Property and successor owners of the Property.

Snowcreek predecessor owners conveyed outright to MCWD all other water rights held.

Comment A3-7

6. Wastewater and water generation rates are discussed on pages IV.N-5 and IV.N-26. The District would like to clarify that these generation rates are based on actual billed usage in Mammoth Lakes and include occupancy fluctuations that occur in our resort community. The District does not utilize persons per household data for generation rates and only uses per unit billed usage information derived from customer meters. The generation rates per unit provide an accurate estimate of demands from future development based upon historical usage.

Response to Comment A3-7

This comment is intended to help clarify the methodology used by the MCWD to calculate wastewater and water use generation rates, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A3-8

7. Footnotes 2 and 3 on Table IV.N-3 Existing Water Supply Reliability on page IV.N-17 should be revised. The projected volume of surface water available in a normal water year of 2,760 acre-feet has not been fully used by the District. The maximum quantity of surface water diverted by the District in a calendar year was 2,440 acre-feet in 1984. However, the District has the right to utilize 2,760 acre-feet if certain conditions of its water rights permit are met and anticipates utilizing this entitlement fully under normal water year conditions as the Town approaches build out. The 4,000 acre-feet of projected groundwater available in a normal water year has also not been used by the District. In addition, there are no water rights associated with groundwater. The District has estimated that 4,000 acre-feet could be pumped from the Mammoth Basin in a normal water year without negative environmental impacts. The District is currently preparing a groundwater model of the Mammoth Basin, which could assist in adding confidence to this

estimate, or possibly refining this figure. The maximum volume of water historically pumped from the Mammoth Basin by the District in a calendar year was 2,717 acre-feet in 2002.

Response to Comment A3-8

This comment is intended to help clarify the amount of surface water and groundwater used by the MCWD in the past. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. In response to this comment, the footnote text in Table IV.N-3 on page IV.N-17 of Section IV.N (Utilities) in the Draft EIR has been revised as follows:

Table IV.N-3
Existing Water Supply Reliability⁽¹⁾

Supply	Normal Water Year	Single Dry Water Year	Multiple Dry Years			
			Year 1	Year 2	Year 3	Year 4
Projected Surface Water	2,760 ⁽²⁾	0	1,780	1,500	1,100	1,084
Projected Groundwater Wells	4,000 ⁽³⁾	3,410	3,410	3,408	3,408	3,408
Projected Total Supply	6,760	3,410	5,190	4,908	4,508	4,492
⁽¹⁾ Units of measure are acre-feet (af) per year. An af equals approximately 325,829 gallons. ⁽²⁾ Total MCWD is "entitled" to. This amount has been used by MCWD. ⁽³⁾ Total MCWD has a "right" to. This amount has been used by MCWD. <u>Note:</u> While MCWD currently has surface water rights that total a maximum of 2,760 acre-feet annually, the bypass flow requirements that MCWD operates under have not been permanently established and the final bypass requirements that are eventually established could potentially result in less surface water being available to MCWD. In addition, the volume of groundwater noted in this table is the maximum amount of groundwater that MCWD has projected to pump in any given year and does not necessarily represent the safe yield of the aquifer. Source: MCWD SB 610 WSA for the 2006 Revised Snowcreek Master Plan (Snowcreek VIII Project).						

In addition, the footnote text in Table IV.N-8 on page IV.N-25 of Section IV.N (Utilities) in the Draft EIR has been revised as follows:

Table IV.N-8
Existing Water Supply Reliability Plus 2025 Future Water Sources⁽¹⁾

Supply	Normal Water Year	Single Dry Water Year	Multiple Dry Years			
			Year 1	Year 2	Year 3	Year 4
Projected Surface Water	2,760 ⁽²⁾	0	1,780	1,500	1,100	1,084
Projected Groundwater Wells	4,000 ⁽³⁾	3,410	3,410	3,408	3,408	3,408
Future	1,000	1,000	1,000	1,000	1,000	1,000

Table IV.N-8
Existing Water Supply Reliability Plus 2025 Future Water Sources⁽¹⁾

Supply	Normal Water Year	Single Dry Water Year	Multiple Dry Years			
			Year 1	Year 2	Year 3	Year 4
Groundwater						
Future Recycled Water	360	360	360	360	360	360
Projected Total Supply	8,120	4,770	6,550	6,268	5,868	5,852
⁽¹⁾ Units of measure are acre-feet (af) per year. An af equals approximately 325,829 gallons. ⁽²⁾ Total MCWD is "entitled" to. This amount has been used by MCWD. ⁽³⁾ 4,000 afy is the total MCWD has a "right" to. This amount has been used by MCWD. <i>Note: While MCWD currently has surface water rights that total a maximum of 2,760 af annually, the bypass flow requirements that MCWD operates under have not been permanently established and the final bypass requirements that are eventually established could potentially result in less surface water being available to MCWD. In addition, the volume of groundwater noted in this table is the maximum amount of groundwater that MCWD has projected to pump in any given year and does not necessarily represent the safe yield of the aquifer.</i> Source: MCWD SB 610 WSA for the 2006 Revised Snowcreek Master Plan (Snowcreek VIII Project).						

Comment A3-9

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

Response to Comment A3-9

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter A3a (attachment to Comment Letter A3)

Mammoth Community Water District (Sisson, Gary)

This comment letter includes as an attachment a document that further explains the Arcularius Agreement as it relates to Mammoth Community Water District (MCWD) and the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Arcularius Agreement (Agreement) was originally a settlement agreement between the Arcularius family and MCWD. The Agreement addressed the annexation of certain property into the MCWD service area and certain water right matters. Under the Agreement the MCWD provides water and sewer service to future development of such property. The Project minus the 2005 Land Exchange parcel is within the Agreement property. By virtue of the Agreement, MCWD is committed to provide water and sewer service to the portion of the Project site located within the Agreement boundary to the extent of the remaining unused residential units of the Snowcreek Master Plan at build-out. In addition, the Agreement allows one well to be drilled on the property from which water may be obtained and

utilized at a rate of 450 gallons per minute for the purpose of maintaining the aesthetic and open space appearance of the property. Such a well was drilled and is currently being used to irrigate the existing 9-hole Snowcreek Golf Course. The comment letter will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter A3b (attachment to Comment Letter A3)

Mammoth Community Water District (Sisson, Gary)

This comment letter includes as an attachment a document that illustrates how the Mammoth Community Water District's water system loss reduction program reduces the projected future water demand at build-out of the community from 4,898 acre-feet per year to 4,598 acre-feet per year. The letter states that about 112 acre-feet of water has been saved as a result of the water system loss reduction program through 2005. This letter revises the information provided in the letter submitted by MCWD to the Town on December 17, 2007 (See Response to Comment A3a). The comments in the letter do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter A4

Department of Transportation District 9 (Rosander, Gayle)

Comment A4-1

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to review the Snowcreek Master Plan Update. We appreciate that a Traffic Impact Analysis (TIA) was prepared including State Route (SR) 203. We have the following comments:

Response to Comment A4-1

This comment confirms that Caltrans has reviewed the Draft EIR and expresses support for the inclusion of the State Route 203 in the Traffic Impact Analysis. No response is required.

Comment A4-2

- The Highway Capacity Manual (HCM) Operations Method sheets do not show the mitigation analysis for adding an overlap to the eastbound (EB) right turn signal phase at SR 203 (Main Street) and SR 203 portion of Minaret Road (intersection #2). The analysis detail for this suggested mitigation is needed to verify its merit. Also, no consideration is given to other mitigation measures that may be more effective. Note that the HCM analysis doesn't account for the effective storage length of any movements. The ability of EB right turners to make use of an overlap depends on their

not being trapped by the queue of EB through vehicles or unplowed snow. Further analysis is needed to determine if EB Lake Mary Road would need to be widened to make this mitigation work. The Town should verify if this measure should be solely provided by the project, exclusive of the Developer Impact Fee program. For further information on a signal overlap-right phase, you may contact Phil Graham at (760) 872-5248.

Response to Comment A4-2

In response to this comment, the forecast traffic volumes at the intersection of Minaret Road and Main Street were re-evaluated and it has been found that the volume shown for the northbound left-turn movement was double-counted. As the volume was corrected, re-evaluation of required mitigation was conducted. As a result it was determined that implementation of the mitigation from the adopted Town of Mammoth Lakes 2007 Updated General Plan (2007 Final Program EIR) (i.e., protected northbound and southbound phasing) does address the impact at this intersection. Since the mitigation is now a conversion from northbound and southbound split-phasing to protected phasing, the eastbound right turn overlap mitigation is no longer needed to address the impact at this location. As such, the need to address eastbound storage length and the widening of Lake Mary Road is no longer applicable. Therefore, obligation for this improvement would be payment of Developer Impact Fees (DIFs). The corresponding LOS worksheets are included in Appendix B to this Final EIR. In response to this comment, Table IV.M-7 and Mitigation Measure TRANS-2 on page IV.M-18 of Section IV.M (Traffic/Circulation) in the Draft EIR, under Impact TRANS-2 Cumulative Plus Project Intersection LOS, have been revised as follows:

Table IV.M-7
Cumulative Plus Project Typical Winter Saturday Intersection Levels of Service

<i>Intersection</i>	<i>Cumulative + Project</i>		<i>With Mitigation</i>	
	<i>Delay (sec)</i>	<i>LOS</i>	<i>Delay (sec)</i>	<i>LOS</i>
<i>1. Minaret Rd./Old Mammoth Road*</i>	8.9	<i>A</i>		
<i>2. Minaret Rd./Meridian Blvd.</i>	43.2	<i>D</i>		
<i>3. Old Mammoth Rd./Meridian Blvd.</i>	33.9	<i>C</i>		
<i>4. Old Mammoth Rd./Main St.</i>	32.9	<i>C</i>		
<i>5. Minaret Rd./Main St.</i>	58.5 55.6	<i>E</i>	38.6 53.5	<i>D</i>
*Roundabout Shaded = Unsatisfactory LOS Source: Traffic Impact Analysis prepared by LSA in December 2006 and revised in July 2007 and November 2007.				

As shown in Table IV.M-7, one of the study area intersections is forecast to operate at an unsatisfactory LOS in the cumulative plus Project condition.

Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS

Evaluation of intersection LOS shows that the addition of the Project traffic to the cumulative traffic will significantly impact the Minaret Road/Main Street intersection in the cumulative plus Project scenario, according to the Town's criteria.

The following improvement would be required for the cumulative plus Project condition to mitigate the intersection to LOS D or better:

- ***Minaret Road/Main Street.** Provide ~~eastbound right turn overlap signal phasing consistent with General Plan recommendations protected northbound and southbound phasing.~~ All costs for the implementation of this improvement should be eligible for a credit to Developer Impact Fees (DIF). This mitigation would be implemented as part of a traffic mitigation program that would be funded by the DIF. This improvement shall be implemented when warranted. Project may be required to construct the improvement based upon project phasing and available Developer Impact Fees (DIFs). Applicant costs to construct would be eligible for reimbursement pursuant to the provisions of the Town of Mammoth Lake's Municipal Code. This Project will also be required to contribute to a Townwide traffic monitoring program. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.*

Comment A4-3

- Although not likely affecting TIA outcome: the turn movement numbers in the Appendix don't quite match those used in the body of the report; and the HCM analysis details do not reflect the correct right turn configuration for the [sic] any of the scenarios at EB SR 203 (Main Street) and Old Mammoth Road (intersection #6).

Response to Comment A4-3

Figure IV.M-8 on page IV.M-19 of Section IV.M (Traffic/Circulation) in the Draft EIR has been revised in the Final EIR to reflect the correct turn movements at the intersection of Main Street/State Route 203 and Old Mammoth Road (intersection #4).

Comment A4-4

Please forward project information relevant to Caltrans. We value a cooperative relationship with the Town of Mammoth Lakes in transportation and development matters. Feel free to contact me at (760) 872-0785 with any questions.

Response to Comment A4-4

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter A5**Mono County Department of Public Works (Nikirk, Evan)*****Comment A5-1***

Mono County Department of Public Works (Public Works) staff have had an opportunity to review the Draft Environmental Impact Report (DEIR) prepared for the above-referenced project. It is our understanding the 45-day public comment period concludes on October 15.

Response to Comment A5-1

This comment confirms that the Mono County Department of Public Works has reviewed the Draft EIR. This comment incorrectly states the review period concluded on October 15. The Notice of Completion (NOC) identified the Draft EIR public review period as August 30, 2007 to October 15, 2007. Unfortunately, the public notice sent to the newspaper was not inserted in the August 30, 2007 edition. Therefore, the review period was revised to September 6, 2007 to October 22, 2007, as noted in the Notice of Availability (NOA).

Comment A5-2

When reviewing development projects of this scale, Public Works is primarily concerned about potential waste generation impacts. In the past, development projects in Mammoth Lakes have often involved the clearing of undeveloped, forested lots. Although the trees are typically harvested by local firewood companies, the activity generates large quantities of tree stumps (or, root balls) that end up at Mono County's regional landfill, Benton Crossing Landfill, for disposal. Tree stumps are problematic in that they consume valuable airspace and are difficult to manage and bury due to their size and bulkiness.

Response to Comment A5-2

This comment provides information regarding the tree stumps sent to the Benton Crossing Landfill as a result of the clearing of undeveloped, forested lots, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A5-3

To the extent that tree waste will be generated by this project, Public Works requests that the Town of Mammoth Lakes mitigate impacts by imposing a condition on development permits issued for the project to require the developer and its contractor to chip all root balls or otherwise divert root balls and tree

stumps from the Benton Crossing Landfill. Public Works asks that the Town apply this condition to all phases of the Snowcreek development.

Response to Comment A5-3

As identified in the Section IV.A (Impacts Found To Be Less Than Significant), the Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. While the Project would generate an increase in the amount of solid waste disposed of at the landfill, the Project would not result in the need to construct a new landfill or expand existing facilities. As such, impacts to the Benton Crossing Landfill were found to be less than significant. Because mitigation measures are intended to avoid or reduce a potentially significant impact the mitigation measure(s) must have an essential nexus, and be roughly proportional to the impacts. Therefore, the Draft EIR will not be revised to require this mitigation. However, the comment will be forwarded to the decision-making bodies as part of the Final EIR for their understanding in reviewing the Project's environmental impacts to solid waste. In addition, in an effort to reduce the number of tree stumps (or, root balls) that are disposed of, the Project applicant shall make a good faith effort to destroy any tree stumps (or, root balls) prior to hauling to the Benton Crossing Landfill.

Comment A5-4

Thank you for your consideration. If you have any questions regarding this matter, please contact either Matt Carter, Project Coordinator, or me at 760.932.5440.

Response to Comment A5-4

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter A6

Big Pine Paiute Tribe of the Owens Valley (Bill Helmer)

Comment A6-1

Please accept these comments on the Draft Environmental Impact Report (DEIR) for the Snowcreek VIII Project referenced above. Comments will address cultural resources, cumulative impacts, alternatives to the Proposed Project, and mitigation of adverse effects on cultural resources.

Response to Comment A6-1

This comment requests acceptance of the comments from the Big Pine Paiute Tribe of the Owens Valley. No response is required.

Comment A6-2**1. A Native American Values section needs to be included within Cultural Resources analysis in the EIR.**

There are members of the Big Pine Paiute Tribe of the Owens Valley that have cultural ties to the Long Valley/Mammoth Lakes area. The DEIR for Snowcreek VIII also states: “The Mammoth Lakes area was an intersection of several ethnic groups including the Mono Lake Paiute to the north, the Owens Valley Paiute to the south, Benton and Round Valley Paiute to the east, Monache to the west, and the Southern Sierra Miwok to the northwest” (p. IV.E-I). Snowcreek VII and the proposed Snowcreek VIII occupy one of the most significant sites in the area, CA-MNO-3. As Burton and Farrell state in **Cultural Resources Study for the Snowcreek VIII Master Plan Mammoth Lakes, California (Dec. 2006)**:

The testing and data recovery results indicate that the central portion of CA-MNO-3 is unique in the Mammoth Lakes region. In the central portion of the site, the cultural deposit is up to 180 cm deep. Artifact densities reach over 30,000 per cubic meter, by far the densest site in the Mammoth Lakes area. The variety of artifacts encountered, including abundant ground stone artifacts, suggests relatively long-term use. Substantial subsistence activities are indicated by midden, that is, soils that have been significantly altered by human activity (p. 17).

Response to Comment A6-2

Because of the Cultural Resources Study undertaken for this Project, the Town considers Project impacts to CA-MNO-3 to be significant, and will require implementation of mitigation measures CULT-1 and CULT-2a through CULT-2f described in Section IV.E (Cultural Resources) of the Draft EIR. Also see Response to Comment A1-1.

Comment A6-3

Many tribal governments, including the Big Pine Paiute Tribe, became aware of Snowcreek VIII after the almost complete obliteration of CA-MNO-3 as a result of Snowcreek VII development activities. CA-MNO-3 was determined to be eligible for the California Register of Historic Places, and was categorized as a Significant Resource. However, “data recovery” was considered the mitigation which reduced the impact of the development to a Less Than Significant level. CA-MNO-3 is certainly eligible for listing on the California Register of Historical Resources under category (A) “Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage” (CEQA Guidelines, 15064.5). Under this category, CA-MNO-3 is eligible as a Traditional Cultural Property, as defined by Guidelines for Evaluating and Documenting Traditional Cultural Properties National Register Bulletin, 1998: “A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the

continuing cultural identity of the community”(p. I). As a Traditional Cultural Property, data recovery is not a form of mitigation because it destroys the land, artifacts, bedrock mortar features, and spirit which gives the cultural landscape its value. This is why there was such shock and outrage over the “data recovery” mitigation of Snowcreek VII in Native American communities of the Eastern Sierra. An eligibility determination of CA-MNO-3 as a Traditional Cultural Property should be included in the Final EIR for Snowcreek VIII. In relation to this, a current Ethnographic Study for the CA-MNO-3 site and Mammoth Lakes/Long Valley region should be conducted.

Response to Comment A6-3

Ethnography studies are not generally required because CEQA is concerned about impacts on the physical environment, including cultural resources such as Native American and archeological resources, and an ethnography study would not shed any light on those resources beyond what is included in the EIR and what may be encountered during ground disturbing activities. The Cultural Resources Study prepared for this Project relied on previously prepared ethnography studies as shown on pages 7 and 8 in Appendix E of the Draft EIR. However, even if it could be argued that such a study would shed light on which Tribes utilized the Project area and what might be found in specific areas of the Project area, the provision for monitoring the construction of the Project by a qualified archeologist and Native American monitors during ground disturbing activities would ensure that cultural resources would be protected. The identification of “traditional cultural properties” is a federal requirement, rather than a CEQA requirement. However, to the extent anything is identified that would qualify as a traditional cultural property it must be treated as a significant cultural resource. See Responses to Comments A1-1 and A6-2.

Comment A6-4

2. Impact CULT-1 Impacts to Known Cultural Resources

Since the Project “has the potential to impact CA-MNO-3 south of Old Mammoth Road [sic] (DEIR, p. IV.E-9), Archaeological and Native American Monitors should be present during all groundbreaking activities in the Project Area south of Old Mammoth Road. Even though the golf course area has been extremely modified, there may still be deep cultural material or other types of artifacts that could be uncovered during Project-related changes to the golf course. Also, because of the proximity to CA-MNO-3 and the destruction of cultural resources at Snowcreek VII, archaeological and Native American monitors should be in areas D and E as well (Figure 15, Burton and Farrell, 2006, p. 19).

Response to Comment A6-4

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project and to include the cultural resource awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities. Proper cultural resources

awareness training will facilitate the protocol for bringing in the appropriate monitors as designated in Mitigation Measure CULT-1 to the portions of the Project site with unknown cultural resources if cultural resources are found. See Response to Comment A1-1.

Comment A6-5

Before Snowcreek VII, there apparently was inadequate mitigation regarding CA-MNO-3 and cultural resources: “No archaeological work was apparently done for other changes, such as the excavation of two ornamental ponds and the construction of the Snowcreek Rental Office, both located in an area Leonard (1974) recommended as a preserve. Utilities and landscape irrigation systems have been buried (Burton and Farrell, Dec. 2006, p. 20). What phases of the previous Snowcreek developments were these projects a part of? The dates of these construction projects need to be stated, and an explanation of why these projects were not subject to CEQA also needs to be explained.

Response to Comment A6-5

This comment asks which phases of Snowcreek involved the construction of ornamental ponds, the Snowcreek Rental Office and burial of utilities and landscape systems, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The impacts identified by Burton and Farrell (December 2006, p. 20) are associated with previous projects and no evidence has been presented that the reports were not completed in accordance with the *CEQA Guidelines*. In addition, the comment addresses a different and approved project. This EIR is intended to evaluate the potential impacts of the Snowcreek VIII Project and cannot address or propose mitigation for the impacts of previously approved projects. This EIR proposes adequate and enforceable mitigation for all identified impacts of the Snowcreek VIII Project.

Comment A6-6

Mitigation Measure CULT-2a.

A Monitoring and Reporting Plan (MMRP) should be implemented for the Project Area south of Old Mammoth Creek Road. A MMRP is not needed north of Old Mammoth Road because no construction activities north of Old Mammoth Road should occur in order to reduce potential impacts on CA-MNO-3 to a Less Than Significant Level. The MMRP should be prepared in consultation with consulting Native American tribes and communities.

Response to Comment A6-6

Seventeen of the 20 acres within the Project area north of Old Mammoth Road are zoned with an open space stream corridor (OSSC) overlay and are not proposed for development. The remaining three acres

north of Old Mammoth Road are proposed for development and, as such, would require an MMRP. Mitigation Measures CULT-2a and CULT-2b on page IV.E-11 of Section IV.E (Cultural Resources) in the Draft EIR have been revised to include Native American Monitors. See Responses to Comments A1-1 and A6-4.

Comment A6-7

Mitigation Measure CULT-2b.

This mitigation should include a Native American Monitor and should pertain to the portion of the project site south of Old Mammoth Road.

Response to Comment A6-7

See Responses to Comments A1-1 and A6-6.

Comment A6-8

Mitigation Measure CULT-2e.

“or preservation” should be added after the last sentence of the section.

Response to Comment A6-8

It is assumed that this comment is intended for Mitigation Measure CULT-2c rather than CULT-2e. In response to this comment, the last sentence of the paragraph under Mitigation Measure CULT-2c on page IV.E-11 of Section IV.E (Cultural Resources) in the Draft EIR has been revised as follows:

If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level if preservation is not possible.

Comment A6-9

Mitigation Measure CULT-2e.

After the passage of Assembly Bill No. 2641, last September, the MLD has 48 hours to make recommendations. please [sic] revise.

Response to Comment A6-9

It is assumed that this comment is intended for Mitigation Measure CULT-2d rather than CULT-2e. In response to this comment, Mitigation Measure CULT-2d on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR has been revised as follows:

Mitigation Measure CULT-2d

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section §7050.5, Public Resources Code Section §5097.98 and the California Code of Regulations Section §15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has ~~2448~~ hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within ~~2448~~ hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Comment A6-10**3. Mitigation Measure CULT-I (DEIR, p. IV.E-10).**

The first two mitigation measures proposed, *plan construction to avoid the site* (if no construction is allowed north of Old Mammoth Road), and *deed conservation easements* will reduce the significant impact to a less than significant level. The other two suggested mitigation measures, “Capping the site prior to construction [sic] and “perform archaeological data recovery” will still cause significant adverse impacts to CA-MNO-3 both as a Traditional Cultural Property as well as significant archaeological resource, and thus are not acceptable mitigation measures. *CEQA Guidelines* 15126.4(b)(3)(A) state:

(b) Mitigation Measures Related to Impacts on Historical Resources. (3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site: (A) *Preservation in place is the preferred manner of mitigating impacts to archaeological sites.* Preservation in place maintains the relationship between artifacts

and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site (emphasis added).

Response to Comment A6-10

See Response to Comment A6-2.

Comment A6-11

Adverse impacts to CA-MNO-3 as a Traditional Cultural Property as well as a Significant Archaeological Resource can be mitigated by avoiding any development north of Old Mammoth Road. No development north of Old Mammoth Road is proposed in all the Alternatives to the Proposed Project except Alternative D, Increase Density (DEIR, p. VI-6). If the Proposed Project is chosen by the Town of Mammoth Lakes, then Adverse [sic] impacts to CA-MNO-3 can be avoided by either not building the proposed Market/General Store and Natural Resources and Historic Interpretive Center, or relocating these developments and associated parking areas in the Project area south of Old Mammoth Road and west of the Urban Growth Boundary.

Response to Comment A6-11

This comment is advocating an alternative to the Project rather than mitigation and the Town can consider alternatives during its deliberations. The EIR analyzes alternatives and this comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A6-12

Since the Project Area north of Mammoth Creek Road is on the extreme northern periphery of the Project Area and is bordered on the north by land designated as Open Space Stream Corridor (OSSC), a logical mitigation of the Project's impacts on CA-MNO-3 would be to avoid all construction north of Old Mammoth Road into a permanent conservation easement. This will also increase the aesthetic and biological values of the Mammoth Creek OSSC.

Response to Comment A6-12

This comment correctly reiterates the point that avoidance/preservation is the preferred form of mitigation. The remainder of this comment concerns land designated as Open Space Stream Corridor and suggests a permanent conservation easement, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. This comment is advocating an alternative to the Project rather than mitigation and the Town can consider alternatives during its deliberations. The EIR analyzes alternatives and this comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A6-13

All of the Project Area north of Old Mammoth Road lies within CA-MNO-3. Even though "prehistoric" artifacts were found between the old 1974 site boundary as delineated by Leonard (1974) and Minaret Road, Burton and Farrell's 2006 Cultural Resources Study of Snowcreek VII does not expand the site boundary to include this area. An update of a previously recorded archaeological site should always include updated site boundaries.

Response to Comment A6-13

It is presumed that Burton and Farrell omitted this area from the site boundaries due to the extensive disturbance they noted in the "eastern third of the tested area" (Burton and Farrell 2006:32). This comment correctly points out that the boundaries should be expanded to include the entirety of the cultural resource regardless of condition. As written on page IV.E-11 in Section IV.E (Cultural Resources) in the Draft EIR, Mitigation Measure CULT-2b provides that the construction monitors (archeological and Native American as revised in Response to Comment A1-1) shall be supplied with maps and site records for the previously recorded cultural resources within the Project site, so that she/he can distinguish new resources from those that have been previously recorded and evaluated. The boundary correction to CA-MNO-3 would not result in the identification of new potential impacts in the EIR.

Comment A6-14

Also, the Archaeological Significance of those portions of the site which are less dense in archaeological artifacts should not be considered "not significant." This destroys the archaeological integrity of the site as a whole. All archaeological sites have areas where there are a concentration of artifacts, and areas which are less dense. Considering only the densest parts of a site as "Significant" according to CEQA is destructive to archaeological site preservation and should not be accepted.

Response to Comment A6-14

The entire CA-MNO-3 site has been identified as a unique cultural resource eligible for the NRHP and CRHR. The prehistoric component was recommended eligible under Criterion D (data potential). Burton and Farrell (2006:56-57) have asserted that the archaeological excavations completed to date have exhausted the data potential for portions of the site and recommended archaeological monitoring for these areas. For areas considered to retain significant data potential, they have recommended additional mitigation measures. See Response to Comment A6-13.

Comment A6-15

Any proposed bike path through the Project Area north of Old Mammoth Road should not be constructed in order to prevent harm to archaeological resources and the Native American cultural values of the site.

Response to Comment A6-15

This comment correctly reiterates the point that avoidance/preservation is the preferred form of mitigation, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. A bike path on the north side of Old Mammoth Road was approved with the Snowcreek VII project and is not part of this Project. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A6-16

Cumulative Impacts. In the Cumulative Impact section regarding Cultural Resources (DEIR, p. IV.E-12), there is no mention of Snowcreek VII, Number 23 on the "Related Projects" list, and currently under construction. As *CEQA Guidelines* state at 15355:

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Snowcreek VII completely obliterated the western portion of CA-MNO-3, and this obviously produces a cumulative impact related to any construction activities north of Old Mammoth Road which will obliterate the eastern portion of CA-MNO-3. Again, "data recovery" will not preserve the Native American values of CA-MNO-3 which are related to its significance as a Traditional Cultural Property. It also is not an appropriate mitigation measure for its archaeological value in light of the site destruction after Snowcreek VII.

Response to Comment A6-16

This comment states that Snowcreek VII was not included in the discussion of cumulative impacts on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and, due to the impact of Snowcreek VII on the western portion of CA-MNO-3, any construction activities north of Old Mammoth Road would result in a significant impact. It is recommended that CA-MNO-3 retains adequate integrity for NRHP/CRHR eligibility despite previous impacts to the site such as construction or destructive data recovery (see Responses to Comments A6-2 and A6-3).

As stated on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR, the extent of the cultural resources (if any) that occur at the related project sites is generally unknown and, as such, it is not known whether any of the related projects would result in significant impacts to cultural resources. However, similar to the Project, such determinations would be made on a case-by-case basis and, if necessary, the applicants of the related projects would be required to implement the appropriate mitigation measures. Furthermore, the analysis of the Project's impacts to cultural resources concluded that, through the implementation of the mitigation measures recommended above, project-related impacts to cultural resources would be less than significant. Therefore, the Project would not contribute to any potential cumulative impacts, and cumulative impacts to cultural resources would be less than significant and no mitigation measures are required.

Comment A6-17

There also needs to be a more in depth cumulative impact analysis regarding cultural resources for the other Related Projects. What cultural resource studies have been conducted for these projects? How many archaeological sites are already known to exist in the areas of the Related Projects, as recorded at the California Historical Resources inventory System (CHRIS) Eastern Information Center, Riverside, CA? What ethnographic studies related to the project are being conducted?

Response to Comment A6-17

See Response to Comment A6-16.

Comment A6-18

The western portion of CA-MNO-3 was destroyed by Snowcreek VII, the construction of the Snowcreek Rental Office north of Old Mammoth Road, and the golf course south of Old Mammoth Road. The Sherwin Project (a proposed 120 unit condominium hotel, No. 33 on the Related Projects List, DEIR, p. II-26) is proposed for the northeast corner of Old Mammoth Road and Minaret Road, directly to the east of CA-MNO-3. And of course, the bulk of Snowcreek VIII is slated to be developed south of CA-MNO-3, no matter what Alternative is chosen. Except for the Open Space area immediately to the north of CA-MNO-3 in the Project area, the last remnant of one of the most significant cultural sites in Mammoth Lakes will be surrounded on all sides by development. Present and future generations deserve to have this precious land preserved and valued as a place for cultural and spiritual renewal.

Response to Comment A6-18

This comment states that CA-MNO-3 will be surrounded on all sides by development (including the Project) and that future generations deserve to enjoy this site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter A7

Bishop Paiute Tribe (Theresa Stone-Yanez)

Comment A7-1

In your letter of August 1, 2007, it is unclear whether you are claiming that the Bishop Paiute Tribe was contacted about the most recent Snowcreek project or whether you are stating that the Tribe did not need to be contacted by the Town of Mammoth Lakes.

Response to Comment A7-1

As discussed on page IV.E-6 of Section IV.E (Cultural Resources) in the Draft EIR, the Bishop Paiute Tribe was not included on the list of contacts provided by the NAHC for SB 18 consultation regarding the Project. As a result, the Town did not contact the Bishop Paiute Tribe. The Town now understands that the Bishop Paiute Tribe is concerned with the Project area and will include the Tribe in future public notices and communications for this Project and is responding to the Tribe's comments.

Comment A7-2

Recently, the Town of Mammoth Lakes went forward with its general plan without consulting the tribe.

Response to Comment A7-2

The General Plan process is outside the scope of this Draft EIR. However, if the commenter is referring to the Draft EIR and not the Town's General Plan, see Response to Comment A7-1.

Comment A7-3

The Tribe is concerned that the newest project will impact Tribal sites present on or near the project area. In the past, Tribal sites in this area were destroyed during other phases of the Snowcreek Master Plan.

Response to Comment A7-3

The Project does have the potential to impact or destroy Native American cultural resources, specifically a portion of CA-MNO-3. As such, Mitigation Measures CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing construction activities (see Responses to Comments A1-1 and A6-8).

Comment A7-4

According to SB 18, local (city and county) governments are required "to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning" (Supplement to General Plan Guidelines: Tribal Consultation Guidelines [Interim] State of California Governor's Office of Planning and Research [March 1 ,2005]). This must be done through government to government contact not through general announcements of meetings and hearings.

Response to Comment A7-4

See Response to Comment A7-1.

Comment A7-5

We request to be notified of any archaeological surveys or excavations that will be conducted in preparation for this project. We request to be present for consultation during any archaeological survey or any earth-moving activities at every stage of preparation for the project and at every stage of the project.

Response to Comment A7-5

The commenter is requesting to be notified throughout the Project's construction process. See Response to Comment A1-1.

Comment A7-6

The bishop tribe No [sic] construction on the old side of mammoth road, also that you should do an ethnographic study, and have certified Native American Monitor should be on staff per every five heavy equipment operator.

Response to Comment A7-6

See Responses to Comments A1-1, A6-2 and A6-3.

Response to Comment Letter A8**Mono Lake Kutzadika^a Tribe and Mono Lake Kutzadika^a Indian Community Cultural Preservation Association (Charlotte Lange and Raymond Andrews)*****Comment A8-1***

The Mono Lake Kutzadika^a Tribe and Mono Lake Kutzadika^a Indian Community Cultural Preservation Association respectfully submit the following comments regarding the Snowcreek Master Plan Update-2007.

Response to Comment A8-1

This comment confirms that the Mono Lake Kutzadika^a Tribe and the Mono Lake Kutzadika^a Indian Community Cultural Preservation Association have reviewed the Draft EIR. No response is required.

Comment A8-2

We are still quite concerned with the events that transpired this past summer during the grading of the Hilltop Development project and the entire Snowcreek VII "project". The total disrespect and disregard of another's culture and the total desecration of a "uniquely significant cultural site". The prehistory of the Mono County tribe (s), the town of Mammoth Lakes, the county, the state and the nation. [sic] How shameful.

Response to Comment A8-2

This comment expresses concern about the cultural resource impacts of the Hilltop Development project and Snowcreek VII, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A8-3

We couldn't understand why during the preliminary reporting by the "archaeologist", MNO-3 was unique and eligible for nomination to the Federal Register of Historical Places that construction was even considered.

Response to Comment A8-3

It is not clear whether this comment is referring to construction of Snowcreek VII or this Project (Snowcreek VIII).

If the comment is referring to this Project, the Town is required to consider the applicant's proposal and this EIR was prepared to assist the Town in considering the proposal and what mitigation would be appropriate if it were to be approved. Though preservation is preferred, data recovery excavation of archaeological sites recommended eligible for listing on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) can be an acceptable form of mitigating impacts to such sites based on their scientific value. However, data recovery excavation does not mitigate impacts to sites important for the heritage value. See Response to Comment A6-2 and A6-3.

If the comment is referring to Snowcreek VII; Snowcreek VII is an approved project and is not the subject of this EIR.

Comment A8-4

We believe that peer review should have been on-going, particularly when such a large amount of artifacts were previously recorded and sub-surface "artifacts" were unknown. We strongly believe that further archaeological "study" should have been conducted when the significant amount of artifacts were unearthed during grading. The hired archaeologist should have halted all ground-disturbing activities, however that was not the case.

Response to Comment A8-4

This comment correctly notes that that subsurface deposits encountered during grading activities should be evaluated prior to further impact. Mitigation Measure CULT-2c on page IV.E-11 in Section IV.E (Cultural Resources) in the Draft EIR requires construction activity to halt in the vicinity of a discovery to allow for formal evaluation of the discovery.

Comment A8-5

Therefore we offer that [sic] following recommendations to ensure what happened at Snowcreek VII does not happen in the future.

- > That an extensive study be carried out before to [sic] any ground-disturbing activity is initiated.

Response to Comment A8-5

The commenter is offering recommendations for Snowcreek VIII in order to prevent a repetition of Snowcreek VII. Snowcreek VII is a separate approved project. See Responses to Comments A1-1, A6-2, A6-3 and A6-6.

Comment A8-6

- > During any ground-disturbing activity we strongly recommend the employment of local Native American monitor(s).

Response to Comment A8-6

Mitigation Measures CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing construction activities (see Response to Comment A1-1).

Comment A8-7

- > Peer review be done for the archaeologist hired during and following findings to ensure unbiased evaluation and documentation.

Response to Comment A8-7

As set forth above under Response to Comment A1-1, a qualified archeologist shall be selected mutually by the MLD designated by the NAHC and the applicant from a list of qualified archeologists provided by the Town. If the applicant and the MLD cannot agree, then the Town shall choose the archeologist from that list. There is no need to have an archeologist reviewing the work of the selected archeologist; the above procedure would eliminate any concerns about bias.

Comment A8-8

- > We recommend hiring (contracting) with a University that has worked in this area and with the Native American people (i.e.: Sacramento State/UCLA) for the peer review process.

Response to Comment A8-8

Mitigation Measures CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing construction activities (see Response to Comment A1-1). Also see Response to Comment A8-7.

Comment A8-9

- > We further recommend that the project hire an anthropologist.

Response to Comment A8-9

Mitigation Measure CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing

construction activities (see Response to Comment A1-1), in addition to an archeological monitor. The commenter offers no reason why CEQA would require hiring an anthropologist. If the argument is that an anthropologist would provide additional information about areas that are likely to contain cultural resources not revealed by the archeology survey, the inclusion of Native American monitors in addition to archeological monitors should eliminate the need for an anthropologist. Also see Responses to Comments A6-2 and A6-3.

Comment A8-10

Thanking you in advance for your favorable consideration of these recommendations.

Response to Comment A8-10

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter A9

United States Department of Agriculture, Forest Service, Inyo National Forest (Michael Schlafmann)

Comment A9-1

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.

Response to Comment A9-1

This comment confirms that the Inyo National Forest has reviewed the Draft EIR. No response is required.

Comment A9-2

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 National Forest System 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 private land development is of critical importance to both agencies.

Response to Comment A9-2

This comment expresses an opinion about the value of the Inyo National Forest lands to residents and visitors of the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Town will continue to work closely with the United States National Forest Service (USFS) on the development of this Project and all other developments in Town that impact the Inyo National Forest.

Comment A9-3

Comments below relate to the need for coordination across jurisdictional boundaries, and the need to consider effects of private land development on adjacent National Forest System Lands in meeting requirements under the California Environmental Quality Act.

Response to Comment A9-3

This comment summarizes the general intent of the Inyo National Forest's forthcoming comments on the Draft EIR. No response is required.

Comment A9-4

In general, the Proposal as depicted includes facilities, such as the outfitters cabin, clearly intended to take advantage of amenities and opportunities on adjacent public lands. However, potential impacts associated with these activities are not addressed in the analysis. Analysis of direct, indirect and cumulative effects of the proposal and alternatives on adjacent FS System Lands should be addressed in order to provide for a meaningful display of benefits, impacts and tradeoffs and to provide for a meaningful choice between alternatives.

Response to Comment A9-4

The discussion under Impact REC-1 on page IV.L-7 of Section IV.L (Recreation) in the Draft EIR analyzes the effects of additional increase in recreational users on the Inyo National Forest lands. While the Project could lead to increased recreational use of National Forest land, it is important to note that the Inyo National Forest recognizes that recreation, as identified in the Inyo National Forest Land Resource Management Plan and reaffirmed by the Record of Decision (ROD) for the Supplemental Environmental

Impact Statement (SEIS) of the Sierra Nevada Forest Plan Amendment (SNFPA),² is the most important public resource available in the Inyo National Forest. The Project otherwise would not physically alter or produce any direct affect on the Inyo National Forest. Finally, the Project would comply with the goals and policies in the Town of Mammoth Lakes' General Plan, including working collaboratively with agencies (e.g., Mono County, Inyo National Forest, and Bureau of Land Management) to protect recreational resources, and the USFS has a number of management options available to reduce and mitigate visitor impacts including limiting visitor numbers, redirection to more suitable areas, and impacted area closures. Such management options would address impacts to recreational resources.

Comment A9-5

Vehicular Circulation and Parking Systems

Although it is clear the proponent intends to utilize Sherwin Creek Road to access proposed facilities for maintenance and operations, and to utilize Sherwin Creek Rd. as a portal to amenities such as the Outfitter's Cabin, and as a means of enhancing public access to the proposed development and adjacent public lands, it is not clear why Sherwin Creek road is not considered in the Vehicular Circulation analysis or why the effects of the proposal on Sherwin Creek Road are not analyzed.

As an example, it is apparent the proponent intends to utilize Sherwin Creek Road to access the Outfitter's Cabin year round. In it's [sic] current configuration, Sherwin Creek Road may not be suitable for winter use (i.e. plowing and winter maintenance). Although paving would partially remedy FS concerns, no such improvements are proposed or discussed. Further, the FS has not been approached by the proponent with any proposals for winter use and maintenance of Sherwin Creek Road. The road is currently not maintained past Sierra Meadows Resort in the winter.

Any winter use would require authorization by the FS.

Response to Comment A9-5

There is a separate application for the proposed Turner Propane Tank Farm project site, which will include improving Sherwin Creek Road all the way to the edge of the Snowcreek VIII property, including the Outfitters' Cabin. That application will also include maintenance of the road for winter propane deliveries. If Sherwin Creek Road is not paved pursuant to the proposed Turner Propane Tank Farm project then the applicant (Snowcreek Investment Company, L.P.) shall be charged with paving this portion of Sherwin Creek Road. The improvements shall be acceptable to the Town, Mammoth Lakes Fire Protection District and the Inyo National Forest.

² U.S. Forest Service. 2004. Sierra Nevada Forest Plan Amendment, Final SEIS, Record of Decision. U.S. Department of Agriculture, Forest Service, Pacific Southwest Region. January 2004.

Comment A9-6

In addition, it not clear why the Sherwin/ Old Mammoth Road intersection is not considered a project study intersection. Increased traffic under all alternatives will have an effect on Sherwin Creek Road and the Sherwin Creek Road intersection with Old Mammoth Road. Alternative B contemplates substantial changes to the Sherwin/ Old Mammoth Road intersection, including actions that would occur on National Forest System Lands. Again, any action proposed on the National Forest will require review under the National Environmental Policy Act and subsequent authorization.

Response to Comment A9-6

The Sherwin Creek Road/Old Mammoth Road intersection was not considered a Project study intersection because no considerable traffic would be generated at this intersection as a result of the Project. Based on the proposed land uses shown in Figure III-4 on page III-17 of Section III (Project Description) in the Draft EIR, the only proposed Project land use in the vicinity of Sherwin Creek Road is the Outfitter's Cabin. This land use has been accounted for and included in Table IV.M-5 on page IV.M-14 of Section IV.M (Traffic/Circulation) in the Draft EIR, which displays the Project trip generation. Based on this traffic generation (a total of 13 trips in the peak hour), the generation is considered nominal.

As identified in Section VI (Alternatives to the Proposed Project) of the Draft EIR on page VI-35, Alternative B (Revised Site Plan) was not identified as the Environmentally Superior Alternative because its impacts to aesthetics, air quality, noise, public services, transportation and circulation, and utilities and service systems were greater than those of the Project. For this reason, it is not anticipated that Alternative B would be considered for development. If for any reason, Alternative B was selected for development, that project would comply with all local, state and federal regulations including the National Environmental Policy Act.

Comment A9-7**Wildlife Management**

Wildlife management practices do not appear to address off-site impacts on adjacent FS System Lands. Adjacent FS System Lands contiguous with the proposal but outside the UGB should be included in the scope of either the analysis or mitigations.

Response to Comment A9-7

This comment suggests that Project impacts to biological resources on U.S. Forest Service (USFS) lands adjacent to the Project site were not included in the analysis or mitigation measures. The Biological Resources section (Section IV.D) of the Draft EIR assesses impacts to biological resources in the development footprint, as well as the surrounding area. Mitigation Measures BIO-1f and BIO-1g on page IV.D-67 of Section IV.D (Biological Resources) in the Draft EIR requires the completion of pre-

construction surveys within established distances from the Project's development footprint to minimize construction-related impacts to special-status species, such as the American badger (*Taxidea taxus*), and nesting birds that may occupy habitats on and adjacent to the site. Also, Mitigation Measure BIO-4b on page IV.D-74 of Section IV.D (Biological Resources) in the Draft EIR restricts construction activities to the interim periods between the spring and fall migration to avoid potential adverse affect to the Round Valley mule deer herd using the Sherwin Creek holding area and Mammoth Rock migration route. Wildlife management practices outlined in Mitigation Measure BIO-1e on page IV.D-66 and Mitigation Measure BIO-4c on page IV.D-74 of Section IV.D (Biological Resources) in the Draft EIR include measures to reduce post-construction impacts to wildlife species occupying lands on and adjacent to the Project site. Additionally, Mitigation Measure BIO-2b on page IV.D-69 of Section IV.D (Biological Resources) in the Draft EIR includes measures to minimize the establishment of invasive, non-native plant species of the Project site, which in turn would reduce impacts to the adjacent natural communities.

Comment A9-8

Inyo National Forest Land and Resource Management Plan

The Sierra Nevada Forest Plan Amendment of 2001 was superseded by the Sierra Nevada Forest Plan Amendment Record of Decision of 2004. All references and materials utilized in this EIR should draw from the 1988 Inyo National Forest Land and Resource Management Plan as amended by the 2004 SNFP ROD.

Response to Comment A9-8

The Draft EIR has been reviewed for improper references to the 1988 Inyo National Forest Land and Resource Management Plan. The references to the 1988 Inyo National Forest Land and Resource Management Plan in the Draft EIR are on page IV.L-9 in Section IV.L (Recreation); page IV.H-19 in Section IV.H (Land Use & Planning), and page IV.D-79 of Section IV.D (Biological Resources). The reference on page IV.L-9 was based on the USFS Comment Letter on the Town's 2005 General Plan Update EIR to Bill Taylor, Deputy Community Development Director from Molly Brown, District Ranger of Mammoth/Mono Districts, December 24, 2005. However, the cited reference to the 1988 Inyo National Forest Land and Resource Management Plan which states that the Inyo National Forest recognizes that recreation is the most important public resource available in the Inyo National Forest is still accurate per the Sierra Nevada Forest Plan Amendment Record of Decision of 2004, Chapter V, page 11.³

³ U.S. Forest Service. 2004. Sierra Nevada Forest Plan Amendment, Final SEIS, Record of Decision. U.S. Department of Agriculture, Forest Service, Pacific Southwest Region. January 2004.

In response to this comment, the text on page IV.H-19 of Section IV.H (Land Use & Planning) of the Draft EIR has been revised as follows:

The Sierra Nevada Forest Plan amendment of ~~2001~~ 2004 updated the Inyo National Forest Plan of 1988, therefore consistency with Forest Service goals and policies will be considered.

In addition, the text on page IV.D-79 through page IV.D-80 of Section IV.D (Biological Resources) of the Draft EIR has been revised as follows:

Increased visitor use and the associated management of natural resources within the Inyo National Forest are being addressed by the U.S. Forest Service through planning efforts including the USFS Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses FEIS, ~~and the Inyo National Forest Winter Needs Assessment conducted in collaboration with the Town in 2003 and 2004, and the Inyo National Forest's update its Forest Land and Resource Management Plan, which was updated by the Record of Decision (ROD) for the Supplemental Environmental Impact Statement (SEIS) of the Sierra Nevada Forest Plan Amendment (SNFPA).~~⁴ ~~The SNFPA~~ This document gives management direction to all forests to address problems of (1) old forest ecosystems and associated species, (2) aquatic, riparian, and meadow ecosystems, and (3) fire and fuels; ~~(4) noxious weeds, and (5) lower westside hardwood forests.~~⁵ ~~The SNFPA requires an assessment of existing environmental conditions and identification of management options at various geographic, jurisdictional, and temporal scales, and the implementation of adaptive management procedures to adjust the management direction for future events, changing knowledge, or dynamic social views.~~⁶

Impacts to natural resources within the Inyo National Forest from recreational use are expected to increase due to the Town's cumulative population increase from the Project and other regional residential projects, and these impacts may be considered cumulatively considerable or significantly adverse; however, identification and quantification of such impacts would be speculative under the current analysis. Potential impacts to sensitive natural resources within the Inyo National Forest ~~were should be~~ evaluated as part of the Forest's Land and Resource Management Plan Update associated with the 2004 SNFPA SEIS ROD, ~~which will identify and assess existing conditions with respect to recreational areas in accordance with the SNFPA. The SNFPA identifies bird watching, hiking/backpacking, downhill skiing and primitive camping as some of the fastest growing outdoor recreational activities in the U.S., and projects an over 100 percent increase in downhill skiing and an over 250 percent increase in snowmobiling for the~~

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

~~Pacific coast region through 2050.⁷ Therefore, it is reasonable to assume that much of the recreational Forest uses from the cumulative population growth in the area will revolve around these increasingly popular outdoor activities. The SNFPA SEIS ROD reaffirmed that “providing recreation opportunities is one of the Forest Service’s major missions in California, along with providing sustainable, healthy ecosystems.”⁸ The ROD notes that the projected tourism increase in the Sierra Nevada will contribute to an increased demand for recreation facilities and services, and that decisions for recreation activities will be made at the local level to reflect site-specific conditions.~~

Comment A9-9

Although the FS appreciates TML efforts to coordinate to ensure projects are consistent with FS direction, it is not clear how the analysis accounts for either consistency with FS direction or effects on adjacent FS lands. A description of relevant Forest direction should be provided, including disclosure of environmental effects of the proposal on adjacent Forest Service lands.

Response to Comment A9-9

As noted at page IV.L-9 of Section IV.L (Recreation) in the Draft EIR, the United States Forest Service recognizes that recreation, as identified in the Inyo National Forest and Land Resource Management Plan, is the most important public resource available on the Inyo National Forest (see Response to Comment A9-8). While the Project’s recreational features are intended to enhance recreational uses in the area the potential impacts resulting from the future use of such amenities are too speculative and remote in terms of location, quantity and specific type of use for a quantitative analysis. In preparing a Draft EIR, an agency is not required to “forsee[] the unforeseeable;” it need only “disclose all that it reasonably can” (see *CEQA Guidelines* Section 15144). No specific uses are proposed on National Forest land and the Project impact will be its portion of the overall regional growth.

Comment A9-10

Alternative B

Although Alternative B may have beneficial effects on adjacent National Forest System Lands when compared with the other alternatives (i.e. visual quality, public access to public lands) none of these effects are considered or disclosed in the analysis.

⁷ ~~U.S. Forest Service. 2001. Sierra Nevada Forest Plan Amendment, Final EIS. U.S. Department of Agriculture, Forest Service, Pacific Southwest Region. January 2001.~~

⁸ ~~Ibid.~~

More importantly, as depicted Alternative B contemplates several improvements on National Forest System Lands which have not been considered under the National Environmental Policy Act, nor authorized by the Forest Service, including: "USFS Trails Staging Areas," use of Sherwin Creek Road as a means of access for course maintenance, and apparent improvements to existing road on National Forest System Lands.

Response to Comment A9-10

This comment is referring to Alternative B in section IV (Alternatives to the Proposed Project) of the Draft EIR and states that this alternative may have beneficial effects on adjacent National Forest System Lands when compared with the other alternatives. Visual quality impacts under Alternative B are addressed on page VI-17 of Section VI (Alternatives to the Proposed Project) in the Draft EIR and public access to public lands is discussed on page VI-20. As indicated in Response to Comment A9-9, the impacts of providing additional points of access on Forest Service land is too speculative and remote in terms of location and use for quantitative analysis.

The comment incorrectly indicates that the Project includes USFS Trails Staging Areas and the use of Sherwin Creek Road as a means of access for golf course maintenance. With regards to proposed improvements to Sherwin Creek Road, see Response to Comment A9-5. Also, see Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment A9-11

In closing, we look forward to continuing to work with the Town of Mammoth Lakes to refine the analysis for Snowcreek 8 to ensure consideration of direct, indirect and cumulative effects on adjacent National Forest System Lands.

Please contact me at your earliest convenience to discuss how we may better coordinate and to consider an appropriate Forest Service role in this process.

I can be contacted via phone at 760.647.3033 or via email at mschlafmann@fs.fed.us.

Response to Comment A9-11

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter A10

Mammoth Lakes Fire Protection District (Thom Heller)

Comment A10-1

Thank you for the opportunity to comment on the above document. The Fire District has the following comments concerning the project and its construction.

Response to Comment A10-1

This comment confirms that the Mammoth Lakes Fire Protection District has reviewed the Draft EIR. No response is required.

Comment A10-2

General Comments:

Building Codes: This project will be required to comply with the new California Amended International Codes that will be adopted on January 1, 2008.

Response to Comment A10-2

The Project shall comply with all applicable local, state and federal regulations, including the new California Amended International Codes. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment A10-3

Traffic: The Fire District has a concern about the existing amount of traffic on Old Mammoth Road during peak holiday periods. This is compounded during times of inclement weather. Possible alternatives or additional routes were not analyzed/identified.

Response to Comment A10-3

This comment expresses concern about existing traffic on Old Mammoth Road during peak periods and inclement weather, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. It should be noted that the standards for evaluating traffic impacts have been established by the Town based upon input from traffic engineers. Traffic conditions and corresponding LOS at the intersections of Old Mammoth Road at Main, Minaret, and Meridian are within/below the LOS thresholds established by the Town (Final Program EIR, page 4-318) during average winter weekends as evidenced by Table IV.M-7 on page IV.M-18 of Section IV.M (Traffic/Circulation) in the Draft EIR. Because CEQA does not require peak holiday traffic be analyzed,

such an analysis was not performed. An alternative route off the Sherwin Creek Road was included and analyzed in Alternative A.

Comment A10-4

Roadways: The Fire District would like to see the Snowcreek VIII project provide a direct alternate means of access for the Snowcreek V residential project. These routes should be separated by a minimum of 1500 feet.

As described in the new Code, the Fire District would require that the proposed project provide “two separate and approved fire apparatus access roads when a project exceeds 200 units”.

Though not identified anywhere in the document, the Fire District would prefer that Snowcreek VIII not be a gated community.

Response to Comment A10-4

Comments related to Snowcreek V homeowner issues are not within the scope of the Snowcreek VIII EIR process and as such are not addressed through the Snowcreek VIII EIR process. However, development of the Project would not be allowed to exacerbate any existing problems associated with Snowcreek V and development of the Project would not be allowed to create any new problems to Snowcreek V. Access to Snowcreek V from Old Mammoth Road is currently via Fairway Drive. The Project would maintain this access and also provide an alternate access route for Snowcreek VIII located 1,500 feet from the existing main entrance. This alternate access route for Snowcreek VIII will also serve as an alternate access route for Snowcreek V. As required by the Town’s Municipal Code, MLFPD fire-safety code, and the Town’s Emergency Operations Plan, the Project applicant proposes two separate and approved fire apparatus access roads. In response to this comment, the Project shall provide an alternate route off Sherwin Creek Road. This may be the loop road analyzed in Alternative A of the Draft EIR or another connection from south or east to Sherwin Creek Road, which would provide separated access with two directions of egress. The applicant is not proposing a gated community.

Comment A10-5

Individual Comments:

Page I-53 Impact PS-3 Fire Services: Include a statement under Mitigation Measures that states “Proponent to provide fair share of Developer Impact Fees to assist in the additional impacts that the project brings to the Fire District.

Response to Comment A10-5

Developer Impact Fees are required as part of the Town's development approval process. The Town's Municipal Code 15.16.081 requires establishment of development fees and provision for their adoption by resolution of the Town council. The Town code states, "The development impact fees are established and imposed on the issuance of building permits for development within the town of Mammoth Lakes, except those identified in Section 15.16.091, to finance the cost of the following categories of public facilities and improvements required by new development...

G. Fire Suppression Facilities, Vehicles and Equipment. A development impact fee is established for fire facilities, vehicles and equipment on behalf of the Mammoth Lakes fire protection district. The Mammoth Lakes fire protection district has requested that the town of Mammoth Lakes collect the fee on their behalf."

In order to adequately plan for new development through buildout (year 2020) and identify the public facilities and costs associated with mitigating the direct and cumulative impacts of new development, the Town recently updated its impact fee program by preparing an AB 1600 Fee Justification Study. The Study identifies the Town's needs and their associated costs through buildout, including for fire suppression facilities, vehicles and equipment. However, in response to this comment, the text under Impact PS-3 on page IV.K-9 of Section IV.K (Public Services) in the Draft EIR have been revised as follows:

Proponent is obligated to pay Developer Impact Fees which will assist in the additional impacts that the Project brings to the Mammoth Lakes Fire Protection District. Therefore, Project impacts related to fire protection services would be less than significant and no mitigation measures are required.

Comment A10-6

Page I-62 Impact TRANS-4 Parking: Include an item about on-site areas for emergency vehicle parking being designed into each phase of the project.

Response to Comment A10-6

The Project applicant is in the process of diagramming site specific details related to parking configurations and will provide this information at the appropriate time. See Topical Response 2 (Project Details).

Comment A10-7

Page I-66 Impact TRANS-10 Construction: Include the requirement that utilities and road pavement will be in place prior to the delivery of combustible construction products.

Response to Comment A10-7

This comment refers to a typical condition of construction, imposed by the Town during the application process. However, in response to this comment, the text under Impact TRANS-7 on page IV.M-22 of Section IV.M (Traffic/Circulation) in the Draft EIR has been revised as follows:

New internal access roads would be created throughout the Project site. Access to the Project facilities and lodging would be from an internal roadway system and the number of internal intersections at the Project site would be limited. Trails and/or emergency access roadways would allow secondary points of access from internal streets and roadways. All side intersecting streets to the main spine road would be stop-controlled, and an all-way stop would be provided at the intersection of the spine road and the road leading to Snowcreek V. Roadway designs would fit the land and allow for views of oncoming traffic. Safe crossings for pedestrians would be included and crosswalks would be provided to cross Old Mammoth Road at the Minaret Road round-about. Applicable utilities and road pavement shall be in place prior to the delivery of combustible construction products.

Comment A10-8

Page I-71 Utilities: Include a section that addresses the requirement for the installation of propane isolation valves in approved locations.

Response to Comment A10-8

The Project shall comply with all local, state and federal laws including those that regulate the installation of propane isolation valves. No additional language is required to be added to the Draft EIR to ensure this would occur.

Comment A10-9

Page III-34 Public Plazas, Walkways, Ponds, and Streams: The plazas and walkways may be required to double as emergency vehicle access routes.

Response to Comment A10-9

This comment identifies a design feature of the proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 2 (Project Details)

Comment A10-10

Pages IV.K-6 to VI.K-9 Fire Protection Services: The impact of adding this project (19% of the remaining buildout development) will cause the Fire District to hire additional employees, which will cause the need for additional station space, housing, administration, and vehicles. This increase will be necessary in order to maintain acceptable service ratios, response times, inspection needs, and general fire protection objectives. Because of this, the cumulative impact should be indicated as **significant**.

Response to Comment A10-10

The level of significance to the MLFPD was determined in part on the response from the MLFPD to the October 20, 2006 request for information letter submitted by Christopher A. Joseph and Associates. The response from Fire Marshal Thom Heller, included in Appendix I to the Draft EIR, stated that while the MLFPD wanted to review the Project in more detail, the MLFPD had the capacity to accommodate the demand for fire protection services associated with the Project and any reasonably-foreseeable development in the Town. Mitigation Measure PS-3 (see Response to Comment A10-5) would ensure any significant cumulative impacts to fire protection services would be less than significant.

Comment A10-11

Page IV.M-23 Impact TRANS-11 Cumulative Impacts: As the project is going to significantly increase the number of peak time visitors (19% of the remaining buildout development), additional traffic mitigation should include the extension of Chateau Road to Sierra Park Road or the extension of Chateau Road to Meridian Blvd.

Response to Comment A10-11

The suggested extension of Chateau Road to either Sierra Park Road or to Meridian Boulevard is not consistent with the Town of Mammoth Lakes' Final Program EIR (FPEIR) General Plan Circulation Element (Appendix D, "Mobility," page D-5) and therefore is not under consideration. The Town's General Plan FPEIR takes into consideration 100 percent of the Town's remaining development to be built out, and it has not found a need for the suggested extensions. Additionally, as noted in Table IV.M-7 on page IV.M-18 of Section IV.M (Traffic/Circulation) in the Draft EIR (as revised in Response to Comment A4-2), all LOS requirements are achieved without the need for either extension of Chateau Road.

Comment A10-12

Thank you again for the opportunity to comment. If you need any additional information, please feel free to contact me at your convenience.

Response to Comment A10-12

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter B1

Kay Stern

Comment B1-1

I have read the entire document and am impressed with the amount of data it contains. I wish to express deep disappointment at the incompleteness of the document for failing to cover the environmental impact of the project (Snowcreek VIII) in its finished state as well as over its years of construction, on the most impacted body: the next door neighbor, Snowcreek V, abutting the planned development.

I have confidence that Environmental [sic] Impact report writers have experience at considering all the impacts, on the total town and the most adjacent impacts. Please explain why this most imperative part of an environmental impact study was missing. Is there a part of the study which did not get on the website? Is this an oversight?

Response to Comment B1-1

The comment expresses an opinion about the amount of data included in the Draft EIR and a concern that impacts to the adjacent Snowcreek V resort residential were not addressed in the Draft EIR. Impacts to Snowcreek V are not specifically called out as such, but are addressed throughout the Draft EIR in terms of impacts to surrounding land uses. As discussed on page IV.H-21 of Section IV.H (Land Use & Planning) in the Draft EIR, the Project is generally consistent with and implements applicable plans and policies. The Project site is currently governed by the land use policies and regulations set forth in the Town's General Plan, the Snowcreek Master Plan (adopted in 1974 and amended in 1981) and the Town of Mammoth Lakes Zoning Ordinance. Thus, the Project does not introduce an incompatible land use that would be in conflict with surrounding land uses such as the Snowcreek V resort residential development. In addition, construction impacts are also discussed throughout the Draft EIR. While the construction impact discussions do not directly call out impacts to Snowcreek V, they were prepared to identify construction impacts as they relate to the entire Town.

Response to Comment Letter B2**Mark Deem*****Comment B2-1***

This email is to comment on the draft EIR regarding Snowcreek VIII development. I have reviewed the plans and the EIR, and as a current Snocreek [sic] V owner, I am generally in favor of the development. If I had complete freedom of choice, I would rather that the current high desert be preserved, but being a realist and recognizing that these plans have been in the works for years, I think that the plan in general is a reasonably sound one.

Response to Comment B2-1

This comment confirms that Mark Deem has reviewed the Draft EIR and expresses general support for the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B2-2

There is one aspect of the plan that concerns me greatly, however. The hotel as proposed will be the single largest building to ever be built in this entire section of town. All other Snocreek [sic] properties to date have done a good job of integrating designs and colors which minimize their visual impact to the surroundings and to other Snocreek [sic] phases. If this hotel goes in as proposed, however, it will have a serious impact not only on the surrounding, existin [sic] Snocreek [sic] properties, but on the town as well. I am concerned about the overall height of the hotel as well as its impact on the "dark hours". If the existing town limits are enforced and the hotel is limited to a couple of stories, I believe the impact will be relatively reasonable. If, however, the town amends the existing rules and allows multi-story building in an area where all existing building is limited to 2 stories, it will stand out literally above and beyond all other development, impacting views of the Sherwins and the White Mountains for residents of both Snowcreek and the rest of the town.

I strongly urge the town to limit the height of the proposed Snowcreek VIII hotel to a more reasonable 2-3 stories, consistent with existing and most other planned development.

Response to Comment B2-2

This comment expresses an opinion about the merits or a design feature of the Project's impacts related to aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B3

Donald Davis

Comment B3-1

My wife and I are owners at Snowcreek and have concerns regarding the proposed project to build out Snowcreek.

I have reviewed the EIR and as much as I would prefer to see the minimum in terms of new development, I recognize that eventually there will be a project underway,

Response to Comment B3-1

This comment expresses an opinion about the build-out of the Project and the commenter's preference for minimal development, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B3-2

At this point, my primary concern is for scrutiny of the construction process, with implementation of the best possible actions to minimize dust, noise, and disruption.

Response to Comment B3-2

This comment expresses concerns about the construction impacts of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Draft EIR includes mitigation measures to reduce construction impacts from dust and noise to a less-than-significant levels. See Response to Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment B3-3

I would like to see an environmentally conscientious approach to waste management with an emphasis on materials recycling.

Response to Comment B3-3

This comment expresses an opinion about waste management practices, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Town has an approved recycling program. Assembly Bill 39 (AB 939) requires the Town

to produce diversion reports. The most recent report was produced in 2005 and submitted to the California Integrated Waste Management Board. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B3-4

My other comment is that nowhere in the report do I see any accommodation of contemporary artistic venues. Too often this specific oversight is realized too late, after infrastructure is planned and built. It is accepted that these venues are an attractive, vital and culturally nourishing part of a community. Please consider the importance of amenities like stages for performances, bandshells, studio facilities for art workshops and locations and programs for the placement of public art.

Response to Comment B3-4

This comment expresses an opinion about a use the author would like to see as a design feature of and a use within the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B3-5

I would be happy to explore these ideas with you or anyone else.

Response to Comment B3-5

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter B4**Jackie Erickson*****Comment B4-1***

My name is Jackie Erickson and my family and I are frequent visitors to Mammoth Lakes, particularly renting units in the Snowcreek V development.

I understand that Snowcreek is moving forward with plans for the next phase of their development - Snowcreek VIII.

Response to Comment B4-1

This comment states that the commenter frequently visits the Town and that she is aware of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation

measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B4-2

I have read the Snowcreek VIII Draft Environmental Impact Report, and I am concerned that the plans for a large hotel could negatively impact the views and tranquil setting in the existing units.

I would like request that the Town of Mammoth Lakes, Community Development Department enforce current town regulations and limit the hotel size to a maximum of 2-3 stories.

Thank you for your consideration.

Response to Comment B4-2

This comment requests enforcement of current Town regulations with respect to building height, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B5

Krista Kearney

Comment B5-1

I am very disturbed by some news I have heard recently about Mammoth. We try to come for vacation at Mammoth as often as we can, we live in Seattle, WA. [sic] I am a frequent renter at the Snowcreek area and I am worried about the Snowcreek VII Draft EIR and I ask that you enforce the current Town reqs and limit the hotel size to 2-3 stories only. I do not want the beautiful view taken away.

I ask for your help and to strongly encourage you to keep Snowcreek as a place that my family wants to come to year after year [sic]

Response to Comment B5-1

This comment expresses an opinion about the viewshed in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B6**George Sandvig*****Comment B6-1***

Thank you for taking the time to answer my recent question on the above topic. In the review of your answers however I still am concerned regarding the projected traffic that will be backing up at the intersection of Old Mammoth road and Minaret Road.

Response to Comment B6-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B6-2 through B6-4, below.

Comment B6-2

If fairway drive is intended to be the only access to this entire complex, when built out, I would like to know on a busy winter holiday weekend or summer weekend:

- 1) How many people are expected to be A) staying at these condos B) at the Hotel C) visiting the golf course D) looking at property E) shopping at the commercial space F) working at these facilities. [sic]

Response to Comment B6-2

This comment requests the specific number of users at various components of the proposed Project be identified on a busy winter holiday weekend or summer weekend, but it would be speculative to quantitatively determine the exact number of users of the Project per each land use component of the proposed development at these times and, therefore, does not warrant evaluation in the EIR. The methodology used to analyze traffic impacts is discussed on page IV.M-3 through IV.M-5 of Section IV.M (Traffic/Circulation) in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment B6-3

- 2) Add this number to the Cardinal development numbers for this intersection on a busy weekend.

Response to Comment B6-3

As shown in Table D of the Snowcreek VIII Traffic Impact Analysis (LSA Associates, Inc. July 2007) (Appendix J of the Draft EIR), the Cardinal development project traffic counts were included in the cumulative traffic analysis.

Comment B6-4

The draft EIR talks in terms of 29 second wait, or slightly more. I live at that intersection in Mammoth Creek condos and wait that long now on a busy weekend. They haven't even broken ground yet!

Response to Comment B6-4

It is assumed that this comment is referring to the intersection of Old Mammoth Rd./Meridian Blvd., which has a cumulative baseline LOS delay of 29.4 seconds and LOS C (see Table IV.M-4 on page IV.M-9 of Section IV.M [Traffic/Circulation] in the Draft EIR). The LOS worksheets for the cumulative baseline conditions are presented in Appendix J to the Draft EIR.

Response to Comment Letter B7

Jeff Swan

Comment B7-1

My name is Jeff Swan, and I'm excited to say that I have had a number of opportunities to visit your town. I love the beauty of the natural surroundings, being so close to the ski slopes, and having a wonderful town where I enjoy meals.

Response to Comment B7-1

This comment states that the commenter has visited the Town and expresses appreciation for the Town's amenities, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B7-2

I am writing today because I recently learned that Snowcreek is planning to build a mammoth (pun intended) hotel that will take away from the natural beauty I have come to enjoy over the years. I have always understood there to be a limit on building that keeps buildings to a 2 or 3 story limit, and I believe your previous enforcement of this has allowed us to mix well with nature. I am writing to urge you NOT to allow Snowcreek to build an 8-story building. This building would hurt the natural view we enjoy today. I am excited to stay in places that Snowcreek has developed (Snowcreek V), but I believe there has to be a limit and I am respectfully requesting that you continue to impose that limit.

Response to Comment B7-2

The commenter is directed to review the analysis of aesthetics impacts of Section IV.B (Aesthetics) in the Draft EIR. This comment expresses an opinion about the building heights proposed by the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B8

Randy Ringold

Comment B8-1

I am a Snowcreek V homeowner (as well as other properties in the area) and wish to comment on the plans for Snowcreek VIII. Generally I am supportive but do have areas of concern:

Response to Comment B8-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B8-2 through B8-10, below.

Comment B8-2

- Access to Snowcreek V
 - The current road is eliminated and now access to V is through VIII. It appears it not only lengthens the distance, but traffic on this road will now need to support both V and VIII. I have concerns that this will cause access problems for those that live in V. Additionally, who is responsible for snow removal on a road that serves both V and VIII? It would seem to me that a more direct road to V with access to VIII would be better rather than directing all traffic through VIII.

Response to Comment B8-2

This comment expresses an opinion about the design of the Project's proposed roadways, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. As described on page IV.K-18 of Section IV.K (Public Services) in the Draft EIR, the Project's internal roadway system would be privately owned and maintained. The management of snow at the Project site would be the sole responsibility of Snowcreek property owners or their designated representative associations. The specific snow removal designation

assignments of Snowcreek property owners is outside the scope of CEQA and as such is not identified in the Draft EIR.

Comment B8-3

- General Store
 - The town of Mammoth is in desperate need of another grocery store. The current VONS is woefully inadequate to serve the needs of the community. I am not sure what purpose a "general store" is to the community and would like to see another grocery store in the town.

Response to Comment B8-3

This comment expresses an opinion about an additional grocery store in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Market/General Store, as identified on page III-20 of Section III (Project Description) of the Draft EIR is intended to serve residents and visitors throughout the "Old Mammoth" area of the Town with food, deli, drinks, and sundries.

Comment B8-4

- Retail
 - The Town is in need of more retail along main access roads such as Old Mammoth. This very large parcel is basically more residential without offsetting retail to serve the community. I would like to see more retail storefronts along Old Mammoth to service the community as there is nothing one can walk to in the surrounding area. It seems to me that Mammoth needs to develop a small town community feel and not a weekend warrior ski area servicing So Cal. By having more retail along Old Mammoth that connects to the existing retail, a town could be developed that would encourage walking. If you go to other successful ski communities like Breckenridge, you really feel the desire to walk and become part of the community. Today even though Mammoth is only 4 sq miles, everyone feels the need to get in the car and go. Please don't let Mammoth become another "Los Angeles". Lets [sic] promote community.

Response to Comment B8-4

This comment expresses an opinion about the location of retail space, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-5

- Hotel
 - Does the area really need another large hotel? We now have the Village, the Westin, all of the new development from Intrawest and I believe some new hotels planned near the village. As such, the amount of rental space is enormous. As an owner of three properties in Mammoth (Snowcreek, Village, Juniper Crest), I can tell you that rentals are in a surplus. I don't think we need another 8 story hotel.

Response to Comment B8-5

This comment expresses an opinion about the number of hotels in Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on the environment. As such, the comment addresses concerns outside of the scope of the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-6

- What would be better is something that draws people TO Mammoth. The town currently has very little convention space aside from that which exists at Grand Sierra Lodge. When the airport is in operation, pulling company events into Mammoth could be a reality. Today its [sic] not as one has to drive 5-6 hours to get there. But assuming the airport becomes a reality, then convention space, retail, and the feel of community will be a draw to bring people to Mammoth year-round.

Response to Comment B8-6

This comment suggests the addition of convention space in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-7

- I recommend the town reduce the size of hotel space but expand commercial/retail instead.

Response to Comment B8-7

The comment recommends the reduction of hotel space and expansion of commercial/retail space, but does not provide factual support for this assertion. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment B8-8

- Alternative B
 - I took a look at the alternatives to the proposed project and believe Alternative B (or modification thereof) is a better approach:
 - Places the commercial/retail along the Old Mammoth corridor thus making it "available" to the "community" [sic]
 - The road to Snowcreek V is more direct and not running through VIII. It should lessen the traffic burden. The current project places too much traffic through areas where children could be playing.
 - I would reduce the size of the hotel and make it more of a Lodge. Probably half the size and height would be better thus reducing the impact it would have on hindering views.
 - Pedestrian connections should be made to the existing Town promoting the community.
 - Would add a grocery store to reduce the overcrowded situation existing at Vons today [sic]

Response to Comment B8-8

This comment expresses an opinion about the preference for Alternative B with some modifications over the proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-9

Snowcreek 8 should not be looked at as just another residential expansion but an opportunity for the Town to achieve some of its goals. If not developed properly it would just add to the current isolation that is felt by the residents. Meaning come and ski but there is nothing else to do and the chance to meet and connect with people seldom happens.

Response to Comment B8-9

This comment addresses the merits of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B8-10

If you have any questions please feel free to contact me. Also if there is a meeting that is being held as an open forum to comment, let me know the day and I will try to attend.

Response to Comment B8-10

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter B9

Donna Omeste

Comment B9-1

I was given your contact information regarding the upcoming proposed development for Snowcreek. It is my understanding that you can answer questions and concerns. While I understand the advantages that a true resort will offer, I have concerns regarding noise and traffic. I hope the problems of the main Village area are prevented at the new Snowcreek Village. We stopped staying at the Village because the noise from the bars and late night restaurants made sleeping impossible. We are now owners of a townhome at Snowcreek V and we would be very disappointed if our future retirement home turns into party central. We welcome the addition of a daytime activity center and quiet early closing eating establishments, but noisy bars do not belong in our residential area. The word "lounge" that is used in the development description raised my fears. If you have any information regarding this matter please advise.

Response to Comment B9-1

This comment correctly states that a lounge would be included as part of the Project. However, the precise configuration of the lounge has not yet been determined. The comment requests information at a level of detail not yet attained in the Project plans. The Snowcreek Master Plan is a program-level plan and final building designs have not been proposed. CEQA requires that "[s]tatements must be written late enough in the development process to contain meaningful information, but they must be written early enough so that whatever information is contained can practically serve as an input into the decision making process." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74 , 77 fn. 5, quoting *Scientists' Inst. for Pub. Info., Inc. v. Atomic Energy Com'n.* (D.C.Cir. 1973) 481 F.2d 1079, 1094.) See Topical Response 2 (Project Details).

Response to Comment Letter B10

Cynthia Becker

Comment B10-1

This is in response to the Draft Snowcreek VIII EIR. I am very concerned about several aspects of this development. My greatest concern is the plan for a large hotel. According to the report, this is inconsistent with the Town Development Code. The report also states that the "**cumulative impacts with respect to scenic resources and existing visual character would be significant and unavoidable**". A hotel of that size would greatly impact views in and around the area -- views of the Sherwin Mountains, the White Mountains, views from Old Mammoth Road, and views from all the hiking and biking trails in the area.

However, if the hotel were kept to a height of 2-3 stories, consistent with existing developments and town zoning, I think the beauty and character of Mammoth could be preserved. The protection of scenic areas and scenic resources should remain a priority in Mammoth and the zoning codes should not be amended to allow for taller buildings.

I urge the town to either eliminate the hotel from the plans for this development or to limit the height of the hotel to 2-3 stories.

Thank you for your consideration.

Response to Comment B10-1

The commenter is directed to review the analysis of aesthetics impacts in section IV.B (Aesthetics) of the Draft EIR. This comment expresses an opinion regarding the Project's impacts related to aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B11**Megan Becker*****Comment B11-1***

I am writing to express my concerns regarding the Draft Snowcreek VIII EIR. We have owned a home at Snowcreek V for 5 years and are a bit concerned about several aspects of this development. My greatest concern is the hotel. The plans for a large hotel (up to 8 stories) are currently inconsistent with the Town Development Code. A hotel of that size would greatly impact public views, as well as views of residents in and around the area. Although I am not in favor of building the hotel at all, I would have fewer objections if it was kept to a reasonable height and remained consistent with the current Town Development Code. I am wholeheartedly against the Zone Code Amendment. The protection of scenic areas and scenic resources is something precious to all of us who own homes in Mammoth and to everyone who visits as well.

We were aware of the golf course and some other development plans at Snowcreek, but a large hotel was not part of those plans and will certainly affect the views in our area. The report states that the **"cumulative impacts with respect to scenic resources and existing visual character would be significant and unavoidable"**. Views of the Sherwins and White Mountains are of particular concern, as well as views from all the hiking and biking trails in the area.

I believe that the goals for this development could still be met while remaining consistent with current codes. **The height of the hotel should be limited to 2 or 3 stories, without exception. And the Town's Zoning Code should not be amended to allow for taller buildings.**

Response to Comment B11-1

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter is directed to review the analysis of aesthetics impacts in Section IV.B (Aesthetics) of the Draft EIR. The prior Master Plans for Snowcreek have always included a hotel/motel feature. The 1981 Master Plan includes a total of 375 Condo Hotel and Motel units. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B11-2

My other main concern is regarding the "significant and unavoidable" impact of light and glare. I would strongly urge the developers to limit the lighting as much as possible while maintaining safety standards. The "dark skies" are valued by all of us and should be maintained to whatever extent possible.

Response to Comment B11-2

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter requests the Project use of minimal lighting to protect night skies, but still provides a safe setting. As stated on page IV.B-55 of Section IV.B (Aesthetics) in the Draft EIR, all site and building lighting would be installed in conformance with the Town's outdoor lighting ordinance. Excessive illumination would be avoided and lighting would be designed and placed that minimizes glare and reflection and to maintain "dark skies." The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B12**George Sandvig**

This comment letter includes similar questions and statements to those included in Comment Letter B6, submitted by the same commenter. See Responses to Comments B6-1 through B6-4.

Response to Comment Letter B13**Debra and Steven Werner*****Comment B13-1***

Thank you for allowing us to voice our concerns and opinions. As others will undoubtedly share our views, we hope that some modifications to the Master Plan can be carried out.

Response to Comment B13-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B13-2 through B13-8, below.

Comment B13-2

Our major concern about Mammoth is density.

It would appear that the master plan for future Snowcreek VIII development represents dramatic over development. We know that many would like to see Mammoth grow, for air service to begin and for property values to increase in the long term, but if development is to occur, it needs to be well conceived and well balanced.

When we drive around Mammoth and see all the land that is destined for development, it concerns us that if each new developer is allowed to construct high-density, multi-floor properties, Mammoth is going to

cease to be the sort of ski area that will prosper in the future. This is true for the Minaret/203 corner, for the Ocean Harvest area, for Snowcreek VIII, and more. If Chadmar is allowed to go through with all of their plans, they will set a precedent for high-density development that will ultimately be a *disaster* for Mammoth Lakes in every sense of that word. As residential owners who are unfamiliar with the procedures for considering master developments and city planning of this type, we can only hope that the Chadmar Master Plan is an example of asking for a mile in order to be given an inch.

Response to Comment B13-2

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P. The commenter has incorrectly referred to the Project as the Chadmar Master Plan. The correct name is the Snowcreek Master Plan.

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Project addresses proposed buildout of the remaining approximate 237 acres yet to be developed within the Snowcreek Master Plan area (also referred to as “Snowcreek VIII”) and is intended to fulfill the vision of the previously approved Snowcreek Master Plans. The Project was included in the Town’s General Plan Update Draft EIR analysis and has been contemplated by the Town since 1974. As identified in Section IV.H (Land Use) of the Draft EIR, the Project is consistent with the Resort zoning requirements for density and lot coverage. All future master plans and other development proposals under consideration by the Town would be subject to environmental review for consistency with Town of Mammoth Lakes General Plan and zoning land use designations. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-3

We elected to buy into Mammoth because it was not over built. (We’ve experienced Park City/Deer Valley when it feels like vacationing in a suburb of Los Angeles with ski runs.) We also bought into Mammoth because we looked forward to air service, new restaurants, a village and the like.

Response to Comment B13-3

This comment expresses the commenter’s expectations about the Town and its amenities, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-4

While progress can't be stopped, development is always a concern, because it represents the unknown. From a positive point of view, it appears as though the Chadmar plans will create a Snowcreek VIII

development that is at least tasteful in building design. But, we would hope that the Snowcreek VIII plans could be scaled down to a reasonable density, not only for the good of us owners in the Phase V area, but for the good of the whole town. As already said, a proper precedent needs to be set.

Response to Comment B13-4

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P. Although the commenter does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, the commenter does request that the Snowcreek VIII plans be scaled down to a reasonable density. As identified in Section IV.H (Land Use) of the Draft EIR, the Project is consistent with the Resort zoning requirements for density and lot coverage. See Response to Comment B13-2 and B13-3.

Comment B13-5

Some extra concerns and requests.

1. If there is to be a hotel in the new Snowcreek phase, it would be better to position it near old Mammoth Road, rather in the proposed location where it encroaches on the scenery of the Sherwins. Why put such a commercial development at the farthest point from the main road. [sic] In short, position the commercial building on the commercial road.

Response to Comment B13-5

This comment contains an opinion about a design feature (i.e., the location of the Project's commercial land uses and hotel) of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-6

2. As Phase V owners, we are unclear as to how Fairway Drive access to Phase V will be handled during the years of construction and we are opposed to the proposed repositioning of the access road overall. We would prefer that the existing Fairway Drive be left in place, so that access to Phase V didn't involved driving a more circuitous route through all the new development of "apartment" condos. We purchased in properties in Phase V because of the openness of the approach to the development. On the part of Chadmar, it would be the courteous thing to do to maintain the ambiance of Fairway Drive for the existing Phase V owners, as it will be enough to weather the construction inconvenience, and suffer the loss of privacy due to the adjacency of a major build-out next door.

Response to Comment B13-6

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment contains an opinion about the design of the proposed internal access roads of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter would like to see Fairway Drive remain as it is. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B13-7

3. We are concerned about the plans for public or shuttle transportation related to future Snowcreek development. Will there be any mandated provisions for transportation to the ski slopes for all the thousands of owners/guests that could occupy such a major high-density development?

Response to Comment B13-7

The addition of traffic attributable to increased bus usage (Red Line and Snowcreek VIII HOA Shuttles) has been analyzed and is included in the overall Project trip generation calculations (see Table IV.M-5 on page IV.M-14 of Section IV.M [Traffic/Circulation] in the Draft EIR). The 15 percent transit capture is based on the combination of three specific committed transit enhancements to and from the site. As stated on page IV.M-13 of Section IV.M (Traffic/Circulation) in the Draft EIR, these enhancements include a revision to the Red Line bus route that includes a stop at the Hotel entrance on the project site and a return to the original bus route; an exclusive shuttle service provided for hotel guests to Eagle Lodge and the Village/Gondola area; and another three to four shuttle vans to be paid for by the Snowcreek VIII master homeowners association for all residents (including Snowcreek V) to use to major visitor stops including Eagle Lodge, the Village, Main Street and Old Mammoth Road commercial. The 15 percent transit capture attributed to these three committed measures is consistent with experience in similar winter resorts (e.g., Aspen, Jackson Hole, Snowmass, and Northstar).

Comment B13-8

4. In terms of density, we would like to know what the maximum head-count would be for this community. The proposed hotel is mentioned to have 400 guest suites. What constitutes a suit [sic]? How many are one bedroom, two bedrooms or more? Assuming four guests per suite, such a hotel could accommodate 1600 guests at one time. Further, if there will be 850 residences (650 to 3500 square feet) that could represent thousands of owners/guests and hundreds of cars at anyone time. The “8-35 units per acre” is an ambiguous measurement.

Response to Comment B13-8

The Project would construct 1,050 dwelling units resulting in an increase of 2,562 persons to the Town's population. The Hotel includes 250 guest rooms/suites and 150 Private Residence Club Suites. Under Town Municipal Code a hotel room/suite or private residence room equals ½ of a unit. Hotel rooms/suites and private residence rooms are generally smaller and not considered as occupied continuously; therefore, regardless of square footage, under the Town's Municipal Code the 400 units equates to 200 units as long as the units are no larger than 850 square feet. Using population numbers calculated for the Project, it is anticipated to contribute ten percent to future buildout development (in combination with all remaining Snowcreek developments). The Project proposes 1,050 dwelling units (850 condominiums and townhome units combined with 200 Hotel dwelling units) developed over 143 acres. This acreage does not include the 94 acres acquired in the USFS Land Exchange. Overall housing density for the Project would be approximately 7.35 dwelling units/acre (1,050/143). The Project combined with the existing/entitled residential development results in an overall Snowcreek Master Plan density of approximately 6.36 dwelling units/acre (2,195/345). The range of density proposed by the Master Plan will allow clustering of development to allow the preservation of open space on the site.

Response to Comment Letter B14

Marc Siddens

Comment B14-1

I'm writing you in response to the Snowcreek VIII Draft EIR I've got to say that I'm really disappointed with some of the changes proposed in this project. As a frequent visitor to both the town and area, I think you are running the risk of dramatically changing the landscape, making it less appealing to professionals such as myself. I drive and/or fly the extra distance from the San Francisco Bay Area MANY times, passing Sierra locations much closer in the process. The changes outlined would flat out make me reconsider that decision.

I come to Mammoth for the [sic] both the surrounding facilities and scenic beauty, along with the proximity to activities I appreciate and enjoy. I do consider some of these amenities as a plus but there is a fair and reasonable way to accomplish them. Putting a high story hotel on the edge of town is not reasonable. I urge you to reconsider the choice and push for a compromise keeping in mind the spirit of the area.

Response to Comment B14-1

This comment contains an opinion regarding the Project's impacts related to aesthetics. The commenter is directed to review the analysis of aesthetics impacts in Section IV.B (Aesthetics) of the Draft EIR. Otherwise, the comment does not state a specific concern or question regarding the sufficiency of the

analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B15

David Snow

Comment B15-1

I just heard about the proposed 8 story hotel proposed to be built in Mammoth and heard that you were the person to whom comments should be sent.

Over the past few years, my family and I have stayed at Snowcreek in all seasons. We live in the SF bay area and love Mammoth as an alternative to the overbuilt Tahoe area. I understand the desire to further develop the area, but I urge the city to grow while maintaining the charm of Mammoth. I hope that the city enforces the current regulations and limits the hotel to a reasonable size.

Response to Comment B15-1

This comment contains an opinion regarding the Project's impacts related to aesthetics, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B16

Tricia McKinney

Comment B16-1

I'm writing you about the Snowcreek VIII Draft EIR. I visit Mammoth frequently and always rent at Snowcreek V. I recently found out that there is a [sic] 8-story hotel that is being proposed to be built. I was quite unhappy to hear this news. I'm requesting that the town enforce the current regulations of the hotel size to a two or three story structure.

This will help preserve the beauty of the natural landscape that I have grown to love on my visits to Snowcreek.

Response to Comment B16-1

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter request the Town enforce current regulations regarding height restrictions

at the Project site. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B17

Jane Kenyon

Comment B17-1

No variances please, to preserve the viewshed for all. Please no commercial development in the Mammoth Meadow viewshed. No commercial sprawl into the meadow viewshed that would disrupt the views that visitors and residents look at daily. Set the buildings far enough back like Snowcreek 5 so the public doesn't lose this very important viewshed. Tourists and residents come to Mammoth for the views of mountains, nature, open skies and stars. Many tourists are not hikers and skiers, and enjoy the views from town. Keep the buildings 2 story/35 feet so the town of Mammoth Lakes can retain its viewshed of the Sherwin Mountains, the John Muir Wildernerss Peaks, Mammoth Rock, and Mammoth Crest.

Response to Comment B17-1

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter requests protection of viewsheds and night skies be maintained. The commenter is directed to review the analysis of aesthetics impacts in Section IV.B (Aesthetics) of the Draft EIR. As stated on page IV.B-55 of the Draft EIR, all site and building lighting would be installed in conformance with the Town's outdoor lighting ordinance. Excessive illumination would be avoided and lighting would be designed and placed that minimizes glare and reflection and to maintain "dark skies." The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-2

Keep the light pollution down so the public doesn't lose the exceptional resource Mammoth has to offer which is stargazing over the Sherwin Mountains, and the unique Milky Way Galaxy views. To allow the sprawl of commercial development and high rise development out into viewshed of the Mammoth Meadow will compromise the unique, magnificent viewshed that Mammoth has to offer its visitors, that visitors come to see from all over the world.

Response to Comment B17-2

The commenter is directed to review the analysis of aesthetics impacts in section IV.B (Aesthetics) of the Draft EIR. The Project would include an Outdoor Lighting Plan to ensure compliance with the Town's Outdoor Lighting Ordinance. Excessive illumination would be avoided and lighting would be designed

and placed to minimize glare and reflection. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-3

Snowcreek 5 was built so it would not destroy the viewshed. Snowcreek 8 should be built like that. With 1250 more buildings added all the way up to Old Mammoth Road, Mammoth will lose its charming vistas. The sight of sprawling buildings is undesirable [sic].

Response to Comment B17-3

The commenter has confused new residential dwelling units with buildings. The Project does not propose to build 1,250 new buildings. The Project proposes the development of 1,050 dwelling units and up to 75,000 square feet for non-residential uses, which would result in the construction of 73 buildings. This comment expresses an opinion about the merits or a design feature of the Project and the desire to see Snowcreek VIII developed in a similar fashion to Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The commenter is directed to review the analysis of aesthetics impacts in Section IV.B (Aesthetics) of the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B17-4**BIRDS**

The best time for development disturbance in the meadow would be in the Fall, or before May 15, to minimize the impact to the Spring breeding Birds of this meadow habitat. The Migratory Songbirds specific to Mammoth Meadow, migrate into the Mammoth Meadow by May to set up their breeding territories as the shrubs become snowfree. By midMay [sic] they have active nests, with hatchlings by June. During June and July almost all Migratory Songbirds throughout the Mammoth region are feeding insects to their young hatchlings, nestlings, and fledglings. To minimize the impacts to the Mammoth Meadow breeding Songbirds, Mitigation Measure BIO-1c should say that construction activities should be scheduled outside of Migratory Songbird breeding season May 15 to August 15. Snowcreek 7 was successful in removing the habitat before nesting season due to the pre-construction nesting bird survey. I expect Snowcreek 8 will have that done too, to protect our wildlife. Working around nesting season and maintaining as much native habitat as possible will help Mammoth to retain the biodiversity of birds specific to our region that residents and tourists enjoy seeing. Many tourists are excited to learn what birds we have here. Birding is a popular form of recreation. We'd be smart to try to retain some native habitat and clear land outside of nesting season, so that Mammoth will still have beautiful Birds [sic] for the joy of our residents and tourists to see and to help offset the sharp declines of many California bird species.

Response to Comment B17-4

This comment suggests restricting construction activities in Mammoth Meadow to outside the breeding season (May 15th through August 15th) to avoid impacts to nesting birds, specifically songbirds, and minimizing vegetation removal to maintain the diversity of birds in the Project vicinity. Mitigation Measure BIO-1c on page IV.D-65 of Section IV.D (Biological Resources) in the Draft EIR includes language to restrict construction activities to the non-breeding season (generally defined in the text as September 16th through March 14th). However, an additional mitigation option is provided in case construction activities cannot occur during the non-breeding season due to, for examples, other seasonal constraints associated with special-status species and/or important migratory animals (e.g., Round Valley mule deer herd), timing of the contract award, and/or weather conditions. This mitigation option pertains to construction activities needing to take place during the breeding season (generally defined in the text as March 15th through September 15th) and requires a series of nesting bird surveys to be completed by a qualified biologist prior to the onset of construction activities and outlines measures to be implemented if active nests are found (i.e., coordination with the California Department of Fish and Game [CDFG] and establishment nest-set-back zones, if needed). Completing nesting bird surveys prior to the onset of construction activities and implementing appropriate nest-setback-zones is acceptable to the CDFG, and is often included as a standard condition in the CDFG's Lake or Streambed Alteration Agreements.

With regards to minimizing vegetation removal to maintain bird diversity, the Project was designed to preserve existing natural resources including (but not limited to) trees, meadows and creeks by incorporating such resources into the Project and to minimize environmental impacts by clustering development (refer to the Section III [Project Description] on page III-43 of the Draft EIR). As an example of the applicant's efforts to minimize vegetation removal and Project impacts to the environment, approximately 13 acres adjacent to Mammoth Creek would be preserved as open space (refer to Figure II-3 of the Draft EIR), and a conservation easement may be recorded against this area and it may be transferred to the Town of Mammoth Lakes or a conservation group. Vegetation communities and wildlife habitats within the open space area include (but are not limited to) alder-willow riparian and wet meadow. These communities provide potential nesting and foraging habitat for a variety of bird species. Preservation of these habitats, as well as implementation of the wildlife management practices outlined in Mitigation Measure BIO-1e on page IV.D-66 of Section IV.D (Biological Resources) in the Draft EIR would assist in maintaining the local diversity of birds, as well as other wildlife, in the Project vicinity.

Comment B17-5**BELDING GROUND SQUIRRELS**

The Mammoth Meadow should be surveyed for Belding Ground Squirrels before land clearing, as they have their young in dens underground in May. By June they appear above ground.

Response to Comment B17-5

This comment suggests conducting pre-construction surveys for Belding ground squirrel (*Spermophilus beldingi*) in the Mammoth Meadow to avoid impacts to young still in underground burrows at the onset of Project construction. For the purposes of CEQA, Project impacts are analyzed and mitigated for those animals designated endangered, rare, or threatened. The definition of endangered, rare, or threatened provided in Section 15380 of the *CEQA Guidelines* is modeled after the definition in the Federal Rare and Endangered Species Act and the sections of the California Fish and Game Code dealing with rare or endangered species. Also, Section 15380 of the *CEQA Guidelines* provides that animals may be treated as rare or endangered even if it has not been placed on an official list, if the species is shown to meet the criteria outlined for the definition of “endangered” or “rare”.

Belding ground squirrel does not meet the definition of an endangered, rare, or threatened species. Furthermore, the Natural Heritage Network ranks this species’ global and state status a number 5 (i.e., G5 and S5, respectively). This ranking means that Belding ground squirrel is demonstrably widespread, abundant, and secure. In fact, this species is the focus of many population control measures.⁹

In addition to Belding ground squirrel being a common species, the Project would only be on the already disturbed portion of the parcel north of Old Mammoth Road and west of Minaret Road. The remaining portion of this parcel would be preserved as open space (refer to the Section III [Project Description] on page III-19 of the Draft EIR) and, therefore, there would be no direct impacts to Mammoth Creek or its associated riparian and wetland habitats (i.e., the Mammoth Meadow). Implementation of the wildlife management practices outlined in Mitigation Measure BIO-1e on page IV.D-66 of Section IV.D (Biological Resources) in the Draft EIR and the sensitive habitat protection measures outlined in Mitigation Measure BIO-2a of the Draft EIR would minimize potential indirect Project impacts on Mammoth Creek and its associated habitats, as well as the common and special-status animals that use these habitats.

Comment B17-6**DUSTCLOUDS**

In June 1989 while working at Sierra Meadows Equestrian Center, we worked with huge dust clouds blowing towards us, as Dempsey cleared the meadow in June. Is there enough water to contain the dust clouds that will be created from all the land disturbance for Snowcreek 8?

⁹ DuVall, L. 1999. "*Spermophilus beldingi*" (On-line), *Animal Diversity Web*, website: http://animaldiversity.ummz.umich.edu/site/accounts/information/Spermophilus_beldingi.html, October 31, 2007.

Response to Comment B17-6

The Draft EIR discusses air quality impacts resulting from the construction of the Project in section IV.C (Air Quality) on pages IV.C-21 through IV.C-28 under Impact AQ-1 (Construction Impacts). Mitigation Measure AQ-1a requires that all construction areas be watered at least twice daily and that water trucks are to be filled locally after the contractor makes water acquisition agreements and obtains any required permits. Implementation of this mitigation measure would insure there would be enough water to contain the dust clouds potentially created from construction of the Project. In addition, Mitigation Measure AQ-11 requires that excavation and grading activities be suspended when wind (as instantaneous gusts) exceeds 50 miles per hour and when sustained winds exceed 25 mph increase the frequency of watering from twice daily, as described in Mitigation Measure AQ-1a, to three to four times a day. Implementation of these and the other required measures identified in the Air Quality section of the Draft EIR would reduce impacts from construction dust to less-than-significant levels.

Comment B17-7

Is there enough water for 1250 more buildings while in a drought cycle?

Response to Comment B17-7

The commenter has confused new residential dwelling units with buildings. The Project does not propose to build 1,250 new buildings. The Project proposes the development of 1,050 dwelling units and up to 75,000 square feet for non-residential uses, which would result in the construction of 73 buildings. With regard to water supply for build-out of the Project there would be enough water for the Project itself in a drought cycle. However, when considering cumulative impacts, as discussed on page IV.N-30 of Section IV.N (Utilities) in the Draft EIR, the Project in combination with the all other reasonably-foreseeable proposed developments in the Town would exceed water supply limits in dry water years. It should be noted that there would be insufficient supplies of water during dry years at Town build-out without the Project and that the Mammoth Community Water District (MCWD) is currently working to develop new groundwater sources, use recycled water and implement water restrictions as a means to increase water supplies to resolve any potential water supply deficiencies during drought periods. Mitigation Measure UTIL-7 states that the Town shall not approve new development applications that would result in a water demand in excess of available supplies as determined by the MCWD. The Town would work with MCWD to ensure that development projects include phased demand increases so that the development of necessary additional water supply sources is established prior to respective development demand occurring.

Also, as discussed on page IV.N-19 of the Draft EIR, the Project parcels and the successor owners of those parcels are beneficiaries of various reservations and grants to the MCWD. Those reservations and grants are found in the Arcalarius Agreement of May 1977 (See Response to Comment A3a), the MCWD/Dempsey Agreement of August 1983, the MCWD/Dempsey Agency Agreement of August 1983,

and the grant deed from the United States to Dempsey for the new nine-hole parcel (collectively “Mammoth Creek Agreements”). The Mammoth Creek Agreements resulted in the conveyance of Arcularius Agreement water rights to the MCWD as an agent in trust for the benefit of the Project parcels. The Project has a priority right to those Mammoth Creek water rights as a result of the Mammoth Creek Agreements, plus any water from the existing groundwater production wells on the Project parcels. The Project’s priority to the Mammoth Creek water is superior to any other new development that would contribute to the cumulative demand evaluated in the WSA. Accordingly, only the new demand of the related projects would affect existing water supply, since -- unlike the Project -- the related projects have no priority over Mammoth Creek water rights and no water rights available or reserved to them to meet the new demand they will create. By contrast, by virtue of the Mammoth Creek Agreements, the Project has already provided the MCWD with sufficient water supply to meet the Project’s demand. It is important to note that water rights do not affect/increase water supply.

In addition, the Mammoth Community Water District’s water system loss reduction program is currently in progress (see Response to Comment A3b). The water system loss reduction program yield and the Water Conservation (irrigation restriction) project yield essentially eliminate any deficit in the Single Dry Water Year column of Table IV.N-11. Recognition of the Project’s special status as a contributor of a water supply sufficient to meet its own demands through the Arcularius Agreement water rights transfers to MCWD as agent in trust for Snowcreek, combined with inclusion of the existing system loss reduction program and the Water Conservation (irrigation restriction) project demonstrate that no existing demand would be affected by Snowcreek VIII’s exercise of its reserved water rights status. The Town would consider the Project’s water rights and the Mammoth Community Water District’s water system loss reduction program during the Project approval process.

Comment B17-8

Mammoth Meadow is already 1/3 filled in with continuous buildings. Hopefully we can keep at least 50% of the exceptional Mammoth Meadow views for the public. This development should not be allowed to take away the viewshed that is so important to Mammoth Lakes.

Response to Comment B17-8

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B18**Nancy Peterson Walter*****Comment B18-1***

In reviewing the material written by Burton and Farrell of Trans-Sierran Archaeological Research, December 2006, I found a document that is well organized but is lacking current or recent ethnographic material. Granted, most of the work done in this area is by anthropologists with a background in archaeology, there is work that has been done by ethnographers who have written material on the area as well as other scientists who have worked local Paiute including not limited to: Aldrich, J.M, 1912, 1921; Eldredge, I.F. 1923; Englehardt, George P. 1924; John and Wallace Hutchinson 1928; Patterson J.E.1929; Simms Steven R. 1984; Warren, Dick 1963; Way, Guy S. 1920. When Catherine S. Fowler, PhD, an ethnographer at UNR and I wrote about Harvesting Pandor Moth Larvae with the Owens Valley Paiute in 1985 based on our work in 1981 we had no problems finding the above scientific references. All work done in the Mammoth Lakes area!

Response to Comment B18-1

The Cultural Resources Study undertaken for this project (Appendix E of the Draft EIR) listed a number of studies and reviews of what is known about the ethnography of the inhabitants of Long Valley that was relied upon by the authors of the Cultural Resources Study in their discussion of ethnography. However, no attempt was made, nor is required by CEQA, to provide the definitive listing and treatment of all known information on this topic. Instead, the works referenced by the Cultural Resources Study provided sufficient evidence to allow the authors to draw relevant conclusions, relied upon by the Town, to assist in making determinations about the potential cultural significance of the Project site. See Responses to Comments A6-2 and A6-3.

Comment B18-2

There is material referenced in the HANDBOOK OF AMERICAN INDIANS, GREAT BASIN INDIANS Volumn [sic] 11 about the Shoshone and Paiute of the Sierra and ethnographers who do continuing research are referenced. Dissertations have been written about the hunting of the pronghorn antelope; the relocation of the local Paiute and Shoshone to the current reservations; there has been linguistic work done in the Eastern Sierra; research been done on the location of plant resources used; there has been at least one master's thesis written dealing with historic photographs. None of this ethnographic material was referenced.

Response to Comment B18-2

The commenter is concerned about the lack of material referenced from the HANDBOOK OF AMERICAN INDIANS, GREAT BASIN INDIANS. However, no attempt was made, nor is required by

CEQA, to provide the definitive listing and treatment of all known information on this topic. See Response to Comment B18-1.

Comment B18-3

Also not referenced is any mention of talking with the Paiute community who are still living in the Eastern Sierra – those in Bridgeport, Lee Vining, Benton, Bishop, Big Pine, Independence, or Lone Pine. Or to those who grew up or whose ancestors lived in June Lake or Mammoth Lakes. Many of these people still find food resources and materials for baskets just as their ancestors did in this area.

Response to Comment B18-3

The Town contacted the Native American Heritage Commission (NAHC) for a search of the Sacred Lands File and a list of contacts who may have concerns about the Project area. The search did not identify cultural resources of concern to Native Americans within or near the Project area; however, the NAHC did provide a list of local Native Americans who may have additional information or concerns about the Project vicinity. The Town initiated consultation with each of the NAHC-listed contacts; no cultural resources important to Native Americans were identified as a result of this process. The Town is responding to the concerns now being asserted in its responses to the comments and mitigation measures have been modified in response to the comments by the Tribes now commenting on the EIR. See Responses to Comments A1-1, A6-2 and A6-3.

Comment B18-4

The most important site of cultural significance in the report is CA-MNO-3 a village site recorded over 50 years ago. This site is referenced as large and significant with a great potential for subsurface material as well as for buried historic material. Despite what has happened across the road to the north, the specific area relevant to this report, this is still true and before construction there are several factors to consider so that the loss of material that has happened in one area does not occur in this remaining area. The report also mentions that the area “...with dense prehistoric cultural deposits and midden soils, should be preserved, capped, or subject to data recovery if construction proceeds in this area as proposed.” (p iii) I cannot stress this point more strongly! I feel that data recovery is the least important since no excavation preserves for the future the cultural material that is present. There should be enough data available from the preliminary survey that more excavation is not necessary.

Response to Comment B18-4

Preservation is the preferred form of mitigation. However, data recovery through excavation is an alternate form of mitigation if it is the only feasible mitigation (*CEQA Guidelines* Section 15126.4(b)(3)(C)). Here, much of CA-MNO-3 is avoided by the proposed development. Preservation of the entire site is not feasible without unduly compromising the overall plan for development of the Project

site, including the proposed placement of a Market/General Store and a Natural Resources and Historic Interpretative Center that will be open to the public. Data recovery excavation on this portion of the site may damage a non-renewable cultural resource; however, the cultural data recovered would be presented in a report and the recovered cultural material available for future research through proper curation, as required in Mitigation Measure CULT-2f on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR. Also see Response to Comment A1-1.

Comment B18-5

The discussions of the vegetation, the fauna, and the paleoclimate are well done but as mentioned above, the cultural context is incomplete. The prehistory is well covered but the ethnography is not up to date other than what "used to be." There is current or recent work being done that should have been part of the research. The comment that "...most important cultural deposits {are} located north of Old Mammoth Road." on page 14 is of interest since most if not all of that is no longer available for research or preservation.

Response to Comment B18-5

The commenter is concerned with the completeness of the cultural context and how current the material covered by the ethnography is. See Responses to Comments A6-2 and A6-3.

Comment B18-6

When reviewing cultural resource reports for Los Angeles and Ventura Counties I often found that 20 to 30 meter intervals was not sufficient for areas when there was a dense area of cultural material visible on the surface as is mentioned on page 18.

Response to Comment B18-6

Given that the area had been previously surveyed multiple times in the past, Burton walked 20-30 meter transects over Areas D and E (comprising 160 acres in the southeast portion of the Project area). This distance was determined to be adequate based on the fact that each of these areas had been completely surveyed in the past with two previous surveys in Area D and six previous surveys within Area E. If the area had not been extensively surveyed, then it is possible that a 20-30 meter transect would not be adequate. Specific intervals can vary slightly by agencies and the Town has no adopted standards regarding this issue.

Comment B18-7

I was shocked that the report found there was no data recovery done for the area mentioned on page 20 when the two ornamental ponds and the construction of the rental office was done. This area was an area of known cultural significance yet no mention of monitoring and no mention of test pits in an area that

Leonard (1974) had recommended as a preserve as well as an area that Burton and Farrell (2006) indicate "...that there are still substantial prehistoric and possibly historic cultural materials..." if work did not follow recommended procedure in the past how can we be assured it will in the future?

Response to Comment B18-7

The commenter is referring to a separate approved project that is not the subject of this EIR. This comment questions whether recommended procedure will be followed in the future. Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8 and A6-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level. The Town will be responsible for the enforcement of these measures, as illustrated in Section IV of the Final EIR (Mitigation Monitoring Program [MMP]).

Comment B18-8

I do not feel the Summary of Environmental Impacts & Mitigation Measures is adequate, since we now have our new General Plan, enforcement of it could still be questionable. There is still some room for value judgments and while scientific data is open to interpretation, it is important that mitigation measures be followed and enforced. The past record here in Mammoth Lakes has not always had the necessary follow through that is important. It is rather upsetting to find out artifacts were taken home by workers via an overheard conversation at a Lee Vining football game even if it may not be true. There is a definite need for contractors as well as staff, planning commission, and location workers to be made aware of the laws that apply to cultural resources. I would strongly stress the need for a workshop on this issue to avoid problems before they happen.

Response to Comment B18-8

The commenter is referring to a separate approved project that is not the subject this of this EIR. This comment questions the adequacy and potential for enforcement of the mitigation measures. Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A6-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level. Mitigation Measure CULT-1, and Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f, have been revised to ensure Native American monitoring of Project-related ground-disturbing construction activities. The Town will be responsible for the enforcement of these measures, as illustrated in Section IV (MMP) of the Final EIR. Also see Responses to Comments A1-1, A6-6 and A8-7.

Comment B18-9

It should be clear that mitigation measures must apply to ALL the project area including the golf course and other auxiliary facilities such as a store, interpretive center and outfitter buildings. Monitors must be hired to oversee all intrusions into the earth and have the power to stop work if necessary. What anthropologists see as a feature may not look like a feature to construction workers or a work boss. There are times when a project of this importance may require consultation with other anthropologists who work in the area and are familiar with the various types of habitation, variety of sites, differences of work areas as well as material that may be from Queen, Bodie, or Casa Diablo sources.

Response to Comment B18-9

The commenter is concerned with the application of mitigation measures to all areas of the project, as well as proper oversight of intrusions into the earth. As set forth above under Response to Comment A1-1, a qualified archeologist shall be selected mutually by the MLD designated by the NAHC and the applicant. See Responses to Comments A1-1, A6-6, and A8-7.

Comment B18-10

Bill: the site is still eligible for NRHP!

Response to Comment B18-10

The comment correctly notes that the site is eligible for NRHP listing. As such, Mitigation Measure CULT-1 on page IV.E-10 of Section IV.E (Cultural Resources) in the Draft EIR would reduce Project-related impacts to a known cultural resource to a less-than-significant level. Also see Response to Comment A1-1.

Response to Comment Letter B19***Snowcreek V, Fairway Homes II HOA (Lauren Hipp)***

This comment letter is approximately identical to Comment Letter B39. See Responses to Comments B39-1 through B39-71.

Response to Comment Letter B20***Jeff Warwick******Comment B20-1***

Please include the following comments regarding the Snowcreek VIII Draft EIR

- The Snowcreek VIII development is the only proposed project which literally REMOVES EXISTING PUBLIC AMENITIES AND BENEFITS from our town and community. I am strongly opposed to the fact that as a result of this development, our community will no longer have a DRIVING RANGE to use and enjoy. The driving range is a major public amenity, which is heavily frequented by both locals and visitors alike. This loss of a popular and already existing town amenity is NOT acceptable nor is it acceptable to replace the existing driving range with a "practice area" in which you hit golf balls into a net 10 feet away.

Response to Comment B20-1

This comment expresses an opinion related to a driving range, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As described in the Draft EIR, the Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. These include: an expanded privately owned, but publicly accessible golf course; a publicly accessible golf clubhouse; a public parking area for the publicly accessible Outfitters' Cabin that would provide retail services and equipment rental for winter and summer activities; a publicly accessible Natural Resources and Historic Interpretive Center (Interpretive Center); a publicly accessible Market/General Store; retail space; a publicly accessible lounge; private fitness area; private resident's pool; publicly accessible spa/wellness center; and publicly accessible ice skating pond/rink associated with the resort Hotel. No policies concerning the availability of golf driving ranges have been adopted by the Town. Thus, despite the removal of a privately owned publicly accessible driving range and the temporary loss of use of the existing nine-hole golf course for minor changes, the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes' area. Therefore, Project impacts affecting Town recreation facilities would be less-than-significant. This comment is acknowledged and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Topical Response 3 (Recreation).

Comment B20-2

- This development BLOCKS ACCESS TO OUR PUBLIC LANDS. Access to and from the Sherwin Range is another major PUBLIC AMENITY that is being REMOVED or SEVERELY LIMITED by this project. The proposed location of the "Outfitter's Cabin" is completely unrealistic - it's [sic] location is hundreds, if not thousands of yards away from the existing trailheads, Lost Lake, Sherwin Meadows, and the Public Lands at the base of the Sherwin's.

Response to Comment B20-2

As discussed on page IV.L-10 of Section IV.L (Recreation) in the Draft EIR, the privately owned Project site has periodically been crossed by pedestrians and hikers for purposes of obtaining access to the Sherwin Range and Inyo National Forest. The development of the Project would require persons who

may have previously crossed the privately owned Project site to instead hike around the perimeter of the Project site to reach these areas. Despite re-routing of users of the public lands to access adjacent to the Project site, the Project would not prevent access to these public lands. Also, re-routing does not eliminate any existing Town-approved trail across the site, as a Town-approved trail does not currently exist on the site. The Project applicant has proposed to provide the Outfitters' Cabin along the eastern edge of the Project site adjacent to existing public access to public lands via Sherwin Creek Road. That existing access, while not as convenient as the current access points and routes on the Project site, would be permitted and lawful and will be enhanced with a facility that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment. With the existing Sherwin Creek Road access remaining and the associated Outfitters' Cabin, the impact to public access to public lands was determined to be less than significant. No policies requiring privately owned land to be made available to the public have been adopted by the Town. Thus, despite re-routing of users of the public lands adjacent to the Project site, the Project would not block access to these public lands. Additionally, because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of additional public access to public land has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of trails and points of access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment B20-3

All developers are required to provide "community benefits" when building in Mammoth. I am not opposed to the development, however once built it will have literally REMOVED and/or DIMINISHED TWO MAJOR AMENITIES that currently exist within our Town. This loss takes value away from the entire community and should not be allowed to continue as it is currently planned.

Response to Comment B20-3

This comment summarizes preceding comments, which are addressed in Responses to Comments B20-1 and B20-2.

Response to Comment Letter B21**Bill Crosby*****Comment B21-1***

Please include the following comments regarding the Snowcreek VIII Draft EIR

- The Snowcreek VIII development is the only proposed project which literally REMOVES EXISTING PUBLIC AMENITIES AND BENEFITS from our town and community. I am strongly opposed to the fact that as a result of this development, our community will no longer have a DRIVING RANGE to use and enjoy. The driving range is a major public amenity, which is heavily frequented by both locals and visitors alike. This loss of a popular and already existing town amenity is NOT acceptable nor is it acceptable to replace the existing driving range with a "practice area" in which you hit golf balls into a net 10 feet away.

Response to Comment B21-1

This comment letter includes substantially identical statements to those included in Comment Letter B20. This comment states a concern about how the Project will affect public amenities and benefits, specifically the existing golf course driving range. See Response to Comment B20-1.

Comment B21-2

- This development BLOCKS ACCESS TO OUR PUBLIC LANDS. Access to and from the Sherwin Range is another major PUBLIC AMENITY that is being REMOVED or SEVERELY LIMITED by this project. The proposed location of the "Outfitter's Cabin" is completely unrealistic - it's [sic] location is hundreds, if not thousands of yards away from the existing trailheads, Lost Lake, Sherwin Meadows, and the Public Lands at the base of the Sherwin's.

Response to Comment B21-2

This comment letter includes substantially identical statements to those included in Comment Letter B20. The commenter is concerned that the development will block public access to land and amenities. See Response to Comment B20-2.

Comment B21-3

All developers are required to provide "community benefits" when building in Mammoth. I am not opposed to the development, however once built it will have literally REMOVED and/or DIMINISHED TWO MAJOR AMENITIES that currently exist within our Town. This loss takes value away from the entire community and should not be allowed to continue as it is currently planned.

Response to Comment B21-3

This comment letter includes substantially identical statements to those included in Comment Letter B20. The comment states the Project will affect two major public amenities. See Responses to Comments B20-1 and B20-2.

Response to Comment Letter B22

Bob Laskey

Comment B22-1

Please include the following comments regarding the Snowcreek VIII Draft EIR

- The Snowcreek VIII development is the only proposed project which literally REMOVES EXISTING PUBLIC AMENITIES AND BENEFITS from our town and community. I am strongly opposed to the fact that as a result of this development, our community will no longer have a DRIVING RANGE to use and enjoy. The driving range is a major public amenity, which is heavily frequented by both locals and visitors alike. This loss of a popular and already existing town amenity is NOT acceptable nor is it acceptable to replace the existing driving range with a "practice area" in which you hit golf balls into a net 10 feet away.

Response to Comment B22-1

This comment letter includes substantially identical statements to those included in Comment Letter B20. This comment states a concern about how the Project will affect public amenities and benefits, specifically the existing golf course driving range. See Response to Comment B20-1.

Comment B22-2

- This development BLOCKS ACCESS TO OUR PUBLIC LANDS. Access to and from the Sherwin Range is another major PUBLIC AMENITY that is being REMOVED or SEVERELY LIMITED by this project. The proposed location of the "Outfitter's Cabin" is completely unrealistic - it's [sic] location is hundreds, if not thousands of yards away from the existing trailheads, Lost Lake, Sherwin Meadows, and the Public Lands at the base of the Sherwin's.

Response to Comment B22-2

This comment letter includes substantially identical statements to those included in Comment Letter B20. The commenter is concerned that the development will block public access to land and amenities. See Response to Comment B20-2.

Comment B22-3

All developers are required to provide "community benefits" when building in Mammoth. I am not opposed to the development, however once built it will have literally REMOVED and/or DIMINISHED TWO MAJOR AMENITIES that currently exist within our Town. This loss takes value away from the entire community and should not be allowed to continue as it is currently planned.

Response to Comment B22-3

This comment letter includes substantially identical statements to those included in Comment Letter B20. The comment states the Project will affect two major public amenities. See Responses to Comments B20-1 and B20-2.

Response to Comment Letter B23

Ed Malone

Comment B23-1

Please include the following comments regarding the Snowcreek VIII Draft EIR

- The Snowcreek VIII development is the only proposed project which literally REMOVES EXISTING PUBLIC AMENITIES AND BENEFITS from our town and community. I am strongly opposed to the fact that as a result of this development, our community will no longer have a DRIVING RANGE to use and enjoy. The driving range is a major public amenity, which is heavily frequented by both locals and visitors alike. This loss of a popular and already existing town amenity is NOT acceptable nor is it acceptable to replace the existing driving range with a "practice area" in which you hit golf balls into a net 10 feet away.

Response to Comment B23-1

This comment letter includes substantially identical statements to those included in Comment Letter B20. This comment states a concern about how the Project will affect public amenities and benefits, specifically the existing golf course driving range. See Response to Comment B20-1.

Comment B23-2

- This development BLOCKS ACCESS TO OUR PUBLIC LANDS. Access to and from the Sherwin Range is another major PUBLIC AMENITY that is being REMOVED or SEVERELY LIMITED by this project. The proposed location of the "Outfitter's Cabin" is completely unrealistic - it's [sic] location is hundreds, if not thousands of yards away from the existing trailheads, Lost Lake, Sherwin Meadows, and the Public Lands at the base of the Sherwin's.

Response to Comment B23-2

This comment letter includes substantially identical statements to those included in Comment Letter B20. The commenter is concerned that the development will block public access to land and amenities. See Response to Comment B20-2.

Comment B23-3

All developers are required to provide "community benefits" when building in Mammoth. I am not opposed to the development, however once built it will have literally REMOVED and/or DIMINISHED TWO MAJOR AMENITIES that currently exist within our Town. This loss takes value away from the entire community and should not be allowed to continue as it is currently planned.

Response to Comment B23-3

This comment letter includes substantially identical statements to those included in Comment Letter B20. The comment states the Project will affect two major public amenities. See Responses to Comments B20-1 and B20-2.

Response to Comment Letter B24

Devin Ryerson

Comment B24-1

Please include the following comments regarding the Snowcreek VIII Draft EIR

- The Snowcreek VIII development is the only proposed project which literally REMOVES EXISTING PUBLIC AMENITIES AND BENEFITS from our town and community. I am strongly opposed to the fact that as a result of this development, our community will no longer have a DRIVING RANGE to use and enjoy. The driving range is a major public amenity, which is heavily frequented by both locals and visitors alike. This loss of a popular and already existing town amenity is NOT acceptable nor is it acceptable to replace the existing driving range with a "practice area" in which you hit golf balls into a net 10 feet away.

Response to Comment B24-1

This comment letter includes substantially identical statements to those included in Comment Letter B20. This comment states a concern about how the Project will affect public amenities and benefits, specifically the existing golf course driving range. See Response to Comment B20-1.

Comment B24-2

- This development BLOCKS ACCESS TO OUR PUBLIC LANDS. Access to and from the Sherwin Range is another major PUBLIC AMENITY that is being REMOVED or SEVERELY LIMITED by this project. The proposed location of the "Outfitter's Cabin" is completely unrealistic - it's [sic] location is hundreds, if not thousands of yards away from the existing trailheads, Lost Lake, Sherwin Meadows, and the Public Lands at the base of the Sherwin's.

Response to Comment B24-2

This comment letter includes substantially identical statements to those included in Comment Letter B20. The commenter is concerned that the development will block public access to land and amenities. See Response to Comment B20-2.

Comment B24-3

All developers are required to provide "community benefits" when building in Mammoth. I am not opposed to the development, however once built it will have literally REMOVED and/or DIMINISHED TWO MAJOR AMENITIES that currently exist within our Town. This loss takes value away from the entire community and should not be allowed to continue as it is currently planned.

Response to Comment B24-3

This comment letter includes substantially identical statements to those included in Comment Letter B20. The comment states the Project will affect two major public amenities. See Responses to Comments B20-1 and B20-2.

Response to Comment Letter B25

Snowcreek Fairway Owners Association (Donald Collins)

Comment B25-1

The Draft Environmental Impact Report for Snowcreek VIII inadequately addresses a number of issues that the Snowcreek Fairway Owners Association find to be significant.

Response to Comment B25-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B25-2 through B25-6.

Comment B25-2

The drainage plan for the proposed project needs to be critically evaluated in light of the existing drainage issues in Snowcreek V and the Snowcreek Golf Course. Damage to Mammoth Meadow caused by Dempsey Construction Corp. before and during the construction of Snowcreek V and the Snowcreek Golf Course has not been corrected as per agreement by Dempsey Construction. This fact has led to the flooding of Snowcreek V and Snowcreek Golf Course property during periods of high snow melt runoff. The additional surface water in the lower portion of Mammoth Meadow has led to increased ground water levels within the Snowcreek V property boundaries which further exacerbated the problems of fungal growth and dry rot under the Snowcreek V structures. The issues of drainage throughout the Mammoth Meadow area, including Snowcreek V, Snowcreek VIII and the Snowcreek Golf Course must be addressed before this plan is approved.

Response to Comment B25-2

This comment concerns Mammoth meadow drainage issues and the flooding of Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-3

The hotel structure is proposed to be 120 feet in height. This is significantly greater than the existing Town guidelines and will negatively impact the view to the east from Snowcreek V residences. This view was not addressed in the DEIR. We strongly recommend that the Town not allow this significant variance from existing Town policy.

Response to Comment B25-3

This comment expresses an opinion about view impacts to existing views of some Snowcreek V residents if the Town approves the Project's proposed hotel structure. As described on page IV.B-8 of Section IV.B (Aesthetics) in the Draft EIR private views are those which can be seen from vantage points located on private property. Public views are those which can be seen from vantage points that are publicly accessible, such as streets, freeways, parks and vista points. These views are generally available to a greater number of persons than are private views. The major public view corridors and vistas that could be potentially affected by the development of the Project were fully analyzed in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-4

The density of the proposed development, while apparently within the limits set by Town policy, is very high for this area and will create significant traffic within the development. The proposed access to Snowcreek V property is through this highly trafficked area and will represent a significant reduction in access, both during construction and in the future. The maintenance and lighting of these roadways is crucial to the access to Snowcreek V property. This access can be mitigated by the provision of Town and Ski Area bus service to Snowcreek V property from the proposed Snowcreek VIII property.

Response to Comment B25-4

This comment expresses an opinion about permitted density of the Project site and the internal roadway design of the proposed Project and suggests mitigation to reduce congestion on the roadway, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The Project would provide bus services as noted on page IV.M-13 of Section IV.M (Traffic/Circulation) in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-5

The access from Snowcreek VIII, and from Old Mammoth Road, to the Forest Service areas to the south and west, including Mammoth Meadow, are not adequately addressed. It is not sufficient to state that no pets will be allowed into Forest Service areas. The Mammoth Meadow area is a prime area for residents to walk dogs. The proposed development plans must reflect the reality that owners and guests will walk their pets in the Mammoth Meadow area, and that they must have access directly from the proposed Snowcreek VIII site that does not force them to access the Meadow through Snowcreek V property. Thus, the plan should include a pathway from the Snowcreek VIII site across the proposed Golf Course extension between the green of # 18 and the tee of # 1, around Snowcreek V property to Mammoth Meadow, possibly following the existing roadway and avoiding the Snowcreek V units in this area. This path will also provide access to the back country for skiers and hikers. Asking people to go around the Golf Course is not practical and will force the traffic to go through Snowcreek V property.

Response to Comment B25-5

With regards to access to the public lands adjacent to the Project site, see Response to Comment B20-2.

It is not the intent of the Project to restrict domestic pets, such as dogs, from being walked in the Inyo National Forest lands adjacent to the Project site. However, the Project includes measures requiring signage featuring warnings about the prohibition on unleashed pets in adjacent undeveloped lands. The Project seeks to encourage compliance with existing domestic pet leash laws and to provide public information concerning the potential destruction of wildlife by domestic pets. In response to this

comment, Mitigation Measure BIO-1e on page IV.D-66 of Section IV.D (Biological Resources) in the Draft EIR has been revised as follows:

Mitigation Measure BIO-1e

The following good wildlife management practices shall be implemented to reduce impacts to nesting migratory birds and raptors, as well as other wildlife species, following Project development.

- *Unleashed ~~Domestic~~ pets belonging to residents or visitors shall be prohibited from entering the adjacent undeveloped lands or open space areas. Signage shall be posted and maintained along the boundaries of the development area indicating such prohibitions and educating the community about domestic pets as a conservation threat to birds and other wildlife.*

As discussed in on page IV.M-21 of Section IV.M (Traffic/Circulation) in the Draft EIR, all aspects of the Project would be connected with a series of paths and walkways to accommodate pedestrians and bicycle use. Links would occur at various points to Old Mammoth Road and its walking and bicycle paths. The pedestrian and bicycle system would include interior trails and sidewalks as well as connecting trails from recreational amenities, outdoor spaces and residential areas. Walkways to and from residential areas, as well as trail connections that would tie into the larger Town wide recreational trail network which includes pedestrian trails, bike lanes and sidewalks that are adjacent to major roadways such as Old Mammoth Road, Minaret Road, Sherwin Creek Road, and Fairway Drive. When possible, the major internal pedestrian corridors would be located adjacent to landscape features. All Project bicycle and pedestrian facilities would ultimately connect with the Town's trail system; thereby providing the Project with a connection to Town-wide facilities.

See Topical Response 2 (Project Details) and Topical Response 3 (Recreation). The placement and connections of pedestrian and bicycle pathways will comply with the Town's Trail System Plan discussed on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR and would be subject to review by the Town of Mammoth Lakes. The commenter's suggestions for access points and pathways have been noted and will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B25-6

Because of the proposed high density, the removal of snow from the property will be difficult and expensive. Snow storage is not adequate for a development of this magnitude and should be considered thoroughly before this plan is approved. Under the current plan, trucking of snow from the property may be the only option and will further reduce access to Snowcreek V property during high snowfall periods.

Response to Comment B25-6

This comment expresses an opinion about permitted density of the development and the potential difficulties involving the removal of snow from the Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Management of snow at the Project site would be the sole responsibility of Snowcreek property owners or their designated representative association. Snow management would be addressed with each building to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. Snow management is discussed in Section IV.K (Public Services) of the Draft EIR.

Response to Comment Letter B26**Anaheim Resort RV Park (Paul Bostwick)****Comment B26-1**

The Draft EIR for Snowcreek VIII has inadequately addressed a number of issues. As an owner in Snowcreek V, a 30 plus year homeowner in Mammoth and a former Planning Commissioner in the City of Anaheim, I would like to bring to your attention some of these issues.

Response to Comment B26-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B26-2 through B25-11.

Comment B26-2

The density of the proposed development, while within the Towns policy, is extremely high for the meadow area. I quote from your 2007 General Plan update, the Community Vision of *"protecting the surrounding natural environment and supporting our small town atmosphere by limiting the urbanized area. and Exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and our sense (of a "village in the trees" with small town charm"*. This plan does not address fully those visions nor the Land Use goals stated therein.

Response to Comment B26-2

This comment expresses an opinion about permitted density of the development and its potential to conflict with the Community Vision statement in the Town's General Plan. CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (see *CEQA Guidelines* Section 15125). An EIR uses the policy analysis as an indicator of the resources that might be affected by a

project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, “An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.” Therefore, the standard for analysis used in the Draft EIR is based on general agreement with the policy language and furtherance of the policy intent. The determination that the Project is consistent or inconsistent with the 2007 Draft General Plan policies or other Town plans and policies is ultimately the decision of the Town. The comment has been noted and will be forwarded the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B26-3

The proposed density through this highly trafficked area will represent a significant reduction in access, not only during construction but also impacting the area in the future. The intersection of Old Mammoth Rd. and Minaret will be highly impacted. The proposed hotel even with Town transportation serving it will add to that areas [sic] congestion.

Response to Comment B26-3

All traffic (Snowcreek VIII and Snowcreek V) projected to use Fairway Drive is accounted for in the analysis of the roundabout that would be constructed at the intersection of Minaret Road/Old Mammoth Road consistent with the General Plan (see page IV.M-13 of Section IV.M [Traffic/Circulation] in the Draft EIR). The roundabout at the intersection of Minaret Road/Old Mammoth Road has been fully analyzed in the Draft EIR, as shown in Tables IV.M-3, IV.M-4, and IV.M-7 (as revised in Response to Comment A4-2) of the Draft EIR under the existing, existing plus cumulative (every existing and future project in Old Mammoth), and existing plus cumulative plus proposed Snowcreek VIII project, respectively. The LOS worksheets for this intersection under all scenarios are in Appendix J to the Draft EIR and Appendix B to this Final EIR. As stated in the traffic study (Appendix J to the Draft EIR), the standard single-lane roundabout will feature well-defined pedestrian walkway edges and appropriate signage, marking, and striping to indicate crossing locations on all approaches. These crossing locations will be in advance of vehicles entering the roundabout. Pedestrians will only need to cross half of the street at a time due to splitter islands (refuge areas) which will provide added safety. The Town's Bikeway Master Plan includes a bike tunnel under the northern side of the proposed roundabout (under Minaret Boulevard) to reduce vehicular and non-motorized conflict. In addition, this traffic control (i.e., roundabout) is recommended on page 2-44 the Town of Mammoth Lakes' Final Program EIR (certified General Plan EIR). Figure FEIR-1 is an example of a typical single-lane roundabout illustrating how/where pedestrians would cross.

Comment B26-4

Chadmar's proposal utilizing the term "stacked flats" - a term most often used in urban areas to alleviate the images of old, ugly tenement housing- does not address the high density issue, merely making it sound better.

Response to Comment B26-4

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses an opinion about using the term "stacked-flats" to describe one residential product type contemplated as part of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Project does not exceed the permitted density of the Resort zoning designation.

Comment B26-5

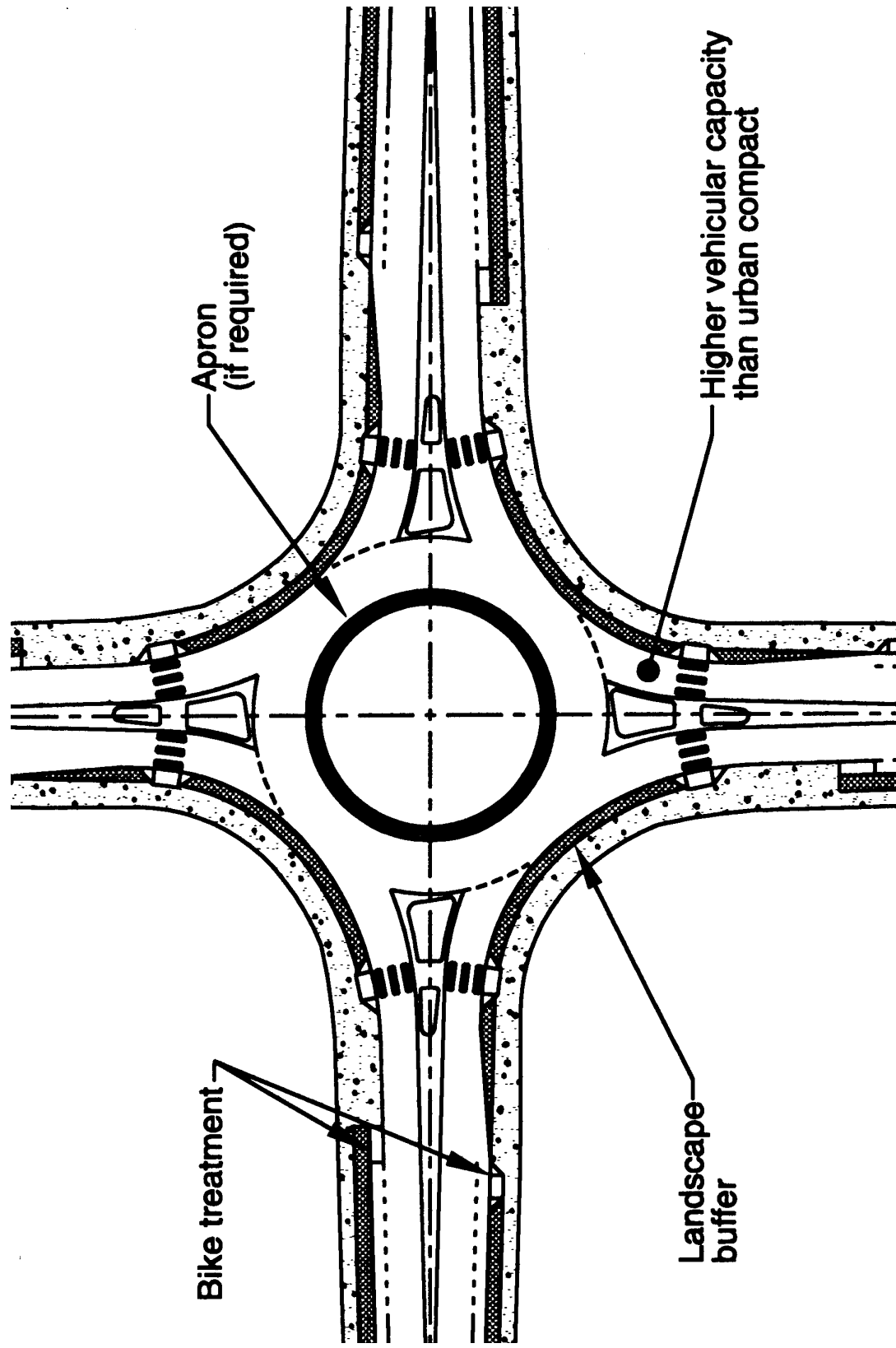
The high density does not fully allow for adequate snow removal and stacking from the hotel and condos in the proposal. Do you stack it on the golf course or push it onto Forest Service land? Where is the "*plan for mobility, feet first, with a small town community character*"?

Response to Comment B26-5

The commenter expresses concern for adequate snow removal and the Project details regarding a plan for a pedestrian-centered community. See Responses to Comments B8-2 and B25-6 with regards to the snow management on the Project site and see Topical Response 2 (Project Details) and Topical Response 3 (Recreation) for an explanation of the Project's proposed trails, sidewalk and pathways and their connectivity to the existing trails and pathways in the Town.

Comment B26-6

The General Plan community design states, "Design the man-made environment to complement, not dominate, the natural environment"? The hotel is proposed to be 120 feet in height, how does that fit the Towns design? Nowhere in the DEIR is the view from Snowcreek V taken into account. It would be very appropriate for the developer to put a static balloon at that height. Allowing the commissioners to obtain a ground level view of the scenery, which will be obscured at this height from all angles.



Source: Federal Highway Administration, Roundabouts: An Informational Guide, June 2000.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure FEIR - 1
Typical Urban Single-Lane Roundabout

Response to Comment B26-6

The commenter expresses concerns about the height of the hotel and its affect scenery views from the ground level. The major public view corridors and vistas that could be potentially affected by the development of the Project were fully analyzed in the Draft EIR. See Response to Comment B25-3.

Comment B26-7

Improper drainage from the Mammoth Meadow has resulted in serious mold damage to Snowcreek V. During construction of Snowcreek V and Snowcreek golf course property the meadow suffered significant damage, which continues to raise the ground water table during high run off years. The hotel and condos are proposed to have underground parking. The issue of drainage throughout the Mammoth Meadow area, including Snowcreek V, Snowcreek VIII and the golf course must be addressed before this plan is approved.

Response to Comment B26-7

The comment states that improper drainage from the Mammoth Meadow has resulted in serious mold damage to Snowcreek V and the Meadow suffered damage during the construction of Snowcreek V and the golf course, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

With respect to the statement that drainage throughout the Mammoth Meadow area, including Snowcreek V, Snowcreek VIII and the golf course must be addressed before this plan is approved, the Draft EIR discusses drainage local to the Project site on pages IV.G-2 through IV.G-3 and portrays onsite and offsite drainage in Figures IV.G-1 and IV.G-2, respectively. The Project would be developed at an elevation (approximately 7,875 average mean sea level [amsl]) well below that of the existing Snowcreek V development (approximately 7,890 amsl at the lower end). As a result, stormwater runoff from the Project could not affect either surface drainage in or groundwater elevations beneath Snowcreek V. A comprehensive drainage analysis for the entire area surrounding the Snowcreek VIII project site is beyond the scope of this EIR considering that development of the proposed Project would not affect areas upgradient of the Project site, including Snowcreek V. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs care would be given so as not to add to the existing problems, and so as to avoid creating similar issues with the Project.

Comment B26-8

There has been an ongoing struggle for access to the Sherwin's and the Meadow during the ski season. A gate at the Ranch homes is a direct response to the situation. Nowhere in this document is access addressed. Since another of the General Plan goals is to "*link parks and open space with a well-designed year-round network of public corridors and trails within and surrounding Mammoth Lakes*". I would suggest the developer create a trail around Snowcreek V to the Meadow area so a permanent access way would be opened for both skiers and hikers.

Response to Comment B26-8

This comment expresses an opinion about access to various public lands, and claims that access is not addressed in the Draft EIR. As discussed on page IV.L-10 of Section IV.L (Recreation) in the Draft EIR, the Project applicant has proposed to provide the Outfitters' Cabin along the eastern edge of the Project site adjacent to existing public access to public lands via Sherwin Creek Road. That existing access will be enhanced with the Outfitters' Cabin that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment. Thus, access to public lands has been addressed in the Draft EIR. The policies that implement the General Plan goal for linking parks and open space with public corridors and trails are discussed in the Draft EIR on page IV.H-59 of Section IV.H (Land Use & Planning). The Project was found to be consistent with those policies.

Additionally, because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of additional public access to public land has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies regarding trails and public access. The routing of trails and points of access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Response to Comment B20-2, Topical Response 2 (Project Details) and Topical Response 3 (Recreation). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B26-9

Lastly, I would address the roadways in and through the complex. Chadmar is not willing to maintain the road and lighting coming into Snowcreek V. We would ask the plan include road access and maintenance.

Response to Comment B26-9

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses an opinion about the internal roadway design of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B26-10

It should also contain a street lighting plan that enhances and complements the Meadow environment, while preserving the integrity of the night sky.

Response to Comment B26-10

As stated on page IV.B-55 of Section IV.B (Aesthetics) in the Draft EIR, all site and building lighting would be installed in conformance with the Town's outdoor lighting ordinance. Excessive illumination would be avoided and lighting would be designed and placed that minimizes glare and reflection and to maintain "dark skies."

Comment B26-11

Chadmar has listed their 5 options/choices for development of this property. You, as Commissioners, have the power to request a plan, which truly would beautify and enhance the Meadow, yet preserve the integrity and restrict overdevelopment.

Response to Comment B26-11

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment correctly states that the applicant has proposed five options/choices for development of the Project area. These include the proposed Project, and as described in Section VI (Alternatives to The Proposed Project) on page VI-5 of the Draft EIR, the four alternatives to be analyzed in comparison to the proposed Project. These alternatives include: Alternative A: No Project Alternative – 1981 Master Plan Buildout, Alternative B: Revised Site Plan Alternative, Alternative C: Reduced Density Alternative, and Alternative D: Increased Density Alternative. Section 15126.6(a) of the *CEQA Guidelines* states: "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 comparable merits of the alternatives. An

EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Response to Comment Letter B27

Mammoth Lakes Trails and Public Access

Comment B27-1

Please find attached comments from the MLTPA Foundation regarding the Snowcreek VIII Draft EIR.

The comments have been prepared by Laurie Oberholtzer of Nevada City, CA, a consultant retained by MLTPA. The comments and attached exhibits, prepared by MLTPA, have been endorsed and have the full support of the Board of Directors.

Please let me know if you have any questions or if any of our materials require further clarification.

Response to Comment B27-1

This comment introduces the attached Comment Letter B27a, which is addressed in Responses to Comments B27a-1 through B27a-26, below.

Response to Comment Letter B27a (attachment to B27)

Laurie Oberholtzer

Comment B27a-1

I have been retained by the Mammoth Lakes Trails and Public Access Foundation (MLTPA) in commenting on the Snowcreek VIII Draft EIR (DEIR). Thank you for the opportunity to provide input.

MLTPA is concerned with the potential impacts of new development in the Mammoth Lakes area on existing and future trails and public access systems. MLTPA sees a distinct opportunity for all new development to maintain and enhance the Town's trails and public access system. MLTPA's comments on this DEIR will speak to these concerns.

Response to Comment B27a-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B27a-2 through B27a-26, below.

Comment B27a-2

The organization is pleased that the DEIR includes a section on recreation impacts (Section IV), in particular a discussion of potential impacts to trails (Impact REC-3, page IV.L-10, last paragraph). However, the trails discussion is extremely brief (one paragraph in a 600-plus-page document) and concludes that impacts will be less than significant. MLTPA believes that when the trails subject is researched and discussed more fully, it will be obvious that the project could result in significant impacts. They provide additional information below that clearly was not available to the consultant during preparation of the DEIR. MLTPA requests that this information be forwarded to the consultant and included in the FEIR. They also propose mitigation measures.

Response to Comment B27a-2

This comment summarizes the general intent of the MLTPA's forthcoming comments on the Draft EIR. No response is required.

Comment B27a-3

MLTPA offers these comments from their area of expertise. MLTPA is the recognized authority on trails and public access issues in the Mammoth Lakes area. From its inception, the organization has been a leader in the research and discussion of these issues. MLTPA participated in the Sensitive Lands and Open Space Resources Committee, the 2007 General Plan Update via public comment and as a member of the Community Stakeholders' Group, serving with the Snowcreek VIII applicant, and in the last year initiated MLTPA CAMP (Mammoth lakes Trails and Public Access Concept and Master Planning), a multi-partnered, multi-jurisdictional effort (Town of Mammoth lakes, Mammoth Mountain Ski Area, United States Forest Service) that has brought nationally recognized trail and outdoor recreation consultants to Mammoth Lakes to update existing trails planning. The MLTPA CAMP process has included significant partner financial contributions. The organization prepared the 2006 GIS Inventory Report on trails and public access points in the Mammoth Lakes area, and presented a Public Meeting and Strategic Conference in the fall of 2006 that attracted a standing-room-only crowd of close to 5% of the town's permanent population. The Town of Mammoth Lakes has recently adopted a Memorandum of Understanding with MLTPA and other partners, intended to further the efforts of trails and public access planning in the Mammoth Lakes area.

Response to Comment B27a-3

This comment describes the MLTPA Foundation and its relationship to the Town under the October 7, 2007 Memorandum of Understanding (MOU) with the MLTPA, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B27a-4CEQA Notes

(1) The Discussion under CEQA Guidelines Section 15125 underscores the importance of the Environmental Setting section of an EIR. It reads: "Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. The description of the pre-existing environment also helps the reviewer to check the Lead Agency's identification of significant effects." MLTPA has pointed out that since the environmental setting discussion in the DEIR is minimal, the "check" must result in a determination that inaccurate impact conclusions have been made relative to trails and public access issues in the DEIR.

Response to Comment B27a-4

The comment expresses the concern that the Environmental Setting section of the Draft EIR is minimal and as such the “check” must result in a determination that inaccurate impact conclusions have been made regarding trails and public access.

Section II (Environmental Setting) of the Draft EIR describes the Project’s regional and local setting on page II-1, and the surrounding land uses on page II-10. This surrounding land use discussion describes the Project site as adjacent to Inyo National Forest land that is heavily used for both summer and winter recreational activities.

Each individual environmental impact analysis chapter (IV.A through IV.N) begins with a detailed Environmental Setting discussion which emphasizes site and surrounding land use conditions that are specific to that particular environmental analysis. Section IV.L (Recreation) of the Draft EIR includes such an Environmental Setting discussion which identifies both the regional and local settings that describe the Project’s surrounding recreational land uses. In addition, this discussion includes descriptions of the Town’s parks and recreational facilities, the Town’s trail system, and nearby State and federal parks. Thus, Section II and Sections IV.A through IV.N establish a baseline for the recreational-resort setting that encompasses the Project site. Therefore, in the spirit of Section 15125 of the *CEQA*

Guidelines, the Environmental Setting discussions in the Draft EIR have been described in a manner that is no longer than necessary to understand the significant effects of the Project and its alternatives.

Comment B27a-5

IMPACT EVALUATION CRITERIA

The impact evaluation criteria presented in the Recreation chapter of the DEIR are inadequate.

1. **Include General Plan policies as trails impact evaluation criteria.** A number of these policies are included in the Land Use and Planning chapter of the DEIR (pages IV.H-57 to 59). However, they are discussed in the context of land use impacts rather than recreation impacts. All 2007 General Plan policies related to trails and public access, and the wording in the Resort-R land designation text, should be included as trails and public access impact evaluation criteria. Use of these policies as criteria is consistent with CEQA's environmental checklist for significant impacts, which states that a proposed project would have a significant impact if it would: "*Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*" Please note that Section 15064(i)(3) (A-E) of the CEQA Guidelines permits use of impact evaluation criteria standards such as the trails general plan policies. Clearly the trails policies meet each of the requirements (A-E) in this section of the CEQA Guidelines, including the fact that they were adopted for the purposes of environmental protection.

Response to Comment B27a-5

The comment expresses concerns that the General Plan policies regarding trails and public access are absent from Section IV.L (Recreation) of the Draft EIR and while they are included in the Section IV.H (Land Use & Planning) of the Draft EIR the consistency discussion does not relate to recreational impacts but rather only relates to land use impacts. Since recreation is a type of land use the Draft EIR's Land Use analysis as presented in Section IV.H (Land Use & Planning) did in fact analyze the Project's consistency with the Town's applicable General Plan recreation policies. While, the preparers of the EIR do not disagree that the Town's General Plan recreational policies could be discussed separately in Section IV.L (Recreation) of the Draft EIR, it is believed that policy consistency analysis can remain in Section IV.H (Land Use) and reflect the recreational land use impacts. Actual revisions to General Plan policy consistency analysis are presented further below under Response to Comment B27a-18.

The comment also expresses concern that the Resort (R) land use designation text should be provided in the Draft EIR. The Resort (R) designation is described and discussed on pages II-9 through II-10 of Section II (Environmental Setting) as well as pages IV.H-5 through IV.H-8 of Section IV.H (Land Use & Planning) in the Draft EIR. Further, the Draft EIR discusses that under the Resort (R) designation the

development should be planned with activities appropriate to the area, which may include interconnections to the community's and public trail systems.

Please note: Section 15064(i) of the *CEQA Guidelines*, which was referenced in the comment, has been repealed.

Comment B27a-6

2. Include information on other Town adopted trails and public access policies and programs to provide interpretation of General Plan policies used as impact evaluation criteria. (1) The Town is actively implementing these General Plan policies with further actions that demonstrate the importance of trails and public access issues in the community. These additional policies and programs allow for accurate interpretation of the General Plan policies. It is clear that there is a relatively low threshold for adverse impacts to trails and public access in the community.

Examples of specific Town policy and regulating actions relative to trails and public issues include:

- Adoption of the Mammoth Lakes Trails and Public Access Memorandum of Understanding (October 7, 2007) between MLTPA and ten other groups and public agencies. The purpose of the MOU is to provide a "*collaborative planning process, directed toward the establishment and maintenance of a system of public trails providing reasonable access to and enjoyment of public lands that are both within and surround the Town.*" A \$100,000 Town budget allocation also was contributed to the process. Clearly the development of the Snowcreek VIII project as proposed, eliminating substantial existing public access to federal lands, will preclude planning options that this publicly adopted process is intended to explore.
- Town Council rescission of a previous vote to evacuate a public easement on Ranch Road, and revocation of the road with deeded public pedestrian access. This overall action was the result of a community petition drive. Clearly, loss of public access as proposed by this project would be counter to Town Council precedent.

Response to Comment B27a-6

This comment expresses an opinion that certain information on actions taken by the Town regarding trails and public access, such as the Mammoth Lakes Trails and Public Access Memorandum of Understanding (MOU) and Town Council retention of a public pedestrian easement, should have been included in the Draft EIR. The MOU provides that the MOU is to be applied and interpreted in a manner consistent with all applicable laws, charters and ordinances of the Town. However, the MOU is not intended to be used to evaluate projects.

This comment also expresses an opinion that actions by the Town establish a relatively low threshold for adverse impacts to trails and public access in the community under a General Plan consistency analysis.

This comment applies to an action of the Town and is outside the scope of this EIR. The comment has been noted and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The comment also claims that the Project will eliminate substantial existing public access to federal lands, and preclude planning options that the process outlined in the Mammoth Lakes Trails and Public Access Memorandum of Understanding is intended to explore. See Response to Comment B20-2. As discussed therein, the development of the Project would not prohibit public access to the adjacent Inyo National Forest public land but will require persons who may have previously crossed the privately owned Project site to instead hike around the perimeter of the Project site to reach these areas. Thus, public access has not been eliminated, but rather has been re-routed. Additionally, because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of additional public access to public land has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies regarding trails and public access. The routing of trails and points of access that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Topical Response 2 (Project Details). Certain Project details, such as the routing of internal pedestrian and bicycle paths, would be determined during site-specific design but would be consistent with applicable regulations. Thus the planning options the MOU is intended to explore are still available for this Project. See Topical Response 3 (Recreation).

Comment B27a-7

3. Use additional impact evaluation criteria from the CEQA significant impact checklist:

- Physical division of an established community.
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

MLTPA should note here that most of the trails and public access policy General Plan consistency conclusions listed in the DEIR are determined to be consistent with the project by the DEIR consultants. The organization feels that these conclusions are counter to the evidence above and that it presents in the Environmental Setting and Impact discussions later in this letter.

Response to Comment B27a-7

The comment suggests using additional impact evaluation criteria such as physical division of an established community. These criteria were incorporated and discussed in the Draft EIR. As discussed

on page IV.H-66 of Section IV.H (Land Use & Planning) in the Draft EIR, the Project, in conjunction with other reasonably-foreseeable projects in the Town, is located within an urbanized area and would not physically divide an established community. Examples of land uses that are typically considered capable of dividing established communities include major arterial highways, airports, and military bases. Although the Project site is undeveloped, development and a roadway system already occur in the Project area and the Project would not cut off an existing or proposed transportation route. The Town is surrounded by public lands. The residential component of this Project is within the Town's Urban Growth Boundary. Implementation of the Project would not preclude the access or future use of any surrounding areas, including the surrounding Inyo National Forest lands. Consequently, the Draft EIR discusses physical division and concludes that cumulative impacts would be less than significant.

The comment also suggests using additional impact evaluation criteria such as conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). Policies supporting alternative transportation are discussed and analyzed on pages IV.H-53 through IV.H-56 of Section IV.H (Land Use & Planning), as well as pages IV.M-6 and IV.M-21 through M-22 in Section IV.M (Traffic/Circulation) in the Draft EIR.

CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (see *CEQA Guidelines* Section 15125). An EIR uses the policy analysis as an indicator of the resources that might be affected by a project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, "An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." Therefore, the standard for analysis used in the Draft EIR is based on general agreement with the policy language and furtherance of the policy intent. The determination that the Project is consistent or inconsistent with the 2007 General Plan policies or other Town plans and policies is ultimately the decision of the Town. The comment has been noted and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to further Draft EIR General Plan policy analysis and the Draft EIR finding of General Plan policy consistency, see Response to Comment B27a-18.

Comment B27a-8

CEQA Notes

(1) and (2). Per CEQA Guidelines: "In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public [sic] in all areas affected as expressed in the whole record before the lead agency." (CEQA Guidelines Section 15064c) The public

view on the issue of trails and public access is clearly outlined in paragraphs 1 and 2 as evidenced by both adopted General Plan policies and further by adopted measures described in paragraph 2.

Response to Comment B27a-8

This comment suggests that the Town should have taken public views on trails into consideration as part of its decision-making pursuant to Section 15064 of the *CEQA Guidelines*. This comment does not properly apply the law to the facts as stated. Section 15064 of the *CEQA Guidelines* provides guidelines to a lead agency to assist the lead agency in determining whether a project may have a significant effect on the environment such that preparation of an environmental impact report should be required. Contrary to the comment, the Town took into consideration the views held by members of the public and undertook preparation of this EIR. Once a determination to prepare an EIR has been made, the determination of whether an impact will have a significant effect on an environmental resource is to be based upon the standards contained in *CEQA Guidelines* Section 15382 and as further explained in Section 15126.2. This comment also identifies the commenter's opinion regarding the public's position on the issues of trails and public access is located in paragraph 2 below under Comment B27a-10. See Responses to Comments B27a-5 through B27a-7 and B27a-10.

Comment B27a-9

ENVIRONMENTAL SETTING

The DEIR is currently inadequate because it does not include adequate Environmental Setting discussion relative to trails and public access. The Recreation chapter's overall Environmental Setting section does not discuss existing trail locations (pages IV.L-1 to 2) and includes only a two-sentence discussion of the 1990 Parks and Recreation Element of the General Plan (page IV.L-5) as regulatory background.

Response to Comment B27a-9

The commenter is concerned with the adequacy of discussion relative to trails and public access. Section IV.L (Recreation) of the Draft EIR includes such an Environmental Setting discussion on pages IV.L-1 through IV.L-2 which identifies the Project's surrounding recreational land uses, and includes descriptions of the Town's parks, recreational facilities, trail system, and nearby State and federal parks. Therefore, in the spirit of *CEQA Guidelines* Section 15125, the Environmental Setting discussions in the Draft EIR have been described in a manner that is no longer than necessary to understand the significant effects of the Project and its alternatives. See Response to Comment B27a-4.

Comment B27a-10

The following background should be included in the FEIR to ensure that the Environmental Setting section adequately discusses trails and public access:

1. Include discussion of the public interest and wide public policy context of trails and public access issues as discussed under Item 2, under Impact Evaluation Criteria, above.

The community and Town Council interest in trails and public access issues, and resulting actions and programs that have resulted, are an important part of the Setting within which the Snowcreek VIII site is located.

2. Include list of the presence on and around the site of a number of specific trails and access points. The site has been used traditionally by the public to access federal lands in the winter and summer, both through the site and along the entire perimeter of the property. Because of its location on the edge of town, the site's status as an access point is particularly critical. The overall use of the site for pedestrian, bicycle, motorized, and cross-country ski access has been well documented in the MLTPA GIS Inventory Report dated September 7, 2007. It is clear that the site does not offer just a few specific access points but is a general access area, including:

Snowcreek VIII Site Existing

Pedestrian, Motorized Vehicle, Bicycle, and Cross-Country Ski Use

- Access to federal lands for a wide range of activities both winter and summer: hiking, mountain biking, cross-country skiing, 4-wheel drive and ATV use, backcountry camping.
- General access to Sherwin Creek Road for cross-country skiers along the southern perimeter, particularly the existing golf course southern edge.
- General access to Inyo National Forest along southern and eastern perimeter of site.
- General access across the site and existing golf course from existing subdivisions in Snowcreek V and Vito USFS lands, particularly in winter.
- Adjacent to Mammoth Lakes Trail System bike path along Old Mammoth Road.
- Crossed by 4WD road that leads to popular USFS areas including Kerry Meadow, Used in summer and winter.
- Winter terminus of Sherwin Creek Road and snowmobile staging location.

Response to Comment B27a-10

See Responses to Comments B20-2 and see Topical Response 2 (Project Details). In response to this comment, the text on page IV.L-2 of Section IV.L (Recreation) in the Draft EIR has been revised as follows:

The Town is a recreational/resort destination and as such both visitors and residents value the abundance of recreational opportunities that the Mammoth Lakes area offers. The Town's economy is tourism based, with the mainstay of the Town's tax revenue coming from the Transient Occupancy Tax (TOT), which is a 12% tax added to the rental of any lodging facility and campgrounds for stays less than a month. The 2000 census showed the base year-round population to be 7,094.¹⁰ However, the Town is subject to large fluctuations in resident populations and visitation levels due to its tourism based economy. During the peak winter season, the population-at-one-time (PAOT) can increase to over 35,000 individuals.¹¹ The Town's 2003 General Plan Housing Element projects that the permanent population will reach 11,000 individuals by 2024.¹² Additionally, the Town predicts that the resident population will increase by roughly 2,000 people during peak tourism season.¹³

The Project site is located at the southeast edge of the Town, and is bordered by the Inyo National Forest, (United States Forest Service [USFS] land) on its southern and eastern sides, near the base of Sherwin Range. Mammoth Creek runs through the northern portion of the property from the west in an easterly direction. The site is relatively flat, with a slight rise along the northern and southern boundaries. The Project site supports natural and disturbed habitats including basin sagebrush, meadow, wet meadow, upper montane chaparral, alder-willow riparian, developed/disturbed areas and irrigation ditches/retention basins. The Project site has been used as pastureland for cattle grazing in the past. In addition, due to the Project's location on the outer edge of the Town, the private property has been used in the past for general access to the adjacent Inyo National Forest land. The surrounding Inyo National Forest land is heavily used for both summer and winter recreational activities. Such activities include, but are not limited to, hiking, mountain biking, cross-country skiing, 4-wheel drive and all terrain vehicle (ATV) use, and backcountry camping.

Comment B27a-11

ENVIRONMENTAL IMPACTS

The DEIR is inadequate because it reaches inaccurate conclusions as a result of lack of analysis of adequate information. (1)

MLTPA believes that the DEIR conclusion that the project will result in "less than significant" impacts on trails and public access must be revised to "significant" for the following reasons:

¹⁰ Town of Mammoth Lakes - Housing Element, December 2003, page 8.

¹¹ Mammoth Lakes Visitor Bureau website, <http://www.visitmammoth.com/static/index.cfm?contentID=9>, retrieved by CAJA staff, December 11, 2006.

¹² Town of Mammoth Lakes - Housing Element, December 2003, page 8.

¹³ Town of Mammoth Lakes - Housing Element, December 2003, page 8.

Response to Comment B27a-11

This comment identifies the MLTPA's forthcoming suggestions explaining why the impact level determination should be changed from less than significant to significant. No response is required.

Comment B27a-12

1. The original conclusion of "less than significant" was based on virtually no setting discussion relative to trails and public access. As described previously in this letter the site acts as an important access area to surrounding federal lands along its entire border, not just one portal as proposed. This porous access to surrounding open spaces is an important part of the culture of the community that would be seriously altered by focusing access to one portal. In fact, the 2007 General Plan Goal P3 calls for an integrated trail system that will "maintain and enhance convenient public access to public lands from town." (Italics added.) To "maintain" the existing "convenient" access across this site necessitates maintaining access widely throughout and all along its border. To lose this porous access could provide a physical division (a potentially significant impact per CEQA) in this community, which is so connected to its surrounding federal lands; activity areas on these federal lands are considered a part of the Mammoth Lakes community.

Response to Comment B27a-12

As previously discussed in Response to Comment B27a-4, the Environmental Setting sections of the Draft EIR adequately describe the presence of adjacent recreational land uses, including trails and public access. Also, per Response to Comment B27a-10 additional text was added to Section IV.L (Recreation) of the Draft EIR to further describe the recreational nature of the Project site and surrounding land uses. It is incorrect to imply that the site currently offers full access across the entire Project site and its entire border to the surrounding federal lands. There are no existing Town-approved trails on the site as noted in the Mammoth Lakes' Trail System Plan. In addition, no policies requiring privately owned land to be made available to the public have been adopted by the Town. See Responses to Comments B27a-6, B27a-7 and Topical Response 3 (Recreation).

Comment B27a-13

2. The original conclusion of "less than significant" was based on no analysis as to the importance to the existing community and future residents of access across the site to federal lands and activity areas. This importance has been demonstrated by the documented historic use of the site to access federal lands. In addition, as discussed previously in this letter the trails and public planning process that has been proceeding over a number of years in the community has demonstrated that the community is not interested in developing merely a set of defined trails, but also in maintaining its historic porous border to access federal lands. This resulted in the "Town Within a Park" concept cited in the General Plan, which illustrates the community's desire to avoid separation from surrounding forestlands. Finally. It is clear in

the adopted General Plan policies related to trails and public access that future pedestrian and bicycle accessibility both internally and to federal lands in new developments is critical. The participants in the trails planning and General Plan update process understood that new residents expect to "buy in" to the historic accessibility that is a part of their new community.

Response to Comment B27a-13

As discussed under Impacts REC-1 and REC-2 on pages IV.L-7 through IV.L-10 of Section IV.L (Recreation) in the Draft EIR, the Project would neither a) 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 or b) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the Draft EIR found the Project to have less-than-significant impacts to recreational land uses. In addition, the Draft EIR acknowledges that while public access to the adjacent Inyo National Forest would be less convenient as a result of the development of the Project, it would not be prohibited. The Town and the Project applicant are aware of the importance of recreational land uses and access to those lands. Additionally, because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of additional public access to public land has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies regarding trails and public access. The routing of trails and points of access that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Response to Comment B27a-12, Topical Response 2 (Project Details) and Topical Response 3 (Recreation). The Project is required to comply with all applicable General Plan policies regarding trails and public access.

Comment B27a-14

3. The original conclusion of "less than significant" relative to trails and public access was based on no mention of the background context of the major interest via public participation that the community has shown in trails and public access issues over the years. This is described in MLTPA's comments under Impact Evaluation Criteria, Item 2, earlier in this letter.

Response to Comment B27a-14

This comment identifies the commenter's opinion regarding the public's position on the issues of trails and public access. Public positions were taken into consideration when the Town made the decision to prepare the EIR. Public desire for additional trails is not the same as a significant impact on trails. See Responses to Comments B27a-8, B27a-10 and B27a-13.

Comment B27a-15

4. The original conclusions of "less than significant" relative to General Plan consistency on trails and public access policies throughout the various chapters of the DEIR were based on inadequate analysis as described in items 1-3 above and more specifically in the table below. These conclusions should be changed to "significant."

Response to Comment B27a-15

The commenter expresses a concern relating to the level of significance of the Project's impact on trails and public access. See Responses to Comments B27a-13 above and B27a-18 below. With regards to the commenter's items 1-3 above, see Responses to Comments B27a-5, B27a-6 and B27a-7.

Comment B27a-16

Ultimately, it will be up to the Planning Commission and Town Council to make determinations on General Plan consistency prior to certification of the EIR. MLTPA requests that these policies be reviewed carefully by the decision makers. The organization is certain that when the consistency determinations are made with the full context of the background behind the adoption of the General Plan's comprehensive package of trails and public access policies, it will be clear that the project is inconsistent with these policies in its present form.

In the table below MLTPA lists each of the General Plan policies relative to trails and public access, which were included in the DEIR. In all cases but one, the DEIR found the project to be consistent with the General Plan policies, which then resulted in a conclusion of "less than significant impacts." In general, the DEIR cited the fact that the project proposes trails, sidewalks, bike paths, and an Outfitters' Cabin as supportive of a General Plan consistency finding. However, these conclusions were made without benefit of the background setting information and regulatory context that MLTPA has included in this letter.

Response to Comment B27a-16

The comment correctly describes that the final consistency determinations are made by the Town prior to the certification of the EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B27a-4.

Comment B27a-17

It is MLTPA's contention that the project is generally not consistent with these policies for the following reasons:

- The project application discusses these trails and access features only in general and in text form; no maps or details have been provided to ensure the extent of facilities or that they will be developed where access is needed. As a result, mitigation cannot be assured at this time. (1)
- Only one access point to federal lands is specifically proposed-at the Outfitter's Cabin, which will not provide easy access to the Sherwin Range. Funneling public access would decrease the historic accessibility to the site's publicly owned surroundings, resulting in a significant adverse impact by violating the many General Plan policies calling for an effective trails network and access to federal lands.
- The interpretation of these policies must be based on the intent behind them, which is documented in this letter and in more detail in the proceedings of many years of community meetings and hearings on trails and public access issues.

Response to Comment B27a-17

See Responses to Comments B27a-4 through B27a-13. See Topical Response 2 (Project Details) and Topical Response 3 (Recreation)..

Comment B27a-18**Recommended Changes to General Plan Consistency Conclusions
in DEIR (Various Chapters)**

General Plan Policy	DEIR Conclusion	MLTPA Recommended Conclusion
1987 General Plan Policy 2C-1 <i>The Town shall establish an effective trails network which connects frequently used destinations and follows heavily traveled routes. Trails shall be established whenever possible: 1) along scenic routes, 2) between recreation and visitor nodes, 3) to public facilities, areas of cultural, educational, recreational and historic interest, and 4) to campgrounds, camping areas, forest and wilderness areas.</i>	Consistent. Because bike and pedestrian trails are proposed.	Inconsistent. Even though the project developer notes that the project will eventually include trails and access points to federal lands, they are not mapped. As a result, <u>there is no mitigation assurance at this time (1)</u> . In addition, the value of the site's historic accessibility is because the site provides access to federal lands and the multitude of destinations on those lands all across the site and along its entire perimeter in both winter and summer. Only one access point to federal lands is specifically proposed—at the Outfitter's Cabin, which will not provide easy access to the Sherwin Range. Clearly, the intent of this policy and other trails and public access policies was not to limit access points, but to recognize existing accesses used by the public and to protect and expand them. In this case, funneling public access to a few points would decrease the historic accessibility of the site surroundings, resulting in a significant adverse impact. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
Policy 2C-5 <i>The Town may require new development and, to the extent feasible, existing uses which are redeveloping, to 1) provide non-motorized path easements to develop paths in conformance with an adopted non-motorized transit plan, 2) provide crosswalk striping, and 3) provide lighting for safe pedestrian use of paths.</i>	Consistent Because bike and pedestrian trails are proposed.	Inconsistent. See discussion under 1987 General Plan Policy 2C-1.
2007 General Plan Policy P2B	Consistent Because recreation	Inconsistent The most important recreational

Require useable public recreation open space in all master-planned developments.	facilities are proposed.	needs of the public on this site are trails and access. See discussion under 1987 General Plan Policy 2C-1. In addition, it has not been made clear in the project description how public the trails on the site will be and whether they will be public year-round. As a result, <u>mitigation cannot be assured at this time</u> (1).
Policy P3A Ensure public routes for access to public lands are provided in all developments adjacent to National Forest lands.	Consistent (Due to provision of Outfitters' Cabin access point)	Inconsistent. See discussion under 1987 General Plan Policy 2C-1. Again, the Outfitters' Cabin provides only one access point, greatly diminishing current access and inconvenient to the Sherwin Range.
Policy P3B Coordinate with multiple organizations, agencies, and jurisdictions to plan, steward, interpret, and sustain trails, public access, and outdoor recreation amenities in the Mammoth Lakes region.	Not discussed	Inconsistent It cannot be assured that the project will be consistent with the trails and public access planning project that is currently underway in the Town because it has not been adopted. The project as currently proposed would violate this policy since the coordination on the multi-agency trails project is well underway without Snowcreek Vill involvement.
Policy P3C Identify and acquire points of public access to public lands (from within the Urban Growth Boundary to surrounding public lands) through cooperative arrangements including easements, purchase, or other means of title acquisition.	Inconsistent DEIR: "The project applicant has proposed to provide a location for public access....which is outside the UGB. That access, while not as convenient as the current access point and routes, will be permitted and lawful and will be enhanced with the Outfitters' Cabin that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment."	Inconsistent MLTPA agrees with the DEIR conclusion. However, the DEIR goes on to conclude that General Plan consistency impacts are <u>less than significant</u> since the project is consistent with "virtually all" of the General Plan policies (DEIR page IV.H-66.). <u>This impact conclusion must be revised to "significant"</u> since the project is clearly inconsistent with this policy and, as a result, the other closely related trails and public access policies as discussed throughout this table. In addition, the fact that only one policy is concluded to be inconsistent by the consultants is not relevant. This is a very specific, directive policy with little room for interpretation. Finally, it will ultimately be up to the Planning Commission and Town Council to make determinations on

		General Plan consistency.
Policy P5B <i>Design and construct trails as components of a regional and local network for recreation and commuting.</i>	Consistent Because bike and trail systems are proposed.	Inconsistent See discussion under 1987 General Plan Policy 2C-1. In addition, since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
Policy P5C <i>Require development to incorporate linked trail corridors identified in the Mammoth Lakes Trail System Plan into overall project site plan.</i>	Consistent Because bike and pedestrian trails are proposed.	Inconsistent See discussion under 1987 General Plan Policy 2C-1. In addition, since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
Policy P5D <i>Design public and private streets not only as connections to different neighborhood districts, but also as an essential element of the open-space system and continuous recreation paths in design.</i>	Consistent Project subject to design review.	Inconsistent The ability of Snowcreek VIII to continue to allow historic public access widely across the site will require public access through the proposed housing areas linking to the open space and golf course areas. Since the trails and paths are not mapped, it is unclear if this policy will be well implemented. <u>Mitigation cannot be assured at this time (1).</u> The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
Snowcreek District Design Character (General Plan page 5): <i>4. Provide access and staging area to Sherwin Range and "community uses" accessible from Old Mammoth Road.</i>	Consistent Largely due to unmapped trail proposals and the Outfitters' Cabin.	Inconsistent Since the trails and paths are not mapped, it is unclear if this policy will be well implemented. Substantially more parking than shown on the Concept Plan map would be needed to provide for the snowmobile staging that currently takes place. <u>Mitigation</u>

		cannot be assured at this time (1). In addition, much emphasis is placed throughout the DEIR on the Outfitters' Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
C.2.G. Policy: <i>Ensure that development in commercial areas provides for convenient pedestrian movement between adjoining and adjacent properties.</i>	Not discussed	Inconsistent It has not been demonstrated that this will be provided as part of the Master Plan because it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
C.2.R. Policy: <i>Plan parks for safety and compatibility with adjacent uses through thoughtful design, including location of buildings, lighting, parking, emergency access, public transit and pedestrian/bicycle access.</i>	Not discussed	Inconsistent It has not been demonstrated that this will be provided as part of the Master Plan because it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
M.2.A. Policy: <i>Maintain and expand access to recreation areas via coordinated system of shuttle and bus services, scenic routes, trails and highways.</i>	Consistent Noted that bus shelters are proposed and Outfitters' Cabin will provide access to federal lands.	Inconsistent It has not been demonstrated that bus shelters will be provided as part of the Master Plan because they have not been mapped. In addition, much emphasis is placed throughout the DEIR on the Outfitters' Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.

M.3.D. Policy: Encourage visitors to leave vehicles at their lodging by developing pedestrian, bicycle, transit and parking management strategies.	Consistent DEIR notes trails and bus shelters proposed and Outfitters' Cabin access.	Inconsistent In addition, much emphasis is placed throughout the DEIR on the Outfitters' Cabin ability to substitute for the free access to federal lands currently afforded by the undeveloped site. Funneling access to this one location does not provide equal or adequate mitigation. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
M.4. Goal: Encourage feet first by providing a linked year-round recreational and commuter trail system that is safe and comprehensive.	Not discussed	Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
M.4.B. Policy: Provide a high-quality pedestrian system linked throughout the community with year-round access.	Consistent	Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.
M.4.D. Policy: Provide safe travel for pedestrians to schools and parks.	Consistent	Inconsistent It has not been demonstrated that a trail system capable of fully meeting this goal will be provided since it has not been mapped. The system that has been proposed in the Concept Plan text is skeletal in nature compared to the current site accessibility and needs of future residents.

Response to Comment B27a-18

As previously discussed in Response to Comment B26-2 and as described in the Draft EIR Section IV.H (Land Use & Planning), an EIR uses the policy analysis as an indicator of the resources that might be affected by a project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the Draft EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact.

The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, "An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." Therefore, the standard for analysis used in the Draft EIR is based on general agreement with the policy language and

furtherance of the policy intent. As previously discussed, the determination that the Project is consistent or inconsistent with the 2007 General Plan policies, or other Town plans and policies is ultimately the decision of the Town.

The Draft EIR included a policy analysis for both the 1987 General Plan and the 2007 General Plan. However, since the release of the Draft EIR, the 2007 General Plan has been adopted and the General Plan EIR has been certified. Therefore, Table FEIR-2 includes the response to this comment and will address the commenter's concerns regarding the commenter's selected policies from Table IV.H-3 (Comparison of Project Characteristics to Applicable Policies in the 2007 General Plan) on page IV.H-42 of Section IV.H (Land Use & Planning) in the Draft EIR.

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
COMMUNITY DESIGN	
C.2.G Ensure that development in commercial areas provides for convenient pedestrian movement between adjoining and adjacent properties.	The commenter suggests the Draft EIR did not discuss this policy and raised the concern that there is no certainty that it will be addressed because the Project is not mapped. The Draft EIR discussed this policy on page IV.H-45 in Section IV.H (Land Use & Planning). The Draft EIR found the Project to be consistent with this policy based on the fact that the Project proposes a Master Plan providing for the completion of a master planned community including residential neighborhoods, commercial uses, hotel/resort uses, recreational amenities, and a trail/roadway system as proposed in the Master Plan for the Project site. The Project would include a pedestrian and bicycle system with interior trails and some sidewalks fronting internal streets as well as connecting trails from recreational amenities, outdoor spaces and neighborhoods. In addition, because the Project is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of proposed pedestrian movement corridors have not been determined. In addition, the Project is not proposed in a commercial area, but is a resort development on land zoned for Resort and Open Space. See Topical Response 2 (Project Details).

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
Celebrate the Spectacular Natural Surroundings	
C.2.R Plan parks for safety and compatibility with adjacent uses through thoughtful design including location of buildings, lighting, parking, emergency access, public transit and pedestrian/ bicycle access.	The commenter suggests that the Draft EIR did not include a policy consistency analysis discussion on this policy. However, this policy was discussed in the Draft EIR on page IV.H-47 in Section IV.H (Land Use & Planning). The Draft EIR found the Project to be consistent with this policy based on the fact that design for the Project would be consistent with traditional approaches for the region, would address current needs, codes, regulations, and environmental considerations; would enhance the user experience, safety, and enjoyment; and would contribute to adequate buffering as needed. The Project would include a pedestrian and bicycle system with interior trails and some sidewalks fronting internal streets as well as connecting trails from recreational amenities, outdoor spaces and neighborhoods. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure, therefore the details regarding the exact placement of proposed location of buildings, lighting, parking, emergency access, public transit and pedestrian/bicycle access are not yet available. The Project is subject to review and approval from the Town before development can begin. In addition, the Project is not a public park but is a resort development on land zoned for Resort and Open Space, and while it includes recreational areas, these recreational areas are not public parks within the scope of this General Plan policy. See Topical Response 2 (Project Details).
NEIGHBORHOOD AND DISTRICT CHARACTER	
Snowcreek	
1. Provide access and staging areas to Sherwin Range and "community" uses accessible from Old Mammoth Road	The commenter has focused in on one Snowcreek District characteristic and does not address other Snowcreek District characteristics presented in the Draft EIR. The commenter suggests the Project is not consistent with this particular aspect because the Project's proposed trails and paths have yet to be mapped out. The commenter also suggests that more parking would be needed for the snowmobile staging that currently takes place and the proposed access point to public lands does not substitute for the free access to federal lands currently afforded by the undeveloped site. The Draft EIR, on page IV.H-50 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy based on the fact that development on the Project site would provide vehicle and trail connections from Snowcreek to the Town's greater roadway and trail system. The existing Sherwin Creek Road would continue to provide free public access to public lands. The Outfitters' Cabin (providing outdoor equipment rental), adjacent to Sherwin Creek Road,

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
	would be available to the public. Parking requirements for the Outfitters' Cabin (providing outdoor equipment rental), Store and Interpretive Center were evaluated as part of the Project on page IV.M-20 through IV.M-21 of Section IV.M (Traffic/Circulation) in the Draft EIR and if additional public amenities are provided at Project approval, parking for those amenities will also be considered by the decision making bodies. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure. Therefore the details regarding the exact placement of trail/pathway connectivity points and proposed staging areas have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details).
MOBILITY	
Regional Transportation	
M.2.A Maintain and expand access to recreation areas via coordinated system of shuttle and bus services, scenic routes, trails and highways.	The commenter suggests the Project is not consistent with this policy because the Project's proposed bus stops have not been mapped out and the Outfitters' Cabin is not an adequate substitute for the free access that currently exists across the Project site. The Draft EIR, on pages IV.M-21 through IV.M-22 in Section IV.M (Traffic/Circulation), provides that, the Project will provide an additional bus stop(s) on the Project site. The existing Sherwin Creek Road would continue to provide access to public cross-country and snow shoeing trails of the Sherwin Range and Inyo National Forest. The Outfitters' Cabin (providing outdoor equipment rental) is proposed adjacent to Sherwin Creek Road and is available to the public. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure. Therefore the details regarding the exact placement of bus stops and shelters have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details).
In-Town Transportation	
M.3.D Encourage visitors to leave vehicles at their lodging by developing pedestrian, bicycle, transit and parking management strategies.	The commenter suggests the Project is not consistent with this policy because the Outfitters' Cabin is not an adequate substitute for the free access that currently exists across the Project site. The Draft EIR, on page IV.H-54 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy by including a bicycle and pedestrian system that would connect to

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
	existing on-site pathways and to other Town pathways to create safe continuous routes. These routes would be available to the public at no charge. The Project is not a gated community. The Project site is currently served for transit by Mammoth Lakes Transit Red Line. Bus stops and shelters would be located throughout the Project site. The existing Sherwin Creek Road would continue to provide existing access to cross-country and snow shoeing trails of the Sherwin Range and Inyo National Forest. The Outfitters' Cabin (providing outdoor equipment rental) is proposed adjacent to Sherwin Creek Road and is available to the public at no charge. The Project would include some retail uses that would help to reduce automobile trips by allowing residents to purchase/rent necessities on-site. In addition, the Project includes a shuttle service for hotel guests to Eagle Lodge and the Village/Gondola area, and additional shuttle vans for homeowners for trips to major visitor stops and commercial areas (see pages IV.M-21 and IV.M-22 of Section IV.M [Traffic/Circulation] in the Draft EIR). The Project would encourage reduction in automobile trips by clustering development, providing some neighborhood-serving commercial uses near the Hotel, and providing pedestrian and bicycle facilities to encourage alternative transportation modes to other commercial uses such as the Market and located in other areas of Town. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure. Therefore the details regarding the exact placement of bus stops and shelters, trails, sidewalks, and pathways have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details).
Walking and Bicycling	
M.4. Goal: Encourage feet first by providing a linked year-round recreational and commuter trail system that is safe and comprehensive.	The commenter suggests the Project is not consistent with this policy because the details of a trail system have not been mapped. The Land Use policy consistency does not include a discussion of goals included in the General Plan. It assumed that policies are intended to implement the goals and as such the Draft EIR only discusses consistency with applicable policies. The policies that support this goal are below under M.4.B and M.4.D.
M.4.B Provide a high-quality pedestrian system linked throughout the community with year round access.	The commenter suggests the Project is not consistent with this policy because the details of a trail system have not been mapped. The Draft EIR, on page IV.H-55 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy because

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
	the Project would include a bicycle and pedestrian system that would connect to existing on-site pathways and to other Town pathways to create safe continuous routes. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure. Therefore the details regarding the exact placement of pathways have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details). See Response to M.3.D above.
M.4.D Provide safe travel for pedestrians to schools and parks.	The commenter suggests the Project is not consistent with this policy because the details of a trail system have not been mapped. The Draft EIR, on page IV.H-55 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy because the Project is consistent with this policy by including a multi-use pedestrian/bicycle trail system that would connect to existing multi-use trails to create safe continuous routes. This would be done in compliance with the Town's Master Trails Plan. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure. Therefore the details regarding the exact placement of pathways have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details). See Response to M.3.D above.
PARKS, OPEN SPACE, AND RECREATION	
A Town Within a Park	
P.2.B Require usable public recreation open space in all master planned developments.	The commenter suggests the Draft EIR found the Project to be consistent with this policy because the Project proposes recreational facilities. The commenter disagrees with this finding and asserts that the most important needs of the public on this site are trails and access. The commenter also states that the Draft EIR has not made it clear in the project description how the public trails on the site will be and whether they will be public year round. The Draft EIR, on page IV.H-57 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy because the Project would include multi-use trails, golf course, skating rink, spa/wellness center, Outfitters' Cabin, and access to public trails in the Inyo National Forest and Sherwin Range. As previously identified, the Project is a Master Plan and not a development review application for a specific building or structure.

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
	Therefore the details regarding the exact placement of pathways have not yet been determined. The Project is subject to review and approval from the Town before development can begin. See Topical Response 2 (Project Details). Section III (Project Description) of the Draft EIR discusses snow management on the Project site and states on page III-40 that snow management would be addressed to ensure that residents and visitors are provided safe and convenient access to and from lodging and within the public use areas throughout the winter season. See Response to M.3.D above.
P.3.A Ensure public routes for access to public lands are provided in all developments adjacent to National Forest lands.	The commenter suggests the Project is not consistent with this policy because the Outfitters' Cabin greatly diminishes current access and is inconvenient to the Sherwin Range. The Draft EIR, on page IV.H-58 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy because the Project proposes the Outfitters' Cabin, which would enhance existing public access to the Inyo National Forest and Sherwin Mountains by providing a facility for users to rent winter and summer recreational equipment.. See Response to M.3.D above.
P.3.B Coordinate with multiple organizations, agencies, and jurisdictions to plan, steward, interpret, and sustain trails, public access, and outdoor recreation amenities in the Mammoth Lakes region.	The commenter suggests the Project is not consistent with this policy because Snowcreek VIII interferes with the multi-agency process currently underway and identifies that this policy should have been included Draft EIR's policy consistency discussion. This policy was not included in the Draft EIR because it is a policy that applies to the actions of the Town and not to individual property owners.
P.3.C Identify and acquire points of public access to public lands (from within the Urban Growth Boundary [UGB] to surrounding public lands) through cooperative arrangements including easements, purchase, or other means of title acquisition.	The commenter suggests the Project is not consistent with this policy as was the finding in the Draft EIR. The Draft EIR, on page IV.H-58 in Section IV.H (Land Use & Planning), found the Project to be inconsistent with this policy based on the fact that the existing location for public access to the Sherwin Range and Inyo National Forest along the eastern edge of the Project site (Sherwin Creek Road) which is outside the UGB will remain. That access, while not as convenient as the current access points and routes through the Project site, will be permitted and lawful and will be enhanced with the Outfitters' Cabin that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment. While the Draft EIR included this policy discussion such discussion was not required because it is a policy that applies to the actions of the

Table FEIR-2
Response to Commenter's Selected Policies from
the 2007 General Plan as Presented in Comment B27a-18

Policy	Consistency Discussion
	Town and not to individual property owners. The Project decision makers will ultimately determine if the Project is consistent with the Policy P.3.C.
Connected Throughout	
P.5.B Design and construct trails as components of a regional and local network for recreation and commuting.	The commenter suggests the Project is not consistent with this policy because the details of a trail system have not been mapped. The Draft EIR found the Project to be consistent with this policy because the Project would include a bicycle and pedestrian system that would connect to existing on-site bikeways and to other Town bikeways to create safe continuous routes. See Response to M.3.D above.
P.5.C Require development to incorporate linked public trail corridors identified in the Mammoth Lakes Trail System Plan into overall project site plan.	The commenter suggests the Project is not consistent with this policy because the Project's proposed trails and pathways are not mapped out. While the Draft EIR, on page IV.H-59 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy this policy discussion was not required because it is a policy that applies to the actions of the Town and not to individual property owners. The Project shall be required to include connections to the Mammoth Lakes' Trails System Plan. The Project decision makers will ultimately determine if the Project is consistent with Policy P.5.C.
P.5.D Design public and private streets not only as connections to different neighborhood districts, but also as an essential element of the open space system. Include parks and plazas, tree-lined open spaces and continuous recreational paths in design.	The commenter suggests the Project is not consistent with this policy because the Project's proposed trails and pathways are not mapped out. The Draft EIR, on page IV.H-59 in Section IV.H (Land Use & Planning), found the Project to be consistent with this policy because the Project is subject to design review by the Town Community Development Department, other departments and divisions, and outside agencies. The proposed roadway and pedestrian facility system would be reviewed by the Town to ensure that streets are an essential element of the open space system and include areas of tree-lined open spaces and a continuous recreational path. See Response to M.3.D above.

Comment B27a-19

5. Outfitters' Cabin does not provide adequate trails and public access impact mitigation and may be inconsistent with Town Open Space zoning. The DEIR (Chapter L) assumes that the Outfitters' Cabin will provide significant recreational opportunities and public access to federal lands, thus avoiding related significant impacts. This is incorrect. The Snowcreek VIII site currently offers full access across the entire site and its full perimeter to existing Town residents and future project area residents. Funneling

access to essentially this one point will greatly reduce access to federal lands. The Outfitters' Cabin "portal" will be located at the most distant access point possible from the site to the Sherwin Range. It will be a private facility, offering a different kind of experience than the porous access the community has historically enjoyed. Staging area parking will be reduced, and access across the site will be partially blocked by new homes and development areas.

Response to Comment B27a-19

The proposed Project is consistent with these land use requirements. As discussed in section IV.H (Land Use & Planning) on page IV.H-4 the Open Space (OS) designation is established to protect the community's public and private open space resources. It is intended to preserve existing parks and encourage future parks, maximize recreation opportunities, preserve open space, and protect sensitive environmental resources. Facilities that support the environmental and recreational objectives of the community are permitted. This designation allows parks, athletic fields, golf courses, community gathering spaces and supporting facilities. Consequently, the Outfitters' Cabin, a privately owned publically accessible facility, is a permissible use under the OS designation subject to a use permit, as it is a facility that supports recreational activities.

The portion of the Project site designated as Open Space was transferred to private ownership in 2005 by means of a land exchange (2005 Land Exchange) between the United States Forest Service (USFS) and Snowcreek Investment Company in order to acquire enough land for a nine-hole addition to create an 18-hole golf course. After the 2005 Land Exchange, Snowcreek Investment Company entered into a covenant with the Town that protected the exchange parcel from being developed with residential housing, commercial lodging, transient occupancy, and from being further subdivided as this land is outside the Town's Urban Growth Boundary. The covenant was initiated as a part of the exchange process, and is monitored by the Eastern Sierra Land Trust (see Appendix K to the Draft EIR).

Use restrictions have been imposed on the eastern 94 acres of the Project site as defined in the February 15, 2005 land exchange covenant between the USFS and Snowcreek Investment Company. One of the conditions set forth in the covenant states the following:

The Property shall be used primarily as a golf course. Such use shall include as permitted uses: (1) all uses permitted by and consistent with zoning regulations, rules and ordinances of the Town, and as the same may be amended from time to time; (2) commercial activities permitted by and consistent with the foregoing and related to the operations of a resort recreational golf course, including without limitation (except as restricted by [the covenant]) the following: retail operations, food and beverage, transportation, storage, parking, nordic skiing, alpine skiing and snowboarding and other recreational activities.

The Outfitters' Cabin is a commercial activity open to the public and is not a private facility. It is permitted by the Town's zoning ordinance and is related to the operation of a resort and other recreational activities listed in the covenant. The Outfitters' Cabin is not a use that is otherwise prohibited by the covenant, such as subdivision of the property, residential housing, commercial lodging and transient occupancy. See Appendix K of the Draft EIR. Thus, the Outfitters' Cabin is consistent with the covenant.

It is incorrect to state that the site currently offers full access across the entire Project site and its full perimeter to existing Town residents and future Project area residents. There are no existing Town-approved trails on the site as noted in the Mammoth Lakes' Trail System Plan. In addition, no policies requiring privately owned land to be made available to the public have been adopted by the Town. See Response to Comments B27a-6, B27a-12, B27a-13 and B27a-18 (Policy C.2.G). Also see Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment B27a-20

CEQA Notes

- (1) **Per CEQA Guidelines, evidence must be given within the EIR to demonstrate that the recommended mitigation measures are capable of:** (a) *"avoiding the impact altogether by not taking a certain action or parts of an action";* (b) *"minimizing impacts by limiting the degree or magnitude of the action and its implementation";* (c) *"rectifying the impact by repairing, rehabilitating, or restoring the impacted environment";* or (d) *"reducing or eliminating the impact over time by presentation and maintenance operations during the life of the action."* (CEQA Guidelines, Section 15370.)
- (2) **Per CEQA Guidelines: "An EIR must be prepared with a sufficient degree of analysis to provide decision makers with Information which enables them to make a decision which intelligently takes account of environmental consequences."** (CEQA Guidelines Section 15151) In addition, there must be "substantial evidence" demonstrated to support a conclusion: *"Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative ...does not constitute substantial evidence....Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts."* [CEQA Section 15384(a) and (b)] Also, in *Browning-Ferris Industries of California, Inc. v. San Jose* (1986) Cal. App. 3d 852, the court reasserted that an EIR is a disclosure document and as such an agency may choose among differing expert opinions when those arguments are correctly identified in a responsive manner. Throughout this letter, the organization believes that it has identified MLTPA expertise and presented substantial evidence to back up its conclusions, MLTPA also has pointed out accurately

the fact that the DEIR does not provide adequate background information and analysis to constitute substantial evidence to back up its conclusions.

Response to Comment B27a-20

This comment identifies CEQA Guidelines sections that identify standards of mitigation measures and contents of an EIR. However, as presented in Responses to Comments B27a-4, B27a-6 and B27a-13, the impacts to recreation, including trails and public access, would be less than significant for this Project per the thresholds of significance as presented in Appendix G of the *CEQA Guidelines* and as listed in the Draft EIR on page IV.L-7 in the Section IV.L (Recreation).

Comment B27a-21

CUMULATIVE IMPACTS

The DEIR Cumulative Impacts Section Rec-4 (page IV.L-11) is inadequate for the following reasons:

- The DEIR Cumulative Impacts Section does not discuss trails and public access specifically,
- The DEIR Cumulative Impacts Section does not determine whether or not the projects on the cumulative projects list will implement Town trails and public access policies fully, and
- The Cumulative Impacts Section in the DEIR does not determine whether or not the Town's Developer Impact Fees will specifically fund adequate trails and access projects.

Response to Comment B27a-21

The cumulative impact discussion includes trails and public access within the Town as recreational services of the Town as identified in Table IV.L-2 (Existing Recreational Facilities in Mammoth Lakes) on page IV.L-4 of Section IV.L (Recreation) in the Draft EIR. Like the proposed Project, each reasonably-foreseeable project proposed to be developed in the Town is required to comply with all applicable Town codes and policies including the payment of Developer Impact Fees (DIFs). The Town's park and recreational services, including trails and public access within the Town's Urban Growth Boundary, are funded through the payment of DIFs. The DIFs are established by the Town to mitigate impacts that the related projects would create on park and recreational services. The Town's Municipal Code 15.16.081 requires establishment of development fees and provision for their adoption by resolution of the Town council. The Town code states, "The development impact fees are established and imposed on the issuance of building permits for development within the town of Mammoth Lakes, except those identified in Section 15.16.091, to finance the cost of the following categories of public facilities and improvements required by new development..."

D. Parkland Acquisition and Recreation Facilities Development. A development impact fee is established for parks and recreation facilities.”

In order to adequately plan for new development through buildout (year 2020) and identify the public facilities and costs associated with mitigating the direct and cumulative impacts of new development, the Town recently updated its impact fee program by preparing an AB 1600 Fee Justification Study. The Study identifies the Town’s needs and their associated costs through buildout, including for Town-wide trails development.

Comment B27a-22

RECOMMENDED MITIGATION MEASURES

The DEIR is inadequate because it proposes no trails and public access mitigation measures even though MLTPA has shown that project-related impacts will be significant. (1) The following mitigation measures would at least partially mitigate the impacts discussed above. Access to federal lands will still be substantially altered, and as a result residual impacts are still expected to be significant. However, these measures will reduce impacts to a great degree and should be added in the FEIR:

**MLTPA Recommended
Snowcreek VIII Trails and Public Access
Mitigation Measures**

The Snowcreek VIII Illustrated Conceptual Master Plan shall be redrawn prior to adoption of the 2007 Master Plan Update to include the features listed below (partially illustrated on the attached map) and incorporated into the conditions of approval and the development agreement of the current approval phase.

Perimeter Access to Federal Lands: All-Season Access

-Perimeter open space buffer of at least 30 feet in width (as indicated on attached map) with developed and maintained (Class 1 or better) signed public access multi-use trail on project land encircling the entire site area south and north of Old Mammoth Road, including portions of site that are adjacent to federal lands as well as behind existing and proposed homes. Fencing shall be removed along the federal lands perimeter or fencing breaks shall be provided every 200 feet.

-Final golf course layout shall be designed to minimize potential conflict with trail users.

Access Through Proposed Neighborhoods

-Public pedestrian access through the proposed development areas A, B, C, D, E, F, G, H, and J in at least 12 locations linking internal roads to surrounding golf course and open spaces shall be provided and signed year-round.

Connections to Existing Mammoth Lakes Trail System

- At points as indicated on attached map, the perimeter open space buffer and its trail(s) shall be connected to the existing and/or proposed Mammoth Lakes Trail System that is currently (and is proposed to exist) on the north side of Old Mammoth Road, either through subterranean, overpass, or traffic calming and signaled intersections along Old Mammoth Road.

Class I Bike Trails or Mammoth Lakes Trail System Extension

-A bike lane or Mammoth Lakes Trail System extension shall be provided through or parallel with the proposed traffic circle accessing the Mammoth Lakes Trail System path along the north side of Old Mammoth Road and completing it from the traffic circle west to Snowcreek VII.

Summer and Winter Access and Programming

-Programming and infrastructure shall be developed for both winter and summer use that will provide a full complement of recreation activities that are easily and conveniently accessible by means of human-powered mobility.
-All routes and points of public access shall be signed for both winter and summer public use.

Access Across Golf Course and Programming: Winter

-Public access and passage across the golf course shall be permitted and so signed throughout the winter months when a mutually agreed-upon (TOML and applicant) determined minimum snow depth or deeper is present.
-Routes shall be designed to assure direct and efficient passage between federal lands and Town lands and to minimize potential negative impacts to the golf course and to adjacent property owners.
-The infrastructure for the golf course shall be designed so as to accommodate a Nordic system that can exist on the golf course when sufficient snow is present as well as access potential Nordic systems on adjacent federal lands.
-The infrastructure of the golf course shall be designed so as to provide passage and access to federal lands by a full variety of human-powered winter recreation users.

4WD/ Motorized Vehicle Access

-A public staging point for snowmobiles and off-road vehicles shall be provided on the site adjacent to Sherwin Creek Road.

Signage

-All public access points and corridors shall be signed as such.

Response to Comment B27a-22

The comment expresses concern regarding public access and proposes to add mitigation measures recommended by MLTPA. However, no recreation impacts were found to be significant in the Draft EIR. Because mitigation measures are intended to avoid or reduce a potentially significant impact the mitigation measure(s) must have an essential nexus and be roughly proportional to the impacts. Therefore, the Draft EIR will not be revised to require the commenter's suggested mitigation measures. Access to public lands would not be substantially altered. Currently there is no legal access to public lands through the Project property. Pursuant to the General Plan policies, the Town of Mammoth Lakes may require creation of Project and public access to the abutting public lands to meet adopted community recreational objectives. The suggested programs will be considered as part of the Master Plan review. See Response to Comment B27a-6, Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment B27a-23CEQA Notes

(1) "Mitigation Measures Proposed to Minimize the Significant Effects ... This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR." (CEQA Section 15126c)

Response to Comment B27a-23

This comment correctly describes *CEQA Guidelines* Section 15126(e) and not Section 15126(c) as stated by the commenter. No response is required.

Comment B27a-24**ALTERNATIVES**

The Alternatives section of the DEIR is inadequate because it does not rely on accurate setting, impact evaluation criteria, and impact analysis related to trails and public access issues as discussed throughout this letter. (1) For this reason, the DEIR underestimates potential trails and public access impacts of both the project and the alternatives and does not include revised trails and public access design features in each alternative. Even with the additional mitigation recommended, MLTPA expects that access to federal lands will still be substantially altered, and as a result residual impacts are still expected to be significant. The FEIR should be revised to reflect this conclusion. As a result, MLTPA recommends that the trails and public access mitigation measures be incorporated into Alternatives B (Revised Site Plan) and D (Increased Density), expanded with even greater access opportunities such as a 100-foot public open space/trail buffer along and internal to the project eastern and southeastern perimeter, as well as two defined path corridors linking the perimeter, one south of neighborhood F between the golf course and Old Mammoth Road, and one between Old Mammoth Road and the southern perimeter of the old golf course. This expanded trails plan would have a greater potential to lower trails and public access impacts below the significant level.

Alternative C (Reduced Density Alternative) would result in fewer trails and public access impacts than the proposed project due to the increased open space area in place of the expanded golf course, though impacts would still be significant. As a result, the MLTPA Trails and Public Access Mitigation Plan, with additions as described in the paragraph above, should be revised for this Alternative to eliminate recommended trails and public access features associated with the new golf course, assuming existing access would remain.

Response to Comment B27a-24

The comment suggests changes be made to the alternatives as presented in the Draft EIR. However, the alternatives in the Draft EIR have been prepared to reduce significant impacts per Section 15126.6(b) of the *CEQA Guidelines* which states: "Because an EIR must identify ways to mitigate or avoid the significant effects that a Project may have on the environment, the discussion of alternatives shall focus on alternatives to the Project or its location which are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of Project objectives, or would be more costly." See Response to Comment B27a-22 and Topical Response 3 (Recreation).

Comment B27a-25Notes

(1) *"Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or locations which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly."* [CEQA Guidelines, Section 15126 (d)(1)]

Response to Comment B27a-25

This comment correctly describes *CEQA Guidelines* Section 15126(d)(1). No response is required.

Comment B27a-26

Please keep us advised of all hearings and comment periods relative to this project.

Thank you again for the opportunity to comment.

Response to Comment B27a-26

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter B27b (attachment to Comment Letter B27a)**MLTPA Trails and Public Access Proposed Mitigation Map**

This comment letter includes as an attachment revised versions of Draft EIR Figures II-3 and III-4. These figures have been revised to include lines depicting the project boundary, perimeter open space buffer with Class I Trail, and connections to MLTS (Mammoth Lakes Trail System), but do not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the

Draft EIR. The comment letter and attachments will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27c (attachment to Comment Letter B27a)

MLTPA Planning Proposal Executive Summary

This comment letter includes as an attachment a summary of MLTPA's proposal for the integration and stewardship of public lands with the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27d (attachment to Comment Letter B27a)

MLTPA Action Plan

This comment letter includes as an attachment a vision and Action Plan for trails and public access in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27e (attachment to Comment Letter B27a)

MLTPA GIS Inventory Report Map

This comment letter includes as an attachment a map illustrating numbers related to MLTPA GIS Inventory and detail regarding the recreation opportunities at these points, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27f (attachment to Comment Letter B27a)

Contractual Services Agreement Between the Town of Mammoth Lakes and MLTPA

This comment letter includes as an attachment an agreement between the Town and MLTPA to conduct data control and collection, public advocacy and outreach services for the Concept and Master Planning/Trails Master Planning process, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27g (attachment to Comment Letter B27a)**Memorandum of Understanding between MLTPA, Town of Mammoth Lakes, and various public agencies and organizations**

This comment letter includes as an attachment a Memorandum of Understanding (MOU) between the MLTPA, Town, Inyo National Forest, County of Mono, Mammoth Community Water District, and the Mammoth Lakes Fire Protection District. The MOU provides a working public/private cooperative framework. The MOU must be applied and interpreted in a manner consistent with all applicable laws and ordinances of the Town, and by rules and regulations promulgated by the Town. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27h (attachment to Comment Letter B27a)**Trails and Golf Courses: Best Practices on Design and Management**

This comment letter includes as an attachment a document that highlights techniques used to integrate trails and golf courses, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B27i (attachment to Comment Letter B27a)**MLTPA: Sherwins Working Group – Golf Course Winter Passage Resources**

This comment letter includes as an attachment a group of documents that pertain to passage over golf courses during winter months, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B28

Peter Maw

Comment B28-1

My name is Peter Maw and I work with Century 21 here in town. I was reviewing information on the plans for Snowcreek VIII ...great plans but I see one major problem - the plans call for the removal/loss of the driving range. In my opinion, this is a major amenity in town. I can't see how anyone can rationalize removing the driving range. It just does not make sense. The town of Mammoth Lakes already has a

vulnerable economy that is reliant on tourism so, again, I just don't see it making any sense. I grew up in Whistler and the driving range there is a large component of the local economy. No driving range equals less golfers, plain and simple. If I'm going to drive or fly to Mammoth for a

summer golf trip, I would only do so if I have a chance to warm up and therefore play a "decent" round of golf. Many golfers will have a sour taste in their mouth regarding their golf experience if they are forced to go in "cold" or warm up by hitting golf balls into a net...

Anyway, I believe it would be a major mistake. I know the parcel of land is quite large that the development will take place on so it would be nice / necessary to see some adjustments made to keep this vital amenity,

Response to Comment B28-1

This comment expresses concern regarding the removal of the driving range and its effect on the town's tourism-reliant economy, but it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As stated on page IV.L-10 of Section IV.L (Recreation) in the Draft EIR, no policies concerning the availability of golf driving ranges have been adopted by the Town. Thus, despite the removal of a privately owned publicly accessible driving range and the temporary loss of use of the existing nine-hole golf course for minor changes, the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes' area. See Topical Response 3 (Recreation) and Response to Comment B20-1.

Response to Comment Letter B29

Elizabeth Tenney

Comment B29-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Snowcreek VIII. It is essential that decision makers be well-informed on all aspects of a proposed project, particularly a large and long-term project like this one, which will have significant impacts on the community. As I reviewed the draft report, numerous questions arose about many of the assumptions made in the report. I also noted omissions and either a lack of or inadequate analysis of feasible mitigation measures that I am asking to be addressed in the Final EIR.

Response to Comment B29-1

This comment confirms that Elizabeth Tenney has reviewed the Draft EIR. It also introduces ensuing comments, which are addressed in Responses to Comments B29-2 through B29-42, below.

Comment B29-2GENERAL CONCERNS

I) Six of the eight impacts declared to be "significant and unavoidable" after mitigation list no mitigation measures or alternative options. "Significant and unavoidable" is a severe impact. Under CEQA each significant impact requires feasible mitigation measures. To flatly state: "No mitigation measures are available" is not adequate analysis.

Response to Comment B29-2

The Draft EIR determined the following impacts to be significant and unavoidable and that no mitigation measures are available to reduce this level of significance:

1. Impact AES-1a Consistency with Policies (1987 General Plan)
2. Impact AES-1b Consistency with Policies (2007 General Plan)
3. Impact AES-2 Public Views and Scenic Vistas
4. Impact AES-4 Visual Character and Design
5. Impact AES-8 Cumulative Impacts
6. Impact AQ-5 Cumulative Impacts

There are occasions that feasible mitigation is not available. CEQA Code 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

7. Impact AES-6 Light and Glare was determined to be significant and unavoidable even after complying with the Town's Outdoor Lighting Ordinance in accordance with Mammoth Lakes Municipal Code Chapter 17.34.
8. Impact AQ-1 Construction Impacts with regard to respirable particulate matter (PM₁₀) emissions was determined to be significant and unavoidable after mitigation.

Changes to the Project to avoid these impacts don't constitute mitigation since the changes would radically alter the proposed Project. Changes of this magnitude would be made during the Town's project approval process through the Town's Planning Commission and/or Town Council based, in part, on the information contained in the EIR.

Comment B29-3

2) I find it both surprising and discouraging that well into the 21st century there is no analysis of the environmental impacts of conventional construction vs. sustainable and energy-efficient building practices and materials for Snowcreek VIII. Using conventional construction would alone make the proposed project inconsistent with the 2007 Town of Mammoth Lakes General Plan Resource Management and Conservation Element (Energy Resources (R.6), Green Technology (R.7), Energy Conservation (R.8), Solid Waste (R.9). Why no analysis of sustainable vs. traditional building practices?

Response to Comment B29-3

As discussed on page IV.H-62 of Section IV.H (Land Use & Planning) in the Draft EIR, the Project is consistent with applicable Energy Resource policies in the 2007 General Plan as listed in the comment. The Project would incorporate energy conserving materials and sustainable building practices and is required to comply with all applicable General Plan policies.

Comment B29-4

3) Another surprise: Impact AQ-4 Greenhouse Gas Emissions (p. I-13 in the DEIR) concludes "No mitigation measures apply." Yet many of the policies adopted in the 2007 Town of Mammoth Lakes General Plan are the same as strategies suggested in the DEIR Technical Appendices (pp. 14-16, AEP "Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents ... Approach 8.") Why weren't these strategies analyzed as possible mitigation measures with respect to the 2007 General Plan intents and policies on energy efficiency, site planning and sustainable building practices?

Response to Comment B29-4

An analysis of the Project's impacts with respect to greenhouse gases (GHG) is presented starting on page IV.C-33 of Section IV.C (Air Quality) in the Draft EIR. Approaches to CEQA analyses of global warming and climate change are in their infancy and are still evolving. As stated in Table I-1 under Impact AQ-4 on page I-13 of Section I (Introduction/Summary) in the Draft EIR, no state or local GHG thresholds have been established. Also, there is no state or local guidance for the analysis of GHG in CEQA documents. At the time of the preparation of the Draft EIR, there was no published guidance or thresholds for GHG analysis. Without guidance or thresholds, quantitative analysis will simply generate standalone numbers. Currently an industry-accepted method for GHG analysis is to determine project consistency with emission reduction strategies outlined in the 2006 Climate Action Team (CAT) Report, which is presented in Table IV.C-14 on page IV.C-37 of Section IV.C (Air Quality) in the Draft EIR.

There are occasions where feasible mitigation is not available. Section 15126.4 (5) of the *CEQA Guidelines* states: "If the lead agency determines that a mitigation measure cannot be legally imposed, the

measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.” Moreover, without established thresholds of significance, impacts are too speculative for evaluation (*CEQA Guidelines* Section 15145). In any event, as analyzed in Table IV.C-14, the Town finds that the Project is consistent with the California Environmental Protection Agency Climate Action Team (“CAT”) Report, which is one of the CEQA tools currently used for analyzing a project’s greenhouse gas emission impacts. It should also be noted that the Project’s air quality impact mitigation measures, including those designed to reduce carbon monoxide (CO) emission from construction and operational activities and compliance with Title 24 building standards, also are directed to the issue of the Project’s GHG emissions.

Comment B29-5

Table IV C-14 notes Project will meet Title 24 (required) and recycle cardboard. Those are very modest goals for the next decade. Where is it shown as stated in the DEIR " ...the Project complies[y] with all feasible and applicable measures to bring California to the emission reduction targets" (p. 1-13)?

Response to Comment B29-5

This comment correctly reiterates the discussion of Title 24 and cardboard recycling in Table IV.C-14 (pages IV.C-37 through IV.C-40 of Section IV.C (Air Quality) in the Draft EIR). As stated on page IV.C-36 of the Draft EIR, per Executive Order S-3-05, greenhouse gas (GHG) emission reduction targets as follows: 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. AB 32, as discussed above, requires that by January 1, 2008, CARB shall determine what the statewide GHG emissions level was in 1990, and approve a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. However, it should be noted that at the time of publication of the Draft EIR, the CARB had not yet published the quantified 1990 GHG emissions inventory.

The CAT Report published by the California Environmental Protection Agency introduces strategies to reduce California’s emissions to the levels proposed in Executive Order S-3-05. Under AB 32, CARB has the primary responsibility for reducing GHG emissions. However, the CAT Report contains strategies that many other California agencies can utilize, which are presented in Table IV.C-14. As shown therein, the Project complies with all feasible and applicable measures to bring California to the emission reduction targets. However, as no thresholds of significance pertaining to GHG emissions have been adopted by the Town or established by the State, no determination on the significance of this impact has been made.

Comment B29-6

4) It strains credibility [sic] that a project of the size and scope of Snowcreek VIII could have so many environmental impacts declared "Less than significant after mitigation" without proposing any mitigation measures.

Response to Comment B29-6

This comment suggests the Draft EIR or possibly the Air Quality section does not have any mitigation measures. All mitigation measures prepared to reduce impact levels are found in various Draft EIR sections and have been compiled in Section I (Introduction/Summary) beginning on page I-7 of Section I (Introduction/Summary) in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment B29-7SPECIFIC CONCERNS

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

AESTHETICS

p.I-7 Impacts AES-1a and AES-1b

Text refers only to the proposed "Hotel element" as impacting scenic vistas. Why? The entire project impacts scenic vistas and visual character. Why is it also assumed "No mitigation measures are available"?

Certainly, the Snowcreek VIII project can be mitigated to frame scenic vistas and complement the site's visual character through measures such as thoughtful site planning, carefully considered building footprints and heights, well-designed mass and form and non-intrusive finish materials and colors.

Case in point: the large Mueller home at the edge of the Bluffs above Snowcreek [sic] VIII is completely in the open yet, after skillful mitigation, it blends with its surroundings and does not intrude on the viewshed. There will be a visual impact with Snowcreek VIII's future buildings vs. the current empty meadow but it does not naturally follow that "No mitigation measures are available." An analysis of possible mitigation measures and alternative options for the project's visual impact is needed.

Response to Comment B29-7

The commenter is referring Impact AES-1a Consistency with Policies (1987 General Plan) and Impact AES-1b Consistency with Policies (2007 General Plan) as summarized in Table I (Summary of

Environmental Impacts & Mitigation Measures) in Section I (Introduction/Summary) in the Draft EIR. The impacts discussed are in relationship to the Project's consistency to applicable General Plan policies. The text of section IV.A (Aesthetics) states while the 2007 General Plan does not explicitly prohibit a 120 foot Hotel, the Town's Municipal Code does. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. Although development of the Project Site has been previously contemplated, given the character of the Project site and the fact that the site has been undeveloped for that period of time, the Project would result in significant impacts to scenic vistas by altering the visual character of the site. These impacts to scenic vistas would be apparent to viewers looking toward the Sherwin Range from public areas near the Project site. Whether the Town decides to amend the zoning code and allow the Hotel to have increased height or not, the Project would create an impact for which there are no mitigation measures available and this impact would be significant and unavoidable. The Draft EIR found that even with appropriate design elements implemented to facilitate blending in with the surround Eastern Sierra landscape; a building up to 120 feet would create significant visual impacts. Alternative A (No Project) and Alternative C (Reduced Density) were prepared to consider the Hotel at a reduced height. See Response to Comment B29-2.

Comment B29-8

p. 1-8 Impacts AES-2 and AES-4

Why is it assumed "No mitigation measures are available"?

For example, there are many pleasing details in the proposed buildings but the large number of separate buildings with accompanying paving uses up open space and interferes with vistas, both of the Project and from the Project. Having few types and thus many identical buildings can make for a uniform monotonous appearance, so evident in Snowcreek V. Lining up single family residences along the golf course is another negative visual impact. An analysis of clustering units into larger varied structures on different site plans is needed. Other than the fact the Project is not a single family subdivision scattered across the meadow, I don't think the "Consistency Discussion" (C.2.M and C.2.N) accurately reflects the proposed site plan. Further analysis is needed.

Snowcreek VIII can be mitigated to frame scenic vistas and complement the site's visual character through measures such as thoughtful site planning, carefully considered building footprints and heights, well-designed mass and form and non-intrusive finish materials and colors.

Response to Comment B29-8

The commenter is referring to Impact AES-2 (Public Views and Scenic Vistas) and Impact AES-4 (Visual Character and Design). The comment expresses an opinion about the design of the Project and suggests an analysis of clustering units into larger varied structures on a different site plan be prepared. Alternative A (No Project) and Alternative D (Increased Density) were both prepared to reduce the

number of buildings and Alternative B (Revised Site Plan) was prepared to show an alternate layout of the Project. It is unclear how the commenter wishes to revise 2007 General Plan policy consistency analysis presented for Policy C.2.M and Policy C.2.N. The comment is noted and will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B29-2.

Comment B29-9

p. 1-9 Impact AES-6 Light and Glare

This impact states new sources of "glare" are significant and unavoidable. The Town Outdoor Lighting Ordinance prohibits glare. At Snowcreek VI the attractive exterior lighting is shielded and down-directed; it does not cause glare. Rather than a blanket statement, an analysis of potential sources of glare and their mitigation, particularly from the proposed taller buildings, is needed.

Response to Comment B29-9

Because this Project is a Master Plan development and not a development review application for a specific building or structure the exact location and placement of the trails, sidewalks, and pathways has not yet been determined. Certain Project details, such as the placement and style of outdoor lighting features, would be determined during site-specific design but would be consistent with the Town's Outdoor Lighting Ordinance as described in the Draft EIR. See Response to Comment B29-2. See Topical Response 2 (Project Details).

Comment B29-10

p. 1-10 Impacts AES-8 Cumulative Impacts

Why is it assumed "No mitigation measures are available"?

The entire Project can be mitigated to frame scenic vistas and complement the site's visual character through measures such as thoughtful site planning, carefully considered building footprints and heights, well-designed mass and form and non-intrusive finish materials and colors. An analysis of possible mitigation measures and alternative options for the project's visual impact is needed.

Response to Comment B29-10

The Project, although consistent in character with surrounding development, would result in significant impacts to the visual character of the Project site and views of the Sherwin Range. Each of the related projects proposed for the Project vicinity would be required to conform to Town development regulations and be reviewed against Town design guidelines prior to final approval. However, development of the Project in association with these related projects would result in a gradual infill of existing development

in this sector of the Town, which would result in changes in visual character in the area. The Draft EIR's determination that no mitigation measures are available acknowledges that the Project combined with all other reasonably-foreseeable projects to be developed in the Town would significantly alter the visual character of the Town and the surrounding lands even with the planning suggestions provided by the commenter. See Response to Comment B29-2.

Comment B29-11**AIR QUALITY**

p. 1- 10 Impact AQ-1 Construction Impacts

Why is it assumed that the impacts to air quality during construction are "significant and unavoidable"? This project is not short term--it will take ten years at minimum--and, yes, its impacts will be significant, but why "unavoidable"? Have all Best Management Practices (BMPs) available, including engine emissions, been considered for mitigation?

Response to Comment B29-11

As stated on page IV.C-19 of Section IV.C (Air Quality) in the Draft EIR, effective January 23, 2005, the Mono County portion of the Great Basin Valley Air Basin (GBVAB) has a nonattainment designation for ozone (O₃) (State standard only). All of the GBVAB is designated in nonattainment of the federal respirable particulate matter (PM₁₀) standard. The Mammoth Lakes' area and Mono County are considered in attainment of all other federal and state standards. Therefore, discussion of impacts for this Project will focus on those pollutants which are designated as non-attainment (O₃ and PM₁₀). Although Mono County is categorized as nonattainment of the State O₃ standard, there is no ozone implementation plan for attaining the ozone standard in Mono County, nor is one required as outlined in the 2001 CARB Ozone transport review. Instead, the document states "[t]ransport from the central portion of the (San Joaquin) Valley is responsible for ozone violations in Mammoth Lakes."

Furthermore, as stated on page IV.C-25 of Section IV.C (Air Quality) in the Draft EIR, the Great Basin Unified Air Pollution Control District (GBUAPCD) does not currently have thresholds for determining the level of significance for air emissions. In the absence of such thresholds, any emissions that may result in a violation of an air quality standard or contribute substantially to an existing air quality violation will be considered significant. Since PM₁₀ is classified as nonattainment, any PM₁₀ emissions will contribute substantially to an existing air quality violation. Impacts are unavoidable because even if all Best Management Practices (BMPs) are applied, the Project will still result in some PM₁₀ emissions, thereby causing a violation. However, the Town's AQMP has an established significance threshold; the PM₁₀ analysis was performed and compared to this threshold. Mitigation Measure AQ-1 on page IV.C-25 of Section IV.C (Air Quality) in the Draft EIR includes a list of BMPs designed to reduce pollutants generated by heavy-duty diesel-powered equipment during the construction phase.

The use of “short-term” is in reference to the analysis of emissions based on calculations of the heaviest construction period utilizing largest construction vehicle mix and most rigorous construction schedule. The conditions as described represent the worst case scenario. The analysis is not intended to be representative of the normal emissions but rather to indicate the worst possible exposure that could occur. This scenario would be “short-term” and does not occur throughout the construction process.

Comment B29-12

p. 1-II Impact AQ-1 Construction Impacts

The Snowcreek Meadow is one of the windiest locations in Mammoth Lakes. Current construction at Snowcreek VII has resulted, even with BMPs, in significant blowing dust from the stockpiled dirt. Therefore, I question if Snowcreek VIII's Mitigation Measure "g." as written with an "or" is adequate mitigation. The current stockpile is not covered and the dirt blows with every stiff breeze. Stockpiling aside, air quality over the ten-year construction period will be worst during grading, yet I could not find any analysis of air quality mitigation measures for grading impacts specifically other than suspending excavation during wind gusts of 50 MPH and sustained winds exceeding 25MPH. Only the impact on traffic circulation of increased vehicle miles traveled (VMT), by haulers is discussed. (p.I-66 Impact TRANS-10 Construction) Blowing dust during grading needs to be addressed with the grading "on dry soil" planned through year 2017 (p.IV.C-21)

Another impact will be vehicle miles traveled (VMT), particularly at lunchtime, by construction workers. Why isn't a shuttle bus or other transit in lieu of personal trucks recommended to mitigate worker-generated VMT during ten-year construction period?

What will be the environmental impacts of demolition and construction debris? What percentage will be recycled? What standards will be used to evaluate this mitigation? What will be the monitoring program for the Project's construction impacts mitigation?

Response to Comment B29-12

The use of the word “or” in Mitigation Measure AQ-1g on page IV.C-25 of Section IV.C (Air Quality) in the Draft EIR is used because these mitigation measures are not designed to be implemented simultaneously (e.g., once a stockpile is covered there is no need to water twice per day unless it is uncovered). As discussed in Response to Comment B29-11, Mitigation Measure AQ-1 includes a list of Best Management Practices (BMPs). The PM₁₀ emissions contribute to a violation of an ambient air quality standard as the Basin is in nonattainment for PM₁₀. Since any PM₁₀ emissions are significant and unavoidable all commonly available mitigation measures were discussed to demonstrate BMPs.

Only Mitigation Measure AQ-1(l) specifically refers to “grading activities,” but others within the list also affect grading emissions (e.g., Mitigation Measure AQ-1(a) requires that all construction areas will be watered at least twice daily, which would significantly reduce fugitive PM₁₀ emissions from grading).

Construction period VMT is less than the Town’s threshold of 106,600 VMT per day; therefore it is not necessary to require a shuttle bus to transport workers for the purposes of CEQA.

Comment B29-13

p.1-12 Impact AQ-1 Operational Emissions Mitigation Measure AQ-2a.

Where is the analysis of the transportation demand management program to determine if it will (and by how much) reduce impacts to air quality by reducing overall VMTs? What standards will be used to evaluate this mitigation?

Response to Comment B29-13

A transportation demand management program was not prepared for this Project. Meeting the air quality standards and local thresholds is discussed on page IV.C-41 of Section IV.C (Air Quality) in the Draft EIR. The analysis is based on a calculation that assumes the net emissions from the Project would be 57,813 grams per day of PM₁₀ less than that anticipated in the AQMP. Since net emissions are less than anticipated, the Project is consistent with the AQMP for the Town of Mammoth Lakes. Based on this analysis, impacts from operation of the Project would be less than significant. Mitigation Measure AQ-2 on page IV.C-31 of Section IV.C (Air Quality) in the Draft EIR would further reduce PM₁₀ emissions below this less-than-significant level, and it is therefore not necessary to quantify emissions reductions from this mitigation measure.

Comment B29-14

p.1-12 Impact AQ-2 Operational Emissions Mitigation Measure AQ-2b.

Regarding operational emissions, by providing connectors to existing transit and trails, the impact is declared "Less than significant," but where is the analysis of the additional connectors needed to open space, transit and bike trails within the project? Bicycle and pedestrian paths are referenced but not shown on any map. How will pathways within the Project connect with the Town Trail System, transit and open space? How will connecting to a network of mobility options outside the Project affect operational emissions? What standards will be used to evaluate this mitigation?

Response to Comment B29-14

The Project is required to comply with all applicable General Plan policies regarding open space, trails, transit and bike pathways, comply with the Town’s Trail System Plan as described on page IV.L-5 of

Section IV.L (Recreation) in the Draft EIR and would be subject to review by the Town. Because this Project is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of connectors to transit, bike pathways and trails have not yet been determined. The Town will evaluate the development review application for consistency with the General Plan policies regarding placement of connectors to transit, bike pathways and trails. The routing of connectors to transit, bike pathways and trails that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Topical Response 2 (Project Details). The transit system within the proposed Project boundaries will be tied to the existing transit systems wherever feasible. Additionally, the Town has calculated a VMT threshold to determine if a project will cause a violation or contribute to an existing violation. This calculation is the quantitative method by which the Town determines if a project causes or contributes to an air quality violation. Since impacts from operational emissions would be less than significant based on this analysis, no quantitative analysis in regards to mitigation should be conducted.

Comment B29-15

p.1-12 Impact AQ-2 Operational Emissions Mitigation Measure AQ-2e.

Where is the analysis of air quality impacts from solid fuel burning appliances in the project's single-family residences?

Response to Comment B29-15

As stated on page IV.C-41 of Section IV.C (Air Quality) in the Draft EIR, the 2007 General Plan Policy R.10.H prohibits the installation of all solid fuel burning appliances within any multi-unit development. Therefore, none of the 1,050 Project units would have solid-fuel burning appliances. Table IV.C-8 on page IV.C-30 of Section IV.C (Air Quality) in the Draft EIR shows that total PM₁₀ emissions anticipated as a result of the Project at its completion is 422,193 grams per day due to (422,022 grams PM₁₀ per day from VMT and 171 grams PM₁₀ per day from the Phase II solid-fuel burning appliance that would be allowed in the Hotel).

Comment B29-16

p. 1-14 Impact AQ-5 Odors

Why is it assumed that odors are "Less than significant" and cannot be mitigated? High quality Low-VOC (Volatile Organic Compounds) finishing products (paints, stains, glues, caulk etc.) are widely available and have far less impact on air quality and health. Where is the analysis of alternate material choices?

Response to Comment B29-16

As stated on page IV.C-40 of Section IV.C (Air Quality) in the Draft EIR, odors could occur for limited periods and would be restricted to the immediate vicinity of the construction site and activity. Typical uses that may result in significant odor impacts are not proposed in the Project area. Therefore, odor impacts would be less than significant and mitigation measures are not required. Furthermore, current codes require that only low Volatile Organic Compounds (VOC) paints and stains can be used in the state, and the Project would comply with all applicable regulations.

Comment B29-17

p. 1-14 Impact AQ-5 Cumulative Impacts

Paragraph 3 needs clarification. It does not make sense as written.

Response to Comment B29-17

This comment requests clarification of the discussion in the third paragraph under Impact AQ-5 on page I-14 of Section I (Introduction/Summary) in the Draft EIR. This discussion states that the Project is consistent with the AQMP for the Town of Mammoth Lakes, and therefore cumulative operational impacts for the Project would be less than significant.

Comment B29-18**BIOLOGICAL RESOURCES**

p.1-19 Mitigation Measure BIO-1d

A buffer of 25 feet around nesting sites is inadequate, according to the Audubon Society. An analysis is needed of how much the impact to nesting birds could be reduced if alternative nesting sites and materials were provided outside construction zones. What standards will be used to evaluate this mitigation?

Response to Comment B29-18

This comment suggests that a 25-foot nest-set-back would not be adequate to protect birds during the breeding season and that additional mitigation needs to be prescribed (e.g., alternative nesting sites and materials) to protect nesting birds. The nest-set-back zones referenced in the text on page IV.D-66 of Section IV.D (Biological Resources) in the Draft EIR are examples of what the California Department of Fish and Game (CDFG) typically recommends, as was stated in the text. Also, the text of Mitigation Measure BIO-1d states that “[i]f active nests are encountered, species-specific measures shall be prepared by a qualified biologist, in coordination with the CDFG and other appropriate agencies, and implemented...” This requirement takes into account the fact that the tolerance of human-related

disturbances varies among species, as well as individuals. Coordinating with the agencies would enable the development and implementation of appropriate avoidance and minimization measures for the particular species found. Implementation of this measure or the other mitigation measure prescribed in Mitigation Measure BIO1-d on page IV.D-66 of Section IV.D (Biological Resources) in the Draft EIR – conducting vegetation removal and other ground disturbance activities during the non-breeding season – would reduce Project impacts to nesting birds to a less-than-significant level. Therefore, no additional mitigation (e.g., providing alternative nesting sites) would be necessary.

Comment B29-19

p.1-20 Mitigation Measure BIO-1f (4th bullet point)

For accuracy, language should be added to this measure: "**Consistent with the Town of Mammoth Lakes outdoor lighting ordinance**, night lighting....." or "**In compliance with the Town of Mammoth Lakes outdoor lighting ordinance**, night lighting....."

Response to Comment B29-19

This comment suggests that the fourth bullet of Mitigation Measure BIO-1f needs to be revised as per written above. Mitigation Measure BIO-1f on page IV.D-67 of Section IV.D (Biological Resources) in the Draft EIR does not include a fourth bullet item. However, Mitigation BIO-1e on page IV.D-66 of Section IV.D (Biological Resources) in of the Draft EIR does contain a fourth bullet and it does pertain to outdoor lighting. As stated in Section III (Project Description) of the Draft EIR on page III-42, “[a]ll site and building lighting would be installed in conformance with the Town’s outdoor lighting ordinance.”¹⁴

Comment B29-20

p. 1-23 Mitigation Measure BIO-2a

Where is the analysis of the best time to plant and the irrigation required in order that revegetated areas will establish and thrive? What standards will be used to evaluate this mitigation?

Response to Comment B29-20

This comment suggests including requirements in Mitigation Measures BIO-2a for installing plants and irrigation for revegetated areas to ensure plant establishment and survival. As stated in the text on page IV.D-68 of Section IV.D (Biological Resources) in the Draft EIR, Mitigation Measure BIO-2a prescribes measures “[t]o avoid inadvertent impacts to preserved sensitive habitats (riparian habitat, wet meadow, or other jurisdictional features) adjacent to the development area...” Because sensitive habitats (e.g.,

¹⁴ Town of Mammoth Lakes, Municipal Code, Chapter 17.34, Outdoor Lighting Code.

riparian and wet meadow communities), as well as other natural communities, adjacent to the development area would not be directly impacted by the Project, a planting and irrigation plan is not necessary and, therefore, not included in Mitigation Measure BIO-2a.

Comment B29-21

p. 1-23 Mitigation Measure BIO-2a (12th bullet point)

For accuracy, language should be added to this measure: ".....prepared by Mono County **and adopted by the Town of Mammoth Lakes.**"

Response to Comment B29-21

This comment suggests that the 12th bullet of Mitigation Measure BIO-2a needs to be revised as per written above. Mitigation Measure BIO-2a on page IV.D-68 of Section IV.D (Biological Resources) in the Draft EIR does not include a 12th bullet item. The comment is referring to the 3rd bullet point on Mitigation Measure BIO-2b on page IV.D-69 of the Draft EIR. The bullet point in question appears to be the 12th bullet point on page I-23 of Section I (Introduction/Summary) in the Draft EIR due to a formatting error.

In response to this comment, the text in Table I-1 on page I-22 and I-23 of Section I (Introduction/Summary) in the Draft EIR has been revised as follows:

<i>Mitigation Measures BIO-2a through 2b</i>
<i>-Mitigation Measure BIO-2a</i> <i>To avoid potential inadvertent impacts to preserved sensitive habitats (riparian habitat, wet meadow, or other jurisdictional features) adjacent to the development area, the following measures shall be implemented prior to and during construction activities:</i> <i>• Prior to construction activities, the boundaries of sensitive habitats that will not be impacted shall be plotted on all construction plans and maps, including a minimum buffer of 10 feet or more as determined by a qualified biologist.</i> <i>• Silt fencing and construction fencing (or flagging to make the silt fencing more visible) shall be installed around the sensitive habitat and buffer, and the final location of the installed fencing shall be approved by a qualified biologist prior to initiation of construction activities.</i> <i>• Encroachment into the sensitive habitat and buffer shall be prohibited by construction personnel, and storage of materials or equipment shall be prohibited in this area.</i> <i>• Prior to the onset of construction activities, construction personnel shall be briefed on the location of sensitive habitat and other resources that shall be persevered and the importance of avoidance.</i> <i>• The silt fence shall be monitored regularly during construction activities to ensure that the fencing remains intact and functional, and that no</i>

encroachment has occurred into the sensitive habitat or boundary; any repairs to the fence or encroachment correction shall be conducted immediately. A memo summarizing monitoring dates, observations, and repairs/corrections shall be prepared following each construction season and submitted to the Town.

- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect water quality of Mammoth Creek and its adjacent wet meadow community during and following project construction. The BMPs to be implemented shall be described in the site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacturer's specifications.
- All fueling and maintenance of vehicles and other equipment and staging areas shall be at least 50 ft (15 m) from sensitive habitats.
- ~~Mitigation Measure BIO-2b~~

Mitigation Measure BIO-2b

To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.

- ~~To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.~~
- A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeded, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.
- Vegetation disturbances shall be limited to those areas identified on construction plans and maps as slated for development or construction staging.
- Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.
- Landscaping will not use invasive non-native plants that threaten wildlands according to the California Invasive Plant Inventory made available by the California Invasive Plant Council (Cal-IPC).
- Erosion and sediment control materials shall be certified as weed-free.

Also, in response to this comment, the text under Mitigation Measure BIO-2b on page IV.D-69 of Section IV.D (Biological Resources) in the Draft EIR has been revised as follows:

- Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.

Comment B29-22

HYDROLOGY & WATER QUALITY

p. 1-41 Impact HYD-3 Drainage Pattern Alteration

Drainage channels in spring, whether existing, re-directed, year-round or ephemeral have a significant impact on the community of Mammoth Lakes. Rather than just saying "No mitigation measures are required," why aren't the BMPs used during the ten-year construction project listed under Mitigation Measures?

Response to Comment B29-22

See page IV.G-10 of Section IV.G (Hydrology and Water Quality) in the Draft EIR. Best Management Practices (BMPs) designed to manage drainage on the Project site must be installed and maintained during construction in conformance with the NPDES Stormwater Permit (CAS# 000002), as required for projects with construction that disturbs in excess of 1 acre (see page IV.G-9 of Section IV.G [Hydrology and Water Quality] in the Draft EIR).

Comment B29-23

LAND USE AND PLANNING

p. 1-43 Impact LU-1 Consistency with Applicable Land Use Plans, Policies or Regulations

On what assumptions is this statement based? "Due to consistency with virtually all of the 1987 and 2007 General Plan policies, impacts of the Project would be less than significant and would not require mitigation."

Response to Comment B29-23

CEQA requires an analysis of consistency with plans and policies as part of the environmental setting (see *CEQA Guidelines* Section 15125). An EIR uses the policy analysis as an indicator of the resources that might be affected by a project and considers the importance a policy gives a resource in determining the significance of the physical impact. Conversely, the EIR considers the potential significance of the related physical impacts when analyzing a particular policy. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. Using this approach, this EIR provides a detailed analysis of policies of the 1987 General Plan, 2007 Draft General Plan, and analyses of other applicable plans (such as the 1981 Master Plan, Air Quality Management Plan, Inyo National Forest Land and Resource Management Plan, and Mono County Local Transportation Commission) and policies so that the decision-makers may determine project consistency. The physical impacts of the Project are analyzed in other sections of the Draft EIR.

The General Plan Guidelines published by the State Office of Planning and Research defines consistency as, "An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment." Therefore, the standard for analysis used in the EIR is based on general agreement with the policy language and furtherance of the policy intent. The determination that the Project is consistent or inconsistent with the 1987 General Plan and 2007 Draft General Plan policies or other Town plans and policies is ultimately the decision of the Town.

Comment B29-24

p. 1-44 Impact LU-2 Cumulative Impacts

Clarification is needed for the statement: "Project.would not be great enough in size or extent to divide an established community." As currently proposed, the Project is surrounded by a golf course moat. How is that consistent with the above statement?

Response to Comment B29-24

The comment is concerned with the development of the Project and its potential to create a physical division of an established community. As discussed on page IV.H-66 of Section IV.H (Land Use & Planning) in the Draft EIR, the Project, in conjunction with other reasonably-foreseeable projects in the Town, is located within an urbanized area and would not physically divide an established community. Although the Project site is undeveloped, development and a roadway system already occur in the Project area and the Project would not cut off an existing or proposed transportation route. Implementation of the Project would not preclude the access or future use of any surrounding areas, including the surrounding Inyo National Forest lands. Consequently, the Draft EIR discusses physical division and concludes that cumulative impacts would be less than significant. See Response to Comment B27a-7.

Comment B29-25

NOISE

p. 1-46 Impact NOISE-3 Temporary Increase in Noise (Construction Noise)

Why are no mitigation measures listed for construction noise? How does only being noisy during the period from 7 AM to 8 PM mitigate irritating noise? What does this statement mean: " ...construction activities ...would not occur...on days that residents are most sensitive to exterior noise..."?

Response to Comment B29-25

This comment incorrectly questions the absence of mitigation measures for construction noise, the adequacy of limiting construction noise from 7:00 A.M. to 8:00 P.M., and the meaning of a statement

related to days of increased noise sensitivity. As discussed on page IV.I-19 of Section IV.I (Noise) in the Draft EIR, to reduce the noise levels resulting from construction of the Project to the extent feasible, Mitigation Measures NOISE-1a and NOISE-1b shall be implemented, which requires the Project to comply with the construction hours of the Town Municipal Code and that construction BMPs to be implemented by contractors to reduce construction noise levels. Mitigation Measure NOISE-1(c) requires by contract specifications that construction staging areas within the Project site would be located as far away from vibration-sensitive sites as feasible.

As discussed on page IV.I-9 of Section IV.I (Noise) in the Draft EIR, construction activities are permitted between the hours of 7:00 A.M. and 8:00 P.M., Monday through Saturday, according to Section 15.08.020 of the Town Municipal Code. Work hours on Sundays and Town recognized holidays are limited to the hours between 9 A.M. and 5 P.M., and are permitted only with the approval of the building official or designee. In addition, as shown in Table IV.I-5 on page IV.I-10 of Section IV.I (Noise) in the Draft EIR, construction noise levels are limited to 75 dBA and 80 dBA at Single and Multi-Family Residential uses, respectively, for mobile equipment and 60 dBA and 65 dBA for stationary equipment. As discussed in the second paragraph on page IV.I-21 of Section IV.I (Noise) in the Draft EIR, noise generated by the use of construction equipment may reach as high as 80 dBA at the nearest multi-family residential units, located approximately 100 feet from the Project site. In general, single and multi-family residential uses are most sensitive to increases in ambient noise levels because of increased time spent outdoors compared to other residential uses. This outdoor time generally occurs on weekends and holidays. Therefore, the Town has created thresholds which limit the times in which major construction can occur and also add limits to the amount of noise which may be generated during the permitted hours. The Project is required to adhere to the requirements listed in Section 15.08.020 and Section 8.16.090 of the Town of Mammoth Lakes Noise Ordinance (see Mitigation Measure NOISE-1a on page IV.I-18 of Section IV.I [Noise] in the Draft EIR).

Comment B29-26

POPULATION AND HOUSING

p. 1-50 Impact POP-1 Population Growth Associated with Employment

What are the assumptions underlying "Project-related construction workers would not be likely to relocate their place of residence as a consequence of working on the Project."? This is a minimum ten-year project. What will be environmental impacts from influx of construction workers and their families? How would impacts mitigation be measured?

Response to Comment B29-26

Although the construction of the Project will take place over a 10-year period, the Project would be constructed in phases. Most construction phases would last approximately 18 to 24 months but some may

be as long as 24 to 30 months. As discussed on page IV.J-6 of Section IV.J (Population & Housing), in the Draft EIR, construction-related employment opportunities would not likely result in household relocation by construction workers to the vicinity of the Project site for various reasons, including the following:

- Construction employment has no regular place of business; rather, construction workers commute to job sites that may change several times a year.
- Many construction workers are highly specialized (e.g., crane operators, steelworkers, masons, etc.) and move from job site to job site as dictated by the demand for their skills.
- The work requirements of most construction projects are also highly specialized, and workers are employed on a job site only as long as their skills are needed to complete a particular phase of the construction process.
- Some construction workers would likely be drawn from the construction employment labor force (eight percent of the total labor force) already present in the Town and surrounding communities. The construction of the Hotel would require specialized workers (as mentioned above), and the developer would likely employ these workers from outside the Town and area.

Therefore, Project impacts would be less than significant and no mitigation measures are required.

Comment B29-27

PUBLIC SERVICES

p. 1-52 Impact PS-2 Police Services (Cumulative)

The assumption that "...the Project would not result in a meaningful increase in crime..." is inconsistent with my personal experience as a 15-year resident of Mammoth and with M.L. Police Chief Schienle's comments included in the DEIR. This issue needs further analysis with hard data that demonstrates the proposed mitigation measures are adequate.

Response to Comment B29-27

The commenter suggests that the Draft EIR's finding that the Project would not result in a meaningful increase in crime is inconsistent with her personal experience and from the comments provided by Mammoth Lakes Police Department's (MLPD) Chief Schienle. This response assumes the commenter is referring to Chief Schienle's description of short-term increases in demand for police services during the construction of phases. It is unclear what issue the commenter is requesting further analysis of and what impact the proposed mitigation may be inadequate for. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

The level of significance was determined in accordance with Appendix G of the *CEQA Guidelines*, which states the proposed project could have a significant environmental impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental 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, response times or other performance objectives for police services. The increase in crime itself is not considered an environmental impact.

While the MLPD's current facility is considered to be at capacity at the Town's current build-out, which includes the Project, it has been determined by MLPD that the addition of the Project itself would not require new facilities.¹⁵ However, the Project in conjunction with the reasonably-foreseeable development proposed in the Town would require that the new police facility be completed in the next two to three years or in the later phases of the Project to meet these needs. As a result, cumulative police protection impacts are considered to be significant. New police facilities would be required in order to fully mitigate this significant cumulative impact to a less-than-significant level. Mitigation Measure PS-2b on page IV.K-5 of Section IV.K (Public Services) in the Draft EIR states that the Project applicant shall pay Developer Impact Fees (DIFs) in order to fund its proportionate share of the cost of the construction of a public safety and dispatch facility and holding facilities as needed.

Comment B29-28

p. 1-53 Impact PS-3 Fire Services

The impact of this project on emergency evacuation (forest fire, eruption, etc.) could be substantial. Presently there is only one exit route from all of Old Mammoth: Old Mammoth Road. An analysis of the Project's impact on emergency evacuation should be done. An alternate escape route should be analyzed and mitigation measures proposed.

Response to Comment B29-28

The Project's impacts to the Town's Emergency Operations Plan (Plan) were discussed with the Mammoth Lakes Fire Protection District (MLFPD). The MLFPD is a participant in the Plan which includes the Project area. The Plan would be revised with the development of the Project to include any needed updates or changes. The MLFPD anticipates that only minor changes would be needed to update the Plan based upon the current plans and zoning.¹⁶

¹⁵ Chief Randy Schienle, Mammoth Lakes Police Department, letter correspondence, December 8, 2006.

¹⁶ Fire Marshal Thom Heller, Mammoth Lakes Fire Protection District, written correspondence, December 11, 2006; included in Appendix I of the DEIR..

Comment B29-29

p. 1-56 Impact PS-8 Parks and Recreation Services (Cumulative)

How was it determined, and who made the determination, that "the Project's impacts to park services would be less than significant"? How is this measured?

Response to Comment B29-29

As presented in both the Section IV.K (Public Services) (page IV.K-15) and Section IV.L (Recreation) (page IV.L-7) in the Draft EIR, implementation of the Project would result in the development of 1,050 new dwelling units and would generate approximately 2,562 new residents, including approximately 475 school-aged children, and thus, following the Town's requirement of five acres of parkland per 1,000 residents, the Project would create an additional demand of 12.81 acres (calculations shown below) for parks and recreational services.^{17, 18} Current population patterns in the Town indicate that households similar to those proposed by the Project are not occupied year round, therefore this is a conservative estimate.

In accordance with the Town's requirement, the preliminary parkland dedication requirements for the Project have been calculated and are as follows:

$$A = .005 \times UP$$

A = Amount of parkland required, in acres

U = Total number of approved dwelling units in the subdivision

P = Population density per dwelling unit

.005 = 5 acres of parkland per 1,000 residents

Whereas,

U = (125) Hotel Room/Suite units + (75) Private Residence Club (PRC)/suite units + (850) residential dwelling units = 1,050 total residential units

P = 2.44

Therefore,

$$(.005) \times (1,050) \times (2.44) = 12.81 \text{ acres.}$$

¹⁷ James Maxey, Business Manager, Mammoth Unified School District, correspondence, October 23, 2006.

¹⁸ United States Census Bureau, Census 2000; www.census.gov, CAJA staff, December 8, 2006.

The Project's proposed recreational and public amenities in conjunction with the Town's current facilities and the collection of Developer Impact Fees (DIFs) that support the Town's park and recreation fund (as required by Town Municipal Code 15.16.081), would be adequate to accommodate the Project's demand for parks and recreational services.¹⁹ Appendix M to the Draft EIR includes the Town's current Developer Impact Fee Schedule dated June 2007. As development occurs within the Project area, Developer Impact Fees will be paid to the Town to offset the cost of the parkland acquisition and/or development, improvement or maintenance of recreational facilities. No additional parks or recreational facilities beyond what are proposed would be required. Therefore, Project impacts to park services would be less than significant and no mitigation measures are required.

The Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. The Project would expand, by approximately 94 acres, the existing privately owned but publicly accessible golf course, into the 155-acre Snowcreek Golf Course. In addition, the Project would provide other recreational facilities including a publicly accessible golf clubhouse, Outfitters' Cabin, Interpretive Center, and ice skating rink/pond. No additional park or recreational facilities beyond what are proposed would be required. Therefore, Project impacts to park services would be less than significant and no mitigation measures are required.

Comment B29-30**RECREATION**

p. 1-58 Impact REC-1

What assumptions underlie the statement: "The development of the Outfitter's Cabin as a focal point for entry into the Inyo National Forest would...serve to reduce impacts observed at other access routes in current use..." What "impacts... at other access routes"? What is the bicycle, pedestrian, Nordic skiing trail plan for this project? How does the Town Trail System network connect with the Snowcreek Trail system? How do residents within Snowcreek VIII connect with the Town Trail System?

Response to Comment B29-30

See Responses to Comments B20-1 (amenities) and B20-1 (public access). See Topical Response 2 (Project Details). No policies concerning the availability of Nordic skiing trails have been adopted by the Town.

Comment B29-31

p. 1-59 Impact REC-3

¹⁹ Town of Mammoth Lakes Municipal Code Chapter 15.16 §15.16.085 part E, CAJA staff, December 11, 2006.

It is stated that access to the Sherwin Range and Inyo National Forest will be "permitted and lawful" from a trail on the eastern edge of the Project site. Do we assume that access on bike and pedestrian paths within and through the site is "unlawful"? What are the environmental impacts of funneling access to one point next to an "Outfitter's Cabin"?

Response to Comment B29-31

The commenter is referring to the discussion regarding changes to access to the Inyo National Forest as a result of Project implementation. See Response to Comment B20-2. The privately owned Project site has periodically been crossed by pedestrians and hikers for purposes of obtaining access to the Sherwin Range and Inyo National Forest. The development of the Project would require persons who may have previously crossed the Project site to instead hike around the perimeter of the Project site to reach these areas (see Topical Response 3 [Recreation]). The Project applicant has proposed to provide a portal along the eastern edge of the Project site. That access, while not as convenient as the current access points and routes, would be permitted and lawful and would be enhanced with a facility that will provide opportunities for persons entering those public lands to rent ski equipment and other sports equipment. Any bike trails and pedestrian pathways developed within the Project would also be permitted and lawful. There are no established thresholds to determine environmental impacts for rerouting public access to public lands. As noted at page IV.L-9 of Section IV.L (Recreation) in the Draft EIR, the Forest Service recognizes that recreation, as identified in the Inyo National Forest and Land Resource Management Plan, is the most important public resource available on the Inyo National Forest (see Response to Comment A9-4).²⁰ While the Project's recreational features are intended to enhance recreational uses in the area, including use of the Inyo National Forest, the potential impacts resulting from the future use of such amenities are too speculative and remote in terms of location, quantity and specific type of use for a quantitative analysis. In preparing a Draft EIR, an agency is not required to "foresee[] the unforeseeable;" it need only "disclose all that it reasonably can" (see *CEQA Guidelines* Section 15144).

Comment B29-32

TRANSPORTATION/TRAFFIC

p. 1-63 Impact TRANS-5 Bicycle and Pedestrian Facilities

What do "bicycle and pedestrian facilities" include? Rest rooms, bike racks, maps, interpretive signage, other? How pedestrian and bicycle paths connect to the rest of the community is referenced on p. III-34 but no map is included. It is not clear from DEIR discussion that internal walking and bicycle paths are open to the public. Are they? (C.3.C p. IV.HAS states "no roads will be closed.") Nordic skiing access is

²⁰ *Inyo National Forest and Land Resource Management Plan (1988), page 46 of Chapter III (Summary of the Analysis of the Management Situation), <http://www.fs.fed.us/r5/inyo/projects/1988-plan.shtml>.*

an alternative form of transportation and recreation promoted by the Town on its Trail system. The DEIR acknowledges this on p.1-63 but discusses only bicycle and pedestrian paths within Snowcreek VIII. Why is Nordic skiing not included? Where are the transit stops/shelters for Snowcreek VIII located? (referenced on p. III-40)

Because of its size, Snowcreek VIII is more than a development; it is a neighborhood. It is part of the Mammoth Lakes community. Public access to and connectivity with all neighborhoods is important for a healthy community.

Response to Comment B29-32

The Draft EIR on pages IV.M-21 and IV.M-22 of Section IV.M (Traffic/Circulation) found the Project will provide additional bus stop(s) on the Project site. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding bicycle and pedestrian pathways and facilities, as well as transit stops and shelters, have not yet been determined. The Project is required to comply with all applicable General Plan policies regarding bicycle and pedestrian pathways and facilities as well as transit stops and shelters. The Project would include Class I bike lanes and bicycle parking facilities allowing bicycle travel from the Project site to the Town. The Project's internal pathways would be open to the public. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including those aspects. The routing of bicycle and pedestrian pathways and facilities as well as placement of transit stops and shelters that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Topical Response 2 (Project Details). The commenter states that Nordic skiing access is an alternative form of transportation and recreation promoted by the Town on its Trail system, but it is unclear what type of response the commenter is requesting regarding Nordic skiing. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B29-33

UTILITIES & SERVICE SYSTEMS

p.1-67 Impact UTIL-1 Wastewater Generation

Where is an analysis of using gray water (from showers, clothes washers, sinks, etc.) to water the golf course in summer and to melt snow under the driveways in winter?

Response to Comment B29-33

California Water Code Section 14876 defines "Graywater" as untreated wastewater which has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and which does not present a threat from contamination by unhealthful processing,

manufacturing, or operating wastes. Graywater includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs but does not include wastewater from kitchen sinks or dishwashers. Water Code 14877 states: A graywater system may be installed if the city or county having jurisdiction over the installation determines that the system complies with standards adopted by Department of Water Resources. Water Code 14877.3 states: After a public hearing, a city or county may adopt, by ordinance, standards that prohibit the use of graywater or standards that are more restrictive than the standards adopted by the department, as appropriate for the local area.

A Water Supply Assessment ([WSA] see Appendix L to the Draft EIR) was prepared for the Project by the Mammoth Community Water District in January of 2006. The WSA did not include the use of graywater in either existing or future water supplies, likely because the Town of Mammoth Lakes has not yet adopted an ordinance or standard that would provide for graywater systems as required by the CA Water Code. The WSA considered the use of recycled water for irrigation of the golf course. Additionally, as presented in Section IV.H (Land Use & Planning) in the Draft EIR, the Project applicant is exploring the use of geothermal heating opportunities for both heating and snow removal which is consistent with General Plan policy M.9.C to support development of geothermal and solar heating opportunities for snow removal.

Comment B29-34

p.1-69 Impact UTIL-5 Water Supply

Why is there no analysis comparing water use for drip irrigation vs. traditional sprinklers for maintaining landscaping trees, shrubs and flowers? Lawn area is described as "minimal" (p. IIIA2.) How much turf will be included? How much water will it use? Why no analysis contrasting a xeriscape golf course vs. a traditional irrigated turf course?

Response to Comment B29-34

As discussed on page III-33 of Section III (Project Description) in the Draft EIR, the 18-hole golf course would encompass approximately 155 acres. The course would be designed to conserve water and improve the use of native vegetation. The *Resource Management and Conservation* element of the 2007 General Plan Policy D states: Require drought-tolerant landscaping and water-efficient irrigation practices for all new development and Town-maintained landscaped areas, parks and park improvement projects. It does not specify analysis comparing drip irrigation versus sprinklers, thus this policy analysis would not be required under CEQA. However there are several Mitigation Measures discussing smart sprinklers and drought tolerant landscaping in Section IV.N (Utilities) in the Draft EIR.

Table IV.N-5 on page IV.N-21 of Section IV.N (Utilities) in the Draft EIR, shows the estimated water use for golf courses, based on existing uses for the golf courses at Sierra Star and Snowcreek, as provided in the Water Supply Assessment (WSA) prepared by Mammoth Community Water District in January of

2006. Analysis contrasting a xeriscape golf course vs. a traditional irrigated turf course was not provided by the WSA and is not required by the California Water Code.

Comment B29-35

p. 1-69 Impact UTIL-6 Water Infrastructure

Where is the analysis of geothermal heating alternative (logically to be installed when the water and wastewater systems are) for the Project? Will the Project be geothermal-ready?

Response to Comment B29-35

Although an analysis of a geothermal heating alternative is not required under CEQA, as stated in Table IV.H-3 on page IV.H-57 of Section IV.H (Land Use & Planning) in the Draft EIR, the Project applicant is exploring the use of geothermal heating opportunities for both heating and snow removal which is consistent with General Plan Policy M.9.C to support development of geothermal and solar heating opportunities for snow removal.

Comment B29-36

PROJECT CHARACTERISTICS

p. III-20 Natural Resources and Historic Interpretive Center

Mammoth's signature viewshed is seen from the northwest corner of Minaret and Old Mammoth Roads: Mammoth Mountain with Snowcreek Meadow in the foreground. Installing a parking lot and building on that corner would have a very significant visual impact and one that is unnecessary. Even though it is called a "disturbed site" (p.IV.H-9) the replanted spruce trees have now established and the ground has revegetated well.

An analysis is needed of an alternative option: a trail with interpretive signage starting at the intersection, connecting with the Sherwins' planned trail along Mammoth Creek to the east and an additional connector with the Snowcreek Meadow trail to the west. The trail should branch to the proposed General Store. A parking lot desecrates this viewshed and actually interferes with interpreting the natural surroundings. A parking lot also is not consistent with the community's vision of feet first, transit second and cars last.

Response to Comment B29-36

The commenter suggests that an alternative should be prepared that does not include a parking lot or create view impacts on the Project's development area north of Old Mammoth Road. Section VI (Alternatives to the Proposed Project) identifies four alternate options for development on the Project site. Three of the four alternatives do not propose development on the parcel north of Old Mammoth Road that

the commenter is referring to. These include: Alternative A (No Project), Alternative B (Revised Site Plan), and Alternative C (Reduced Density). See Topical Response 2 (Project Details).

Comment B29-37

p.III-20

Market/General Store - Retail Component

Recycling (with remodeling) the current rental office makes sense for the General Store, a multi-use facility. There is no mention of public rest rooms provided in the General Store. They will be needed and should be accessed from the outside. In lieu of building a separate structure for an "Interpretive Center," interpretive historical photographs could be mounted on the building's exterior walls and maps and information provided in racks. This alternative should be discussed.

An analysis of potential uses for and restoration of the historic log cabin across the drive from the rental office should be included. An analysis of other parking configurations for the disturbed area around the log cabin and current rental office should be done rather than only a single option: paving over the foreground of Mammoth's signature viewshed.

Response to Comment B29-37

The Project does not propose any use or restoration of the historic log cabin. The historic log cabin is a part of the Snowcreek VII project and will become the property of the Snowcreek VII Home Owner's Association. This comment requests information regarding the existence and location of General Store bathrooms and the recycling of the existing rental office. See Topical Response 2 (Project Details) with respect to certain project details, such as the existence and location of bathrooms, which would be determined during site-specific design but would be consistent with applicable regulations. The current rental office is considered a temporary facility and would be remodeled to be used as a recreation facility for the Snowcreek VII project.

With regards to the suggestion that maps and photos be placed on the outside of a building in lieu of an Interpretive Center and the comment that additional other parking configurations be analyzed, CEQA does not require an analysis of every possible configuration or iteration of a planned project. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Parking for the General Store and Interpretive Center would be provided as required by the Town's Municipal Code. Site planning for General Store and Interpretive Center parking included consideration of sensitive habitats; therefore, required parking was located in an area with the potential to conserve sensitive and protected resources.

Comment B29-38

p. III-33 Outfitters' Cabin

The practicality and usefulness of this structure is not clear. Retail needs and information can be provided at the General Store. There is no analysis of the building's environmental impacts vs. those of a rental equipment van driven to the site on sunny days. Portable self-contained toilets, as used on the golf course, would have less environmental impact.

Response to Comment B29-38

This comment expresses an opinion about the merits or a design feature of the Project. It is unclear how the commenter wishes the Draft EIR to compare a rental equipment van that is driven to the site on sunny days to the Outfitters' Cabin. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). The Project does not propose the use of temporary portable self-contained toilets and thus their impacts are not discussed in the Draft EIR. The environmental impacts of the Outfitters' Cabin are discussed throughout the Draft EIR.

Comment B29-39

Figure III-4 Pedestrian and Bicycle Circulation System

Not indicated in Figure III-4 are the pedestrian and bicycle pathways as well as how they connect to transit stops and the Town Trail System. The legend doesn't mention paths.

Response to Comment B29-39

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding bicycle and pedestrian pathways have not yet been determined. The Project is required to comply with all applicable General Plan policies regarding bicycle and pedestrian pathways. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of bicycle and pedestrian pathways that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Topical Response 2 (Project Details).

Comment B29-40

p. IV.H-62 Energy Resources

The "Consistency Discussion" for R.6.A, R.6.C, and R.7.A is woefully inadequate. It barely begins to address the intents and policies of the 2007 General Plan. Site orientation, passive solar heating, other alternative heating sources, daylighting, increased insulation, double door entries to buildings and single

family residences, reduced lighting that is energy-efficient, planning kitchen/laundry/bath utility cores within units to reduce distance hot water has to travel or else using on-demand water heating, using waste heat for driveway snowmelt, using sustainable building practices and materials, etc., etc. A much more thorough analysis is required here.

Response to Comment B29-40

Because this Project is a Master Plan development and not a project specific development the exact design of the Project has not yet been determined and is not required under CEQA. Certain Project details, such as the site orientation double door entries to buildings and other features suggested by the commenter, would be determined during site-specific design but would be consistent with applicable regulations. See Response to Comment B29-35. See Topical Response 2 (Project Details).

Comment B29-41

p. VI-I Alternatives to the Proposed Project

There is no analysis of alternate site plans for each of the Alternatives A, B and D. That would be useful information. An analysis with a different site plan that clusters units into larger varied structures at the proposed Project's density is also needed.

Response to Comment B29-41

Alternatives to the proposed Project are discussed in section VI of the Draft EIR. Alternative B, discussed on pages VI-14 through VI-20 of Section VI (Alternatives to the Proposed Project), proposes an alternative site plan to the proposed Project. With regards to the commenter's request to include another alternative to the proposed Project, the Draft EIR presents four alternatives in compliance with Section 15126.6(a) of the *CEQA Guidelines* which states: "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 comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

Comment B29-42

Appendices Scoping Comments

Why is a driving range being eliminated? It is popular recreation and a natural amenity for a golf course. Many of the people commenting during scoping expressed surprise and anger that a driving range would be eliminated. An analysis of driving range location options with their environmental impacts is needed [sic]

Response to Comment B29-42

This comment expresses concern regarding the removal of the driving range and its effect on the Town's tourism-reliant economy, but it does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As stated on page IV.L-10 of Section IV.L (Recreation) in the Draft EIR, no policies concerning the availability of golf driving ranges have been adopted by the Town. Thus, despite the removal of a privately owned publicly accessible driving range and the temporary loss of use of the existing nine-hole golf course for minor changes, the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes' area. See Response to Comment B20-1 and Topical Response 3 (Recreation).

Response to Comment Letter B30

John Wilson

Comment B30-1

Dear Council Members and Planning Commissioners, I have read Snowcreek VIII Comments put forth by the Advocates For Mammoth and I concur fully with them. Please give them careful consideration.

Response to Comment B30-1

This comment expresses support for the comments submitted by Advocates for Mammoth, which are addressed in Responses to Comments B32-1 through B32-130, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment letter will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B31

John Smyth

Comment B31-1

My apologies for the delay in sending my comments regarding the CEOA Draft EIR document (03 and 04 are our busiest quarters of the year). Respectfully, I have also presented my observations/conclusions/recommendations regarding the overall planning/CEOA process.

Please find enclosed at 10 slide ppt presentation representing my observations, conclusions and recommendations.

Response to Comment B31-1

The comment introduces ensuing comments, which are addressed in Responses to Comments B31-2 through B31-12, below.

Comment B31-2

So - where are we going?

GP2007

COMMUNITY VISION

Surrounded by uniquely spectacular scenery and diverse *four-season recreation opportunities*, the community of Mammoth Lakes is committed to providing the very *highest quality of life for its residents* and the highest quality of experience for its visitors. To achieve this vision, Mammoth Lakes places a high value on:

- X 1. ***Sustainability and continuity of our unique relationship with the natural environment.*** As stewards, we support visitation and tourism as appropriate means to educate and share our abundant resources and are committed to the efficient use of energy and continuing development of renewable resources.
- X 2. ***Being a great place to live and work. Our strong, diverse yet cohesive, small-town community supports families and individuals by providing a stable economy, high quality educational facilities and programs, a broad range of community services and a participatory Town government.***
- X 3. Adequate and appropriate housing that residents and workers can afford.
- X 4. Being a world-renowned year-round resort community based on *diverse outdoor recreation*, multi-day events and an *ambiance that attracts visitors*.
- X 5. ***Protecting the surrounding natural environment and supporting our small-town atmosphere*** by limiting the urbanized area.
- X 6. ***Exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting; our sense of a "village in the trees;" and small-town charm and unity.***

- X 7. Offering a variety of transportation options that emphasize connectivity, convenience, and alternatives to personal vehicle use with a strong pedestrian emphasis

Response to Comment B31-2

This comment identifies the Town's community vision, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-3

Town Staff Alignment to General Plan

TOWN GOVERNMENT

An ***open, participatory and inclusive*** Town government is critical for accomplishing the goals, policies and actions outlined in this General Plan. The goals and policies for the Town Government Element will make Town government decisions predictable, fair and cost-effective.

1. Goal: Encourage community participation by ensuring Town government and staff are responsive and accessible.
 - A. Policy: Involve all members of the community in the public decision-making process through concerted outreach efforts targeting the diversity of the community.
 - B. Policy: Maintain and provide opportunities for a high level of public involvement in community decision-making.

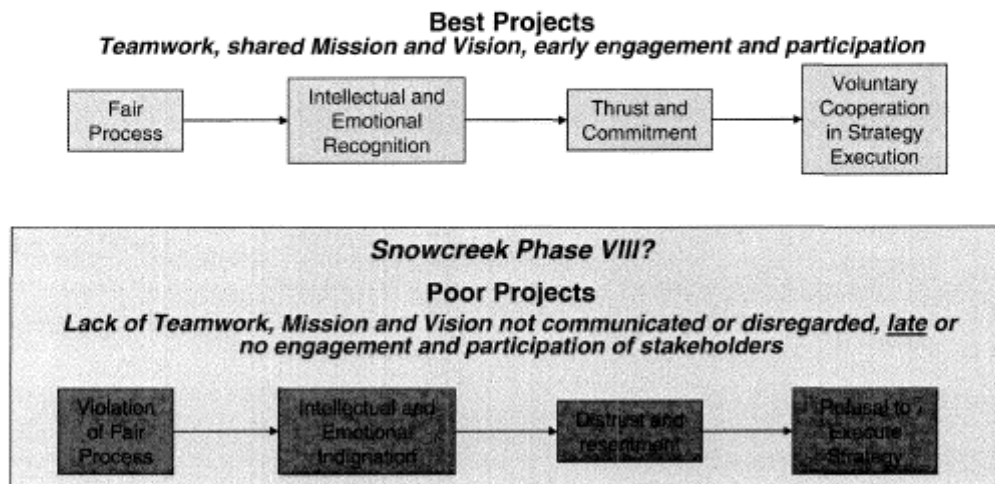
Response to Comment B31-3

This comment identifies the Town's General Plan policies, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-4

Fair Process

The Execution Consequences of the Presence and Absence of Fair Process in Strategy Making



W. Chan Kim, Renee Mauborgne, 2005, *Blue Ocean Strategy*

Response to Comment B31-4

This comment identifies a fair process flow chart, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-5**How is SC VIII Aligned to the Vision?**

**Table VI-1
Alternatives Project Components Comparison**

Land Use	PROPOSED PROJECT	ALTERNATIVE A (No Project)	ALTERNATIVE B (Revised Site Plan)	ALTERNATIVE C (Reduced Density)	ALTERNATIVE D (Increased Density)
NON-RESIDENTIAL					
Non-residential Space	75,000 SF	120,000 SF	120,000	0	75,000 SF
RECREATIONAL/AMENITIES					
Resident's Club/pool area	•	•	•		•
Interpretive Center	•	•	•		•
Stages	•	•	•		•
Outfitters' Cabin	•	•	•		•
Golf Course	18-Holes	18-Holes	18-Holes	9-Holes Relocated	18-Holes
Driving Range					
RESIDENTIAL					
Avg. Residential Unit Size	1,775 SF	1,918 SF ⁽¹⁾	1,775 SF	2,169 SF	1,775 SF
HEIGHT					
Residential Height Limit	43'	43'	43'	35'	60'
Hotel Height Limit	120'	43'	120'	NA	120'
DWELLING UNIT/DENSITY					
Total Buildings	75	40	80	183	40
Residential Condos	850	656	850	730	966
Hotel Condo ⁽²⁾	400	400	400	0	400
Motor Inn ⁽³⁾	0	150	0	0	0
Total Units	1,050	863	1,050	530	1,186
DENSITY					
Calculated over 66.27 acres	1,050/66.27	863/66.27	1,050/66.27	530/66.27	1,186/66.27
Total New Development Site Density	16 units/acre	13 units/acre	16 units/acre	8 units/acre	15 units/acre
Calculated over 144.15 acres	1,050/144.15	863/144.15	1,050/144.15	530/144.15	1,186/144.15
Total Project Site Density	7 units/acre	6 units/acre	7 units/acre	4 units/acre	8 units/acre
Calculated over 345 acres (all Master Plan units)	2,195/345	2,089/345	2,195/345	1,673/345	2,331/345
Total Master Plan Density	6.36 units/acre	5.5 units/acre	6.4 units/acre	4.9 units/acre	6.8 units/acre
Development North of Old Mammoth Road	Yes	No	No	No	Yes

⁽¹⁾ SF = square feet
⁽²⁾ These are estimated square footages based on Snowcreek IV' and Snowcreek V' square footages for 1-4 bedroom units.
⁽³⁾ Hotel Condo Units include the Private Residence Club (PRC) units units.
⁽⁴⁾ Motor Inn units were determined by using 15 density points for hotel and motor inn units.

Response to Comment B31-5

This comment reproduces Table VI-1 from the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The commenter is directed to review Table IV.H-3 (Comparison of Project Characteristics to Applicable Policies in the 2007 General Plan) which illustrates how the Project is consistent with General Plan policies and therefore with the Town's vision as policies are intended to implement the vision and goals of the General Plan.

Comment B31-6

OK - CEQA guidelines rating
But which Alternative Achieves the goals specified by the
residents, second home owners, Advocates and Stakeholders in
the General Plan and established zoning?

Table VI-2
Alternatives Impacts Comparison

IMPACT AREA	PROPOSED PROJECT	ALTERNATIVE A (No Project)	ALTERNATIVE B (Revised Site Plan)	ALTERNATIVE C (Reduced Density)	ALTERNATIVE D (Increased Density)
Aesthetics	S	—	—	—	—
Air Quality	S	—	—	—	—
Biological Resources	LTS-M	—	—	—	—
Cultural Resources	LTS-M	—	—	—	—
Geology & Soils	LTS-M	—	—	—	—
Hydrology & Water Quality	LTS-M	—	—	—	—
Land Use and Planning	LTS	—	—	—	—
Noise	LTS-M	—	—	—	—
Population & Housing	LTS	—	—	—	—
Public Services	LTS-M	—	—	—	—
Recreation	LTS	—	—	—	—
Transportation & Circulation	LTS-M	—	—	—	—
Utilities & Service Systems	S	—	—	—	—

Key:
S = Significant Impact
LTS = Less-than-Significant Impact
LTS-M = Less-than-Significant Impact with Mitigation
— = Impact greater than the Project
+ = Impact similar to the Project
— = Impact less than the Project

Additionally, why would you run scenarios which clearly can't even meet the standards of the CEQA not met by the base case?

None

And we have lost over 1 year in this process with no alignment of participants

Response to Comment B31-6

This comment suggests section VI (Alternatives to The Proposed Project) do not meet the standards of CEQA. Alternatives to the proposed Project are discussed in Section VI of the Draft EIR. The Draft EIR presents four alternatives in compliance with Section 15126.6(a) of the *CEQA Guidelines* which states: “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 comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Comment B31-7

Project Objectives

*As defined by whom?*Bullet points 6 & 18 (18 objectives???)

- Create a landmark hotel property providing an **icon** for Mammoth similar to the Banff Springs Hotel in Alberta, Canada or the Ritz Carlton, Bachelor Gulch Hotel in Beaver Creek, Colorado for the Town by providing a luxury destination rustic resort hotel and neighborhood offering the characteristics of the best North American and European ski resorts.
- Create architectural expressions complementing the Sherwin rustic mountain setting and the **icon** resort hotel buildings by emphasizing roof lines, building massing, and fitting the varying topographic conditions for the residential units.

Response to Comment B31-7

This comment identifies selected objectives of the Project as presented on pages VI-2 through VI-4 of Section VI (Alternatives to the Proposed Project) in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The primary objective of the Project is to update the 1981 Master Plan, to complement the changes in the Town since 1981, and to complete the Mammoth Lakes experience by fulfilling the vision for a destination resort within the resort Town. This Project was designed to update the objectives of the 1981 Master Plan.

Comment B31-8

Mammoth is about building "icons"? Better re-write the General Plan or

"stick to the plan"

Continuity of our unique relationship with the natural environment

- Village-in-the-trees (120' hotel with no trees around it? Hmmm)
- Ambiance that attracts visitors (believe it or not, most folks actually do come to see the mountains)
- By-the-way, I go to Calgary on a regular basis on business and I don't know of a single calgarian who goes to Banff for the hotel.

Response to Comment B31-8

This comment expresses an opinion about the objectives of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-9**Conclusions**

- The EIR appears to have been prepared by a select group with no participation of town residents nor their primary representative groups (namely, the Advocates of Mammoth, Stakeholders)

Response to Comment B31-9

Section 15201 of the *CEQA Guidelines* states: “Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency’s activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.” The Notice of Preparation along with the Initial study was made available to the public on October 19th, 2006 and a public scoping meeting was held November 16, 2006 to solicit public input on the proposed project. See Appendix A (Notice of Preparation and Initial Study) and Appendix B (Responses to the NOP and the EIR Scoping Meeting) to the Draft EIR. These two appendices represent the public participation process, which affords interested parties (including the commenter) the opportunity to present their concerns about the Project’s potential impacts to the environment per *CEQA Guidelines* Sections 15082 and 15083.

Comment B31-10

- The town staff appear to be disregarding the stated Vision and Mission as defined in the General Plan with the presentation of these plan alternatives

Response to Comment B31-10

This comment suggests the Town has disregarded the stated Vision and Mission as defined in the General Plan, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-11

- Due diligence is not being performed in the development of plans for major projects (including SC Phase VIII)

Response to Comment B31-11

This comment states that due diligence has not been performed for projects, including the *Snowcreek VIII, Snowcreek Master Plan Update - 2007*, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B31-12

Recommendations

K.I.S.S.

- **Step 1:** Engage the residents/second home owners of the town early and often in ALL MAJOR PROJECT planning efforts
 - Believe it or not, there are some **really** smart folks that live here in Mammoth who can, and are willing to, help
- **Step 2:** Stick-to-the-plan: this is why the town has a General Plan and Zoning - USE THEM!!!
- **Step 3:** With respect to the SC Phase VIII plan – SCRAP WHAT YOU HAVE and follow steps 1 and 2 and THEN go to the CEQA
- **OTHER:** Start looking at sustainability of the town "destination resort" as a strategy is not viable - we need to stop the departure of long-time residents and begin to build an economy which is not based 100°10 on the mountain
 - P.S. PLEASE develop a back-up plan for the airport. Why are we so focused only on the Mammoth-Yosemite scenario?

Response to Comment B31-12

The comment expresses recommendations about the planning process, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B32**Advocates for Mammoth (Walter, John)*****Comment B32-1***

The Advocates for Mammoth have completed an extensive review of the document, and are submitting this letter to identify portions of the document that are incomplete and require further data and analysis. As the document is currently written, we do not believe that it gives the decision makers the data they need to make their decision on the Project and as such should not be certified. We recommend that the document be redone and re-circulated.

Response to Comment B32-1

The comment confirms that Advocates for Mammoth has reviewed the Draft EIR, states that it should be rewritten and recirculated for reasons explained in ensuing comments, which are addressed in Responses to Comments B31-2 through B31-12, below.

Comment B32-2**III. Project Description**

Several assumptions are included in the Project description, which result in an incomplete analysis of alternatives. Explain and analyze the following:

1. *Discretionary Height Increase for Parking* - Ten foot height increases (to 45 feet) are presumed for understructure parking. However, certain code sections have changed to allow this discretionary increase for underground parking only. Show data for which buildings are requesting height variances, and which sections of the ordinance are specifically cited for each building. Include diagrams showing all structures requesting the height variance, with heights clearly marked and parking clearly identified as either understructure or underground. If the Project does not comply with the appropriate sections of the ordinance, submit an alternate design that allows for full understanding of this discretionary item and analyzes the environmental impacts.

Response to Comment B32-2

The comment requests information at a level of detail not yet attained in the Project plans. Snowcreek VIII Master Plan is a program-level plan and final building designs have not been proposed. CEQA requires that "[s]tatements must be written late enough in the development process to contain meaningful information, but they must be written early enough so that whatever information is contained can practically serve as an input into the decision making process." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74 , 77 fn. 5, quoting *Scientists' Inst. for Pub. Info., Inc. v. Atomic Energy Com'n.*

(*D.C.Cir. 1973*) 481 F.2d 1079, 1094.) As noted and analyzed in the Draft EIR, residential units would range from two to three stories in height. Conceptual elevations and floor plans of the residential units proposed by the Project are shown in Figures III-7 through 9 in Section III (Project Description) of the Draft EIR. Buildings will be consistent with Town standards as embodied in the approved Master Plan and therefore will not require variances. Moreover, the Project would undergo Design Review following approval of the Master Plan. During Design Review, the Town would review all final proposed building designs for consistency with the Town's Zoning Ordinance. No variances therefore would be required since heights will be in accordance with the Master Plan. The Town would review all final building designs to ensure that the Project would be responsive to, and expressive of, its unique alpine setting. Also see Topical Response 2 (Project Details).

Comment B32-3

2. *Dwelling Unit Calculations* - Define a "Private Residence Club Unit" in terms of the existing zoning code and in terms of proposed occupancy factors. Show how the conclusion has been made that such units are eligible for 1/2 unit of density in the footnote to Table 111-2. Re-analyze the environmental impacts at 1 unit of density.

Response to Comment B32-3

The Private Residence Club would qualify as a fractional use dwelling as defined under Section 17.30.210 of the Town's Municipal Code. Section 17.30.210 defines "Fractional-use project" as any project where a purchaser receives the right in perpetuity, for life, or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit, rooms, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the fractional-use project has been divided. A fractional-use project may comprise a portion of a larger, mixed-use development containing a hotel, motor hotel or inn and/or other residential components and shall include, but not be limited to time-share estate, interval ownership, fractional ownership, vacation license, vacation lease, club membership, time-share use, hotel/motel, or uses of a similar nature, as defined in Section 11003.5 of the state of California's Business and Professions Code. As stated in Section 17.30.200, fractional-use projects shall look and operate in a manner similar to traditional transient lodging facilities. The Project proposes the construction of the Private Residence Club as part of the Hotel and would therefore be consistent with the intent as defined in the Town's Municipal Code; therefore, no additional analysis is required. Hotel/motel units that are less than 850 square feet are counted as half a unit according to Municipal Code 17.28.240.G. and 17.16.040.B.2.

Comment B32-4

3. *2007 General Plan Economic Goal of Year-Round Occupancy and Recreational Capacity* - This Project presumes the same density concessions as the previous Development Agreement that was based on completion of the Sherwins as an alpine ski center with 8,000 skiers per day. No analysis has been

made of what the additional residents in this Project will do while they are here, how long they will stay, and the impact on recreational activities that are already near capacity. Provide an alternative which is properly sized for the available retail/commercial activity and analyze all environmental impacts.

Response to Comment B32-4

There is no Development Agreement currently in effect for the Project. As identified in Chapter III (Project Description) of the Draft EIR on page III-15 in Table III-3 (Proposed 2007 Master Plan Development Summary) the Project does not utilize all the remaining density under existing Master Plan. The Project would include approximately 75,000 square feet of resort, recreation, retail, and public amenities components. The Project proposes a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. These recreational amenities include: an expanded privately owned publicly accessible golf course; a publicly accessible golf clubhouse; a public parking area and for the publicly accessible Outfitters' Cabin which would provide retail services and equipment rental for these types of activities; a publicly accessible Natural Resources and Historic Interpretive Center; a publicly accessible Market/General Store; retail space; a publicly accessible lounge; private fitness area; private resident's pool; publicly accessible spa/wellness center; and publicly accessible ice skating pond/rink associated with the resort Hotel. As described in Impact REC-1, the Project would provide recreational facilities that, in conjunction with the Town's current facilities and the collection of Developer Impact Fees (DIFs) that support the Town's park and recreation fund would be adequate to accommodate the Project's demand for parks and recreational services. Under CEQA, the purpose of project alternatives is to reduce or eliminate significant impacts of the Project. The commenter is directed to review section VI (Alternatives to the Proposed Project) of the Draft EIR which discusses the Project at various density levels. Impacts to recreation and recreational facilities are less than significant and therefore analysis of an alternative is not required to reduce these impacts.

Comment B32-5

Also explain why the same density bonuses should be granted while the plan reduces the "Non-residential Commercial Space" from 150,000 square feet to 75,000 square feet. Provide an analysis of how many customers the remaining 75,000 square feet of retail and/or commercial space would serve for dining, how long visitors would shop in the retail space, and so on, and compare to services provided for 150,000 square feet plan.

Response to Comment B32-5

There are no density bonuses involved in the Project. The Project would request to cluster unused density from developed to undeveloped areas within the Snowcreek Master Plan as allowed under the 2007 General Plan. Even with this clustering of unused density, the Project would be consistent with lot coverage and density as described under both the 1987 and 2007 General Plans. CEQA only requires the analysis of environmental impacts. Residents and visitor trips generated by the Project are accounted for

in the traffic analysis. There are no significant impacts to traffic resulting from the Project; therefore, there would be no need to analyze the reduction of impacts that an increased retail and commercial component might create.

Comment B32-6

4. *Conceptual Diagrams and Figures* - Inadequate detail is shown in the conceptual plans. No building heights are noted, no trails and access points identified, etc. For every area where a conclusion is based on reference to the Project, such as "sledding will be provided," detail must be provided to identify the information. Provide the data used to arrive at the conclusions so that this can be fully analyzed.

Response to Comment B32-6

Certain Project details would be determined during site-specific design. CEQA does not require a project to mature to its precise final form before it is studied. Instead, CEQA review must occur "before a project gains irreversible momentum." (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333-1334.) In other words, CEQA requires agencies to prepare EIRs "as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment (see *CEQA Guidelines* Section 15004 subd. (b); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1358). However, despite such details not being required at this juncture in the application process or for CEQA analysis, the Project applicant is in the process of diagramming such site specific details as parking configurations, trails and internal bicycle paths and pedestrian pathways, etc... and will provide this information at the appropriate time. The commenter is directed to read section IV.B (Aesthetics) of the Draft EIR. See Topical Response 2 (Project Details).

Comment B32-7

5. *General Store and Interpretive Center* - These facilities are not justified in the document and do not appear to be included to any significant degree in the analyses. The siting [sic] of these facilities violates the Town's vision of protecting viewsheds and the Mammoth Creek corridor (see fig II-6 view 5). We know of no current desire to have an interpretive center and parking at the proposed location, particularly if it compromises the view of the meadow.

Response to Comment B32-7

The Draft EIR analyzes impacts to all areas of the Project site including the parcel to the north of Old Mammoth Road that is the site of the General Store and Interpretive Center. Throughout the Town of Mammoth Lakes, there are several places where views of the Project site are publicly accessible. In the area surrounding the Project site, the existing viewsheds are defined primarily by major view corridors and vistas (see Figure IV.B-1 in Section IV.B [Aesthetics] of the DEIR) as well as the nearby roadways

(e.g., Old Mammoth Road, Sherwin Creek Road, and Minaret Road). The major view corridors and vistas potentially affected by the development of the Project as well as other viewpoints of interest are identified. Impacts to these viewpoints are discussed in the Draft EIR and impacts are disclosed. The Project would not obscure views of the Sherwin Range from Views 2 and 3. Views of the Sherwin Range from Views 1, 4, 5, and 6 would be slightly obscured. The Project would result in substantial changes to visual character on the Project site within the viewshed, resulting in impacts to views with no mitigation measures available to fully mitigate such impacts.

Comment B32-8

In addition to violating the view of the meadow and the stream corridor, the proposed market is poorly located from a traffic circulation standpoint and is probably too small to serve the Old Mammoth and Snowcreek areas.

Response to Comment B32-8

This comment expresses an opinion about the merits or a design feature of the Project and does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The Market/General Store and Natural Resources and Historic Interpretive Center are located on parcel (APN 40-040-20) north of Old Mammoth Road and west of Minaret Road. This parcel is zoned Resort with an Open Space Stream Corridor (OSSC) overlay. The Store and Interpretive Center would be on the already disturbed portion along Old Mammoth Road; an approximately 150 feet deep and 720 feet wide strip. Because this is greater than the approximate 25-40 foot wide Resort zone, it would encroach into the OSSC overlay zone. However, the OSSC overlay does not prohibit development. These structures would not exceed the height limit permitted on this parcel per the Town's Municipal Code. View impacts from this and other portions of the Project development were analyzed at pages IV.B-1 to IV.B-56 of Section IV.B (Aesthetics) in the Draft EIR and were determined to be less than significant. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-9

Provide data and analyze the environmental impacts of an alternative which moves the proposed Interpretive Center and General Store buildings, plus parking, away from Mammoth Creek and to a location within the Project on the south side of Old Mammoth Road.

Response to Comment B32-9

This comment suggests an additional alternative that would involve moving particular aspects of the Project to a the south side of Old Mammoth Road. See Response to Comment B29-41.

Comment B32-10

Note: Based on the current significant impacts to Mammoth Creek, which cannot be fully mitigated, we recommend the Interpretive Center be dropped. The site on the north side of Old Mammoth Road is also too small for the proposed facilities without encroaching into what we had understood would be protected by Snowcreek as part of the meadow.

Response to Comment B32-10

This comment expresses an opinion about the merits or a design feature of the Project and does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-11

6. *Traffic and Congestion* - The economic prosperity of Mammoth Lakes is critically dependent on maintaining a community that remains attractive to visitors as a place they will want to continue coming back to visit. Anything that reduces our visitors' pleasure and enjoyment is a threat to our prosperity. High on the list of concerns is the need to avoid any increase in the traffic congestion we now already experience during winter and summer holiday periods. Those of us who study the traffic reports prepared by contractors to satisfy DEIR requirements are naturally skeptical about the ability of these "standard" computer models to accurately reflect the actual conditions we experience in this very special mountain resort community. These models do not even notice the congestion we already experience. How can they possibly accurately predict the future? Revise the models, and conduct experiments to allow fine tuning, until they demonstrate accuracy.

Response to Comment B32-11

The Snowcreek VIII traffic study utilized model data from the Town's traffic model to establish baseline (No Project) conditions. The model data from this report has gone through an exhaustive validation process as documented in Mammoth Lakes Transportation Model Validation Report (LSC Transportation Consultants, Inc. November 11, 2004). This report provides the details of this model and makes comparisons between the model predictions and actual observed data to establish validity of the model. Table FEIR-3 (Table 7 of the aforementioned report) confirms that the Mammoth Lakes model has been calibrated to replicate vehicular travel demand consistent with actual observed traffic volumes. It should also be noted that the actual project traffic demand has been developed in a manual process and added to the traffic model baseline data.

Table FEIR-3
Validation Model Counts

Location	Observed PM Peak- Hour Two- Way Volumes	Model- Generated PM Peak- Hour Two- Way Volumes	Acceptable Range	
			Max	Min
SR 203 Immediately West of US 395	747	890	934	560
Old Mammoth Road Immediately North of Meridian Blvd.	1,178	1,286	1,355	1,001
Meridian Boulevard Immediately East of Old Mammoth Road	719	857	899	539
Meridian Boulevard Immediately West of Old Mammoth Road	651	798	814	488
Minaret Road Immediately North of Meridian Blvd.	801	751	1,001	601
Minaret Road Immediately South of Meridian Blvd.	362	496	543	181
Meridian Boulevard Immediately East of Minaret Road	778	768	973	584
Meridian Boulevard Immediately West of Minaret Road	657	809	821	493
Minaret Road Immediately North of Lake Mary Road	1,191	1,314	1,370	1,012
Minaret Road Immediately South of Main Street	854	821	1,068	641
Lake Mary Road Immediately West of Minaret Road	1,288	1,352	1,481	1,095
Old Mammoth Road Immediately South of Main Street	1,253	1,307	1,441	1,065
Main Street Immediately East of Old Mammoth Road	914	961	1,143	686
Main Street Immediately West of Old Mammoth Road	1,703	1,717	1,873	1,533
Minaret Road Immediately North of Old Mammoth Road	466	379	583	350
Fairway Road Immediately South of Old Mammoth Road	93	148	186	0
Old Mammoth Road Immediately East of Minaret Road	455	366	569	341
Old Mammoth Road Immediately West of Minaret Road	495	490	619	371
Sierra Park Road North of Meridian Boulevard	52	9	104	0
Meridian Boulevard Immediately East of Sierra Park Road	182	273	273	91
Meridian Boulevard Immediately West of Sierra Park Road	216	265	324	108
Mountain Boulevard Immediately North of Main Street	159	177	239	80
Main Street Immediately East of Mountain Boulevard	1,858	1,754	2,044	1,672
Main Street Immediately West of Mountain Boulevard	1,886	1,824	2,075	1,697
Canyon Boulevard Immediately East of Lakeview Boulevard	465	367	581	349
Forest Trail Immediately East of Minaret Road	106	67	159	53
Forest Trail Immediately East of Pinecrest Avenue	113	114	170	57
Berner Street Immediately East of Minaret	42	62	84	0
Hillside Immediately West of Forest Trail	46	83	92	0
Laurel Mountain Road Immediately South of Main Street	371	288	557	186
Main Street Immediately West of Laurel Mountain Road	1,942	2,008	2,136	1,748
Main Street Immediately East of Laurel Mountain Road	1,735	1,717	1,909	1,562

**Table FEIR-3
Validation Model Counts**

Location	Observed PM Peak- Hour Two- Way Volumes	Model- Generated PM Peak- Hour Two- Way Volumes	Acceptable Range	
			Max	Min
Forest Trail Immediately North of Main Street	302	422	453	151
Main Street Immediately East of Forest Trail	2,196	2,005	2,416	1,976
Main Street immediately East of Center Street	1,754	1,615	1,929	1,579
Sierra Street North of Main Street	150	94	225	75
<i>LSC Transportation Consultants, Mammoth Lakes Transportation Model Validation Report, November 11, 2004.</i>				

Comment B32-12

7. *Internal Circulation* - Data on circulation within and in/out of Project is not fully analyzed. Show data for the internal intersections that will accomplish the presumed smooth flow referenced in the narrative.

Response to Comment B32-12

See Response to Comment B26-3. Traffic demand at the intersection of Minaret Road/Old Mammoth Road includes traffic from the proposed Project as well as traffic from the existing Snowcreek V project.

With respect to the internal street system, Impact TRANS-3 on page IV.M-20 of Section IV.M (Traffic/Circulation) in the Draft EIR states that all side intersecting streets to the main spine road should be stop-controlled, and an all-way stop would be provided at the intersection of the spine road and the road leading to Snowcreek V. Single-lane roundabouts may also be substituted for the stop-controlled and all-way stop intersections.

The recommended single-lane roundabouts along Fairway Drive are sufficient for traffic volumes that will be encountered internal to the project site since it has been demonstrated that a single-lane roundabout is sufficient for the intersection of Minaret Road/Old Mammoth Road, which has more traffic volume than any internal intersection. As reported in Table IV.M-5 on page IV.M-14 of Section IV.M (Traffic/Circulation) in the Draft EIR, the total trip generation of the project is 969 trips (513 inbound and 457 outbound) compared to the total volume of 2,719 at the intersection of Minaret Road/Old Mammoth Road (total volume as reported in Figure IV.M-8 on page IV.M-19 of Section IV.M [Traffic/Circulation] in the Draft EIR and as revised in Response to Comment A4-3).

A detailed analysis of the internal circulation is not necessary, as it has been established in Table IV.M-7 on page IV.M-18 of Section IV.M (Traffic/Circulation) in the Draft EIR (as revised in Response to Comment A4-2) that the proposed single-lane roundabout at the project entrance (i.e., Minaret Road/Old Mammoth Road) is adequate for all traffic (proposed project, cumulative projects, and existing traffic).

Therefore, single-lane roundabouts (or stop-controlled intersections if demonstrated as adequate) are adequate for any internal Project intersection.

Comment B32-13

Also, provide diagrams that support the conclusions regarding trails. There is inadequate detail provided within the text, figures, and diagrams to determine where pathways, trails, internal access roads, etc. are placed. Therefore, the conclusions cannot be supported without additional information and analysis

Response to Comment B32-13

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of pathways, trails, and internal access roads has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding pathways, trails and roads, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including pathways, trails, and internal access roads. The routing of pathways, trails, and internal access roads that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Topical Response 2 (Project Details).

Comment B32-14

8. *Emergency Evacuation* - We can find no mention of emergency evacuation plans for the number of potential visitor and workforce persons and vehicles that would be attempting to exit from the one intersection at Old Mammoth Road and Minaret, including the existing traffic from the Old Mammoth residential neighborhood. Provide such a plan and the related environmental impacts.

Response to Comment B32-14

This comment expresses concern regarding an emergency evacuation plan for the increased number of people and trips associated with the Project. With respect to the Project's impact on the Town's Emergency Operations Plan, see Response to Comment B29-28.

Comment B32-15

9. *Parking Analysis* - Show the parking mentioned for the Outfitters cabin, how the number of spaces needed was determined, and fully analyze the environmental impacts. Explain the factors used in determining the number of Visitors and residents from the Town as a whole that could make use of this recreational feature and analyze the environmental impacts.

Response to Comment B32-15

The number of parking spaces allotted for the Outfitter's Cabin is based on the square footage of the Outfitter's Cabin pursuant to the Town's parking code. When drafting the Town's parking ordinance and codes, the Town undertook the required parking analysis to determine the appropriate number of parking spaces that would accommodate demand created by square footage of proposed commercial property. Therefore, the determining factor in relation to allocated parking spaces and number of visitors and residents who would use these parking spaces has been analyzed previously by the Town and addressed by the formula set forth in the Town's parking code. The Project will comply with the Town's parking code; therefore, no further analysis is required under CEQA. The environmental impacts of the Outfitter's Cabin are analyzed in Section IV (Environmental Impact Analysis) of the Draft EIR.

Comment B32-16

Define the parking structure width and height that leads to the conclusion that the structures will "accommodate most private vehicles." Describe parking options for oversize and overflow vehicles, recreational trailers, etc.

Response to Comment B32-16

See Topical Response 2 (Project Details) with respect to certain project details, such as the exact design of parking structures, which would be determined during site-specific design but would be consistent with applicable regulations. With respect to the Town's parking code, see Response to Comment B32-15. Additional parking analysis and options for oversized vehicles is not required under CEQA.

Comment B32-17

10. *Water Supply* - MCWD has withdrawn the funding of Dry Creek development from their rate structure. Until adequate water for the Project is established, either through conservation or by using proven resources, the Project should be put on hold, as was the mitigation measure approved in the 2007 General Plan Policy and DEIR.

Response to Comment B32-17

Per the Town's General Plan Policy R.4.A, the Town shall work with the MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. The Project is required to comply with this policy. See Response to Comment B17-7.

Comment B32-18

The DEIR states that, "Until these analyses are complete and specific projects have been approved to supplement MCWD's existing water supply, cumulative impacts associated with the Project and related projects would remain Significant and Unavoidable." Provide documentation demonstrating adequate sources of water, as we believe is required by State law.

Response to Comment B32-18

The Draft EIR found cumulative impacts to water supply to be significant and unavoidable because adequate sources of water cannot be proven at this time. See Response to Comment B32-17.

Comment B32-19

11. *Golf Course Environmental Impacts* - There is no detailed analysis of the golf course from an environmental standpoint. This area contains wetlands and drains into a sensitive water supply for both the Town and the City of Los Angeles. The area designated for the second nine holes may contain the last undisturbed prehistoric cultural material. During the land exchange discussions, questions regarding the environmental effects of the golf course were deferred as not needed at that time because a detailed CEQA evaluation would be required before the course could be built. This DEIR makes some casual references to how environmentally friendly the golf course will be, but little data is provided. A detailed Project description and environmental analysis must be done before this Project document is approved, since the golf course is such a key feature of the Project Complete these actions and analyze the environmental impacts.

Response to Comment B32-19

This comment states a concern about the environmental effects of the Project's proposed golf course and states the area designated for the Project's proposed golf course may contain the last undisturbed prehistoric cultural material. With regards to the environmental effects of the proposed golf course expansion, the comment correctly states that a detailed CEQA evaluation would be required before the Project's golf course expansion could be built. The Project's operation-related impacts, including the golf course expansion, is discussed on page IV.G-15 of Section IV.G (Hydrology and Water Quality) in the Draft EIR and drainage of the golf course is discussed on page IV.G-20 and IV.G-21 of the Draft EIR. The Project's impacts to water quality were found to be less than significant with implementation of Mitigation Measures HYD-1, HYD-2 and HYD-4 as written in the Section IV.G (Hydrology and Water Quality) in the Draft EIR and revised per Response to Comment A3-5.

With regards to the portion of the comment that suggests that undisturbed prehistoric cultural material may be present on the second nine holes of the golf course, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See

Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.” Also, see Response to Comment A1-1.

Comment B32-20

Even if the plan is to contain the runoff in the ponds on the golf course, the information in the document is very incomplete, and it is impossible to analyze the environmental effects of the golf course. There is insufficient detail in the layouts to support the claim that all of the water will be retained.

Response to Comment B32-20

See Responses to Comments B32-19 and Topical Response 2 (Project Details).

Comment B32-21

Also, there is no calculation or other substantiation to back up the claim that the runoff will only leave the course in a 100 year flood. Nor is there an evaluation of what environmental effects will be caused by these 100 year events.

Response to Comment B32-21

In response to this comment, the text on page IV.G-22 of Section IV.G (Hydrology and Water Quality) in the Draft EIR has been revised as follows:

The Project would include retention basins ~~of sufficient capacity to retain all runoff on site sized per Town of Mammoth Lakes and RWQCB requirements~~, with eventual discharge to Mammoth Creek. The Project will outflow to the culvert under Sherwin Road.~~would not be connected to the Town's storm drain system.~~ This culvert is a part of the Town Storm Drainage System. The Project would include BMPs to reduce erosion and impacts to water quality. The Project would not result in any cumulatively considerable impacts to the Town's existing or planned stormwater drainage system capacity. In addition, per the Basin Plan, development on each site larger than 0.25 acre above the 7,000 foot elevation level would be subject to uniform policy guidelines designed to minimize the water quality impacts associated with Project construction to the maximum extent practicable.

Also, the text on page III-41 of Section III (Project Description) in the Draft EIR has been revised as follows:

If reclaimed water is used for the golf course watering, the golf course will conform with all governing agency requirements for stormwater management. If required, stormwater runoff would be retained on the golf course expansion property to the level of the 100-year storm in all

areas where reclaimed water is proposed to be utilized. These retention facilities would be sand traps and/or natural and man-made depressions.

As stated in the preliminary drainage study included as Appendix G to the Draft EIR, existing flow patterns shall be generally maintained and permanent conditions shall be erosion resistant. Collection and conveyance systems shall have capacity for a storm of 100-year intensity from off-site tributary area and a storm of 20-year intensity from on-site tributary areas. This is directly in conformance with the Town of Mammoth Lakes Master Plan and Design Manuals.

Comment B32-22

Even if the runoff is captured in the ponds, the pesticides, herbicides, fertilizers, etc. must go somewhere. If they soak into the ground, they could soon end up in Mammoth Creek. If they stay in the ponds, the concentrations will build up and soon the birds and other wildlife will be affected. The obvious eutrophication that occurs in the current ponds by the end of the summer is evidence of a drainage (or more likely a lack of drainage) problem. Provide a complete environmental analysis of the golf course including elevations showing drainage patterns. The analysis must include detailed calculations of contaminate runoffs, absorptions, and/or concentration. Include enforceable mitigations.

Response to Comment B32-22

See Response to Comment B32-19.

Comment B32-23

12. *A portion of the site zoned as OS (Open Space) would be developed with the Golf Course expansion, including a Golf Pro Shop, and an Outfitters' Cabin that rents and sells outdoor equipment.* These uses are not consistent with the Open Space definition, as they are not recreational uses or facilities but commercial enterprises. Change the Project description to be consistent with the Open Space land Use Designation.

Response to Comment B32-23

The proposed Project is consistent with these land use requirements. As discussed in section IV.H (Land Use & Planning) on page IV.H-4 the Open Space (OS) designation is established to protect the community's public and private open space resources. It is intended to preserve existing parks and encourage future parks, maximize recreation opportunities, preserve open space, and protect sensitive environmental resources. Facilities that support the environmental and recreational objectives of the community are permitted. The OS designation may apply to environmentally sensitive areas such as wetlands, floodplains, and streams. This designation allows parks, athletic fields, golf courses, community gathering spaces and supporting facilities. The OS designation also applies to patented mining claims located on the Sherwin Range. Consequently, the Outfitters' Cabin is a permissible use

under the OS designation subject to a use permit, as it is a facility that supports recreational activities. Please note that the golf course pro shop is within the Hotel which is within the UGB and not subject to the Covenant. See Response to Comment B27a-19.

Comment B32-24

13. *Effects of Project* - The Project claims it is being "proposed to allow the construction of previously proposed and planned for land uses, to provide these land uses in the smallest environmental footprint and with the greatest amount of open space area, to provide needed housing and employment opportunities to Town residents, and to provide recreational amenities to the Town residents and visitors." These claims are not supported by data showing that any of these so-called objectives are met by the Project as proposed.

Response to Comment B32-24

The comment does not accurately characterize the Project objectives. Project objectives are set forth on pages III-43 and III-44 of Section III (Project Description) in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment B32-25

14. *Assumption That Impacts Are Based On Less Than Full-Time Occupancy* - Several portions of Section IV. Environmental Impacts Analysis mitigate potential impacts by stating that the units will not be occupied full time. Describe each type of unit, the projected use and occupancy, and then reanalyze each of the following sections where a less than full-time use of the Project has been identified as a mitigating factor or as lessening the environmental impacts.

Response to Comment B32-25

The basis for the comment is unclear. All environmental impact analysis assumed maximum full-time occupancy. According to the United States Census Bureau Census 2000, the Project is anticipated to generate 2.44 persons per household, which would result in approximately 2,562 new residents. Current population patterns in the Town indicate that households similar to those proposed by the Project are not occupied full-time; therefore this is the conservative estimate that is used to determine significance levels throughout the Draft EIR.

Comment B32-26**IV-B - Aesthetics****1. Visual Character:**

- a) Page IV.B-11 states ski runs on the Sherwin range are visible under both summer and winter conditions. Define "runs" and provide an annotated image showing these runs, the historical access to and from this area, and analyze the usage over an average winter.

Response to Comment B32-26

Ski runs are not a part of the Project and the requested information about defining ski runs is not required in the EIR. However, in response to this comment, the text on page IV.B-11 of Section IV.B (Aesthetics) in the Draft EIR has been revised as follows:

Ski runs on the ~~Sherwin Range~~ Mammoth Mountain are visible under both summer and winter conditions.

Comment B32-27

- b) Provide an additional reference point in the Existing Viewsheds section that is located at the proposed location for the Outfitters Cabin. Analyze all visual impacts west to the Project from this public access point on the eastern perimeter. The selected viewpoint on Sherwin Creek Road is too far away to be usable.

Response to Comment B32-27

View locations were chosen for several reasons, one of them being distance from the site; a closer view would not capture the entire Project site. Views 1 and 2 are approximately the same distance from the site as the Outfitters' Cabin, and would likely have more visibility than the Outfitters' Cabin. Potential impacts (such as scale of project) from the cabin would be very similar to View 2. It is impractical to analyze views from all potentially impacted locations, so choices are made in concert with Town staff to show a fair sampling of views.

Comment B32-28

- c) Change the location of the Panorama Dome View Point to the farthest southeastern section of the hiking trail. The point selected has the advantage of using the topographical feature of the Bluffs to hide most of the Snowcreek VIII Project. Rather, the point seen by hikers using the trail and looking east should be used to fully disclose the visual impacts.

Response to Comment B32-28

Viewpoints were specifically chosen to provide representative views of the Project site from publicly accessible areas. The comment is incorrect, as the specific viewpoint was selected because nearly the entire Project is visible from the view location chosen for the analysis in the Draft EIR.

Comment B32-29

- d) Recalculate the Project Building Heights in Figure IV.B.11, which currently appears to show that proposed 120 foot section is much closer to road than 1950 feet from Old Mammoth Road.

Response to Comment B32-29

All view locations are based on real-world GPS information and a geo-referenced computer-generated model of the proposed Project. Simulated elements may appear to be closer than they really are due to the extreme clarity of computer generated imagery, i.e., the lack of atmospheric occlusions (dust, moisture, etc), but are geographically correct.

Comment B32-30

- e) Re-do Figure IV.B.13, View 5 with Project to the point mentioned in c) above to show the building footprints, as from this viewpoint, that perspective is what visitors on top of Panorama Dome will see, not only the heights of the Project.

Response to Comment B32-30

View 5 is located near the top of the Panorama Dome, and the proposed Project is shown with the correct perspective. Showing only building footprints would not illustrate a realistic visual impact due to the distance to the Project site which would render the buildings more two-dimensional.

Comment B32-31

2. *Consistency with 2007 General Plan* - Explain the conclusions reached in the following sections of Table IV.B.2, starting on page IV.B.31:

- a) Celebrate Public Spaces - The analysis concludes that the Project design is consistent with design for the area without discussion. Show data used to reach this conclusion that this is consistent with the 2007 General Plan.

Response to Comment B32-31

The Project has been designed around Old Mammoth Road, neighboring developments and the existing Snowcreek I through VII areas. With the previously approved Master Plans serving as the foundation, the

Project is intended to be a well designed community that integrates resort, including hotel, recreation and retail, as well as residential components. The Project design is intended to be responsive and expressive of its alpine setting and to complement the design of the existing Snowcreek Master Plan area. The Project would expand the existing Snowcreek Golf Course - a special public feature of the Snowcreek District. In addition, the Project would include an ice skating pond and a pedestrian and bicycle system with interior trails and sidewalks as well as connecting trails from recreational amenities. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of pathways, trails, and public spaces has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding pathways, trails and public spaces. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including pathways, trails, and public spaces. The provision of public spaces that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Topical Response 2 (Project Details).

Comment B32-32

b) Celebrate the Spectacular Natural Surroundings -

i) The analysis interprets the new Policy C.2.1 as including the words "to the greatest extent feasible" which is not consistent with the policy as approved. Provide analysis consistent with the General Plan policy as approved.

Response to Comment B32-32

As part of the approval process, the Town will review the location of the proposed structures and bulk/massing to determine if this impact can be reduced, and, if so, will work with the Project applicant to reduce the impacts. This process could include changes to project building massing and heights and would be undertaken to enforce design standards and guidelines. It is important to note that this analysis occurs in the context of a CEQA analysis. *CEQA Guidelines* Section 15151 states: "[a]n evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." The analysis in this EIR assumes, but does not permit, a worst case height to assure full disclosure of visual impacts.

Comment B32-33

ii) Also, the analysis for Policy C.2.J. is inconsistent with the General Plan without a Zoning Code Amendment. It is facetious to state consistency, when an amendment to the General Plan would be required. The analysis therefore is not complete. Provide complete analysis.

Response to Comment B32-33

The Project proposed a General Plan Amendment to the 1987 General Plan to remove the Sherwin Ski Bowl from the Snowcreek Master Plan. However, the Town's General Plan Update was recently completed and does not include any statement about the Sherwin Ski Bowl being a part of the Snowcreek Master Plan; therefore, a General Plan Amendment is no longer required. A zone code amendment is required to allow for the height of the proposed hotel and for the clustering of un-used density within the Master Plan area. That General Plan Update states that, in the Snowcreek District, "strong vertical elements are encouraged." The Project is consistent with land uses proposed under the General Plan. See Response to B26-2.

In response to this comment, Table IV.B-2 on page IV.B-32 of Section IV.B (Aesthetics) in the Draft EIR has been revised as follows:

C.2.J <i>Be stewards in preserving public views of surrounding mountains, ridgelines and knolls.</i>	<i>Consistent with the General Plan but inconsistent with the Town Development Code. Consistent with Town Development Code if the Zone Code Amendment is approved.</i> The majority of the Project would not exceed the height limitation in the Town's Zoning Code, Residential buildings would be two- or three-stories in height and would not obscure views of the surrounding mountains, although they would obscure some views of the meadows and foothills in the distant foreground. However, the location and massing of the proposed structures would be consistent with the Town's Design Guidelines and the General Plan policies under Neighborhood and District Character, Snowcreek. The proposed 2007 General Plan Update states that in the Snowcreek district, "strong vertical elements are encouraged." If the proposed 2007 General Plan Update is adopted by the Town Council, it may be that this The 120 foot height element could be determined to be consistent with the policies of the 2007 General Plan Update with regard to aesthetics. Additionally, the Project proposes a Zone Code Amendment to revise the Zoning Ordinance. If approved, the height of the Hotel would be consistent with the height limitation in the Town's Zoning Code.
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Comment B32-34

c) Sensitive Transitions - Several of the analyses conclude that sensitive transitions will be used. There is no definition for "sensitive transitions" between residential and other land uses in this document. Define the term and reanalyze the environmental impacts.

Response to Comment B32-34

Sensitive transition is a subjective term and is used to describe the transition between the Project and open space areas surrounding the Project. As noted in Table IV.B-1 starting on page IV.B-28 of Section IV.B (Aesthetics) in the Draft EIR, these transitions would be achieved by the clustering of medium and higher density residential units in the center of the development area, with lower density residential uses located adjacent to open space. The purpose of this site design is to preserve open space and provide for the transition of high- to low-density uses adjacent to open space areas. The Hotel, while adjacent to open space land uses would be located at a distance of approximately 1,950 feet from Old Mammoth Road thus reducing its visibility in an effort to preserve public views of adjacent open space land. This arrangement would also provide transitions between lower and higher density residential uses as well. The Project analysis was prepared to analyze impacts between all land uses and no additional analysis is required.

Comment B32-35

d) Comfortable Building Height, Mass, and Scale -

i) Again, building height and public views cannot be considered consistent, if Zoning Code Amendments are required.

Response to Comment B32-35

See Response to Comment B32-33 for a discussion of the General Plan and Zone Code Amendments. See Response to Comment B26-2 for a discussion regarding consistency. Table IV.B-2 on page IV.B-31 of the Section IV.B (Aesthetics) in the DEIR acknowledges consistency with the General Plan and inconsistencies with the Zoning Code with respect to the Hotel. The Project seeks a Zoning Code amendment to allow for the height of the Hotel as proposed and to allow for the clustering of unused density within the Snowcreek Master Plan to the Project site. See page III-46 of Section III (Project Description) in the Draft EIR.

Comment B32-36

ii) In this same section, the analysis for Policy C.2.X. only references tree heights at the General Store/Interpretive Center location. Complete a tree height survey for the entire Project and reanalyze against the Town standards. Show how a 120-foot tall hotel and the

tall high-density condominiums do not violate the intent of this key feature of the town's vision to have buildings no higher than the tree canopy.

Response to Comment B32-36

A tree survey was prepared for the Project site and is included as Appendix D of the Draft EIR. A total of 106 trees have been identified within the development area that meet the minimum size (six inches in diameter) to require approval from the Town prior to removal (Town of Mammoth Lakes Municipal Code, Chapter 17.16.050). Of the native/naturally occurring trees, 20 are located on the 94-acre exchange parcel and 2 located at the northwest corner of Old Mammoth Road and Minaret Road. The remaining 84 trees, planted by the applicant, in excess of 6-inches in diameter consist of non-native/ornamental trees located near the existing Snowcreek Sales Office, near the Chadmar Development office, along Fairway Drive, and at the northwest corner of Old Mammoth Road and Minaret Road. Therefore, trees scattered in the southern portion of the Project site could not be considered a forest canopy. Development of the hotel and condominiums on the southern portion of the site would not conflict with this policy. Development on the General Store and Interpretive Center north of Old Mammoth Road would not be in excess of forest canopy in the general area.

Comment B32-37

3. Building Heights -

a) Page IV.B-51 references the 55-foot height limit in zoning code. Clarify which section(s) of the Zoning Code allowing the 55-foot height are applicable to this Project.

Response to Comment B32-37

See Section 17.16.040, F.4.a. of the Zoning Code allows for a ten foot height increase above the permitted 35 feet for a 45 foot maximum height subject to the discretion of the Town's Planning Commission.

In response to this comment, the text on page IV.B-51 of Section IV.B (Aesthetics) in the Draft EIR has been revised as follows:

This proposed building height would exceed the height limit of ~~55~~ 45 feet in the Town's zoning code and would constitute a substantial change.

Comment B32-38

b) No analysis has been provided regarding the windy conditions in the area of this Project. In fact, there is no recognition of the prior nickname of "Windy Flat", nor any wind speed/direction data provided. Provide analysis in relation to the design, and specifically the proposed heights of

this Project, and both impacts on the structures from winds and whether this Project would aggravate those conditions.

Response to Comment B32-38

The Town does not have any requirements for environmental analysis of the impacts from wind from proposed development projects; therefore, none is required. However, the Project building plans would be reviewed for compliance with Municipal Code 15.24.010 Wind design--Uniform Building Code--Sections 2314 and 2315.

Comment B32-39

4. *Light and Glare - Page IVB-55.* The analysis does not include any mention of light and glare as it relates to the Project's proposed exterior lighting for a 120-foot building. Any building taller than the zoning code must be analyzed, especially for any light trespass on surrounding areas. Provide this data for each building exceeding the 35 foot height limit.

Response to Comment B32-39

Page IV.B-55 of Section IV.B (Aesthetics) in the Draft EIR includes a discussion of the light and glare impacts, including impacts to the night sky, that would occur as a result of development of the Project.

Comment B32-40

IV-C - Air Quality

The discussion of air quality is flawed and incomplete, and there is no quantitative demonstration of how the Project will meet the constraints of state and federal law.

- The DEIR relies on the Town's obsolete Air Quality Management Plan, which has been overridden by ordinances adopted by the Great Basin Air Pollution Control District (GBAPCD).

Response to Comment B32-40

This comment states that the discussion of air quality is flawed and lacking quantitative demonstration of how the Project will meet the constraints of federal law, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

With respect to the portion of this comment stating that the Draft EIR relied on the Town's obsolete AQMP, see page IV.C-19 of Section IV.C (Air Quality) in the Draft EIR which states that a Draft AQMP for the Town was released on January 19, 1990. The Plan, prepared by GBUAPCD, is required under the

CAA and will become part of the State Implementation Plan to attain Federal standards. The analysis was performed in a manner that was consistent with the AQMP for the Town of Mammoth Lakes and the GBUAPCD still recognizes the AQMP for the Town as applicable. Much of this analysis is based on the supporting AQMP appendices, especially Appendix B, Appendix E, and Appendix I.

Comment B32-41

- Potentially significant impacts are dismissed as insignificant without proof, in particular for ozone and particulates.

Response to Comment B32-41

This comment expresses concern regarding the level of analysis for potentially significant impacts, specifically impacts related to ozone and particulates. See Response to Comment B29-11.

Comment B32-42

- There is no calculation of the concentrations of some pollutants to which residents of Snowcreek and the Town will be exposed.

Response to Comment B32-42

This comment states that the concentrations of some pollutants to which residents might be exposed are not provided. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). Table IV.C-5 on page IV.C-25 of Section IV.C (Air Quality) in the Draft EIR identifies daily emissions that are estimated to occur on peak construction days. The criteria pollutants (carbon monoxide [CO], sulfur oxides [SO_x], PM₁₀, and nitrogen oxides [NO_x]) and reactive organic gases (ROG) are quantified and presented in the Draft EIR and any analysis for other pollutants is beyond the scope of this EIR.

Comment B32-43

- Mitigations are not specific, and the results attained by mitigations are not calculated.

Response to Comment B32-43

This comment states that mitigations are not specific and results of their implementation are not calculated, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Not all mitigation measures are quantifiable; furthermore, the appropriate governing agencies have each established a

guidance to determine significance of mitigation measures and all such guidance was followed in the preparation of this Draft EIR.

Comment B32-44

- There is no quantitative discussion of how, exactly, the design of the Project will meet the state's greenhouse gas emission goals.

Response to Comment B32-44

This comment expresses concern regarding the discussion of greenhouse gas (GHG) emission goals in relation to the Project. An analysis of the Project's impacts with respect to GHG is presented starting on page IV.C-33 of Section IV.C (Air Quality) in the Draft EIR. However, approaches to CEQA analyses of global warming and climate change are in their infancy and still evolving, and (as stated in Table I-1 under Impact AQ-4 on page I-13 of Section I (Introduction/Summary) in the Draft EIR) no state or local GHG thresholds have been established yet. See Response to Comment B29-4.

Comment B32-45

- CEQA mandates quantitative analysis and the DEIR is non-responsive in some respects.

Response to Comment B32-45

This comment states that the Draft EIR is non-responsive in some respects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Criteria pollutant emissions are quantified in Tables IV.C-5 thru IV.C-10 in the Draft EIR. Not all potential emissions can be quantified and analyzed within a reasonable timeframe or budget.

Comment B32-46

The following discussion amplifies these comments.

Air quality is regulated by law and the GBAPCD has the power to halt activities that result in excessive emissions. There are no "overriding considerations."

Response to Comment B32-46

This comment concerns air quality and the authority of the GBUAPCD, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the

Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-47

As an example of improper reliance on the Town's Air Quality Management Plan, the GBAPCD's Rule 431, which took effect at the beginning of 2007, says that Phase II solid fuel burning appliances are required if installed in any unit, not just multi-family units. Discuss the impact of ordinances adopted since the AQMP was adopted, as well as others planned.

Response to Comment B32-47

This comment correctly describes GBUAPCD's Rule 431 as revised on January 1, 2007 and requests a discussion of the impact of ordinances adopted since the AQMP was adopted, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to the status of the AQMP, see Response to Comment B32-40. The latest determination by the Town states that no new solid fuel appliances will be allowed to be installed in individual residential units. The Project is consistent with these regulations as stated on page IV.C-30 of Section IV.C (Air Quality) in the Draft EIR.

Comment B32-48

Because Snowcreek is remote from the main parts of Mammoth Lakes and the pollution monitoring station is at the Gateway Center, a separate monitoring station is needed at the most sensitive location within the Project area. This station must be tied into the GBAPCD system, and be under their control. Provide a plan and analysis for such a monitoring station.

Response to Comment B32-48

The existing monitoring location at Gateway Center was selected by GBUAPCD utilizing the United States Environmental Protection Agency (U.S. EPA) guidance (EPA-454/R-99-022, December 1997). The GBUAPCD maintains that the monitoring station accurately represents the ambient air quality for the Town and is compliant with the U.S. EPA criteria.

Comment B32-49

Ozone - Any increase in ozone produced by the Project over state-mandated levels is a significant impact, even if most of the ozone comes from the Central Valley. CEQA requires disclosure of the impacts, including cumulative impacts. Provide a quantitative analysis of ozone production and concentration as a result of Project activities.

Response to Comment B32-49

This comment expresses concern with the analysis of ozone production due to Project activities. See Response to Comment B29-11.

Comment B32-50

Note - The DEIR states that ozone concentrations are short-lived, but this is not true of the high-altitude ozone layer. This layer is maintained by solar radiation and is scavenged by nitrogen oxides and HFCs. The typical thickness of this layer at sea-level pressure is equivalent to 3.5 mm of pure ozone. As long as the Project prevents HFC and nitrogen oxide emissions, it will be doing its part.

Response to Comment B32-50

Stratospheric ozone is not an environmental impact within the scope of this EIR.

Comment B32-51

Carbon Monoxide - Even at present, traffic congestion worse than LOS D occurs on Minaret Road above and within the Village as skiers leave the ski area. Analyze the critical area on Minaret Road in front of the Village, where the tall buildings prevent free flow of air. Emissions should be analyzed in this area for worst-case holiday traffic in low visibility. Analyze the cumulative impact of the Project under these conditions.

Response to Comment B32-51

As shown in Table IV.C-9 on page IV.C-32 of Section IV.C (Air Quality) in the Draft EIR, two LOS D intersections (Minaret Road/Meridian Road and Minaret Road/Main Street) were analyzed and neither was close to exceeding the 1-Hour Ambient Air Quality Standard.

Comment B32-52

Particulates - California state law requires that the PM₁₀ 24-hour concentration be less than 50 ug/m³. The federal standard may not be exceeded, but the state standard is, and so particulate emissions from the Project are significant. Mitigation measures must include local control of road dust, vehicle emissions, and heating unit emissions. Provide an analysis of these emissions within the Project and the effect on Snowcreek residents. Also discuss and analyze seasonal variations.

Response to Comment B32-52

This comment expresses concern with the significant particulate emissions that would be produced by the Project and mitigation measures the significance. See Response to Comment B29-11. With respect to the health effects of particulate matter, see page IV.C-4 of Section IV.C (Air Quality) in the Draft EIR.

Comment B32-53

Construction and Operational Emissions - The DEIR gives the total mass of pollutants emitted, but does not calculate the actual concentrations in g/m^3 . These values must be calculated to determine the exposure to which locals will be subjected. Excessive levels during construction will require restrictions on construction operations, and operational excesses will require reducing the density of the Project. The GBAPCD can be expected to enforce the law. Provide data and analysis of these concentrations.

Response to Comment B32-53

CEQA significance criteria for attainment pollutants are the Federal Prevention of Significant Deterioration of Air Quality (PSD) applicability thresholds used under National Environmental Policy Act (NEPA). With respect to pollutant attainment status, see Response to Comment B29-11. Applicability with rules, regulations, control measures, and limits contained in the AQMP for PM_{10} are used to determine significance. Projects that incorporate BMPs to control PM_{10} emissions during construction would be considered to have a less-than-significant impact. Furthermore, projects that would contribute to an exceedance of the Town's maximum allowed 106,600 VMT would contribute to a significant air quality impact. The VMT control measure analysis is presented in the Draft EIR on pages IV.C-40 and IV.C-41 of Section IV.C (Air Quality).

Comment B32-54

Global Warming - The discussion in the DEIR begins by saying that the idea of global warming is a "belief" rather than a conclusion based on known facts and empirical evidence. This introduction is inappropriate, going against 99% of the scientific community, the Nobel committee, and California State policy, and must be removed.

The energy output of the sun, the details of the radiation from a heated body, and the absorption spectra of greenhouse gases were established a century or more ago. The theory of heat radiation was one of the foundations of quantum mechanics. It is a straightforward calculation to show that these gases trap heat. Ice core data show an impressive correlation between greenhouse gas concentrations and global temperature for thousands of years. The amount of greenhouse gases introduced into the atmosphere by human activity is well known. The expected warming was calculated more than 20 years ago, and the number has not changed since. The temperature rise measured so far is about 0.7°C , with another 0.5°C expected even if there are no further emissions. The fact that temperature-rise is occurring as a result of

human activities is incontrovertible. While predictions of some of the climatic effects of this temperature rise require complex climatic models, major effects can be predicted using everyday knowledge.

A town like Mammoth Lakes, dependent on snow for drinking water and economic survival, cannot afford to take global warming lightly. If voluntary measures do not work, we can expect stringent measures such as gasoline rationing that will severely impact Mammoth's economy.

After the introduction that appears to be an attempt to soft pedal the situation, the discussion of the greenhouse effect is competent, but lacks concrete discussion of the mitigations to be adopted.

Response to Comment B32-54

Contrary to the commenter's assertion, the Town takes the issue of climate change very seriously. See Response to Comment B29-4.

Comment B32-55

Greenhouse Gas Impacts and Mitigations - The Project will have a significant impact if it increases greenhouse emissions, because the state's objective is to reduce them. To avoid significant impact, the Project must reduce net emissions to meet the state's reduction goals. One way to do that is to plant enough trees, not only to reduce those removed, but also enough to absorb the extra CO₂ equivalent. These trees need not be planted on Project land, but Town ordinances or other measures must ensure their survival. Provide a quantitative analysis showing how the Project can achieve a net reduction in greenhouse emissions.

Response to Comment B32-55

This comment expresses concern regarding the discussion of greenhouse gas (GHG) emission goals in relation to the Project. An analysis of the Project's impacts with respect to GHG is presented starting on page IV.C-33 of Section IV.C (Air Quality) in the Draft EIR. However, approaches to CEQA analyses of global warming and climate change are in their infancy and still evolving, and (as stated in Table I-1 under Impact AQ-4 on page I-13 of Section I (Introduction/Summary) in the Draft EIR) no state or local GHG thresholds have been established yet. See Response to Comment B29-4.

Comment B32-56

The discussion of emissions sources is incomplete. We believe the document must discuss and be based on propane, as no natural gas available and the transportation and other effects of using this fuel have not been analyzed.

Response to Comment B32-56

In response to this comment, the text under Impact AQ-2 on page IV.C-28 of Section IV.C (Air Quality) in the Draft EIR, has been revised as follows:

Stationary area source emissions would be generated by the consumption of ~~natural gas~~ propane for space and water heating devices, cooking appliances, and fireplaces, the operation of landscape maintenance equipment, the use of consumer products, and the application of architectural coatings (paints).

Also, the text on page IV.C-34 of Section IV.C (Air Quality) in the Draft EIR has been revised as follows:

Note that emissions models such as EMFAC and URBEMIS evaluate aggregate emissions and do not demonstrate, with respect to a global impact, how much of these emissions are “new” emissions specifically attributable to the Project in question. For most projects, the main contribution of greenhouse gas emissions is from motor vehicles, but how much of those emissions are “new” is uncertain. New projects do not create new drivers. Some mixed use and transportation-oriented projects can actually reduce the number of vehicle miles traveled that a person drives; this reduction is not typically discussed in CEQA documents. Therefore, it is anticipated that the Project will not substantially add to the global inventory of greenhouse gas emissions. This is especially true considering that the Project is adding retail uses next to residential uses. Nevertheless, greenhouse gas emissions are estimated using procedures similar to those for criteria pollutants. The following GHG inventory analysis considers natural gas as a proxy for propane, as no GBUAPCD-accepted emissions factors for propane are available and natural gas has similar emissions properties to propane.

Also, the text on page IV.C-34 of Section IV.C (Air Quality) in the Draft EIR has been revised as follows:

Carbon Dioxide: *The Project will generate emissions of carbon dioxide primarily in the form of vehicle exhaust and in the consumption of ~~natural gas~~ propane for heating from onsite combustion. Carbon dioxide emissions from vehicles were calculated with EMFAC 2007 emission factors using burden values for the South Coast Air Quality Management District. Carbon dioxide emissions from natural gas combustion were generated from guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. The natural gas usage came from discussions with the California Energy Commission; it is lower than default URBEMIS 2002 natural gas usage because the Project will only use ~~natural gas~~ propane for heating the buildings and for minimal hot water heating. The carbon dioxide emissions are shown in Table IV.C-11. As shown in Table IV.C-11, at build-out, the Project is estimated to emit 0.0048 Tg CO₂ Eq.*

Also, the text on page IV.C-34 of Section IV.C (Air Quality) in the Draft EIR has been revised as follows:

Methane: *The Project will generate some methane gas from vehicle emissions and ~~natural gas~~ propane combustion.*

Also, the text on page IV.C-35 of Section IV.C (Air Quality) in the Draft EIR has been revised as follows:

Nitrous Oxide: *The Project generates small amounts of nitrous oxide from vehicle emissions. Emissions from ~~natural gas~~ propane combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol.*

Comment B32-57

The buildings are heated by burning hydrocarbons. Instead of natural gas, a fossil fuel, the buildings must be heated by burning alternative fuel that is carbon-neutral. Carbon costs of producing the fuel need to be included in the budget. Indicate what modifications in Project design are required to achieve this goal, and provide a quantitative analysis of the improvement in carbon emissions relative to the goal of net carbon reduction.

Response to Comment B32-57

No standards currently exist for analyzing reductions in carbon emissions through the use of carbon-neutral fuels rather than natural gas use. See Response to Comment B29-4.

Comment B32-58

Electricity consumption is omitted as a source of greenhouse gas. This source must be added to emission calculations - not just from local consumption, but the fossil fuel consumption by the generating plants supplying the Town, including both generation and transmission losses. Add this contribution to the emission burden of the Project.

The Project must adopt various mitigations to reduce electricity consumption. Decorative exterior lighting on buildings must be eliminated. Low-power lighting must be used (fluorescent or LED). Note that as long as rooms are heated, the savings from low-power lamps is reduced, because the heat will simply be turned up to compensate.

Response to Comment B32-58

See Response to Comment B29-4. The State of California is currently developing CEQA guidance for the analysis of GHG and GHG emission inventories, the inventories will be regional in nature and there

will be many cases where emissions are double-counted. Counting emissions from the power plant as part of the Project could result in double-counting since the power plant must inventory its emissions from power generation.

Comment B32-59

An important means of reducing the carbon costs of electric generation is to use combined heat and power (CHP), using the waste heat from furnaces to generate electricity. Provide an analysis of the gains to be achieved by this promising technology.

Response to Comment B32-59

An analysis of the gains resulting from the use of combined heat and power is not an environmental impact within the scope of this EIR.

Comment B32-60

Buildings must be designed to minimize heating needs, which implies that high-rise buildings must be eliminated in favor of cubical form factors. High-rise buildings also require increased pumping of water and any heating fluids, as well as elevators and other power-consuming amenities. Provide an analysis of the savings that can be achieved by more suitable form factors.

Response to Comment B32-60

Because this Project is a Master Plan development and not a project specific development the exact design of the Project has not yet been determined and is not required under CEQA. Certain Project details would be determined during site-specific design but would be consistent with applicable regulations. See Topical Response 2 (Project Details).

This comment states a concern with the amount of energy high-rise buildings will use, and requests an analysis of a more energy-efficient and cost-effect alternative. See Topical Response 2 (Project Details).

Comment B32-61

All vehicles used by the Project, including construction and snow clearance vehicles and those used by the commercial/retail square footage, must use alternative fuels. Indicate what savings can be achieved by insisting on the use of alternative-fuel vehicles.

Response to Comment B32-61

The Town has no such policy. The use of alternative fuel vehicles should only be required if necessary to mitigate an environmental impact. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-62

This discussion indicates that substantial modifications are needed in both this DEIR and in the Project design to meet the state's greenhouse emissions targets, as well as control of the criteria pollutants.

Response to Comment B32-62

This comment summarizes preceding comments, which are addressed in Responses to Comments B32-40 through B32-61.

Comment B32-63***IV-D - Biological Resources***

Impact of Increased Permanent Population - We question the DEIR's conclusion that the impact of the increased permanent population (given as approximately 11,460 persons) is "less than significant." Further, this section states that, according to the 2007 General Plan, the Town and Inyo National Forest Service will ensure that the regional ecosystem is maintained.

Rather, we advocate that the impact of population increase is very significant. Residents account for 25% of the visitor frequencies in the surrounding Wilderness or Forest Service Lands. An increase in people in these environmentally sensitive areas will result in degradation of recreational experience for all visitors: Increased traffic, pollution, trail degradation, destroying of wildlife habitat, permits for day hikes and restricted access will be the result of a major population increase in the area. Provide the data used, including current recreational use, and re-analyze the impacts on biological resources.

Response to Comment B32-63

This comment suggests that biological resources within Inyo National Forest would be significantly impacted by the increased permanent population growth resulting from the Project and related residential projects in the area. The text of Impact BIO-7 (Inyo National Forest – Recreational Impacts to Biological Resources) on page IV.D-78 of Section IV.D (Biological Resources) in the Draft EIR indicates that the additional increase in the year-round population could significantly impact biological resources within Inyo National Forest. In fact, the text acknowledges that such growth could have an adverse impact on sensitive biological resources within Inyo National Forest in several places (e.g., second and third paragraphs on page IV.D-78 and fourth paragraph on page IV.D-79 of Section IV.D [Biological

Resources] in the Draft EIR). However, because the Project would have to comply with the goals and policies in the Town of Mammoth Lakes' General Plan, including working collaboratively with agencies (e.g., Mono County, Inyo National Forest, and Bureau of Land Management) to protect natural and outdoor recreational resources, and the U.S. Forest Service (USFS) has management plans and techniques to address impacts to biological resources resulting from both existing and future usage, impacts to biological resources within Inyo National Forest resulting from the permanent cumulative population growth from the Project and related residential project would be reduced to less than significant.

Comment B32-64

IV-E - Cultural Resources

1. *The analysis lacks current or recent ethnographic material.* Written ethnographic materials are available for publications as far back as the 1920's. To analyze this important area without inclusion of materials that reflect the local area is not adequate. Provide analysis that includes appropriate ethnographic data.

Response to Comment B32-64

Ethnography studies are not generally required because CEQA is concerned about impacts on the physical environment, including cultural resources such as Native American and archeological resources. An ethnography study would not shed any light on those resources beyond what is included in the EIR and what may be encountered during ground disturbing activities. The Cultural Resources Study prepared for this Project relied on previously prepared ethnography studies as shown on pages 7 and 8 in Appendix E of the Draft EIR. See Responses to Comments A6-3 and B18-1.

Comment B32-65

2. *Also not referenced is any mention of consultation with the Paiute community who are still living in the Eastern Sierra or whose ancestors lived in June Lake or Mammoth Lakes.* Many of these people still find food resources and materials for baskets in this area, just as their ancestors did. Provide data that includes input from the Paiute community.

Response to Comment B32-65

As discussed on page IV.E-6 of Section IV.E (Cultural Resources) in the Draft EIR, the Town contacted the Native American Heritage Commission (NAHC) and received a list of Native American contacts for government-to-government consultation consistent with Senate Bill (SB) 18. The Town then contacted the NAHC-listed Native Americans. This list included the Benton Paiute Reservation, Bridgeport Paiute Indian Colony and the Antelope Paiute Tribe. No new responses identifying cultural resources or concerns were received during this process.

Comment B32-66

3. The most important site of cultural significance in the report is CA-MNO-3 a village site recorded over 50 years ago. This site is referenced as large and significant, with a great potential for subsurface material as well as for buried historic material. Despite what has happened across the road to the north, the specific area relevant to this report, this is still true. Before construction can begin, mitigation measures must be in place to ensure protection. Provide adequate mitigation measures.

Response to Comment B32-66

The CA-MNO-3 site is a known archeological site that is treated in detail in the Cultural Resources Study undertaken for this Project and included as Appendix E of the Draft EIR. This comment requests adequate mitigation measures be in place before Project construction begins. Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A6-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level.

Comment B32-67

4. The report mentions that the area "... with dense prehistoric cultural deposits and midden soils, should be preserved, capped, or subject to data recovery if construction proceeds in this area as proposed." We cannot stress this point more strongly! Provide mitigation measures that ensure that no excavation occurs that would prevent preservation of the cultural material that is present. The area proposed for the store and interpretive center and its parking appears to meet this definition. We recommend that this area be completely preserved as the last remaining portion of what may be one of the most important prehistoric cultural sites in the Eastern Sierra.

Response to Comment B32-67

Preservation is the preferred form of mitigation. However, data recovery through excavation is an alternate form of mitigation if it is the only feasible mitigation (*CEQA Guidelines* Section 15126.4(b)(3)(C)). Here, much of CA-MNO-3 is avoided by the proposed development. Preservation of the entire site is not feasible without unduly compromising the overall plan for development of the Project site, including the proposed placement of a Market/General Store and a Natural Resources and Historic Interpretative Center that will be open to the public. Data recovery excavation on this portion of the site may damage a non-renewable cultural resource; however, the cultural data recovered would be presented in a report and the recovered cultural material available for future research through proper curation, as required in Mitigation Measure CULT-2f on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR. See Responses to Comments A1-1 and B18-4.

Comment B32-68

5. *The discussions of the vegetation, the fauna, and the paleoclimate are well done but as mentioned above, the cultural context is incomplete.* There is current or recent work being done that should have been part of the research. The comment that “...most important cultural deposits {are} located north of Old Mammoth Road” is a moot point, since most, if not all, of that location is no longer available for research or preservation due to the excavation work for Snowcreek VII. Include the appropriate works and reanalyze.

Response to Comment B32-68

The commenter is referring to a separate approved project (e.g., Snowcreek VII) that is not the subject of this EIR. See Response to Comment B32-64.

Comment B32-69

6. *Intervals* - Justify the stated interval of 20 to 30 meters where there is a dense area of cultural material visible on the surface as is mentioned on page VI.F-18.

Response to Comment B32-69

Given that the area had been previously surveyed multiple times in the past, Burton walked 20-30 meter transects over Areas D and E (comprising 160 acres in the southeast portion of the Project area). This distance was determined to be adequate based on the fact that each of these areas had been completely surveyed in the past with two previous surveys in Area D and six previous surveys within Area E. See Response to Comment B18-6.

Comment B32-70

7. *The Summary of Environmental Impacts & Mitigation Measures is not adequate, and enforcement could still be questionable.* There is still room for value judgments and, while scientific data is open to interpretation, it is important that mitigation measures be followed and enforced. The mitigations need to be strengthened to ensure that they are followed. Provide realistic mitigation measures.

Response to Comment B32-70

This comment questions whether recommended mitigation measures are adequate and if mitigation monitoring procedures will be followed in the future. Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A6-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level. The Town will be

responsible for the enforcement of these measures, as illustrated in Section IV (MMP) of the Final EIR. See Responses to Comments A1-1, A6-8, A6-9, and B18-8.

Comment B32-71

8. *It must be clear that mitigation measures must apply to ALL the Project area including the golf course and other auxiliary facilities.* Local Native American monitors must be hired to oversee all intrusions into the earth and have the power to stop work if necessary. Change the mitigation measures to include this requirement.

Response to Comment B32-71

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project and to include the cultural resource awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities. Proper cultural resources awareness training for construction personnel will facilitate the protocol for bringing in the appropriate monitors as designated in Mitigation Measure CULT-1 to the portions of the Project site with unknown cultural resources if cultural resources are found. See Responses to Comments A1-1, A6-4, and A8-7.

Comment B32-72

IV-F - Geology and Soils

1. *Emergency Evacuation - page IV.F-13 - Project impact related to volcanic activity is listed as "significant."* The mitigation measure simply states that an emergency evacuation plan shall be prepared. This plan must be established and in place before start of construction. Provide mitigation measures that require a complete emergency evacuation plan be in place prior to the start of construction. Also, provide data and analysis on the efficacy of paving and using Sherwin Creek Road to Hwy 395 as part of this plan.

Response to Comment B32-72

No people would reside on the Project site prior to construction of buildings and the issuance of occupancy permits. Therefore, an emergency evacuation plan would be prepared and approved before the issuance of occupancy permits. The Town has developed an Emergency Operations Plan that includes a chapter on evacuation of the Town in such an emergency. The Emergency Operations Plan does not include Sherwin Creek Road as an exit from Town. In the summer the road could be used as an exit. However, if Sherwin Creek Road were to be used in the winter then it would have to be paved in order to be plowed. Paving Sherwin Creek Road would be a benefit to the entire community rather than an impact created by the Project that would be the responsibility of the Project to correct.

Comment B32-73

2. *Soil Erosion/Loss of Topsoil- page IV.F-14* - Soil erosion and the loss of topsoil are considered to have a "significant impact." The mitigation that "a Storm Water Pollution Prevention Plan (SWPP) shall be prepared ..." needs to be strengthened to ensure that this plan is in place before construction begins. The plan must include twice-yearly stream surveys (chemical and biological) in Mammoth Creek both above and below all of the Snowcreek properties. Change the mitigation measures to include the surveys.

Analyze this information and require these stream surveys, prepared by an independent consultant, as mitigation measures.

Response to Comment B32-73

Construction activities that disturb one acre or more within the Town are subject to the general permit mandated by Phase II NPDES program administered by the RWQCB to regulate discharges of storm water associated with Construction Activity. As stated on page IV.G-15 of Section IV.G (Hydrology and Water Quality) in the Draft EIR, as required by the General Permit a SWPP will be prepared for the Project prior to any construction activities. The SWPP shall include BMPs. Additional post-construction storm water management measures are required under the general permit applicable to municipal separate storm sewer system. Additional post-construction storm water management measures are required under the general permit applicable to municipal separate storm sewer system. Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits. Surveys above Snowcreek properties would not be the responsibility of the Project. The Project has excess capacity for the storage of stormwater runoff during Project operation and it is anticipated that Project site runoff would be a rare event. However, in consultation with the Town and RWQCB, and subject to Town approval, the Project applicant shall identify and implement a suite of storm drainage facilities designed to safely capture, treat, and convey runoff from the required design storms. In addition, a detailed set of maintenance procedures necessary to assure that storm drainage facilities continue to work as designed shall be established and approved by the Town, in consultation with the RWQCB. These mitigation measures are adequate to ensure that this impact would remain less than significant and no changes or revisions are required to the Draft EIR.

Comment B32-74***IV-G - Hydrology and Water Quality***

1. *Preliminary Drainage Study* - The existing lakes and those to be built will contain all golf course and development runoff, which cannot be allowed to exit to Mammoth Creek via the culvert under Sherwin Creek Road. Provide alternative measures that protect the culvert area.

a) *The existing lakes, as can be observed, are highly productive with significant late summer algal blooms indicating warm water, low dissolved oxygen, and lots of nutrients from golf course runoff.* The water in the lakes is considered to be of poor quality and must not be allowed to enter Mammoth Creek under any circumstances. Mitigations are required for both the re-worked original nine holes, and the new course. Provide the details of such mitigations.

Response to Comment B32-74

The Project's operation-related impacts, including the golf course expansion is discussed on page IV.G-15 of Section IV.G (Hydrology and Water Quality) in the Draft EIR and drainage of the golf course is discussed on page IV.G-20 and IV.G-21 of the Draft EIR. The Projects impacts to water quality were found to be less than significant with the implementation of Mitigation Measures HYD-1, HYD-2 and HYD-4 as written in the Draft EIR and as revised per Response to Comment A3-5. See Response to Comment B32-19.

Comment B32-75

b) *Surveys must also be done to monitor the effectiveness of the golf course settling ponds.* The ponds on the current 9 hole course and the new proposed ponds for the new golf course must also be monitored and dredged to prevent pollution such as temperature, dissolved oxygen, pH, conductivity, turbidity, fecal bacteria, hydrocarbons, metals, and nutrients and a visual assessment along the lakes and creek. Fish and macro invertebrates must be counted and identified.

Response to Comment B32-75

See Response to Comment B32-19.

Comment B32-76

The analysis of water quality must be expanded to include potential impacts of the above pollutants, plus must answer the questions of (1) The length of time before these settling ponds/lakes fill with sediment, (2) how dredging of the lakes would be accomplished, and (3) analysis of the potential for the lakes to overflow into Mammoth Creek during periods of snow melt and/or high runoff from thunderstorms. Provide mitigation measures that will accomplish these surveys and analyses.

Response to Comment B32-76

This comment requests an expansion of the water quality analysis to address specific issues and provide additional mitigation measures. See Response to Comment B32-19.

Comment B32-77**IV-H - Land Use and Planning**

1. *Outfitters Cabin Location - the proposed location for the Outfitters Cabin, as would any retail activity on the eastern perimeter of the Project, violates the land covenant established during the golf course land exchange.* The DEIR states, in the first paragraph on page VI.H-12 [sic], that the only allowed retail is associated with the golf course. Yet, the cabin is located in this area. In other sections, it is inferred that this is an approved retail use. The DEIR must be consistent and cannot have portions which make opposite conclusions. Rectify the inaccuracies, and correctly reflect the land covenant.

Response to Comment B32-77

The comment states that the Outfitters' Cabin would violate the land exchange covenant that restricts development on a portion of the Project. The Outfitters' Cabin is a commercial activity permitted by the Town's zoning ordinance for open space and is related to the operation of a resort and recreational activities listed in the covenant. The Outfitters' Cabin is not a use that is otherwise prohibited by the covenant, such as subdivision of the property, residential housing, commercial lodging and transient occupancy. See Appendix K of the Draft EIR. Thus, the Outfitters' Cabin is consistent with the covenant.

The comment also states that the that the first paragraph of page IV.H-12 of Section IV.H (Land Use & Planning) in the Draft EIR provides that the only allowed retail is that associated with the golf course. This is incorrect. The Draft EIR on page IV.H-12, summarizing the provisions of the covenant, states that permitted uses may include "(1) all uses permitted by and consistent with zoning regulations, rules and ordinances of the Town, and as the same may be amended from time to time; (2) commercial activities permitted by and consistent with the foregoing and related to the operations of a resort recreational golf course, including without limitation (except as restricted by [the covenant]) the following: retail operations, food and beverage, transportation, storage, parking, nordic skiing, alpine skiing and snowboarding and other recreational activities. Retail operations are not limited to golf course retail, but may include other retail that is consistent with the resort activities. See Response to Comment B32-23.

Comment B32-78

2. *Transfer Of Un-Used Units Of Density - Densities established as part of the original Development Agreement and Master Plan cannot not be considered as valid since 1) this is not consistent with the 2007 General Plan which does not allow a transfer of density from built units, 2) the original Development Agreement has expired, 3) the original DA and MP were based on 8,000 skiers per day at a ski area, and no comparable resort amenities are proposed to justify the proposed high unit densities, and 4) the new General Plan is less conducive to intensive development unless associated with a base ski facility.*

Response to Comment B32-78

Although the Project includes the clustering of density from previously constructed portions of the Snowcreek Master Plan area, clustering of density and density transfers are allowed within master plan areas. The 2007 General Plan allows for the clustering of density within a Master Plan area to enhance General Plan goals and policies (Policy L.3.H.). The Project proposes residential development with a density of 7.35 dwelling units per acre for the Project area and 6.36 dwelling units per acre for the entire Snowcreek Master Plan area. The density would be consistent with the allowable density for the R designation as defined in the 2007 General Plan. Therefore, the Project would be consistent with the R designation in the 2007 General Plan. The comment is correct in stating that the DA has expired. However, Master Plan is still in effect and the Project is intended to both fulfill and update the vision of the previously approved 1974 and 1981 Master Plans. With the previously adopted Master Plans serving as a basis, the Project is intended to be a well designed community that integrates residential, resort, recreation, retail and public amenities components. The Project would also enhance some existing components of the Snowcreek Master Plan area, such as the expansion of the Snowcreek Golf Course. The Project recognizes that the ski base component is not a realistic expectation and envisions the Project as a destination resort and a key anchor in the Town's economic development strategy. The Resort designation as defined in the 2007 General Plan includes mixed visitor oriented uses including lodging, visitor oriented commercial, and recreation uses. The Project would therefore be consistent with the 2007 General Plan.

Comment B32-79

The Project description does not specify the specific sites from which density will be transferred nor does it specify the sites that will receive the density. Without this information the DEIR analysis cannot address the impacts of this component of the Project. In addition, the DEIR provides no evidence for its assertion that density transfers, while prohibited by the General Plan, are permissible in this instance. Provide these details and reanalyze.

Response to Comment B32-79

As stated on page IV.H-52 of Section IV.H (Land Use & Planning) in the Draft EIR, although the Project includes the shifting of density from previously constructed portions of the Snowcreek Master Plan area, clustering of density is allowed within master plan areas under the 2007 General Plan (Policy L.3.H.).

Comment B32-80

3. *It appears that the density and land use calculations incorporate the 94 acres acquired in the Land Exchange to make the Project appear less dense.* It was clear during the land exchange negotiations, and in the writing of the covenant and in the Town's original definition of open space, that the land is not to be used for any type of residential or resort units. Therefore, this acreage cannot not be included in any

density calculations. Recalculate the density without including the reserved open space acreage and analyze the resulting units per acre. Our calculations show this as closer to 20 units per acre than the "less than 8 units per acre" used in this DEIR. Recalculate the density without the inclusion of the land exchange area.

Response to Comment B32-80

This comment expresses concern that density and land use calculations have not been properly applied to the site because they included the 94 acres acquired in the USFS Land Exchange. The density calculation can be found on page IV.H-13 of Section IV.H (Land Use & Planning) in the Draft EIR. Housing density for the Project site was calculated by dividing the total number of dwelling units by the total number of acres in the Project area designated for residential development (i.e., the 94 acres that make up the 2005 Land Exchange area were not included for calculating density). The Project proposes 1,050 dwelling units (850 condominiums and townhome units combined with 200 Hotel dwelling units) developed over 143 acres. This acreage does not include the 94 acres acquired in the USFS Land Exchange. Overall housing density for the Project would be approximately 7.35 dwelling units/acre (1,050 dwelling units/143 acres). The entire Project site is approximately 237 acres; 143 acres is determined by subtracting the 94 acres acquired through the 2005 Land Exchange which does not permit residential units from the Project's total 237 acres.

Comment B32-81

4. Reduction in Commercial Space - The Town has set as an objective to increase the amount of commercial space. This Project reduces the amount of non-residential space by 50%. Most of the commercial space proposed will be of benefit only to the guests and residents of Snowcreek VIII, not to the Town in general. Redesign the Project with the original amount of commercial space, and reanalyze the environmental impacts.

Response to Comment B32-81

The Project includes objectives to complete the Mammoth Lakes resort experience with a destination resort and residential units in a natural rustic setting. The Project is not proposed to serve the Town retail needs in general. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-82

5) [sic] *Physically Divide a Community* - One of the mandatory requirements of CEQA is to determine if the proposed Project will physically divide a community. We believe that separating a community from what has been a significant source of recreation for a significant segment of the population meets this

definition and that this impact must be disclosed and mitigated. As proposed this Project makes a large portion of the Sherwins inaccessible during deep winter snows.

Response to Comment B32-82

The Project is located within an urbanized area and would not be great enough in size or extent to divide an established community. See Response to Comment B27a-7.

Comment B32-83

IV-I - Noise

1. Construction Noise - The analysis is lacking in the following areas:

- a) Identify the level of construction noise increase above current noise for the expected six years of Project construction.

Response to Comment B32-83

Construction activities are proposed to be complete in 2017 as stated on page III-43 of Section III (Project Description) in the Draft EIR. This comment requests analysis of construction noise above current existing conditions for the duration of Project construction. The existing noise environment is discussed on pages IV.I-11 through IV.I-12 of Section IV.I (Noise) in the Draft EIR. The Project's construction noise analysis accounts for the duration of the Project's construction. The Project's construction noise impacts are discussed on pages IV.I-15 through IV.I-21 of Section IV.I (Noise) in the Draft EIR and were found to be less than significant with implementation of Mitigation Measures NOISE-1a through NOISE-1c. In addition the Project would comply with the Town's Noise Ordinance and Municipal Code. See Response to Comment B29-25. All mitigation measures stated in the Draft EIR would be applicable for the duration of the Project's construction.

Comment B32-84

- b) Identify how many minutes per hour and how many hours per day during the six years of construction that the Town's Noise Standards would be exceeded.

Response to Comment B32-84

In preparing a Draft EIR, an agency is not required to "forsee[] the unforeseeable;" it need only "disclose all that it reasonably can" (see *CEQA Guidelines* Section 15144). It would be a matter of conjecture to precisely quantify the exact amount of time a given construction activity may exceed the Town of Mammoth Lakes construction noise standards and, therefore, does not warrant evaluation in the EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). With

respect to mitigation measures and regulations which would reduce the construction noise generated by the Project to a less than significant impact, see Response to Comment B29-25.

Comment B32-85

- c) Identify options for modified projects and corresponding noise levels for these options.

Response to Comment B32-85

As discussed in Section VI (Alternatives to the Proposed Project), four alternatives are evaluated in the Draft EIR: the No Project (Alternative A), Revised Site Plan (Alternative B), Reduced Density (Alternative C), and Increased Density (Alternative D). Overall impacts to noise under Alternative A would be greater than under the Project due to the increase in traffic created by the increase in non-residential land uses (see page VI-12 of Section VI [Alternatives to the Proposed Project] in the Draft EIR). Overall impacts to noise under Alternative B would be greater than under the Project (see page VI-19 of Section VI [Alternatives to the Proposed Project] in the Draft EIR). Overall impacts to noise under Alternative C would be less than under the Project due to the decrease in vehicle trips created by the decrease in residential units and the elimination of non-residential land uses on the site (see page VI-26 of Section VI [Alternatives to the Proposed Project] in the Draft EIR). Overall impacts to noise under Alternative D would be greater than under the Project due to the increase in traffic created by the increase in residential units (see page VI-32 of Section VI [Alternatives to the Proposed Project] in the Draft EIR).

Comment B32-86

2. On Site Noise - Expand the analysis to include the following:

- a) The proposed Project will result in an increase in ambient noise level due to the generation of on site noise. Quantify what the noise level will be after mitigation measures are taken.

Response to Comment B32-86

No mitigation measures are required, or recommended, as a result of an increase in ambient noise levels from the operation of the proposed Project. See the discussion under Impact NOISE-4 on page IV.I-21 of Section IV.I (Noise) in the Draft EIR.

Comment B32-87

- b) Clarify what noise-creating businesses will be operating on the Project site, such as - bars, restaurants, etc. and provide data to show the locations within the Project and hours of operation as analyzed.

Response to Comment B32-87

This comment requests clarification as to the precise location and hours of operation of noise-creating businesses included on the Project site. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement commercial activities within the Project site has not been determined. The Project is required to comply with all applicable General Plan policies regarding noise and comply with Chapter 8.16 of the Mammoth Lakes Municipal Code (Town Noise Ordinance) as described on page IV.I-7 of Section IV.I (Noise) in the Draft EIR. See Response to Comment B9-1 and Topical Response 2 (Project Details).

Comment B32-88

- c) List and analyze any noise-making outdoor activities that may occur on the site, such as concerts, festivals, events, etc.

Response to Comment B32-88

In preparing a Draft EIR, an agency is not required to “forsee[] the unforeseeable;” it need only “disclose all that it reasonably can” (see *CEQA Guidelines* Section 15144). It would be speculative to list and analyze noise-making outdoor activities that may occur on the site and, therefore, does not warrant evaluation in the EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). However, as discussed on pages IV.I-23 and IV.I-24 of Section IV.I (Noise) in the Draft EIR, the Hotel would feature an outdoor ice skating pond that would require the use of various types of equipment in order to freeze the water contained within the ice skating pond, to remove snow during the winter months and to maintain the surface of the ice. The Chiller and Zamboni would have a less-than-significant impact related to noise.

Comment B32-89

- d) Provide data on the noise levels analyzed for the on-site affordable housing, which will be occupied on a full-time basis.

Response to Comment B32-89

In preparing a Draft EIR, an agency is not required to “forsee[] the unforeseeable;” it need only “disclose all that it reasonably can” (see *CEQA Guidelines* Section 15144). It would be speculative to list and analyze noise-making outdoor activities that may occur on the site and, therefore, does not warrant evaluation in the EIR. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters). The Project’s operational impacts are discussed on page IV.I-21 of Section IV.I (Noise) in the Draft EIR. This discussion includes the residential component of the Project. The Town has no adopted thresholds for affordable housing as shown on Table IV.I-5 on page IV.I-10 of Section IV.I (Noise) in the Draft EIR.

Comment B32-90**3. Traffic Noise - Additional data is needed on the following:**

- a) The studies on current traffic noise were done in 2005. Provide additional data on the current noise levels on PEAK traffic days and times, and the predicted PEAK noise levels upon completion of all future development projects in the area. Reanalyze the impacts based upon PEAK traffic days and times.

Response to Comment B32-90

As shown in Table IV.I-3 on page IV.I-6 of Section IV.I (Noise) in the Draft EIR, the Town has adopted the State guidelines for Noise and Land Use Compatibility Criteria. These criteria are defined by L_{dn} or CNEL. L_{dn} , the Day-Night Average Level, is a 24-hour average L_{eq} with a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the nighttime. CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 5 dBA “weighting” during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and nighttime, respectively. The L_{dn} or CNEL thresholds therefore are based on Average Daily Traffic volumes and not peak volumes.

Comment B32-91

- b) In projecting future noise levels, the analysis includes "Approved" Projects. Calculate noise levels that include future development of all available land in the surrounding areas.

Response to Comment B32-91

The comment correctly states that all approved projects were utilized in the future-plus-Project scenario. As discussed on page II-23 of Section II (Environmental Setting) in the Draft EIR, however, the cumulative impact analysis includes all related projects (i.e., those projects with pending applications, recently approved, under construction, or reasonably foreseeable projects at the time of the Notice of Preparation (NOP) on October 19, 2006 that could produce a related or cumulative impact on the local environment when considered in conjunction with the proposed Project). With respect to the request that noise levels including future development of all available surrounding land be calculated, the traffic and noise analyses are not the proper avenue for analyzing all available land in the surrounding areas. Undeveloped parcels are subject to changes in zoning and land use designations. Issues related to traffic and noise as they pertain to the Town’s Planning Area are typically disclosed in the Town’s General Plan. No further response is required.

Comment B32-92

c) The proposed roundabout will eventually serve Snowcreek VII (under construction), Snowcreek VIII, the future Sherwin Project, the proposed General Store and Interpretive Center, the existing Snowcreek I, II, III, IV, V, and VI Projects, every existing and future project in Old Mammoth and also accommodate a pedestrian crosswalk. Show the effects of this traffic on (1) waiting time at PEAK hours to enter and leave roundabout and (2) traffic noise at PEAK hours of slowly moving/ idling traffic.

Response to Comment B32-92

With respect to the proposed roundabout and pedestrian accommodations, as previously described in Response to Comment B26-3, all traffic (Snowcreek VIII and Snowcreek V) projected to use Fairway Drive is accounted for in the analysis of the roundabout that would be constructed at the intersection of Minaret Road/Old Mammoth Road consistent with the General Plan (see page IV.M-13 of Section IV.M [Traffic/Circulation] in the Draft EIR). The roundabout at the intersection of Minaret Road/Old Mammoth Road has been fully analyzed in the Draft EIR, as shown in Tables IV.M-3, IV.M-4, and IV.M-7 (as revised in Response to Comment A4-2) of the Draft EIR under the existing, existing plus cumulative (every existing and future project in Old Mammoth), and existing plus cumulative plus proposed Snowcreek VIII Project, respectively. The LOS worksheets for this intersection under all scenarios are in Appendix J to the Draft EIR and Appendix B to this Final EIR. As stated in the traffic study (Appendix J to the Draft EIR), the standard single-lane roundabout will feature well-defined pedestrian walkway edges and appropriate signage, marking, and striping to indicate crossing locations on all approaches. These crossing locations will be in advance of vehicles entering the roundabout. Pedestrians only needing to cross half of the street at a time due to splitter islands (refuge areas) will provide added safety. In addition, this traffic control (i.e., roundabout) is recommended on page 2-44 the Town of Mammoth Lakes' Final Program EIR (adopted General Plan EIR). Figure FEIR-1 is an example of a typical single-lane roundabout illustrating how/where pedestrians would cross. The Town's Bikeway Master Plan includes a bike tunnel under the northern side of the proposed roundabout (under Minaret Boulevard) to reduce vehicular and non-motorized conflict.

With respect to the analysis of noise at peak hours, see Table IV.I-11 and IV.I-12 on pages IV.I-22 and IV.I-23 of Section IV.I (Noise) in the Draft EIR for a quantified analysis of the change in traffic related noise levels associated with implementation of the Project. In addition, peak hour calculations are not required for the Project (see Response to Comment B32-90). As is illustrated Table IV.I-3 on page IV.I-6 of Section IV.I (Noise) in the Draft EIR, the Town has adopted the State guidelines for Noise and Land Use Compatibility Criteria. These criteria are defined by L_{dn} or CNEL. L_{dn} , the Day-Night Average Level, is a 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the nighttime. CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 5 dBA "weighting" during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA "weighting" added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for

noise sensitivity in the evening and nighttime, respectively. The L_{dn} or CNEL thresholds therefore are based on Average Daily Traffic volumes and not peak volumes.

Comment B32-93

- d) Provide data on how many heavy trucks will be needed to service the residences, hotel, and businesses, including snow removal and snow hauling trucks.

Response to Comment B32-93

When generating trips for a proposed project, the Institute of Transportation Engineers (ITE) User's Guide (Volume 1 of 3) states that traffic generation statistics must consider all vehicle trips. Vehicle trips are not broken down by classification (passenger vehicle v. heavy truck, etc.), so separate individual data is not available to be reported. However all vehicle traffic, including heavy trucks, has been considered according to the guidelines and those statistics and analysis can be found at Table IV.M-5 on page IV.M-14 of Section IV.M (Traffic/Circulation) in the Draft EIR. The Project is required to provide sufficient snow storage on-site. However, in higher than normal years snow may need to be trucked. Additionally, most snow removal and snow hauling trucks schedule their activities in the early morning hours so as not to add to peak hour traffic, so any additional traffic created by snow hauling activities is expected to be minimal.

Comment B32-94

- e) Calculate future projected roadway noise levels for Old Mammoth Road east of Minaret and for Minaret Road from Old Mammoth Road to Meridian Blvd.

Response to Comment B32-94

In response to this comment, Table IV.I-11 on page IV.I-22 of Section IV.I (Noise) in the Draft EIR has been revised as follows:

**Table IV.I-11
Future Plus Project Roadway Noise Levels On-site**

Roadway	Roadway Segment	Reference CNEL L_{dn} at 100 feet ^a	Distance to Noise Contour (feet)		
			70 L_{dn}	65 L_{dn}	60 L_{dn}
Minaret Road	Main Street to Meridian Boulevard South of Meridian	61 57.5	25 15	54 32	116 68
Old Mammoth Road	West of Minaret Road	59 155.4	19 —	40 23	87 50
	Minaret to Meridian East of Minaret Road	62 958.2	33 16	72 35	155 75
^a Distances are in feet from roadway centerline. The identified noise level at 100 feet from the roadway centerline is for reference purposes only as a point from which to calculate the noise contour distances. It does not reflect an actual building location or potential impact location. Source: Christopher A. Joseph and Associates, 2006 2007. Calculation data and results are provided in Appendix H to this Draft EIR.					

Comment B32-95

f) Calculate future projected roadway noise levels for existing residences on Minaret Road from Old Mammoth to Meridian, based on accurate measurements from roadway center to interior of the residences.

Response to Comment B32-95

In response to this comment, Table IV.I-12 and the text on page IV.I-23 of Section IV.I (Noise) in the Draft EIR have been revised as follows:

Table IV.I-12
Future Off-Site Future Roadway Noise Levels

Roadway Segment	Existing Noise Sensitive Uses	Noise Levels in dBA L_{dn} at 75 feet ^a			
		Existing Noise Levels	Cumulative (Existing Plus Project Approved Projects)	Increase	Significance Threshold ^b
Minaret Road					
Meridian to Main Street	Residential @ 190'	63.2 54.0	64.9 55.9	1.7 1.9	5.0
South of Meridian Blvd.	Residential @ 60'	59.3	63	3.7	3.0
North of Old Mammoth Rd.	Residential @ 40'	62.9	66.2	3.3	3.0
Old Mammoth Road					
North of Meridian Blvd.	Residential @ 50'	66.0 66.3	66.7 67.2	0.7 0.9	3.0
South of Meridian Blvd.	Residential @ 210'	54.4	56.3	1.9	5.0
East of Old Mammoth Rd.	Residential @ 200'	53.1	56.1	3.0	5.0
West of Old Mammoth Rd.	Residential @ 40'	62.9	64.4	1.5	3.0
^a —The dBA L_{dn} values represent the noise levels experienced at approximately 75 feet from the roadway centerline. ^b As described under the Thresholds of Significance heading of this section, the significance threshold is three dBA if the noise increase would meet or exceed the Town's noise level standard for the affected land use (see Table IV.I-4, Town of Mammoth Lakes Exterior Noise Limits). However, if the noise levels remain below the Town's noise level standard for the affected land use, then an increase in noise levels of five dBA or greater would be considered significant.					
Source: Christopher A. Joseph and Associates, 2007 2006. Calculation data and results are provided in Appendix H to this Draft EIR.					

As shown in Table IV.I-12, implementation of the Project would increase local noise levels off-site by a maximum of ~~1.7~~ 3.7 dBA L_{dn} at the segment of Minaret Road ~~located between Meridian Boulevard and Main Street~~ south of Meridian Boulevard which would result in a future noise level of 63.0 dBA L_{dn} . In addition, the maximum noise level achieved due to operation of the project would be 67.2 dBA L_{dn} for the roadway segment of Old Mammoth Road, north of Meridian Boulevard. Therefore, even though the Project would result in a greater than 3 dBA L_{dn} increase in ambient noise levels, the resulting noise level would not exceed 70-80 dBA L_{dn} during daytime hours and 60-70 dBA L_{dn} from 10 P.M. until 7 A.M. (See Table IV.I-4, Town of Mammoth Lakes Exterior Noise Limits). Because the increase in local noise levels along roadway segments resulting from implementation of the Project would not exceed the established thresholds of significance, this would not represent a substantial permanent increase in ambient noise levels. Therefore, this impact would be considered **less than significant** and no mitigation measures are required.

Comment B32-96

After expanding the data to include the above alternatives, reanalyze the impacts and mitigations needed.

Response to Comment B32-96

See Response to Comment B32-95.

Comment B32-97**IV-J Population and Housing**

1. Page IV J-2, *Household Tenure* - The DEIR states: "There are more housing units in Mammoth Lakes than there are households, housing units are not affordable or available for the average resident," and, "57.5 % are owned by second homeowners and are utilized on a seasonal, recreational, or occasional basis." The type of housing needed in Mammoth Lakes is not more second homeowner units, but residential housing affordable for middle income families. In several places, this Project is described as consisting of housing-types that will add to the second homeowner housing segment.

Response to Comment B32-97

This comment expresses an opinion about the housing needs of the Town and the Town's housing policies, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-98

Page IV J-B, Impact POP-4: Further the DEIR states: The Project and the related projects, "would help address a portion of unmet housing demand and serve anticipated population growth in the Project area..." and "Some of the employment associated with the Project could be filled by persons from the existing employment base in the Project area and/or by future residents at the Project site."

Provide detailed analysis and data to support the claim that the Project will provide needed housing.

Response to Comment B32-98

As noted above, and as discussed more fully in the Draft EIR, the Project is providing 970 units of market-rate housing and 80 units of workforce housing at complete build-out. Table IV.J-2, Mammoth Lakes Fair Share of Regional Housing Needs (2001- 2008) on page IV.J-3 of Section IV.J (Population & Housing) in the Draft EIR shows that 296 units would be needed between the years 2001 and 2008, and

page IV.J-4 provides a growth rate of 48 percent expected. Therefore projected housing needs would partially be met by the proposed Project.

Comment B32-99

2. *Page IV J-6, Impact POP-1*: Since the Project will take five or more years to complete, the housing of construction workers will have a significant impact on rental housing availability. Provide data to demonstrate where construction workers will be housed, how this will affect the housing availability in Mammoth Lakes, and what the affects will be on housing after the Project is completed and the temporary workers return to their places of residence.

Response to Comment B32-99

Page IV.J-6 of Section IV.J (Population & Housing) in the Draft EIR discusses Project-related construction workers may be existing residents, or commute from other areas. While some construction can occur during winter months, major construction (e.g., earthwork) requiring the most construction workers would occur during the summer months, and not during winter months when the peak tourism season would impact available lodging.

Comment B32-100

3. *Page V-2, Growth inducing impacts of the proposed Projects* - The DEIR states: "Because it is not expected that the nature of the jobs that would be provided by the Project would cause employees from surrounding areas to relocate their places of residence to the Project area, the Project would not result in long term employment growth in the area." Yet the workforce housing needs are based on the assumption that "all 925 employees would relocate to the area, introducing 925 employee-related residents to the Town through indirect population growth due to the permanent jobs."

Also, "The police and fire departments would need to hire new staff to accommodate the demands created by the Project, and new school facilities would be needed for the school district serving the Project area."

These statements suggest that the Project will result in the construction of unneeded workforce housing units while at the same time creating a greater need for residential housing. Provide data to clarify this conflict.

Response to Comment B32-100

The discrepancy noted by the commenter is based on conservative assumptions built into the population and housing analysis of the Draft EIR (see page V-2 of Section V (General Impact Categories) in the Draft EIR). Accordingly, workforce housing needs are based on the most conservative estimate of employee relocation. Workforce housing developed in association with the proposed Project would not

be “unnecessary” because it would not be limited to use by Project employees but could be available to meet a portion of Town-wide workforce housing needs.

Page IV.J-7 of Section IV.J (Population & Housing) in the Draft EIR states that in addition to the new residents associated with the proposed residential uses, the Project would create an estimated 925 Full Time Equivalents Employee (FTEs) (as shown in Table IV.J-5 of Section IV.J (Population & Housing) in the Draft EIR). These employees would either: (1) live in the residences constructed as part of the Project, (2) already reside in the Town, (3) commute to the Town, or (4) relocate to the Town. However, for a conservative analysis, it is assumed that all 925 employees would relocate to the area, introducing 925 employee-related residents to the Town through indirect population growth due to permanent jobs. This is to provide worst case analysis, but it is likely that with Mammoth Lakes’ unemployment rate at 5.3 percent (page IV.J-7 of Section IV.J (Population & Housing) in the Draft EIR) some employees would be existing residents in the area.

The Project is creating new residential units which can be expected to provide housing for new residents, thus creating a need for additional levels of police and fire protection and school facilities as discussed in Section IV.K (Public Services) of the Draft EIR.

Comment B32-101

IV-K Public Services

1. Police Services - the analysis does not speak to this Project's contribution towards employment of police officers. Rather, impact PS-2c speaks to the need for private security. Justify the need for a separate, non-coordinated security force and explain why this is a better mitigation measure than requiring funding of trained police officers.

Response to Comment B32-101

The Project applicant is required to pay Developer Impact Fees (DIFs) which support not only the construction of new facilities, but also support the purchases of new equipment such as police vehicles and funding to support additional staff. As described on pages IV.K-4 and IV.K-5 of Section IV.K (Public Services) in the Draft EIR, Mitigation Measure PS-2c requires the Project to provide private security within the site to patrol the non-residential complex in the evenings, if necessary, in order to reduce criminal behavior, and work in conjunction with law enforcement to solve crimes and crime problems. This mitigation measure was requested by the Mammoth Lakes Police Department (MLPD) as a means of reducing impacts to the MLPD. Therefore, the Project is compliant with all MLPD requirements to 1) provide funding to the MLPD and 2) provide private security.

Comment B32-102

2. *Fire Services* - this analysis also does not speak to employment of permanent fire fighters, nor does it fully analyze the impacts of a 120-foot tall hotel on a mostly volunteer firefighting force. Provide this data and reanalyze.

Response to Comment B32-102

As described in Response to Comment B32-101, the Project is required to pay Developer Impact Fees (DIFs). The Fire Services impact analysis relies on information provided by the Mammoth Lakes Fire Protection District (MLFPD) to determine the Project's impacts related to fire protection services. As described on page IV.K-9 in Section IV.K (Public Services) of the Draft EIR, the increase in staff and equipment is being provided for by increases in property tax and DIFs.²¹ The MLFPD recognizes that the call volume and incident complexity will continue to increase as the population and unit numbers increase. MLFPD is in the process of remodeling and enlarging Fire Station One in response to additional community development. The MLFPD is anticipating the hiring of more fulltime positions to increase their capability to respond to additional calls and the associated administrative work that will come along with increased development. MLFPD is also involved in the development of a strategic plan that will aid the department in planning for the future. The Project is consistent with Fire Protection policies as identified on pages IV.H-28 through IV.H-29 of Section IV.H (Land Use & Planning) in the Draft EIR. In addition, the Project is consistent with the MLFPD Code regarding maximum building heights of up to 120 feet. See Response to Comment Letter A10 submitted by the MLFPD.

Comment B32-103

3. *Schools* - the analysis must include a reasonable analysis of the number of students, not a reduced level excused by a statement that the units will not be full-time residences. Show how the numbers of students were calculated, and explain which units were included in the formula.

Response to Comment B32-103

Table IV.K-4 on page IV.K-12 of Section IV.K (Public Services) in the Draft EIR shows the generation rates provided the Mammoth Unified School District. The number of new units multiplied by the percentage of expected school age children in each school is then calculated. Therefore 1,050 new units multiplied by .4002 (K-6 generation rate) equals 420 elementary school students (and so forth for middle and high school students). As stated, this would be a conservative, worst case scenario based on generation rates multiplied by the number of units, not expected occupancy levels, and were not reduced for part-time residents. This analysis was calculated based on full-time year-round occupancy.

²¹ Fire Marshal Thom Heller, Mammoth Lakes Fire Protection District, written correspondence with Jen Daugherty, Assistant Planner, Town of Mammoth Lakes, Friday, March 09, 2007.

Comment B32-104**IV-L Recreation**

1. *Page IV L-1, Project site:* The DEIR states: "No developed or undeveloped parkland exists on the Project site." Rather, this land is used by the public for skiing, dog sledding, dog walking, hiking, and as access to the Sherwin Range, Kerry Meadow, and the Inyo National Forest. It may not be a formally designated "parkland" but it has been used as such as long as people have lived in the area. This statement is supported by the wording in the section "Local Setting" page IV L-2, "The surrounding Inyo National Forest land is heavily used for both summer and winter recreational activities."

Response to Comment B32-104

The Project is compliant with applicable land use designations and is not introducing an incompatible development in the Town (see Response to Comment B32-23). The applicant has requested a Zoning Code Amendment for 1) building height for Hotel and 2) clustering of un-used density within the master plan area. The comment correctly describes that the Project site is not a designated parkland site. The statement the commenter is referring to on page IV.L-2 of Section IV.L (Recreation) in the Draft EIR describes the surrounding land uses and not those of the Project site itself.

This comment expresses a general opinion about past uses on the now privately owned Project site and does not indicate any deficiency or question about the adequacy of the Draft EIR's environmental impact analysis. Despite the development of privately owned land, the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes' area. Therefore, Project impacts affecting Town recreation facilities would be less than significant. In addition, as described in the Draft EIR, the Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. These include: an expanded privately owned, but publicly accessible golf course; a publicly accessible golf clubhouse; a public parking area for the publicly accessible Outfitters' Cabin that would provide retail services and equipment rental for recreational activities; a publicly accessible Natural Resources and Historic Interpretive Center (Interpretive Center); a publicly accessible Market/General Store; retail space; a publicly accessible lounge; private fitness area; private resident's pool; publicly accessible spa/wellness center; and publicly accessible ice skating pond/rink associated with the resort Hotel. Thus, publicly accessible recreational activities would continue to be available on the Project site.

Comment B32-105

Table IV L-1 and Table IV L-2 list active parkland and 23 types of recreational facilities existing in Mammoth Lakes. Many of these are not in Mammoth Lakes but in the surrounding area, and only a handful are actually fee-free and truly open to the public without cost, membership, permit, invitation, or

traveling considerable distances. It does not list the currently existing driving range that this proposal will eliminate.

Response to Comment B32-105

This comment expresses a general opinion about recreational facilities existing in Mammoth Lakes and does not indicate any deficiency or question about the adequacy of the Draft EIR's environmental impact analysis. This comment also asserts that the existing golf driving range is not listed on Table IV.L-1 or Table IV.L-2. The list on Table IV.L-1 provides generalized categories of types of facilities, and thus the driving range is included under "Golf" at Snowcreek. See Topical Response 3 (Recreation).

See Response to Comment B20-1.

Comment B32-106

Provide information demonstrating how blocking the area included in the Project from public access will not detrimentally affect the recreational opportunities for the community.

Response to Comment B32-106

This comment requests information regarding the removal of public access through the Project site would not be detrimental to the community's recreational opportunities. The development of the Project would not prohibit public access to the adjacent Inyo National Forest public land, but would require persons who may have previously crossed the privately owned Project site to instead hike around the perimeter of the Project site to reach these areas. Thus, public access would not be eliminated or prohibited, but rather rerouted. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. See Topical Response 3 (Recreation) and Response to Comment B20-1.

Comment B32-107

2. *Page IV L-5, Town Trail System:* Provide the guidelines for trail designation and development and projections for potential trails in the planning area included in the Parks, Open Space, and Recreation Element, and the Land Use Element of the 2007 General Plan. Demonstrate how the Project plan complies with these guidelines.

Response to Comment B32-107

This comment requests guidelines for potential trail designation and development in the planning area, and how the Project complies with these guidelines. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of trails

and public access to the Inyo National Forest has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of trails and public access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Response to Comment B20-2, Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment B32-108

3. Recreational Area Calculations - Provide data to demonstrate compliance with the requirement to provide 150 square feet of on-site common/recreation area per unit.

Response to Comment B32-108

As discussed on page IV.L-6 of the Draft EIR, the requirement for recreation facilities includes a Hotel, swimming pools, spa facilities, tennis courts, etc. The Project proposes 1,050 residential hotel/suite units, multiplied by 150 square feet equals 157,500 square feet of on-site common/recreation area. The Project's recreational amenities are discussed in detail in Section IV.L (Recreation) of the DEIR. As stated on page IV.L-8 of the Draft EIR, the Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. The Project would expand, by approximately 94 acres (4,094,640 square feet), the existing privately owned but publicly accessible golf course, into the 155-acre 18-hole Snowcreek Golf Course. In addition, a 3,000 square foot publicly accessible golf clubhouse; a public parking area and a 1,700 square foot publicly accessible Outfitters' Cabin designed to serve as a hub for summer and winter recreational activities, and provide retail services and equipment rental for these types of activities; a 900 square foot publicly accessible Natural Resources and Historic Interpretive Center (Interpretive Center); a 3,500 square foot publicly accessible Market/General Store; 10,000 square feet of retail space; a 10,000 square foot publicly accessible lounge; a 12,900 square foot publicly accessible spa/wellness center; and a publicly accessible ice skating pond/rink associated with the resort Hotel. These on-site common/recreation areas combined would exceed all requirements for recreation areas required per unit.

Comment B32-109

4. Page IV L-7, Impact REC-1: The statement "the Project is intended to fulfill the vision of the previously approved 1981 Master Plan" is misleading. Not only is the 1981 Plan expired and no longer viable, but the original Plan included a ski area in the Sherwins which is no longer a consideration. The size, scope, design, and intent of the current proposal is very different from the original Plan. Provide information that is relevant to the current situation.

Response to Comment B32-109

This comment expresses a general opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-110

5. Page IV L-B, Impact REC-1: The Project will "expand the existing privately owned, but publicly accessible golf course" suggesting that a privately owned golf course is equivalent to parkland required by TOML. Provide data to support this conclusion.

Response to Comment B32-110

As outlined in on pages IV.L-8 and IV.L-9 of Section IV.L (Recreation) in the Draft EIR, in accordance with the Town's requirement, the preliminary parkland dedication requirements for the Project have been calculated and are as follows:

$$A = .005 \times UP$$

A = Amount of parkland required, in acres

U = Total number of approved dwelling units in the subdivision

P = Population density per dwelling unit

.005 = 5 acres of parkland per 1,000 residents

Whereas,

U = (125) Hotel Room/Suite units + (75) Private Residence Club (PRC)/suite units + (850) residential dwelling units = 1,050 total residential units

P = 2.44

Therefore,

$$(.005) \times (1,050) \times (2.44) = 12.81 \text{ acres.}$$

Following the Town's requirement of five acres of parkland per 1,000 residents, the parkland requirement for the Project is approximately 12.81 acres.

The Project is viewed as a resort recreation center with residential uses, outdoor use areas, and multiple options for recreational and public amenities. The Project would expand, by adding approximately 94 acres, the existing privately owned, but publicly accessible golf course, into the 155-acre 18-hole

Snowcreek Golf Course. In addition, the Project would provide other recreational facilities including a publicly accessible golf clubhouse, Outfitters' Cabin, Interpretive Center, and ice skating rink/pond. The Project's proposed recreational and public amenities, as listed above, in conjunction with the Town's current facilities and the collection of Developer Impact Fees (DIFs) that support the Town's park and recreation fund would be adequate to accommodate the Project's demand for parks and recreational services.²² As development occurs within the Project area, DIFs will be paid to the Town to offset the cost of parkland acquisition and/or development, improvement or maintenance of recreational facilities. See Response to Comment B27a-21.

Comment B32-111

6. *Page IV L-B, Impact REC-1*: Provide data to show that the public will not be denied access to, or required to pay for parking for, the recreational facilities included in the Project description.

Response to Comment B32-111

See Topical Response 2 (Project Details). Publicly-accessible amenities would include Resort component recreation elements available to paying Snowcreek guests and residents consisting of a fitness area, a pool, a spa/wellness center, and an ice skating pond. While the ice skating pond/rink is considered part of the resort Hotel, it would be open to the general public for a fee. Stand-alone privately owned publicly accessible for a fee recreation components consist of a golf clubhouse and expansion of the existing nine-hole golf course to 18 holes. The Interpretive Center and an Outfitters' Cabin would be available to the general public. The Interpretive Center would include free public restrooms as well as a space to accommodate meetings and to dispense educational materials.

Comment B32-112

7. *Page IV L-9, Impact REC-1*: The statement "The Project would not physically alter or produce any direct impact on land within the Inyo National Forest" is contradicted by several other statements including "The National Forest land surrounding the Project site will likely experience increased use as a result of Project implementation." Provide data to reach a consistent conclusion regarding the impact of surrounding National Forest land.

Response to Comment B32-112

This comment is concerned with the impact of the Project related to the Inyo National Forest, and requests data to reach a consistent conclusion. See Response to Comment A9-4.

²² Town of Mammoth Lakes Municipal Code Chapter 15.16 §15.16.085 part D. and 15.16.081 part D, CAJA staff, June 21, 2007.

Comment B32-113

8. Page IV L-9, Impact REC-2: It is stated that the "recreation elements available to paying Snowcreek guests and residents" include facilities previously listed as publicly accessible (i.e. ice skating pond and others). And, Page V-2: "The 75,000 square feet of non-residential space would serve the convenience needs of residents and would be accessible from within the site only." Provide documentation that these facilities will remain "publicly accessible" and access will not be denied. Further, show how the guests and residents will access the surrounding areas.

Response to Comment B32-113

The complete text the comment is referring to is on pages IV.L-9 through IV.L-10 of Section IV.L (Recreation) in the Draft EIR states the following:

Development on the Project site would include a resort component with recreational elements and additional, stand-alone recreation components. Resort component recreation elements available to paying Snowcreek guests and residents consist of a fitness area, a pool, a spa/wellness center, and an ice skating pond. While the ice skating pond/rink is considered part of the resort Hotel, it would be open to the general public for a fee. Stand-alone privately owned publicly accessible for a fee recreation components consist of a golf clubhouse and expansion of the existing nine-hole golf course to 18 holes. The Interpretive Center and an Outfitters' Cabin would be available to the general public. The Interpretive Center would include free public restrooms as well as a space to accommodate meetings and to dispense educational materials. The Outfitters' Cabin would provide free public parking and would serve as the hub of year-round recreational activities such as hiking, biking, fishing, cross country skiing, snow-shoeing, hay rides and sleigh rides. Retail services and equipment rental would be provided to serve these types of activities.

The fact that a fee may be charged for non-Hotel residents' use of the ice skating pond does not change the fact that it is accessible by the general public. As illustrated in Table III-2 on page III-4 of Section III (Project Description) in the Draft EIR, the Project's 75,000 square feet of non-residential space includes a 3,500 square foot Market/General Store, a 900 square foot Natural Resources and Historic Interpretive Center, and a 1,700 square foot Outfitters' Cabin, all of which can be accessed from roads outside the designated Project site. These roads include Old Mammoth Road and Sherwin Creek Road. The Project would not be a gated community.

Comment B32-114

9. Page IV L-10, Impact REC-2: Provide documentation to support the conclusion "the Project would increase the overall amount of public and private recreation opportunities in the Mammoth Lakes area. Therefore, Project impacts affecting Town recreation facilities would be less than significant."

Response to Comment B32-114

See Responses to Comments B32-110 through B32-113.

Comment B32-115

10. *Page IV L-10, Impact REC-3:* Requiring "persons who may have previously crossed the Project site to now hike around the perimeter of the Project site" is a major impact on recreation in the Project area and cannot be called "less than significant." The suggestion that supplying rental equipment to recreational users is an "opportunity" that mitigates the impact is unacceptable. Provide data to support this conclusion.

Response to Comment B32-115

This comment expresses concern regarding access to public land that could be affected by the Project. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of trails and public access to the Inyo National Forest has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of trails and public access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Response to Comment B20-2, Topical Response 2 (Project Details) and Topical Response 3 (Recreation). With respect to the Outfitters' Cabin, see page IV.L-9 of Section IV.L (Recreation) in the Draft EIR, which states that development of the Outfitters' Cabin as a portal to the Inyo National Forest would potentially serve to focus backcountry recreational trip launches at a location that is presently frequented by fewer visitors. This increase may potentially lead, over time, to some level of deterioration of these areas. There is no assertion that the Outfitters' Cabin would mitigate impacts related to National Forest land, as the comment claims.

Comment B32-116

11. *Page IV L11, Impact REC-4:* Provide details as to how the Project's contribution to DIF will fully mitigate any impact that the Project will have on park and recreational services. Include analysis of how the impact of an additional 2,562 new residents, with 475 school-aged children can be considered less than significant. Include mitigations necessary if this impact is considered significant.

Response to Comment B32-116

See Response to Comments B32-110. Also, the Town's Municipal Code 15.16.081 requires establishment of development fees and provision for their adoption by resolution of the Town council.

The Town code states, “The development impact fees are established and imposed on the issuance of building permits for development within the town of Mammoth Lakes, except those identified in Section 15.16.091, to finance the cost of the following categories of public facilities and improvements required by new development...

D. Parkland Acquisition and Recreation Facilities Development. A development impact fee is established for parks and recreation facilities.”

In order to adequately plan for new development through buildout (year 2020) and identify the public facilities and costs associated with mitigating the direct and cumulative impacts of new development, the Town recently updated its impact fee program by preparing an AB 1600 Fee Justification Study. The Study identifies the Town’s needs and their associated costs through buildout, including for park and recreational services.

Comment B32-117

12. *Impact TRANS-4*: Provide analysis of the series of paths and walkways to accommodate pedestrians and bicycle use through links at various points to Old Mammoth Road paths, and the interior trails and sidewalks fronting internal streets as well as connecting from amenities, outdoor spaces, and residential areas that are included as part of the Project. Demonstrate how this results in connection and decreases traffic.

Response to Comment B32-117

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of paths, walkways and trails has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and pedestrian access, and comply with the Town’s Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including paths, walkways and trails. The routing of paths, walkways, and trails that are needed on the site to satisfy the consistency requirement will be determined as part of the Project approval by the Town. See Response to Comment B32-124 and Topical Response 2 (Project Details).

Comment B32-118

IV-M - Transportation and Traffic

The analysis is incomplete in the following areas:

1. *The LSA report refers to a computer model prepared by the Institute for Transportation Engineers (ITE) to estimate peak traffic flows from total Average Daily Trips (ADT). Provide details of this model*

and comparisons between the model predictions and actual test data for Mammoth to establish the validity of the model.

The results presented in the report are not credible. In effect, the peak traffic is obtained by dividing the ADT by 12 hours, implying the traffic flows evenly all day. We know this is not true. Vehicles stream out of housing units over 2-3 hours on weekend mornings heading to the ski slopes and return over 3-4 hours in the afternoon. Thus, the peak traffic must be about 3-4 times bigger than the results presented and will result in widespread congestion all over town.

Response to Comment B32-118

With respect to the traffic model, see Response to Comment B32-11. With respect to ADT, the ADT traffic generation is obtained from the same source as the peak hour traffic generation. The ADT is taken as the total traffic over a 24-hour period. The comment correctly states that the majority of traffic occurs within the 12 hours; however, there are additional hours before and after that traffic is generated. A typical relationship of peak hour to ADT is approximately 10 percent, which is consistent with Table IV.M-5 on page IV.M-14 of Section IV.M (Traffic/Circulation) in the Draft EIR.

Comment B32-119

2. *PEAK traffic conditions on a peak holiday must be shown, as required by CEQA.* The typical design day traffic will be exceeded half the winter weekends. No data is presented showing how bad the congestion will be on peak days.

In addition, the effects of snowstorms causing reduced visibility, snow piles and/or berms narrowing the streets, snow plows, and busses discharging passengers who then walk across the roads must be included. The models used are clearly wrong, as they do not show the congestion that currently exists. Now, the trip from the Main Lodge to Town on stormy winter weekends requires 1-1½ hours. Old Mammoth Road is totally congested under the same conditions. The congestion at Von's is not reflected in the results presented. Fix the models and demonstrate that the results confirm with current conditions.

Response to Comment B32-119

Peak holiday conditions are not analyzed because the Town established the average winter Saturday as the design day for impact analysis. Furthermore, CEQA does not require that the peak holiday be analyzed. With respect to the performance of the traffic model to reflect actual conditions, see Responses to Comment B32-11 and B32-121.

Comment B32-120

3. *Emergency Escape Routes.* The adequacy of current and planned routes has not been analyzed. Provide analysis of proposed mitigations.

Response to Comment B32-120

See Topical Response 2 (Project Details) with respect to certain project details, such as the routing of emergency access routes, which would be determined during site-specific design but would be consistent with applicable regulations. It should be noted that the Project applicant will work with the Town, Town of Mammoth Lakes Police Department and Mammoth Lakes Fire Protection District, to ensure adequate emergency escape routes are provided during the project planning process. The Project will comply with all Town codes and ordinances with respect to emergency escape routes.

Comment B32-121

4. *Sensitivity of results to changes in traffic from that assumed must be shown. The data (i.e. appendix E) shows roads and intersections operating at 85% to 95% of maximum capacity.* Under these conditions the delay time will rapidly increase with small increases in traffic, or slowing, due factors not included in the analysis i.e. snow, pedestrians, accidents, etc. Provide the data that reflects realistic delay times.

Response to Comment B32-121

An identical comment was submitted during the public review of Town of Mammoth Lakes' General Plan Update Final Program EIR (FPEIR). Conditions of higher traffic volumes (peak winter weekends) or impedances such as snow, pedestrians and accidents are speculative; under CEQA, analysis of purely speculative impacts is not required. As stated in Response to Comment 011-209 of the adopted FPEIR, "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 portion of the winter. Furthermore, as traffic capacity varies with the specified 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."

Comment B32-122

5. *Delays due to the difficulty of vehicles making left hand turns or entering from a side street to a road running nearly full, have not been fully analyzed.* The data in the appendices show a number of intersections operating at LOS F for left hand turns. This is barely mentioned and not discussed in the report. Reanalyze left turns and the impacts.

Response to Comment B32-122

This comment correctly states that the LOS worksheets included in Appendix J to the Draft EIR document a number of left-turn movements at specific intersections operate at LOS F. However, the LOS for individual turn movements (left through and right-turns for all approaches) are combined to obtain an overall intersection LOS for which the Town has established LOS D as falling into the range of acceptable service for a given intersection (see Town of Mammoth Lakes 2007 General Plan Update, 2007 Final Program EIR, page 4-318).

Comment B32-123

6. *Bus transportation impacts need to be analyzed.* The report simply assumes that 15% of the visitors will ride the busses, hence reducing traffic. In fact, on Old Mammoth road the busses stopping and discharging passengers contribute to congestion instead of relieving it. Perform appropriate analysis utilizing actual data for Mammoth rider-ship, routes, schedules, and waiting time to get accurate estimates of the benefits and drawbacks of the bus system.

Response to Comment B32-123

The addition of traffic attributable to increased bus usage (Red Line and Snowcreek VIII HOA Shuttles) has been analyzed and is included in the overall project trip generation calculations (see Table IV.M-5 on page IV.M-14 of Section IV.M [Traffic/Circulation] in the Draft EIR). The 15 percent transit capture is based on the combination of three specific committed transit enhancements to and from the site. As stated on page IV.M-13 of Section IV.M (Traffic/Circulation) in the Draft EIR, these enhancements include a revision to the Red Line bus route that includes a stop at the Hotel entrance on the project site and a return to the original bus route; an exclusive shuttle service provided for hotel guests to Eagle Lodge and the Village/Gondola area; and another three to four shuttle vans to be paid for by the Snowcreek VIII master homeowners association to use to major visitor stops including Eagle Lodge, the Village, Main Street and Old Mammoth Road commercial. The 15 percent transit capture attributed to these three committed measures is consistent with experience in similar winter resorts (Aspen, Jackson Hole, Snowmass, and Northstar).

Comment B32-124

7. *Impact TRANS-4* relies on the description of a series of paths and walkways to accommodate pedestrians and bicycle use through links at various points to Old Mammoth Road paths. It also states that interior trails and sidewalks, fronting internal streets as well as connecting from amenities, outdoor spaces and residential areas are part of the Project. The conclusion is that this results in connection and decreases traffic. Again, no detail is provided to support this conclusion. Provide the detail and reanalyze.

Response to Comment B32-124

It is assumed that this comment is referring to Impact TRANS-5, Bicycle and Pedestrian Facilities, on page IV.M-21 of Section IV.M (Traffic/Circulation) in the Draft EIR. No reduction in traffic generation was calculated or concluded for any proposed trail usage, sidewalks, or bicycles. Additionally, because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of paths and walkways to accommodate pedestrians and bicycles has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding paths and walkways to accommodate pedestrians and bicycles, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including paths and walkways to accommodate pedestrians and bicycles. The routing of paths and walkways to accommodate pedestrians and bicycles that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Topical Response 2 (Project Details) with respect to certain Project details, such as the routing of internal pedestrian and bicycle paths, which would be determined during site-specific design but would be consistent with applicable regulations.

Comment B32-125***IV·N - Utilities and Service Systems***

1. This document clearly states that water supplies are unknown for the following reasons:

- a) The final EIR for Mammoth Creek will specify how much water the MCWD can divert from Mammoth Creek. This EIR has not been certified.
- b) New ground water wells in the Mammoth Basin will require environmental review and hydro-geologic analysis to ensure that additional volumes of water can be safely extracted. The completion of these studies are several years in the future.
- c) Dry Creek well development requires the same reviews and studies as the Mammoth Basin development and is 10 years in the future.
- d) The MCWD has two surface water licenses and one permit to divert a total of 2,760 AF/y from Lake Mary. This arrangement is temporary and there is a potential for these permits to be modified for less water diversion.

Response to Comment B32-125

The commenter has correctly identified current water supply constraints in the Mammoth Community Water District's (MCWD) service area does not indicate any deficiency or question about the adequacy of

the DEIR's analysis. The Draft EIR identified cumulative water supply impacts to be significant and unavoidable because of these unknown conditions regarding water supply in the area. The DEIR contains mitigation per the Town's General Plan policy R.4.A., which states, the Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B17-7.

Comment B32-126

2. *The DEIR discussion and analysis is inadequate in the following areas:*

- a) The water analysis clearly demonstrates that there is inadequate water for the Project "... in one dry year." What are we to expect when the typical 7-year drought cycle occurs?
- b) The analysis also includes the use of the Dry Creek area, which is not currently under consideration.
- c) There is no analysis of the impact of private wells identified for use on the golf course and the effects on the wells on the MCWD in the immediate vicinity. Analyze draw down data and project how both the Project and MCWD well will perform.
- d) Rewrite the UTIL - 5 et. al. mitigations to "will" and not "should" to reduce the impacts on water supply.

Response to Comment B32-126

See Response to Comment A3-6 with regards to ground water use. The commenter has requested the Project specific recommended mitigation measures be changed to read "will" and not "should" as currently stated. Project specific impacts to water supply were found to be less than significant. Because mitigation measures are intended to avoid or reduce a potentially significant impact the mitigation measure(s) must have an essential nexus, and be roughly proportional to the impacts, the listed mitigation measures on pages IV.N-28 and IV.N-29 of Section IV.N (Utilities) in the Draft EIR have been recommended and are not required. Therefore the mitigation measures are written as actions the applicant should take, but is not required to take. See Response to Comment B17-7.

Comment B32-127

3. Mitigation UTIL 5e - states that mitigations for the use of recycled water or untreated well water has not been determined. However, as MCWD has stated their intention to be ready by 2009. Identify the mitigations now.

Response to Comment B32-127

The applicant shall be subject to the provisions of a recycled water ordinance adopted by the Town pursuant to Article 10.9, beginning with Section 65601 of the Government Code, and titled Water Recycling in Landscaping Act (Act),aa at such time as the Town is notified by the Mammoth Community Water District of the future availability of recycled water, at costs reasonably competitive with the costs of untreated groundwater.

Comment B32-128

After incorporating the changes noted in 1 through 3 above, reanalyze the impacts. Unless it is shown to be insignificant, the size of the Project must be reduced to mitigate the impacts. Demonstrate how the completion of the Project at this time, under current circumstances, does not violate the 2007 General Plan Policy R.4.A. and that construction will be phased so that the development of necessary water supply sources is established prior to construction approvals.

Response to Comment B32-128

Phasing and scheduling of the Project is described on page III-43 of Section III (Project Description) in the Draft EIR. The Project has been organized so that it could be developed in several phases, with the golf course expansion and Hotel construction potentially occurring in the first phases and various residential components being progressively constructed at a pace dictated by market conditions. Each phase would operate successfully as a complete entity so that the Project is attractive and inviting throughout the entire development. All staging would occur within the Project boundaries. Most construction phases would last approximately 18 to 24 months but some may be as long as 24 to 30 months. Some phases may be under construction simultaneously. Construction activities are proposed to be complete in 2017. With regards to water supply, see Response to Comment B17-7. Also, see Topical Response 2 (Project Details).

Comment B32-129***Project Alternatives:***

This DEIR fails to provide an alternative that is within the zoning for the Project, meets the intent of the 2007 General Plan, and is scaled to reduce environmental impacts. There are nine impacts that are considered as Significant and Unavoidable within this DEIR. In addition, there are numerous conclusions, as noted in this letter, where a finding of "no impact" does not have data to support the finding.

These facts alone must call for a re-examination of the Project, determination of a more appropriate density and scale for this important piece of the community's future, and then follow with an analysis of that Project to determine environmental impacts. Without such an alternative, this DEIR does not provide

the information necessary for decision makers to fully understand the impacts of the Project and make informed decisions, as is required by CEQA.

We agree with the DEIR's statement that the current plan is bad. It is outdated and no longer relevant to the vision outlined in the 2007 General Plan. But this Project, as proposed, is no better. We need a plan that carries through the past four years of effort by the community to define "what we want to be" and "what it will take to accomplish our vision."

The Town should move forward with the Plan Review Process and District Planning for this area and revise the Project to meet the community's goals, while not ignoring the fact that the environmental analysis is incomplete and must be finished and recalculated. This district planning must include the overall Town's vision, the completed sections of Snowcreek, the portions under construction, and, most importantly, must include the current Snowcreek residents.

Response to Comment B32-129

The Project is generally compliant with the Town zoning code and with all policies analyzed in Section IV.H (Land Use & Planning) in the Draft EIR. It is within the discretion of the Town Council to determine whether to approve or disapprove the Project as proposed.

The Draft EIR presents four alternatives in compliance with Section 15126.6(a) of the *CEQA Guidelines* which states: "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 comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

This comment also expresses an opinion about the Town's planning process and offers suggestions for how the Project should be re-evaluated with the Town's guidelines and does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B32-130

One last feature of the report is particularly disturbing. Where certain environmental effects such as air quality, noise, aesthetics and light and glare are considered significant and unavoidable, there is no

follow-up with potential mitigations to at least minimize these negative environmental effects. Propose mitigations to bring these effects in line with the Town's Vision Statement.

We look forward to continued involvement with the process to determine our community's future.

Response to Comment B32-130

This comment requests mitigation measures to help decrease the level of significance of those impacts that have been declared as significant and unavoidable. However, there are occasions that feasible mitigation is not available. See Response to Comment B29-2.

Response to Comment Letter B33

Jo Bacon

Comment B33-1

Below are a few areas of concern I have identified within the DEIR, where the information provided is not adequate.

Response to Comment B33-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B33-2 through B33-10, below.

Comment B33-2

1. Deer Migration - Mitigation Measure BIO - 4a is too broad, as written. Rather than an undetermined size and location for the Conservation Easement, the mitigation must recognize that the migration paths have been in place for decades. The location should be spelled out, in order for a complete analysis of the options to be available for consideration.

Response to Comment B33-2

This comment suggests that Mitigation Measure BIO-4a needs to be specific with regards to the location and extent of the lands to be purchased or made part of a conservation easement to mitigate for the loss of holding area deer habitat. For the purposes of CEQA, feasible mitigation measures are required for significant effects. Section 15364 of the California Code of Regulations defines feasible as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Also, mitigation measures must be directly related and roughly proportion to the impact. Mitigation Measure BIO-4a on page IV.D-74 of Section IV.D (Biological Resources) in the Draft EIR meets these standards. Members of the Project

team have met with representatives from the California Department of Fish and Game (CDFG), as well as the U.S. Forest Service (USFS), in order to identify feasible mitigation options that are acceptable to the agencies for offsetting the loss of holding deer habitat. Of these options, one includes the purchase or contribution of funds to purchase a conservation easement on property(ies) that contain important lands in the winter range, migration corridor, and/or holding area of the Round Valley deer herd. Mitigation Measure BIO-4a provides CDFG (as the trustee agency) the flexibility to consider factors such as the quality and quantity of habitat to be removed by the Project and the health and viability of the deer herd instead of requiring a simple removal to replacement ratio at a specific location within the herd's winter range, migration corridor, or holding area. Also, Mitigation Measure BIO-4a as written requires close consultation with and approval from the CDFG prior to grading of the impacted deer habitat regarding the type and amount of mitigation necessary to offset the loss of holding area deer habitat.

Comment B33-3

Just as the Conservation Easement needs to be more fully analyzed and relevant to our unique setting, so must the proposal of a fence or deer under crossing along Hwy 395 be studied in detail to determine if it would be feasible in our community. Attempts to reroute wildlife in other areas have not been successful. Show proof that such measures would work here.

Response to Comment B33-3

This comment suggests that installation of a fence or deer undercrossing along U.S. Highway 395 (Hwy 395) needs to be fully analyzed and that proof of the fencing or undercrossing as being a successful management technique need to be provided in the Draft EIR. As discussed in Response to Comment B33-2, feasible mitigation options have been discussed with the California Department of Fish and Game (CDFG), as well as the U.S. Forest Service (USFS), and the development and implementation of the type and amount of mitigation required would be completed in close consultation with and approved by the CDFG.

Comment B33-4

Further, Mitigation Measure BIO - 4c speaks to limited use of herbicides and pesticides on landscaping, but makes no mention of the often-observed fact that deer will cross the golf course and wander through the Project, at their will. While the requirement for no fencing is an absolute, it is not enough. There is no discussion of whether or not landscaping would be deer-resistant. There are also no plans proposed for keeping deer out of the way of traffic on the internal roads. Please provide such information and reanalyze the impacts.

Response to Comment B33-4

This comment suggests neither the analysis nor mitigation, specifically Mitigation Measure BIO-4c, of the Draft EIR addressed (1) the fact that deer travel across golf courses and into other developed areas; (2) whether or not landscaping would be deer-resistant; or (3) proposed plans for keeping deer out of the way of traffic. The text of Impact BIO-4 (Wildlife Movement, Migration Corridors, and Native Wildlife Nurseries) on page IV.D-70 of Section IV.D (Biological Resources) in the Draft EIR discusses potential direct and indirect impacts to deer using the holding area and the Mammoth Rock migration route following Project construction. Potential impacts identified in this analysis were not all-inclusive but, rather, examples of impacts that could result from the operation of the Project components (i.e., residential, resort, recreational, retail, and public amenities), such as incidental human contact, harassment by domestic animals, and deer-car collisions. Uses of these examples acknowledge the fact that deer move across developed landscapes, which includes golf courses. The Project has been designed such that the residential and resort components would be clustered toward the northern portion of the Project site and the golf course would create a buffer around these components, making a transitional zone of less preferable habitat for deer due to the associated human related-disturbances and the availability of higher quality habitats in the adjacent vegetation communities south and east of the Project site. Additionally, the purpose of first bullet item in Mitigation Measure BIO-4c on page IV.D-74 of Section IV.D (Biological Resources) in the Draft EIR is to prevent the Project from restricting movement across the golf course, as such restriction would interfere with deer movement patterns.

The landscaping plan, as described in Section III (Project Description) on page III-42 of the Draft EIR, would reflect a natural “native” feel, utilizing various types of pines, spruce, and aspen, natural ground cover and minimal use of lawn area. Also, the landscaping plan would be consistent with the Town of Mammoth Lakes’ Design Guidelines.²³ Although specific species included in the landscaping plan may or may not be based on knowledge of deer feeding preferences, the cluster design of the Project and the golf course buffer, as discussed in the text of Impact BIO-4 (Wildlife Movement, Migration Corridors, and Native Wildlife Nurseries) on page IV.D-70 of Section IV.D (Biological Resources) in the Draft EIR and mentioned above, would reduce deer movement into the residential and resort components of the Project site, especially given the quality and quantity of preferred forage (e.g., bitterbrush [*Purshia tridentata*]) by deer in the vegetation communities adjacent to the Project site.

Similar to the points addressed above, the Project’s design (i.e., clustering and buffering) would reduce impacts to deer, as well as humans, resulting from car collisions. Also, deer-vehicle interactions would be further reduced by the general measures (e.g., stop-controlled and all-way stop intersections) incorporated into the Project’s internal roadway system (refer to Traffic/Circulation section [Section IV.M.] on page IV.M-20 of Section IV.M [Traffic/Circulation] in the Draft EIR) and the reduced speed laws and rules of roads in business and residential areas.

²³ Town of Mammoth Lakes. *Design Guidelines for the Town of Mammoth Lakes*.

Comment B33-5

Finally, there is no discussion of the multi-year phasing of construction will have the deer herd. Please provide data and discuss the long-term impacts.

Response to Comment B33-5

This comment suggests the multi-year phasing of the Project was not evaluated in the impact analysis for the Round Valley mule deer herd. Impacts to biological resources were analyzed based on the Project as described in Section III (Project Description) on page III-43 of the Draft EIR and, consequently, the phasing of the Project was considered in evaluating Project impacts to the deer herd. With implementation of Mitigation Measure BIO-4b, construction activities would be restricted to the interim periods between the spring and fall migration periods and, therefore, the deer herd would not be disturbed by construction-related activities (e.g., noise and vibration from construction equipment, increase human activity) over the term of the Project. Also, implementation of Mitigation Measure BIO-4a would offset the loss of holding deer habitat, reducing adverse effects of the Project to the herd's productivity.

Comment B33-6

2. To presume that the Project has less impact because the units will be occupied less than full time is a specious argument. The DEIR cannot excuse a purported lesser environmental impact, without also discussing the economic impact of less than year round occupancy. It is well known that second homeowner residences actually cost the Town for snow removal and other infrastructure that is not made up through funding derived from the Transient Occupancy Tax. Provide data to show how the proposed Project will meet the Town's goal of economic sustainability.

Response to Comment B33-6

The response assumes the commenter is referring to the following statement that is used throughout the Draft EIR:

According to the United States Census Bureau Census 2000, the Project is anticipated to generate 2.44 persons per household, which would result in approximately 2,562 new residents.²⁴ Current population patterns in the Town indicate that households similar to those proposed by the Project are not occupied year round; therefore this is a conservative estimate.

²⁴ United States Census Bureau, Census 2000; www.census.gov, CAJA staff, December 8, 2006.

Although occupancy levels for the Project are not expected to be year-round, analysis nevertheless used the Census Bureau calculations for Project impacts calculated at the same rate as year round residents. The exact reference that the commenter refers to is unclear.

Comment B33-7

3. The Noise Analysis does not provide any data on the "daily living" operational noise to be expected from an increased number of residents and visitors. Especially for anyone traversing either the Mammoth Rock Trail or going into the Hidden Lake area, there will be increased noise accompanied with both the construction and operation of the Project. Provide data and analyze the noise impacts on the Inyo National Forest lands and existing neighborhoods abutting this Project.

Response to Comment B33-7

For a complete analysis of all operational impacts related to noise associated with implementation of the Project, see pages IV.I-21 through IV.I-25 of Section IV.I (Noise) in the Draft EIR.

The Mammoth Rock Trail is the closest to the proposed project site of the two areas. The closest portion of the trail passes within approximately 2,000 feet of the project site. Therefore, as stated on page IV.I-15 of Section IV.I (Noise) in the Draft EIR, noise attenuated at approximately 6 dBA per doubling of distance. Therefore, the maximum noise levels of 86 dBA L_{eq} at 50 feet associated with development of the proposed project would be reduced to approximately 52 dBA at the nearest point of the Mammoth Rock Trail and therefore it is not likely that construction noise would be audible at this location. In addition, page IV.I-17 of Section IV.I (Noise) in the Draft EIR states that single-family residential units are located approximately 1,500 feet to the southwest of Lot 9 while a Catholic Church is located approximately 1,000 feet to the west of Lot 12. In addition, the Mammoth Creek Park and Sherwin Sierra Meadows Ranch are located approximately 1,200 feet and 1,400 feet from Lot 2, respectively, while the Snowcreek Athletic Club is located approximately 1,600 from Lot 12. Due to the distance of these receptors from the Project site, it was determined that construction noise would not be audible at these locations. Operational noise would be much less than construction noise, therefore operational noise would not be audible at these locations as well.

Comment B33-8

4. The discussions of access to, from, and around the Project ignore how residents and visitors would traverse to INF lands. Rather, the golf course seems to operate as a moat, separating this Project from the remainder of the community. Provide a design alternative and details to incorporate access to, from and around the Project.

Response to Comment B33-8

The comment states the discussion in the Draft EIR ignores how residents and visitors would access the Inyo National Forest land adjacent to the Project site and that the Project's proposed golf course expansion operates as a moat separating the Project from the community, however these statements are not accurate. The Project's impacts to public access of the Inyo National Forest are discussed on page IV.L-10 of the Recreation Section in the Draft EIR. There is no moat associated with the Project, nor has the golf course been designed to act as a moat to separate the Project from the community. As stated on page III-34, a key concept of the Project is to connect people with nature and neighbor with neighbor, and encourage people to walk and bike. As such, the careful placement of hiking trails, bike trails, along with paths, sidewalks and public plazas would aim to connect the Hotel and residents with the Town, as well as, with the proposed Outfitters' Cabin, Market/ General Store, Natural Resources and Historic Interpretive Center, and the existing Snowcreek Athletic Club, Sierra Meadows Ranch Equestrian Center, the Sherwin Mountain Range and Mammoth Creek. The walkways and bike paths would connect internally and with existing or planned Town paths and with nature trails. Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of trails and public access to the Inyo National Forest has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of trails and public access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Responses to Comments B20-2, B27a-7, Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment B33-9

5. Design of Non-vehicular Circulation. While the document does not include any detail to determine the intended circulation patterns, the text refers to "...interior trails and sidewalks fronting internal streets..." Trails that are planned in juxtaposition to the vehicle access may not be the best or most desirable way to incorporate trails in the Project. Please include options that would weave non-vehicular access throughout the site, across the golf course, to the surrounding INF lands, and so on.

Response to Comment B33-9

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement and design of non-vehicular circulation has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding non-vehicular circulation, and comply with the Town's Trail System Plan. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including non-vehicular circulation. The routing of paths and walkways to accommodate non-vehicular

circulation that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Topical Response 2 (Project Details) with respect to certain project details, such as the routing of internal pedestrian paths and (non-vehicular circulation), which would be determined during site-specific design but would be consistent with applicable regulations.

Comment B33-10

Also identify the problems inherent with all project traffic funneling through the one access point, on the current Fairway Drive, and discuss alternatives to reduce the negative impacts. Finally, discuss how the proposed roundabout would promote and accommodate pedestrian crossings and non-vehicular circulation.

Response to Comment B33-10

This comment requests identification of all impacts associated with Project traffic through the one access point and possible alternatives to reduce these impacts. The commenter also requests a discussion of the proposed roundabout and how it would affect pedestrian and non-vehicle travel. See Topical Response 3 (Recreation) and Response to Comment B26-3.

Response to Comment Letter B34

Stephanie Bradfield Cooper

Comment B34-1

Please include my comments below in the public record regarding this EIR review. Thank you.

Response to Comment B34-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B34-2 through B34-8, below.

Comment B34-2

I have several comments regarding the Snowcreek VIII development proposal and would like them included in the public record for this project:

Although I do not share Advocates for Mammoth concerns about density, they do raise several key points of objection to the project.

Response to Comment B34-2

This comment states that the commenter shares the objections of Advocates for Mammoth (excluding density) and introduces ensuing comments, which are addressed in Responses to Comments B34-3 through B34-8, below.

Comment B34-3

Height is of a major concern. All you have to do is stand on Panorama or Ridge Way to see the huge impact of height - the mound of dirt at Snowcreek VII gives you an understanding of how out of character excessive height can be. Successful major resorts, including ski resorts, especially in Europe, maintain their character and success in part because they have assured a "quaintness" that comes with the look of communities nestled in mountains. Santa Barbara also maintains a height limit, and is a fabulously successful tourist destination. Take a look at South Lake Tahoe, and you will see the Impact of Inappropriately placed high rises on scenic beauty and traffic.

Response to Comment B34-3

This comment expresses an opinion regarding the height of the Project and aesthetic resources present at other locations, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B34-4

No structure at the corner of Old Mammoth and Minaret Roads should **encroach on the Snowcreek Meadow**, nor should it excessively impact traffic.

Response to Comment B34-4

This comment expresses an opinion about a structure located on the corner of Old Mammoth and Minaret Roads, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B34-5

An interpretive center there is one thing, a "General Store" is an entirely different matter. You know well the shortage of grocery retail in Mammoth. But short stopping trips to Vons at that corner, already one of the most dangerous in town, is a very bad idea. Put it in the complex with the people, so they can walk to it (isn't increased walking one of your goals?? [sic]).

Response to Comment B34-5

This comment expresses an opinion about the General Store, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B34-6

In that same vein, a new development adjacent to existing condominiums must include **another ingress/egress point to Old Mammoth Road** to handle increased traffic. And now that Old Mammoth Road has been narrowed through town, you need to address how traffic from that project will funnel to the mountain - is it going to Minaret?

Response to Comment B34-6

See Response to Comment B26-3. The intersection of Minaret Road/Old Mammoth Road (as a roundabout) has been evaluated under all traffic scenarios. The evaluation and analysis shows the intersection operates at an acceptable LOS, as evidenced by the technical level of service calculations that can be found in the traffic study included as Appendix J to the Draft EIR.

Comment B34-7

What will the noise impacts be along that corridor?

Response to Comment B34-7

The commenter is directed to review the Existing Roadway Noise Levels Off-site discussion in Section IV.I (Noise) of the Draft EIR. Off-site noise levels including the Minaret Road are discussed on page IV.I-12 of Section IV.I (Noise) in the Draft EIR.

Comment B34-8

Finally, **public access to the Sherwins** must remain. *Coastal property owners must provide access to beaches because beaches are public property; our mountains are an equivalent public resource and private property owners should not be allowed to develop huge new projects that cut off access to the mountains from residents or visitors.* We are not talking about a few private homes here - this is a giant visitor project with people coming and going all the time. I would think the forest service would have a similar concern, and ask that you assure they review this proposal. Sending many more people down Sherwin Creek Road or to the end of Old Mammoth Road to get to the mountains will increase negative impacts on those areas. Spreading access out along the range is the better environmental route.

Response to Comment B34-8

The commenter is concerned that the Project would prohibit public access to the Sherwin Range. The development of the Project would not prohibit public access to the adjacent Inyo National Forest public land, but would require persons who may have previously crossed the privately owned Project site to instead hike around the perimeter of the Project site to reach these areas. Thus, public access would not be eliminated, but rather re-routed. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. See Topical Response 3 (Recreation) and Response to Comment B20-2. A representative of the United States Forest Service has commented on the Draft EIR (see Comment Letter A9).

Response to Comment Letter B35***California Indian Legal Services (Sharpe, Delia)******Comment B35-1***

On behalf of the Utu Utu Gwaitu Paiute Tribe and the Mono Lake Indian Community (hereinafter, the "Tribes"), I have had an opportunity to review the above-titled document regarding Snowcreek VIII (hereinafter, the "Project") and would like to offer the following comments.

Response to Comment B35-1

This comment confirms that the Utu Utu Gwaitu Paiute Tribe and the Mono Lake Indian Community have reviewed the Draft EIR and introduces ensuing comments, which are addressed in Responses to Comments B35-2 through B35-14, below.

Comment B35-2***General Comments***

1. The Town of Mammoth Lakes (hereinafter, the "Town") has within its borders a archaeological site that is extremely unique, in both the density of artifacts and in relation to such a large number of Indian Tribes. The Tribes respectfully request that the Town, together with all local Indian Tribes in the region, works to protect the integrity and historical value of this unique cultural resource. As such, the Tribes would like to emphasize respect for potential artifacts at the Project site(s) and request that the Town require preservation, wherever feasible, rather than data recovery. It is the Tribes' view that any data recovery being performed at the Project site(s) would likely be in a manner similar to that of past Snowcreek phases, which were more oriented toward minimizing construction delays than toward a true archaeological evaluation of the potential historical data.

Response to Comment B35-2

Preservation is the preferred form of mitigation. However, data recovery through excavation is an alternate form of mitigation if it is the only feasible mitigation (*CEQA Guidelines* Section 15126.4(b)(3)(C)). Here, much of CA-MNO-3 is avoided by the proposed development. If data recovery is the selected form of mitigation for impacts to a portion of CA-MNO-3 or a resource that is newly discovered during construction, enactment of the Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8 and A6-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level. See Responses to Comments A1-1, A6-8, A6-9 and B32-67.

Comment B35-3

2. The Tribes believe that the Town should reconsider the cumulative impacts that past Snowcreek phases have had on CA-MNO-3 (as required under CEQA). A true cumulative assessment would take into account each portion of each former phase that impacted the site, as well as the impacts of each readily-foreseeable result thereof. Given the array of former Project phases, the Tribes do not believe that a negligible cumulative assessment is appropriate.

Response to Comment B35-3

The cumulative impact of the Project is discussed on page IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR. Portions of CA-MNO-3 have been subjected to previous data recovery programs to reduce the impacts of those approved projects to a less-than-significant level. This EIR proscribes mitigation measures for this Project that reduce its impacts to less than significant so that there will be no significant cumulative impacts. See Responses to Comments A1-1 and B35-2.

Comment B35-4

3. The Tribes are concerned that "Areas of Known Controversies" include only "undiscovered archaeological and cultural resources", and not "cumulative impacts to a site of cultural significance" or "impacts to known cultural resources". The Tribes have previously expressed concern over both cumulative impacts and impacts to known cultural resources, neither of which have been adequately addressed or resolved.

Response to Comment B35-4

See Responses to Comments B35-2 and B35-3.

Comment B35-5

4. It is the position of the Tribes that the publishing of certain information as a part of this DEIR [in particular, the Archaeological Site Record for CA-MNO-3 (Update) in the Technical Appendices for Cultural Resources] on the Town's website is insensitive and may likely lead to the destruction of artifacts and other cultural items in and around the Snowcreek sites. The Tribes feel that if the Town had SB 18 confidentiality procedures in place, publication of sensitive information such as this would not have taken place. Consultation with local Tribes before dissemination of such material would be in keeping with a government-to-government relationship. The Tribes suggest adding language to the DEIR regarding confidentiality of site records.

Response to Comment B35-5

The commenter correctly states that the cultural resources technical report should not have been made available on the Town's website without the sensitive archaeological site location data removed. In response to this comment, the offending pages have been removed. The Town's consultant contacted the NAHC and received the results of a check of the Sacred Lands File as well as a list of Native American contacts for government-to-government consultation consistent with Senate Bill 18 of 2005 (SB 18). The Town then contacted the NAHC-listed Native Americans. If cultural resources had been identified during that process, the information would have remained confidential in accordance with SB 922 of 2005.

Comment B35-6Specific Comments

1. Table I-1, Impact CULT-1 Impacts to Known Cultural Resources, page 1-30:

Comment 1. Golf Course: It is unclear whether or not ground-moving activities will occur as a part of the "Project-related changes to the golf course." If ground-moving activities will occur, the site should be subject to mitigation measures and monitoring, as it is within CA-MNO-3 and is extremely close to where high densities of artifacts were found. If the DEIR is going to state that impacts will be considered less than significant, additional information regarding the construction and capping should be provided.

Response to Comment B35-6

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project and to include the cultural resource awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities. Proper cultural resources awareness training will facilitate the protocol for bringing in the appropriate monitors as designated in Mitigation Measure CULT-1 to the portions of the Project site with unknown cultural resources if cultural resources are found. Seventeen of the 20 acres within the Project area north of Old Mammoth Road are

zoned with an open space stream corridor (OSSC) overlay and are not proposed for development. The remaining three acres north of Old Mammoth Road are proposed for development and, as such, would require an MMRP. See Responses to Comments A1-1, A6-4, A6-8 and A6-9.

Comment B35-7

Comment 2. CA-MNO-3 North of Old Mammoth Road: Based on the cumulative impacts of the Snowcreek projects, the Tribes feel that the Town should limit mitigation options for any impacts north of Old Mammoth Road to preservation (i.e., plan construction to avoid site or deed conservation easements).

Response to Comment B35-7

This comment is advocating an alternative to the Project rather than mitigation and the Town can consider alternatives during its deliberations. The EIR analyzes alternatives and this comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B35-2.

Comment B35-8

Comment 3. Bodle Ditch: The table refers to Bodle Ditch, CA-MNO-893H, and says table will discuss project impacts with respect to site, but table only covers "Old Mammoth", CA-MNO-3. Final table should cover Bodle Ditch site, likely impacts to site, and what mitigation measures will apply to site.

Response to Comment B35-8

As stated on page IV.E-10 of Section IV.E (Cultural Resources) in the Draft EIR, Bodle Ditch has been determined not eligible for NRHP listing and recommended not eligible for CRHR listing. Because the ditch is not eligible for NRHP or CRHR, impacts to this resource would be less than significant under CEQA, and as such, no mitigation measures apply to this resource.

Comment B35-9

2. Table I-1, Mitigation Measure CULT-2a, page I-31: Table refers to a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP will cover notification, protection, documentation, evaluation, and curation measures for previously unrecorded cultural resources. Table states that the MMRP will be completed prior to any ground-disturbing activity.

Comment 4. The MMRP should be completed with the input from the Tribes.

Response to Comment B35-9

Mitigation Measure CULT-2e as revised in Response to Comment A1-1 requires that the MMRP include input from Native American Monitors. See Response to Comment A1-1.

Comment B35-10

3. Table I-1, Mitigation Measure CULT-2b and CULT-2c, page 1-32: Table refers to "qualified archaeologist" and "construction monitor" for portion of Project north of Old Mammoth Road.

Comment 5. Are "qualified archaeologist" and "construction monitor" the same person, as implied? If so, that should be clearly stated. If not, powers/duties of each need to be clearly stated separately. In particular, the duty to record work monitored and materials discovered and the power to temporarily halt work for evaluation or recovery need to be delineated.

Response to Comment B35-10

Cultural resource mitigation measures have been revised to clarify the procedures for construction monitor selection and what type of monitors are to be selected for the Project's construction phases. Both archeological and Native American Monitors shall be selected. See Response to Comment A1-1.

Comment B35-11

4. Table 1-1, Mitigation Measure CULT-2c

Comment 6. The words "such as data recovery" should be eliminated from the last sentence, as under CEQA data recovery is the **least effective** means of mitigating impacts. The current wording implies that data recovery is actually the preferred option.

Response to Comment B35-11

See Response to Comment B35-2.

Comment B35-12

5. Table I-I, Mitigation Measure CULT-2d

Comment 7. Under current law, the MLD has **48 hours** to make recommendations regarding the disposition of the remains following notification from the NARC of the discovery.

Response to Comment B35-12

Mitigation Measure CULT-2d has been revised to reflect this discrepancy. See Response to Comment A6-9.

Comment B35-13

6 Table I-I, Impact CULT-3 Cumulative Impacts, page I-33: Table discusses the Project's potential cumulative impact on cultural resources, both to known and unknown cultural resources. It also refers to "related project sites", "related projects" and "applicants to the related projects". Table generally states that, with the mitigation measures described in CULT-2a through CULT-2f, no significant cumulative impacts will occur, although it also implies that there may be unknown cultural resources discovered at subsequent "related project sites", which will then be the responsibility of the "applicants to the related projects" to mitigate.

Section IV. Environmental Impact Analysis, subsection E. Cultural Resources, page N.E-3: First paragraph under Archaeological Surveys states that "the survey intensity is not known for over 100 acres in the western portion of the Project site".

Comment 8. Given the enormous amount of cultural material already discovered through the earlier phases of this Project, as well as uncertainty as to survey intensity in portions of the Project site, it seems quite possible (if not probable) that unknown cultural resources will be discovered at the Project site or at subsequent "related project sites". Given the size and likely durability of such a Project and related projects, there is a good chance that future access to or evaluation of unknown resources would be significantly impacted. Under CEQA, a cumulative impact assessment is intended to evaluate the incremental impact of a Project together with impacts of reasonably foreseeable associated or related projects.

Response to Comment B35-13

See Response to B35-3.

Comment B35-14

On behalf of my clients, the Utu Utu Gwaitu Paiute Tribe and the Mono Lake Indian Community, I look forward to the Town's responses to these comments, and I appreciate the Town providing these comments the appropriate government-to-government weight required by law.

Response to Comment B35-14

This comment contains closing language for this comment letter. No response is required.

Response to Comment Letter B36**Jane Kenyon*****Comment B36-1***

Concerning Mitigation Measure BIO-1d in the Snowcreek 8 DEIS. Conducting ground vegetation removal outside of breeding season as it says would be the right choice. But then it says OR.... The second mitigation about Buffer Zones basically offers Chadmar the opportunity to clear land when Songbirds are nesting throughout the meadow. The 25 foot buffer zone would not work for the meadow birds. They would abandon their nests. The meadow Songbird species will not let you within 25 feet of them. The BIO-1d minimum buffer of 25 feet for songbird nests is not enough and is not an appropriate mitigation.

Response to Comment B36-1

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment suggests that it is most appropriate to remove vegetation during the non-breeding season, and that the mitigation option prescribed in Mitigation Measure BIO-1d is not appropriate, as it allows for construction activities to be conducted during the breeding season for birds, and does not provide adequate nest-set-back zones for active nests. It is agreed that the best approach to avoiding direct and indirect impacts to nesting birds is to conduct construction activities (i.e., vegetation clearing and grubbing and other ground disturbance activities) during the non-breeding season (generally defined in the text on page IV.D-65 of Section IV.D (Biological Resources) in the Draft EIR as September 16th through March 14th). However, as discussed in Response to Comment B17-4, often construction activities cannot be conducted during the non-breeding season for various reasons. Therefore, another measure – to conduct a series of pre-construction surveys and implement nest-set-back zones for active nests, if present – is included as mitigation for construction activities that would take place during the breeding season (generally defined in the text on page IV.D-65 of Section IV.D [Biological Resources] in the Draft EIR as March 15th through September 15th).

With regards to the nest-set-back zones referenced in the text on page IV.D-66 of Section IV.D [Biological Resources] in the Draft EIR, see Response to Comment B29-18.

Comment B36-2

Lee Vining ornithologist Chris McCreedy, who specializes in the Willow Flycatcher, should be consulted and used for the pre-construction nesting bird survey for Snowcreek 8, to ensure vegetation removal is done before nesting season.

Response to Comment B36-2

This comment recommends a local ornithologist for conducting the pre-construction surveys. This referral is acknowledged.

Comment B36-3

Most of the development in Mammoth has been permitted for June-peak Songbird nesting season, therefore causing declines to the Songbirds species in this region. The birds of this region are a resource to Mammoth. People and families come here from all over the world to see birds and wildlife that they don't have in the city. Birding is a popular recreation.

Our resource should not be constantly comprised for development and causing birds to fail in their attempts to maintain their populations. The land needs to be cleared before May 15 to protect the native Songbirds of the meadow. If any buffer zone would work, it needs to be 200-500 feet for all species. Blackbirds are probably the only bird that could handle loud trucks and machinery 25 feet away.

But clearly not for the meadow Songbirds.

Response to Comment B36-3

This comment suggests construction activities be conducted before May 15th and appropriate nest-set-back zones (e.g., 200-500 feet) for active nests to protect nesting birds. See Responses to Comments B17-4, B29-18 and B36-1.

Comment B36-4

The Snowcreek project is totally out of scale with what Mammoth is and would greatly impact Mammoth's Resources.

Response to Comment B36-4

This comment expresses an opinion about the scale of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-5

This Snowcreek project would further reduce Mammoth's wildbirds, our day and night viewshed, and the peaceful, safe mountain town atmosphere. It would take away what Mammoth sells. People come to Mammoth to get away from the city, to see nature, views, and the open space, that is eliminated from the

city. The Snowcreek project would give the feel of the city with high density/traffic, and highrise buildings to block the viewshed.

Response to Comment B36-5

This comment expresses concern about wildbirds and aesthetic resources in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-6

Chadmar also wants to take away our wildlife's essential riparian area (the Mammoth Creek wetland south of Snowcreek 1, 2, 3 (NW corner Minaret and Old Mammoth Rd) by building into an important riparian area that birds from Owls and Hawks to Ducks and Songbirds use for their survival. This development will make Mammoth more like the city than the mountain town it is, and will take away what is unique about Mammoth and why people come here.

Response to Comment B36-6

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment suggests the Project would impact Mammoth Creek and its associated riparian and wetland habitats, which provide essential wildlife habitat, on the parcel north of Old Mammoth Road and west of Minaret Road. As described in Section III (Project Description) on page III-19 and illustrated in Figure II-3 and Figure III-5 of the Draft EIR, the Project would only be on the already disturbed portion of the parcel. The remaining portion would be preserved as open space (refer to Figure II-3 of the Draft EIR), and a conservation easement may be recorded against this area and it may be transferred to the Town of Mammoth Lakes or a conservation group. Therefore, the Project would not result in any direct impacts to Mammoth Creek or its associated riparian and meadow habitats. Implementation of the wildlife management practices outlined in Mitigation Measure BIO-1e on page IV.D-66 and the sensitive habitat protection measures outlined in Mitigation Measure BIO-2a on page IV.D-68 of Section IV.D (Biological Resources) in the Draft EIR would minimize any potential indirect Project impacts to Mammoth Creek and its associated riparian and wetland habitats on the Project site, as well as the wildlife that use these habitats.

Comment B36-7

Chadmar will gain, and Mammoth will lose its resources. The Snowcreek project needs to fit in with our mountain town.

Response to Comment B36-7

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses concern about resources in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Project is intended to complete a 30-year Master Plan, providing amenities and activities for local residents, visitors and owners.

Comment B36-8

The variance code does not apply to Snowcreek. There is no reason for variances to be granted to Chadmar.

Variances granted in Chadmar will impact Mammoth.

Residential condominiums at the 35 foot height limit is all that should be permitted. Commercial and highrise building out into the Mammoth Meadow viewshed will diminish the exceptional views. Mammoth will lose its great resource. Snowcreek 8 is out of scale with Mammoth.

Response to Comment B36-8

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses an opinion about variances and building heights, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B36-9

The Snowcreek 8 project does not fit with the area in regards to size, height, traffic impact and community design. The project should only be approved at a scale and density fitting the current General Plan and neighborhood scale.

Response to Comment B36-9

This comment expresses concern about the Project's impacts related to size, height, traffic, and community design, but does not state a specific concern or question regarding the sufficiency of the

analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The Project is intended to complete a 30-year Master Plan, providing amenities and activities for local residents, visitors and owners.

Comment B36-10

Please follow the guidelines in the Advocates for Mammoth evaluation of Snowcreek 8 DEIS [sic].

Response to Comment B36-10

This comment refers to the comment letter submitted by the Advocates for Mammoth, which is addressed in Responses to Comments B32-1 through B32-130.

Response to Comment Letter B37**Hans Ludwig*****Comment B37-1***

The Recreation aspect of the EIR is inadequate in its scoping and proposed mitigation. Specifically, Impact Rec-3 on page IV L-10, which addresses possible impact on local recreation. The draft EIR notes that some people have been crossing project site to access the Sherwin Range, and that they will (according to Chadmar's plan) have to walk around the perimeter proposed project site. The report finds this will not have a significant impact.

The builder is offering to build a "portal" for users as mitigation for the "non-significant" impact.

In fact, arguably the most popular winter use of the Sherwins area, by a huge margin, is backcountry skiing and snowboarding (not surprising in a ski town). The opportunity to ski high-quality powder and great terrain on public land right next to town is a big draw for skiers and snowboarders, and it is one of the busiest winter recreation destinations in town. The proposed development will make egress and access for skiers and snowboarders far more difficult, completely blocking off public access to the entire southern boundary of town. The Sherwins is unique because its proximity to roads allows skiing/boarding without specialized and expensive backcountry gear- that will end with the proposed project.

The proposed portal does not mitigate the impact- it could not be placed further away from the Sherwins and still be on Chadmar property, and it is already a public road.

Response to Comment B37-1

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Responses to Comments B20-2 and B27a-13.

Comment B37-2

Many golf courses operate as cross-country ski resorts, and there is plenty of room for a pedestrian right of way on the new or existing Snowcreek golf courses.

Response to Comment B37-2

This comment suggests that during snow season cross-country ski trails be permitted across the golf course. This comment does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B37-3

There is a significant impact to local recreation from the proposed project, it has been inadequately scoped, and the proposed mitigation is insufficient.

Response to Comment B37-3

The comment states that there would be a significant impact to local recreation as a result of the Project. As shown in pages IV.L-7 through IV.L-12 of Section IV.L (Recreation) in the Draft EIR, no significant impacts to recreation were identified and, thus, no mitigation measures would be necessary. See Response to Comment B27a-13.

Response to Comment Letter B38

Nancy Peterson Walter

Comment B38-1

attached [sic] are my comments. If you have any questions please feel free to ask me. telephone [sic] is 934-1767, e-mail is nancyapw@cs.com, fax [sic] is 934-4406.

Response to Comment B38-1

This comment contains introductory language for this comment letter. No response is required.

Comment B38-2

In reviewing the material written by Burton and Farrell of Trans-Sierran Archaeological Research, December of 2006, I found a document that is well organized but is lacking in current or recent ethnographic material as well as not noting anything about Native American Values. Granted, most of the work done in this area is by anthropologists with a background in archaeology, but, there is work that has been done by ethnographers who have written material on the area as well as other scientists who have worked with local Paiute including but not limited to: Aldrich, J.M. 1912, 1921; Eldredge, I.F. 1923; Englehardt, George P. 1924; Miller, John and Wallace Hutchinson 1928; Patterson J.E. 1929; Simms Steven R. 1984; Warren, Dick 1963; Way, Guy S. 1920. When Catherine S. Fowler, PhD, an ethnographer at UNR and I wrote about Harvesting Pandor Moth Larvae with the Owens Valley Paiute in 1985 based on our work in 1981 we had no problems finding the above scientific references. All work done in the Mammoth Lakes area!

Response to Comment B38-2

This comment is identical to Comment B18-1 made by the same commenter. See Response to Comment B18-1.

Comment B38-3

There is material referenced in the HANDBOOK OF AMERICAN INDIANS, GREAT BASIN INDIANS Volumnll [sic] about the Shoshone and Paiute of the Eastern Sierra and ethnographers who do continuing research are referenced. Dissertations have been written about the hunting of the pronghorn antelope; the relocation of the local Paiute and Shoshone to the current reservations; there has been linguistic work done in the Eastern Sierra; research has been done on the location of plant resources used; and there has been at least one master's thesis written dealing with historic photographs. None of this ethnographic material was referenced.

Response to Comment B38-3

This comment is identical to Comment B18-2 made by the same commenter. See Response to Comment B18-1.

Comment B38-4

Also not referenced is any mention of talking with the Paiute community who are still living in the Eastern Sierra - those in Bridgeport, Lee Vining, Benton, Bishop, Big Pine, Independence, or Lone Pine. Or to those who grew up or whose ancestors lived in June Lake or Mammoth Lakes. Many of these people still find food resources and materials for baskets just as their ancestors did in this area.

Response to Comment B38-4

This comment is identical to Comment B18-3 made by the same commenter. See Response to Comment B18-3.

Comment B38-5

The most important site of cultural significance in the report is CA-MNO-3 a village site recorded over 50 years ago which is considered to be a Historical Resource. This site is referenced as large and significant with a great potential for subsurface material as well as for buried historic material. Despite what has happened across the road to the north, for the specific area relevant to this report, this is still true and before construction there are several factors to consider so that the loss of material that has happened in one area does not occur in the remaining areas. The lithic scatter on the north side of the road as well as bedrock mortars are still visible. The report also mentions that the area " ... with dense prehistoric cultural deposits and midden soils, should be preserved, capped, or subject to data recovery if construction proceeds in this area as proposed." (p iii) I cannot stress this point more strongly! I feel that data recovery is the least important since no excavation, preserves for the future the cultural material that is present. There should be enough data available from the preliminary survey, much less from the Snowcreek VII area that more excavation is not necessary. A good technical report on Snowcreek VII has still not been done.

When a project physically demolishes, destroys, relocates or alters the historical resource or its immediate surroundings such that a significance of the historical resource is materially impaired - this is a substantial adverse change and must be mitigated (CCR 15064.5).

Response to Comment B38-5

This comment is virtually the same as Comment B18-4 made by the same commenter. See Response to Comment B18-4.

Comment B38-6

The discussions of the vegetation, the fauna, and the paleoclimate are well done but as mentioned above, the cultural context is incomplete. The prehistory is well covered but the ethnography is not up to date other than what "used to be" or what is called the "ethnographic present." There is current or recent work being done that should have been part of the research. The comment that " ... most important cultural deposits {are} located north of Old Mammoth Road." on page 14 is of interest since most if not all of that location is no longer available for research or preservation. What is left of CA-MNO- 3 north of Old Mammoth Road should be preserved and buildings proposed there should be relocated.

Response to Comment B38-6

This comment is virtually the same as Comment B18-5 made by the same commenter. See Response to Comment B18-5. This comment is advocating an alternative to the Project rather than mitigation with regards to relocating the Project's proposed buildings north of Old Mammoth Road and the Town can consider alternatives during its deliberations. The EIR analyzes alternatives and this comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B38-7

When reviewing cultural resource reports for Los Angeles and Ventura Counties I found that 20 to 30 meter intervals (transects) was not sufficient for areas when there was a dense area of cultural material visible on the surface as is mentioned on page 18. The general spacing for intervals is three to five feet. Given the density of the vegetation on the ground, it is unlikely intervals of 20 to 30 meters would show many artifacts for most would be missed.

Response to Comment B38-7

This comment is virtually the same as Comment B18-6 made by the same commenter. See Response to Comment B18-6.

Comment B38-8

I was shocked that the report found there was no data recovery done for the area mentioned on page 20 when the two ornamental ponds and the construction of the rental office was done. This area was an area of known cultural significance yet no mention of monitoring and no mention of test pits in an area that Leonard (1974) had recommended as a preserve as well as an area that Burton and Farrell (2006) indicate " ... that there are still substantial prehistoric and possibly historic cultural materials ..." if work did not follow recommended procedure in the past how can we be assured it will in the future?

Response to Comment B38-8

This comment is identical to Comment B18-7 made by the same commenter. See Response to Comment B18-7.

Comment B38-9

I do not feel the Summary of Environmental Impacts & Mitigation Measures is adequate, since we now have our new General Plan, enforcement of it could still be questionable. There is still some room for value judgments and while scientific data is open to interpretation, it is important that mitigation measures be followed and enforced. The past record here in Mammoth Lakes has not always had the necessary

follow through that is important. It is rather upsetting to find out artifacts were taken home by workers via an overheard conversation at a Lee Vining football game even if it may or may not be true. There is a definite need for contractors as well as staff, planning commission, and location workers to be made aware of the laws that apply to cultural resources. I would strongly stress the need for a workshop on this issue to avoid problems before they happen. I do not feel the staff, the Planning Commission, the contractors, their workers, or the developers are aware of laws that pertain to Cultural Resources since they feel it just delays their work.

Response to Comment B38-9

This comment is virtually the same as Comment B18-8 made by the same commenter. See Response to Comment B18-8.

Comment B38-10

It should be clear that mitigation measures must apply to ALL the project area including the golf course and other auxiliary facilities such as a store, interpretative center and outfitter buildings. Monitors must be hired to oversee all intrusions into the earth and have the power to stop work if necessary. What anthropologists see as a feature may not look like a feature to construction workers or a work boss. There are times when a project of this importance may require consultation with other anthropologists who work in the area and are familiar with the various types of habitation, variety of sites, differences of work areas as well as material that may be from Queen, Bodie, or Casa Diablo sources. The references in the report do not say how the determination that some of the obsidian was from Queen (the area of Truman Meadows off Highway 6) is not explained nor is there relevant information in this report to explain why this might be important.

Response to Comment B38-10

This comment is virtually the same as Comment B18-9 made by the same commenter. See Response to Comment B18-9.

Comment B38-11

There are acceptable mitigation measures discussed in the CEQA guidelines for Historical Resources.

1. Rehab, restore, repair, stabilize, preserve, conserve, in accordance with Federal Standards (buildings). Documentation alone does not reduce impacts to less than significant!
2. Avoid all together.
3. Preservation in Place

4. Data recovery for archaeological sites (CCR 15126.4 (b)).

The data recovery plan which makes provisions for adequately recovering the scientifically consequential information from and about the Historical Resource SHOULD BE PREPARED AND ADOPTED PRIOR to any construction excavation 15125.3 {b} {3} {C}). This would allow for Preservation in Place to occur with a minimum of impact to the archaeological site.

Response to Comment B38-11

As set forth above under Response to Comment A1-1, a qualified archeologist shall be selected mutually by the MLD designated by the NAHC and the applicant from a list of qualified archeologists provided by the Town. If the applicant and the MLD cannot agree, then the Town shall choose the archeologist from that list. There is no need to have an archeologist reviewing the work of the selected archeologist; the above procedure would eliminate any concerns about bias. See Response to Comment A8-7.

Comment B38-12

Monitoring construction is not considered a mitigation measure which reduces impacts to less than significant ---- as demonstrated by the 440 bifaces recovered in one tree root during construction.

Response to Comment B38-12

This comment states that the commenter does not consider construction monitoring adequate to reduce impacts to a less-than-significant level. Mitigation Measures CULT-1 and CULT-2a through CULT-2f as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A8-9 would mitigate potential Project impacts to cultural resources to a less-than-significant level. Notable possible exceptions include: if human remains are encountered, impacts may remain significant even after mitigation. See Responses to Comments A1-1, A6-6 and A8-9.

Comment B38-13

One way that can be used to "get out" of doing data recovery is to argue that previous studies have adequately recovered the scientifically consequential information from and about the Historical Resource. This fact was cited in my conversations with the Town Planner, i.e. the material found when excavating the ditch area was similar to that found at CA-MNO-3. The problem with this is that the fact has to be documented in the EIR and the studies that report on the scientifically consequential information have to be deposited at the appropriate CHRIS Info Center. To date that information has not been available to me or to other reviewers. So I would like to submit that the current report does not support the lack of data recovery.

Response to Comment B38-13

Mitigation Measures CULT-1 and CULT-2a through CULT-2h as described on pages IV.E-10 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A8-9 would mitigate potential Project impacts to cultural resources (including CA-MNO-3) to a less-than-significant level. Preservation is the preferred form of mitigation, with data recovery for portions of the site retaining data potential as an alternate measure if preservation cannot be achieved. SWCA's Peer Review Letter dated November 18, 2006, also notes that the proper disposition of data, including reports at the Eastern Information Center and cultural materials at a defined and proper curation facility, is important.

Comment B38-14

The fact that CA-MNO-3 is significant makes it eligible for the NRHP. This was also mentioned on page two in the "only" peer review in the report which was done by SWCA in South Pasadena. I do not feel that only one peer review is adequate for this type of development or for a village site this large.

Response to Comment B38-14

See Response to Comment B38-11.

Comment B38-15

I am also unhappy about the page two comments in the peer report that says "No further archaeological work is recommended for the portion of CA-MNO-3 south of Old Mammoth Road." The lithic scatter on both sides of the road and the abnormal transects (intervals) to look for surface data makes this statement not a very good peer review. I would like to know how much work in the Eastern Sierra the people preparing the peer review have done.

Response to Comment B38-15

The portion of CA-MNO-3 south of Old Mammoth Road has been preserved through capping with non-native fill. Because the Project does not propose to impact this preserved portion of the site, no further archeological work was recommended.

Comment B38-16

They also do not reference or mention the lack of ethnographic work or anything about Native American Values.

Response to Comment B38-16

Ethnography studies are not generally required because CEQA is concerned about impacts on the physical environment, including cultural resources such as Native American and archeological resources, and an ethnography study would not shed any light on those resources beyond what is included in the EIR and what may be encountered during ground disturbing activities. The Cultural Resources Study prepared for this Project relied on previously prepared ethnography studies as shown on page 7 – 8 in Appendix E of the Draft EIR. See Response to Comment A6-3.

Response to Comment Letter B39***Snowcreek V, Fairway Homes II HOA (GHH Engineering)******Comment B39-1***

Homeowners of Snowcreek V are certain to be impacted by the proposed Snowcreek VIII project, and the Fairway Homes II HOA, which represents 146 residences, would like to express some of our questions and concerns on the DEIR. (For background, Snowcreek V consists of 296 residential units, 150 of which are in Fairway Homes I HOA, and 146 of which make up Fairway Homes II HOA) Fairway Homes I will be submitting a letter with their questions and concerns, which are similar to ours. Fairway Homes II has hired 2 experts on Land Planning and on Hydrology, to review and comment on the impact of this plan on Snowcreek V. **In addition to the comments below, a memo prepared by a civil engineer commenting on project specific and cumulative hydrology issues is attached.**

Response to Comment B39-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B39-2 through B39-71, below.

Comment B39-2

Our most important concerns are:

- Preserving the quality of life that we currently experience as Snowcreek V residents during the construction period and afterward, especially in light of the nine (9) Class I significant and unavoidable impacts, and
- The handling of the water movement and runoff from the Mammoth Meadow, assuring that this construction not only does not add to the problems already being experienced by the Snowcreek V residents but also finally rectifies the drainage problems of the entire meadow.

- To understand this issue, the commission should know that each homeowner of Snowcreek V has been assessed between \$10,000 and \$30,000 during the past two years to try to correct problems that came about from inadequate planning or execution of the hydrology plan for Snowcreek V.

Response to Comment B39-2

This comment expresses concern regarding the quality of life of the Snowcreek V residents during and after construction, as well as proper water drainage plans. With respect to drainage throughout the Mammoth Meadow area, the Draft EIR discusses drainage local to the Project site on pages IV.G-2 through IV.G-3 of Section IV.G (Hydrology and Water Quality) and portrays onsite and offsite drainage in Figures IV.G-1 and IV.G-2, respectively. A comprehensive drainage analysis for the entire area surrounding the Project site is beyond the scope of this EIR considering that development of the proposed Project would not affect areas upgradient of the Project site, including the Snowcreek V project. See Response to Comment B26-7.

Comment B39-3

The Snowcreek VIII Master Plan Update Draft EIR indicates that the project results in nine (9) Class I, significant and unavoidable impacts; six (6) Class I impacts in the area of aesthetics; two (2) Class I air quality impacts; and one (1) Class I impact to the Town's cumulative water supply.

Response to Comment B39-3

This comment correctly states the Project has the potential to result in nine Class I significant and unavoidable impacts, as summarized in Table I-1, starting on page I-7 of Section I (Introduction/Summary) in the Draft EIR.

Comment B39-4

Further, the project is inconsistent with several of the Town of Mammoth plans and policies related to aesthetics/visual impacts. A negative precedent is set if the Town of Mammoth approves of a project which is inconsistent with several of its [sic] own General Plan and land use policies.

Response to Comment B39-4

This comment expresses concern with inconsistencies between the Project and the Town of Mammoth's General Plan and Land Use policies related to aesthetics/visuals. Inconsistency with a policy may indicate a significant physical impact, but the inconsistency is not itself an impact. The determination that the Project is consistent or inconsistent with the 2007 Draft General Plan policies or other Town plans and policies is ultimately the decision of the Town. See Responses to Comments B26-2 and B27a-18.

Comment B39-5

Specific concerns with the Snowcreek VIII, Master Plan Update DEIR are as follows:

1. Aesthetic/Visual Impacts: Approval of the project will result in six (6) Class I impacts to aesthetic resources. Most significant of these impacts is that the proposed height of structures will obstruct important public views and scenic vistas. For Snowcreek V, the view shed of the southern residences, which include both the Sherwin and the White Mountains will be negatively impacted. The 400-unit hotel and private residences are proposed to be up to 120-feet in height, greatly exceeding the Town's 35-foot height restriction. Amendment of the Town's zoning code would be required to approve of the project height. The proposed height of structures results in significant and unavoidable impacts, which violate several of the Town policies. A 120-foot structure in the proposed location would not be compatible with the surrounding development and would severely impact the view corridors and important scenic view sheds. We believe that an alternative could be found which reduces the height of the hotel and private residence structures to more reasonable building heights.

Response to Comment B39-5

This comment incorrectly states that the Hotel and residential buildings would be 120 feet in height when in fact only the Hotel is proposed at this height. This comment expresses an opinion about the design feature of the Project and its lack of compatibility in the surrounding setting. The comment does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis, but rather requests an alternative be found that reduces the height of the hotel. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-6

2. Project Specific and Cumulative Air Quality Impacts: The project results in Class I Impacts to Air Quality. As the DEIR indicates, the generation of PM10 emissions (particulate matter) as the project is built will have significant project specific and cumulative impact to the community. Since the project will not be completed until the year 2017, these should not be considered "short-term" impacts to the community. If the project was reduced in density, air quality impacts could be reduced.

Response to Comment B39-6

This comment states that since the Project would not be completed until 2017, impacts relating to particulate matter emissions should not be considered "short-term". The use of "short-term" is in reference to the analysis of emissions based on calculations of the heaviest construction period utilizing largest construction vehicle mix and most rigorous construction schedule. See Response to Comment B29-11.

Comment B39-7

Additionally, we do not feel the proposed mitigation measures for this environmental impact are extensive enough. In regards, [sic] to mitigation (h) our recent experience with the temporary grading permit to move dirt on the discussed site has been that the construction traffic drives at high rate of speed that is extremely unsafe for a very narrow and curving road. We ask that a mitigation measure of a separate construction road from the road into the Snowcreek V be required.

Response to Comment B39-7

Speed of the construction traffic is a matter of traffic enforcement and outside the scope of this EIR. However, it may be that an alternate entrance to the Project for temporary construction access could be included. This would be a requirement of the Project's construction management plan.

Construction traffic impacts were found to be less than significant. Because mitigation measures are intended to avoid or reduce a potentially significant impact the mitigation measure(s) must have an essential nexus and be roughly proportional to the impacts. Therefore, the Draft EIR will not be revised to require this mitigation.

Comment B39-8

In regards to point (l), the proposed project is in a natural "wind corridor" and it should be expected that the wind will frequently exceed 25 mph; hence, we feel this area requires stronger measures to reduce blowing dirt as it will be a usual rather than unusual event.

Response to Comment B39-8

This comment states that stronger mitigation measures are needed due to the Project's location within a wind corridor. As stated on pages IV.C-25 and IV.C-26 of Section IV.C (Air Quality) in the Draft EIR, Mitigation Measures AQ-1a, AQ-1b, AQ-1d through AQ-1g, AQ-1j, and AQ-1l recommend the following measures: water all construction areas at least twice daily; cover all trucks hauling loose materials; remove excess soils from paved construction areas; sweep streets daily if visible soil material is carried onto adjacent public streets; hydroseed or apply non-toxic soil stabilizers to inactive construction areas; enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles; replant vegetation; and suspend excavation and grading activities when wind exceeds 50 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency of watering from twice daily to three to four times a day. No further mitigation measures are required.

Comment B39-9

3. Hydrology and Water Quality (Drainage Pattern Alteration): It is essential that this impact be reclassified as Class I. Until the proper agencies and Christopher A Joseph & Associates completely

understand the water flow patterns from the Sherwin Mountains, **Mammoth** Meadow, through Snowcreek V, The Lodges, Snowcreek Golf Course and across the proposed Project then it is not feasible to understand the environmental impact of building this Project. We certainly have the right to ensure that this Project does not exacerbate an already very serious problem that we have of excessive moisture under our structures and inadequate drainage throughout Snowcreek V. This problem has already created significant structural issues and has the potential to create health issues.

Response to Comment B39-9

The Draft EIR discusses drainage local to the Project site on pages IV.G-2 and IV.G-3 of Section IV.G (Hydrology and Water Quality) in the Draft EIR and portrays onsite and offsite drainage in Figures IV.G-1 and IV.G-2, respectively. The Project would be developed at an elevation (approximately 7,875 amsl) well below that of the existing Snowcreek V development (approximately 7,890 amsl at the lower end). As a result, runoff from the Project could not affect either surface drainage in or groundwater elevations beneath Snowcreek V. See Response to Comment B26-7. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-10

4. Cumulative Water Supply Impacts: The DEIR indicates that the project results in a Class I, cumulative impact to the Mammoth Community Water District. Please require that the applicant adhere to mitigation measure that phases development commensurate with available water supplies. Even with this mitigation, a significant and unavoidable impact to the water supply is anticipated with full build-out of the Master Plan and other planned projects. How does the Town propose to supply this and other projects with water, as well as ensure that existing development has adequate water supply in the future?

Response to Comment B39-10

Per the Town's General Plan Policy R.4.A The Town shall work with the Mammoth Community Water District (MCWD) to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. The Project is required to comply with this policy. Currently, as discussed in the Draft EIR on pages IV.N-22 through IV.N-24, California Water Code 10911 requires 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 town or county its plans for acquiring additional water supplies. Since existing supplies are insufficient and result in a shortfall in single dry years, MCWD has developed plans/strategies for additional sources of water. These

plans/strategies include water conservation measures, use of recycled water, additional groundwater and water systems loss reduction. See Response to Comment B17-7.

Comment B39-11

5. Noise: We disagree that the mitigation measures are adequate for noise abatement during the construction process simply by complying with the town ordinance regarding hours of operation. For example, a property that is only 100 feet from the construction site (as described in the DEIR) who experiences constant noise from 7AM to 8 PM, Monday through Saturday, will be an unhappy citizen, indeed. Especially those waking up to tractors and dirt movers at 7AM while on vacation. It has the potential to harm our quality of life as well as our property values. We suggest that a monitoring and dispute resolution system be agreed to between the town and the builder.

Response to Comment B39-11

The commenter incorrectly states that compliance with the Town's Noise Ordinance is the only mitigation implemented to reduce construction noise impacts. As previously stated in Response to Comment B29-25, mitigation is identified on page IV.I-19 of Section IV.I (Noise) in the Draft EIR to reduce the noise levels resulting from construction of the Project to the extent feasible. Mitigation Measures NOISE-1a and NOISE-1b shall be implemented, which requires the Project to comply with the construction hours of the Town Municipal Code and that construction Best Management Practices (BMPs) are to be implemented by contractors to reduce construction noise levels. Mitigation Measure NOISE-1c requires by contract specifications that construction staging areas within the Project site would be located as far away from vibration-sensitive sites as feasible.

As discussed on page IV.I-9 of Section IV.I (Noise) in the Draft EIR, construction activities are permitted between the hours of 7:00 A.M. and 8:00 P.M., Monday through Saturday, according to Section 15.08.020 of the Town Municipal Code. Work hours on Sundays and Town recognized holidays are limited to the hours between 9 A.M. and 5 P.M., and are permitted only with the approval of the building official or designee. In addition, as shown in Table IV.I-5 on page IV.I-10 of Section IV.I (Noise) in the Draft EIR, construction noise levels are limited to 75 dBA and 80 dBA at Single and Multi-Family Residential uses, respectively, for mobile equipment and 60 dBA and 65 dBA for stationary equipment. As discussed in the second paragraph on page IV.I-21 of Section IV.I (Noise) in the Draft EIR, noise generated by the use of construction equipment may reach as high as 80 dBA at the nearest multi-family residential units, located approximately 100 feet from the Project site. In general, single and multi-family residential uses are most sensitive to increases in ambient noise levels because of increased time spent outdoors compared to other residential uses. This outdoor time generally occurs on weekends and holidays. Therefore, the Town has created thresholds which limit the times in which major construction can occur and also add limits to the amount of noise which may be generated during the permitted hours. The Project is required to adhere to the requirements listed in Section 15.08.020 and Section 8.16.090 of the Town of Mammoth Lakes Noise Ordinance (see Mitigation Measure NOISE-1a on page IV.I-18 of

Section IV.I [Noise] in the Draft EIR). In addition, a construction management plan (CMP) would be required for each development phase of the Project. The CMP would state the hours of works as allowed in the Town Municipal Code. It should be noted that the code allows for longer hours of construction than most other cities and communities. This is due to the short construction season in Mammoth Lakes.

Comment B39-12

6. Public Services (Snow Removal): While the statement is true that this project would not impact the Town's snow removal, we are requesting that the EIR address how it will impact Snowcreek V's snow removal and snow storage. Currently, Snowcreek V's snow storage is extremely inadequate as the original developer stored snow on the undeveloped land of the proposed Project.

Response to Comment B39-12

The comment incorrectly states that the original developer stored snow on the undeveloped land of the proposed Project. The realignment of Fairway Drive would be designed to include adequate snow storage. The snow removal for that roadway shall be the responsibility of HOA's within both Snowcreek V and Snowcreek VIII. Any existing snow storage issues on-site to Snowcreek V are not an issue of the Project to correct. See Responses to Comments B8-2 and B25-6.

Comment B39-13

7. Recreation: It is our understanding that the Mammoth Lakes Trails and Public Access is preparing a report on the recreational impact of this Project. We will withhold our comments until the report is completed and reviewed.

Response to Comment B39-13

This comment does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis, but indicates the commenter is waiting for a report from the Mammoth Lakes Trails and Public Access (MLTPA) Foundation. See Topical Response 3 (Recreation) and Comment Letter B27 submitted by the MLTPA. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-14

8. Transportation/Traffic: The DEIR proposes to reroute road access to Snowcreek V through what will be a construction zone for many years, and then through this dense development. If you drive down the current access road at any time and you will see residents with their families and pets walking, running, and on their bikes going into town. This is consistent with the Town Vision of promoting non-motorized transportation, and would be made much more difficult and less appealing if rerouted through the Snowcreek VIII development. We ask that a separate, efficient access road to Snowcreek

V should be maintained and Snowcreek V should be connected to the walking and biking trails planned in Snowcreek VIII. As mitigation for the disruption and congestion forced upon Snowcreek V residents, and to further minimize the town traffic impact, the Red Line bus route and Snowcreek VIII shuttles should include [sic] stops at Snowcreek V.

Response to Comment B39-14

This comment expresses an opinion about the merits or a design feature of the Project and does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B39-7 and Topical Response 2 (Project Details).

Comment B39-15

9. Utilities and Service Systems (Waste Generation): Snowcreek V has already had wastewater problems and we ask that this plan ensure that Snowcreek V is connected to the city facilities separately from Snowcreek VIII.

Response to Comment B39-15

This comment expresses an opinion about the merits or a design feature of the Project and does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project. Also see Topical Response 2 (Project Details).

Comment B39-16

10. Construction Related Impacts: The DEIR does not adequately quantify the construction related impacts of the project. Full build out of the project will not be realized until the year 2017. Ten years of construction should not be considered "short-term" impacts to the community. This is a long time for the community to be subject to construction noise, dust and traffic from the proposed project. A reduced density project would result in shorter construction duration and less of these impacts.

Response to Comment B39-16

The comment states the Draft EIR does not adequately quantify the construction related impacts of the Project and that a ten year development period should not be considered a short-term project. Phasing and scheduling of the Project is described on page III-43 of Section III (Project Description) in the Draft

EIR. Although the construction of the Project will occur over a ten year period, the Project would be constructed in several phases, with the golf course expansion and Hotel construction potentially occurring in the first phases and various residential components being progressively constructed at a pace dictated by market conditions. Each phase would require a construction management plan. Each phase would operate successfully as a complete entity so that the Project is attractive and inviting throughout the entire development. All staging would occur within the Project boundaries. Most construction phases would last approximately 18 to 24 months but some may be as long as 24 to 30 months. Some phases may be under construction simultaneously. Construction involving large equipment and grading would not take place year round, but instead would only take place during the non-snow months. There is no finding that a reduced density development would take less time to construct.

Comment B39-17

11. Alternatives: We believe that the Alternatives Section does not provide a "reasonable range" of alternatives intended to reduce the impacts of the project. The DEIR indicates that Alternative C is the Environmentally Superior Alternative. Alternative C reduces the residential component significantly and eliminates the hotel/retail and expansion of the golf course project components altogether. Since Alternative C does not provide some of the beneficial project impacts (i.e., golf course, hotel bed tax, etc.) and does not meet the objectives of the project, the Town is not likely to approve of this alternative. The EIR consultant should analyze an additional reduced density alternative, which reduces the density, but still realizes the majority of the project objectives. This alternative would include all the components of the proposed project, but at a reduced density and scale. The intent of this reduced density alternative would be to lessen the visual impacts, eliminate the need for an amendment to the Town's zoning code (height restriction) and reduce overall construction related impacts that result from the proposed project. This reduced density alternative would reduce all of the impacts and still meet the objectives of the project, which is the intent of the Alternatives section according to the CEQA guidelines.

Response to Comment B39-17

This comment criticizes the alternatives provided in the Draft EIR and requests another reduced density alternative be prepared. The Draft EIR presents four alternatives in compliance with Section 15126.6(a) of the *CEQA Guidelines* which states: "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 comparable merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

Comment B39-18

12. We ask that the town require mitigation monitoring to ensure that the proposed mitigations are effective. The Town should be responsible for mitigation compliance, or hire an outside consultant to ensure that the mitigations proposed for this project are in place and effective. A monitoring component should be in place for the duration of project construction and beyond in some instances (i.e., biological resource monitoring).

Response to Comment B39-18

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program [MMP], Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The Town is the Lead Agency for the Project and is therefore responsible for enforcing and monitoring the mitigation measures in this MMP. This MMP is designed to monitor implementation of the required and recommended mitigation measures and conditions set forth for project approval for the Project as identified in the EIR (see Section IV [Mitigation Monitoring Program] of this Final EIR).

Comment B39-19

13. We support the project's inclusion of the 80 units of work-force housing.

Response to Comment B39-19

This comment expresses support for the Project’s inclusion of 80 units of workforce housing, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-20

14. We support the mitigation measure, which requires that the residential component of the project be constructed only as the market demands it.

Response to Comment B39-20

This comment expresses support for the phasing of the project at a pace dictated by market conditions as stated on page IV.C-22 of Section IV.C (Air Quality) in the Draft EIR, though incorrectly attributing it to a mitigation measure, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-21

15. We support the requirement that project components can only be developed if there is adequate water supply to support the proposed use.

Response to Comment B39-21

This comment expresses support for Mitigation Measure UTIL-7 on page IV.N-31 of Section IV.N (Utilities) in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Response to Comment B17-7. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-22

16. We appreciate Chadmar's time and efforts to design a project with the intention of blending into our rural setting, and promoting the active outdoors lifestyle of our community. Certainly, our positive experience with the completion of The Lodges promises the continuation of a desirable Alpine community that will enhance the value of Mammoth town and its environs. We hope to cooperate with the builder to the completion of this ambitious project.

Response to Comment B39-22

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses appreciation for the effort devoted to the design of the Project and positive experiences with other projects, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-23

17. **An informal meeting was held on October 17, 2007 with representatives from the U.S. Forest Service, Town of Mammoth Lakes, Mammoth Community Water District (MCWD), Chadmar, Snowcreek V HOA and Intrawest; to discuss the Mammoth Meadow Restoration Plan. At this meeting, it became apparent that the Meadow has a very complex geological structure and there are apparently at least two loosely connected aquifers in the Meadow as evidenced by the MCWD test wells. The hydrology issues with the Meadow are so complex that the MCWD staff does not have a model to comprehend the extent of existing or potential impacts from the seasonally fluctuating Meadow water table and its possible effects on existing and future developments. As mentioned in the third comment of this memo above, we are very concerned**

that the hydrology and drainage of the Meadow is not understood adequately enough to move forward with development which could result in additional drainage impacts both to the proposed and existing developments.

Response to Comment B39-23

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Response to Comment B26-7. The area referred to as the Mammoth Meadow is located west of Snowcreek V and at an elevation higher than Snowcreek V. Depth to groundwater in this area is generally about 100 feet to the lower aquifer. These water-producing aquifers react somewhat independently from the surface water. The surface water is perched on top of the basalt. MCWD staff is currently developing a model to comprehend the extent of existing or potential impacts of MCWD pumping of groundwater in this area. Observation of existing monitoring wells has not shown significant correlation between groundwater pumping and the seasonally fluctuating Meadow surface water table. The seasonally fluctuating Meadow surface water table appears to be affected more by snowmelt and irrigation.

Comment B39-24

We ask that the DEIR be revised to address the above issues.

Response to Comment B39-24

This comment refers to preceding comments, which are addressed in Responses to Comments B39-2 through B39-23.

Comment B39-25

The EIR for Snowcreek VIII states that groundwater is as shallow as 2 feet below ground surface. Mitigation measures are necessary to protect the buildings from snow runoff high groundwater, offsite drainage on to the development site, and that maintenance procedures to maintain the drainage system are necessary.

Similar comments and recommendations were made during the EIR review and approval process for the Snowcreek V development by consultants, the Regional Board and other regulatory agencies. However, to date none of this has been implemented for Snowcreek V.

Response to Comment B39-25

Mitigation Measure HYD-2 on page IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR would ensure that future project buildings are protected from groundwater intrusion, offsite drainage, and runoff from snowmelt. Mitigation Measure HYD-4 on page IV.G-21 of Section IV.G (Hydrology and Water Quality) in the Draft EIR would require maintenance of the Project's drainage system. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-26

Design for a 100-year storm event is far more appropriate for off site drainage management than the 20-year storm criteria used for design of the Snowcreek V storm drain system which has proven to be inadequate, and resulted in surface and subsurface damage to the Snowcreek V development. Hydrologic calculations have shown that the 100-year storm criteria will not provide adequate capacity for the storm water drainage system at Snowcreek V. During extreme conditions the drainage system may have to accommodate more than 10 million cubic feet of groundwater and 50 million cubic feet of surface runoff During [sic] a six month wet weather season. Before construction on Snowcreek VII can proceed Chadmar must correct the drainage system for Snowcreek V, which will only further impact the proposed retention basins in the meadow. A complete drainage basin hydraulic analysis for 2, 5, 10, 50 and 100 year storm events should be submitted for analysis prior to any conditional approvals of the proposed EIR.

After renewing the general concept of infiltration to control and manage runoff it is my professional opinion the system as proposed will be unreliable and prone to seasonal flooding, and actually increasing the groundwater levels further impacting substructures in the area. Obviously the best engineered solution would be to collect the water in a properly designed drainage conveyance system and remove the runoff from the area to a surface water discharge. However this would create a point source discharge and increase the drainage costs significantly.

Response to Comment B39-26

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

The onsite drainage system for the Project would be designed to the requirements imposed at the time of design. The 20-year intensity storm requirement was the design criteria at the time of the design for Snowcreek V for management of stormwater runoff generated on-site. The 100-year criterion is for conveying off-site runoff through an existing site.

There are two reasons to size to the 100-year level. One reason is to contain “graywater” if it is used (see Response to Comment B29-33). The other reason is to move off-site runoff through the site to its downstream connection point. This is as directed by the Town Storm Drainage Manual. Table 1-1 on Page 1-2 of the Design Manual for Mammoth Lakes Storm Drainage And Erosion Control lists the Exceedence Intervals for Design for types of facilities and improvements. The table lists the types of drainage improvements, such as curb and gutter, ditches and storm drain pipes, and lists the correlating exceedence interval for design, (i.e., 10-year, or 50-year, etc). It should be noted that during design care is given to assure that flooding would not occur under any exceedence interval. The requirements of the Town of Mammoth Lakes and the RWQCB at the time of final design will determine the size of the retention basins used in the Project.

The 50 million cubic feet of runoff in half a year equates to 3 cubic feet per second, a manageable quantity. The Project would not create runoff itself but would only manage what enters the site from off-site areas and what falls onto the site. There are no flooding problems on the existing site. Increases in impervious surface runoff will generally be offset by infiltration, as required by the RWQCB. The sizing of basins will be constructed as required by RWQCB.

Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project. With respect to elevations of the Project site and groundwater levels, see Response to Comment B26-7.

Comment B39-27

Draft Environmental Impact Report

Introduction, [page I-I]

Table 1-1 Summary of Environmental Impact & Mitigation Measures (page1-15)

Hydrology & Water Quality (Hyd) [Page 1-38]

Environmental Impact Section HYD-I Groundwater Depletion or Recharge. [page 1-40]

- a. Statement: there could be substantial impact if development interferes or depletes groundwater recharge [page 1-40).

GHH agrees.

Response to Comment B39-27

This Project proposes retention/infiltration facilities as required by the Regional Water Quality Control Board (RWQCB) to facilitate groundwater recharge, as discussed on pages IV.G-17 and IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR. Mitigation Measure HYD-2 states that subdrain design shall be based on final Project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes. Compliance with this mitigation measure would reduce the potential for depletion of groundwater recharge to a less than significant level. In addition, the Memorandum of Understanding (MOU) between the Town and the RWQCB requires retention of the 1-inch/1-hour storm for ground water recharge.

Comment B39-28

- b. Groundwater seepage was encountered as high as 2' below ground surface (bgs) and as low as 8.5' bgs. [page I-40]

This is consistent with groundwater data collected by GHH.

- i. In the Regional Board letter regarding *Comments on the Storm Water Prevention Plan (SWPPP) for Snowcreek V Townhomes, Phase II-14* dated May 07, 1999 informed Triad that minimum separation between high groundwater and the bottom of retention basins is 5'.
- ii. **The information above confirms GHH's assertion in the *Snowcreek Summary* completed in April 2007 that high groundwater levels will invade that basin and reduce its retention capacity. This means that the drainage system for Snowcreek V was not adequate. Chadmar must correct that.**

Response to Comment B39-28

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment confirms groundwater seepage data included in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. With respect to elevations of the Project site and groundwater levels, see Response to Comment B26-7.

Comment B39-29

- c. "....structures need to be protected from high groundwater levels." [page I-40, bottom paragraph left column]

This has not been done for Snowcreek V resulting in water damage and structural damage to the crawlspaces. No substructures were water proofed as required.

Response to Comment B39-29

This comment concerns the lack of groundwater protection measures for Snowcreek V structures, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. It should be noted that Mitigation Measure HYD-2 on page IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR includes design measures to protect underground structures from high groundwater levels.

Comment B39-30

- d. All underground structures shall be designed with exterior wall drain board to a footing drain system as well as under slab subdrains, Crawl [sic] spaces shall be protected with proper ventilation and sub drains...Sub drain design shall be adequately sized so that retention basin capacity is maintained for storm water retention purposes.

These steps are equally necessary for Snowcreek V, were not done and need to be corrected by Chadmar before work on Snowcreek VIII commences. [page I-40, Mitigation Measure HYD-2]

Response to Comment B39-30

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment correctly summarizes Mitigation Measure HYD-2 on page IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR and states that these measures should be installed at Snowcreek V before construction of the Project commences, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project

occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-31

- i. A detailed set of maintenance procedures necessary to assure that storm drainage facilities continue to work as designed shall be established and approved by the Town in consultation with the RWQCB.

This is also necessary for Snowcreek V and was not done although the SWPPP for Snowcreek V Phases 11-14 dated March 1999 stated it would be done. This must be done for Snowcreek V before construction begins on Snowcreek VIII.

Response to Comment B39-31

This comment correctly restates a portion of Mitigation Measure HYD-4 on page IV.G-21 of Section IV.G (Hydrology and Water Quality) in the Draft EIR and states that this be performed for Snowcreek V before construction of the Project commences, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-32

- e. The EIR states that proposed retention basins along Old Mammoth Road have been sized to retain and infiltrate runoff from Snowcreek VIII and previous developments. [page 1-40, Environmental Impact HYD-2]

Response to Comment B39-32

This comment correctly summarizes the discussion under Impact HYD-2, Operation-Related Impacts, on pages IV.G-17 and IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-33

- f.

- i. There are no data or statements regarding how runoff and groundwater effects from the current design of Snowcreek V will be accounted for in retention basin design.**

Response to Comment B39-33

As stated in the discussion under Impact HYD-2, Operation-Related Impacts, on pages IV.G-17 and IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR, the proposed retention basins along Old Mammoth Road have been sized to retain and infiltrate runoff from the residential/commercial areas within the Project as well as runoff from other prior off-site developments which are tributary to these basins. Offsite runoff will include runoff from Snowcreek V. Figure IV.G-2 on page IV.G-6 of Section IV.G (Hydrology and Water Quality) in the Draft EIR displays the retention basins.

Comment B39-34

- ii. There are statements or data indicating that the retention basin design will take into account changes made in Snowcreek V drainage systems to deal with the current runoff/overflow problems.**

Response to Comment B39-34

As discussed on page 5 of the Preliminary Drainage Study included as Appendix G to the Draft EIR, a new retention / infiltration system shall be installed south of Old Mammoth Rd and west of Sherwin Creek Rd as shown in Figure 4, Appendix A to the Preliminary Drainage Study. The preliminary design includes an existing basin and 6 new basins with spillways. The present location for stormwater retention is less than ideal in heavy runoff years as a portion of fairway #9 can be flooded, impacting golf play. The Project proposes to reduce the stormwater retention in this existing basin to approximately 71,200 cubic feet (cf). The series of six unlined basins, as shown in Figure 4, Appendix A to the Preliminary Drainage Study, shall provide 262,440 cf of retention/infiltration storage. The total capacity is approximately 333,600 cf. When full, the basins will be a golf “water hazard” on the course, but will not impact normal golf hole landing areas. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-35

- iii. Chadmar is responsible for the inadequate design construction and maintenance of the drainage system for Snowcreek V. Chadmar must pay for the**

investigation design and construction to relieve the present drainage problems at Snowcreek V.

Response to Comment B39-35

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns the remediation of drainage problems at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs, care would be given to not add to the existing problems and to avoid creating similar issues with the Project.

Comment B39-36

- iv. High runoff rates will occur in years of heavy snowfall which are also periods of high groundwater.**

Response to Comment B39-36

This comment makes a general statement regarding runoff rates in periods of high groundwater, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-37

- v. The design for Snowcreek V did not anticipate groundwater as high as 2' bgs [sic]. Groundwater that high would invade the retention basin diminishing its water holding capacity.**

There are statements or data to indicate that groundwater invasion of the proposed been accounted for in design of the proposed retention basin? [sic]

Response to Comment B39-37

Infiltration facilities included in the Project will be designed as required by RWQCB and the Town. The Preliminary Drainage Study (Appendix G to the Draft EIR) does not take into consideration the

requirement of concurrent infiltration during the storm/collection period. Facilities have been preliminarily sized for full containment as required by RWQCB and the Town. Therefore, the infiltration can occur in the non-concurrent period when the stormwater event is over. Where concurrent is defined as “during a storm water event” and non-concurrent is defined as “at a time not during a storm event”

With respect to elevations of the Project site and groundwater levels, see Response to Comment B26-7. Additionally, as indicated on page 4 of the Preliminary Geotechnical Report included as Appendix F to the Draft EIR, for this site there are many areas that have significantly lower than 2’ bgs ground saturation levels.

Comment B39-38

- vi. Storm water infiltration is not feasible under conditions of groundwater this high. Chadmar must account for the storm water and general runoff conditions including those of Snowcreek V to adequately deal with these issues.**

Response to Comment B39-38

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Response to Comment B39-37.

Comment B39-39

- g. The EIR states that the direction of runoff will compensate for decreased groundwater infiltration due to increase in the size of impervious surfaces.
- i. Runoff will flow downhill away from the areas with impervious surfaces and therefore cannot recharge those areas. This means that recharge will occur in different locations than occurs at present. [page I-40, Environmental Impact HYD-2]

The EIR states that these changes will not be significant but offers no proof. Chadmar needs to provide proof of this statement. There is no statement of how "not significant" is defined. "Not significant [sic] must be defined.

Response to Comment B39-39

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

As indicated in the Preliminary Geotechnical Report included as Appendix F to the Draft EIR, there is a basalt layer below the surface of the project site that contains the surface saturation. Since this is not directly connected to the actual water table, a slight revision to the location of infiltration will not have a direct correlation to the water table. It is possible that the location of the recharge would not be affected at all.

Comment B39-40

2. Table 1, Mitigation Measure Section HYD-2 Groundwater Depletion or Recharge page I-40.

- a. All underground structure shall be designed with exterior wall drain boards to a footing drain system well as underslab subdrains.

This is much more extensive than was used in Snowcreek V, which is a tacit admission that the drainage systems in Snowcreek V are inadequate. These types of controls were specified for Snowcreek V, but were never enforced by the inspectors. This must be enforced and retrofitted for Snowcreek V as part of the EIR approval process.

Response to Comment B39-40

This comment concerns drainage systems at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-41

- b. Crawl Spaces shall be protected with proper ventilation and subdrains.

This was not done at Snowcreek V and is a tacit admission that the SnowcreekV [sic] designs are inadequate. Chadmar must bring Snowcreek V up to these same standards.

Response to Comment B39-41

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns design standards at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-42

- c. The system will be designed such that subdrain.... outlet systems ... have maximum water surface elevations lower than the bottom of the subdrains to insure that subdrains will not be inundated when retention basins reach capacity.
- i. **Chadmar needs to state what groundwater monitoring or measurements will be used to insure that the building subdrain outlets will be above the high groundwater levels.**

Response to Comment B39-42

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

The design of the building subdrains in the Project will follow the direction provided by the Preliminary Geotechnical Report included as Appendix F to the Draft EIR. This report identifies locations where the ground saturation level is well below the 2- foot depth.

Comment B39-43

- ii. In some locations in Snowcreek V the groundwater surface daylights and groundwater flows out of the ground.

Chadmar's redesigned drainage system must adequately deal with this.

Response to Comment B39-43

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns groundwater at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-44

- iii. The lower portion of Fairway 1 in Snowcreek V has overflowed when the storm drain system has filled. This demonstrates that the Snowcreek V drainage system is not adequate for runoff. Chadmar must correct this before construction and design of

Snowcreek VIII drainage system can be adequately designed to meet the demands it will face.

Response to Comment B39-44

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Response to Comment B39-34.

Comment B39-45

- iv. High rates of runoff are going to occur during periods of high groundwater. The EIR states that-groundwater can be as high as 2' bgs and the excess water will be disposed of by infiltration in drainage basins. This information shows that there may be as little as 2' of soil above the groundwater to accommodate the large mass of runoff water.

Chadmar must show how this will be accomplished.

Response to Comment B39-45

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Response to Comment B39-37.

Comment B39-46

- v. Subdrain design shall be based on final project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes.

The drainage system will be confined to an area as thin as two feet above the groundwater surface (vadose zone). The drainage system will carry water lower in the drainage basin where the vadose zone is likely to be smaller further reducing retention basin capacity. Chadmar must prove the retention basins will have adequate capacity.

- 1. In order to increase the volume of the retention basins in limited vertical space the basins must cover larger surface areas. This will leave less space for housing units decreasing the profitability of the project.

- a. During the development of the earlier phases of Snowcreek there were three ponds to function as retention basins. These ponds disappeared during the design process and were replaced with housing units. In a letter dated October 16, 1989 Triad Engineering asked Dempsey Construction what was going to be done to replace this lost capacity. The documentation provided to the Snowcreek V Homeowners Association [sic] (BOA) provides no proof that question was ever answered. The current EIR process must ensure this doesn't happen again.

Response to Comment B39-46

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns the design process related to retention basins at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-47

3. [Mitigation Measure HYD-4 Drainage System Capacity page 1-42] Routine maintenance includes cleaning of grates, drain pipes, maintenance of outlet facilities and retention basins. Related costs should be included in the HOA operating expenses and reserves.

**This was not done in SnowcreekV, How does Chadmar propose to correct for this omission?
Will Triad provide topographic maps of the meadow?**

Response to Comment B39-47

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns maintenance of storm drainage facilities that is the responsibility of Snowcreek V Homeowners Association (HOA), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-48

4. There is an error in Table III-I page III-3, which states that there were 144 units in Snowcreek V-2 completed in 1997 when there were 146 units.

Response to Comment B39-48

The comment states that a two-unit error was made in Table III-1 of Section III (Project Description) in the Draft EIR. The purpose of Table III-1 is to provide the public with a general sense of the history of the Snowcreek development. No impact determinations were based on the content of Table III-1. Thus, no impact findings in the Draft EIR would be affected as a result of this error. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-49

5. The General NPDES Permit requires dischargers to:
 - a. Eliminate or reduce non-storm water discharges to storm sewer system and other waters of the nation [page VI.G-9];

Is this required for Snowcreek V? If so Chadmar must meet these requirements prior to building Snowcreek VIII.

Response to Comment B39-49

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

The General NPDES Permit referenced in the comment is a construction permit. The non-storm discharges it references include discharges such as irrigation runoff, sediment from construction site erosion, and spilled construction materials. This NPDES requirement applied only to the construction phase of Snowcreek V.

Comment B39-50

- b. Perform inspections of storm water pollution prevention measures (control practices, page IV.G-10).

We have no record that this was done for Snowcreek V although the SWPPP for Snowcreek V Phases 11-14 dated March 1999 stated it would be done. Chadmar must

provide maintenance procedures and bring the storm drainage facilities into compliance with the general permit.

Response to Comment B39-50

See Response to Comment B39-49. Once a project is complete, unless another agency has taken responsibility, the requirement for routine maintenance of stormwater pollution prevention BMPs falls on the HOA. Whether or not the Snowcreek V HOA has performed its maintenance to the storm drainage facilities does not indicate a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-51

6. The town will develop a snow removal and storage plan (page IV.H-28).

Is this also required for Snowcreek V? This must consider snowmelt runoff and infiltration effects on groundwater elevations.

Response to Comment B39-51

This comment concerns a Snow Management Plan for Snowcreek V (which was not required at the time of that project), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-52

7. Wisely manage natural and historic drainage patterns. (page IV.H-61).....However, the project would incorporate measures as described by the Lahontan Regional Board during and after construction to manage runoff from the project site.
- a. This is what Chadmar (Dempsey Construction) said for Snowcreek V but it wasn't done. For example in a letter dated October 16, 1989 Triad Engineering asked Dempsey Construction what was going to be done to replace this lost storm water retention and infiltration capacity when three ponds were eliminated to increase the number of housing units. The documentation provided to the HOA provided no proof that question was ever answered or dealt with. The current EIR process must ensure that Chadmar corrects that short coming.**

Response to Comment B39-52

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns the management of natural and historic drainage patterns at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-53

8. Snow management (page IV.H-64) All [sic] development shall provide and maintain adequate on-site snow storage or maintain a Town-approved snow hauling program.

This was not done for Snowcreek V and is a tacit admission that what was done at Snowcreek V was not adequate. Chadmar must correct this short coming before Snowcreek VIII construction begins.

Response to Comment B39-53

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns a Snow Management Plan for Snowcreek V (which was not required at the time of that project), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-54

- a. The management of snow at the Project site would be the sole responsibility of the Snowcreek property owners or their designated representative association.

This was stated for Snowcreek V, but the homeowners association states that they were never notified of this. If Chadmar disputes this can Chadmar produce any documentation proving that they notified the Home Owners Association of these conditions. [sic]

Response to Comment B39-54

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses concern regarding snow management at Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. The statement that the management of snow at the Project site would be the sole responsibility of Snowcreek property owners or their designated representative association can be found on page IV.K-18 of Section IV.K (Public Services) in the Draft EIR.

Comment B39-55

9. Impact PS-9 Snow Removal Services (Page IV.K-18). Management of snow on the project site is the sole responsibility of Snowcreek property owners.

The Snowcreek VIII property owners must be required to maintain access to Snowcreek V at all times.

Response to Comment B39-55

This comment concerns access to Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-56

10. In the past 30-years [sic] below average precipitation has occurred in 50% of those years. In 30% of those years, seasons with less than 70% of average occurred. Greatest water use occurs in the summer due to landscape irrigation. Surface water availability is affected by precipitation more than anything else. [page IV.N-14]

This indicates that the greatest need for irrigation will occur during the driest years when water is in the shortest supply. More people will increase the impacts of drought. Chadmar must provide Snowcreek V capacity to meet these conditions in light of increasing future demand for Snowcreek V before construction of Snowcreek VIII is allowed to begin.

Response to Comment B39-56

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment identifies information about the historic water conditions of the area, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-57

[Technical Appendices Volume: Appendix B Response to the NOP and EIR Scoping Meeting Comments Received Section (Page 7 of that section) [sic] Comments from Ted Stern on behalf of Snowcreek V Fairway Homes II Owners Association Board

- a. Determine groundwater management requirements of Mammoth Meadows to include both Snowcreek V & VIII and suggests that corrections to surface and subsurface groundwater deficiencies in Snowcreek V and the meadow be a prerequisite for further development.**
- b. Determine requirements for snow storage within the proposed development to accommodate needs of Snowcreek V.**
- c. Determine requirements for maintenance and storage space within Snowcreek VII to accommodate needs of Snowcreek V.**

Response to Comment B39-57

Snowcreek V is not a part of the Project and therefore any groundwater management issues involving that property must be addressed outside of this EIR process, particularly since Snowcreek V is located upgradient of the Project site and is therefore not subject to cumulative groundwater impacts associated with the project. The comment concerning "subsurface groundwater deficiencies" on the Project site is speculative and unclear. See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters) and Response to Comment B39-23. In addition, see Responses to Comments B8-2 and B25-6 with regards to snow management.

Comment B39-58

11. The foremost method of avoidance and minimized impact to watersheds from [sic] urban development t [sic] is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions thereby managing runoff

as close to the source as possible. [Appendix B Page 3 of a letter dated December 4, 2006 from the Regional Board to the Town of Mammoth Lakes Community Development Comments on NOP of EIR for proposed 2006 Revised Snowcreek Master Plan]

- i. The infiltration design must contain enough volume to accommodate high runoff volumes during periods of high groundwater.**
- ii. If the infiltration basins cannot contain enough water to accommodate runoff what acceptable alternatives must be provided. [sic]**

Response to Comment B39-58

This comment is concerned with the infiltration design and whether it can accommodate high runoff volumes, and, if not, requests acceptable alternatives. Infiltration facilities included in the Project would be designed as required by RWQCB and the Town. Facilities have been preliminarily sized for full containment as required by RWQCB and the Town. See Response to Comment B39-37.

Comment B39-59

12. Preliminary Geotechnical Investigation (Appendix F).

- i. Not reviewed.

Response to Comment B39-59

This comment confirms that the commenter did not review the Preliminary Geotechnical Investigation, included in Appendix F to the Draft EIR. No response is required.

Comment B39-60

13. Preliminary Drainage study, Snowcreek VIII [sic] Mammoth Lakes, Mono County, California. [Technical Appendices Volume: Appendix G]

- i. Section 1 – Project [page1]
 1. The modified golf course is not anticipated to require major recontouring. Off-site runoff is also included from Snowcreek VI & VII plus many other developed and undeveloped areas.

a. Why doesn't this include Snowcreek V?

Response to Comment B39-60

Snowcreek V is not directly tributary to the Project area. Snowcreek V is directly tributary to the existing Golf Course lakes. This flow is taken into consideration in the Preliminary Drainage Study attached as Appendix F to the Draft EIR.

Comment B39-61

ii. Section 2 – Observations [page 2]

1. Run off from large storms reaches Mammoth Creek.

- a. Are there water quality management requirements such as sampling and monitoring required because of the release to Mammoth Creek?
- b. If so Chadmar must pay the cost.
- c. Does Chadmar plan on turning responsibility for this program over to home owners, and if so, when?

Response to Comment B39-61

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

The RWQCB retains the authority to require the implementation of a sampling/monitoring program for Mammoth Creek. At this time, the need for such a program has not been determined. To date, such sampling or monitoring requirements have not been placed by the RWQCB on any projects in the vicinity of the Project site.

Comment B39-62

iii. The storm water runoff was calculated using the Town of Mammoth Lakes Design Manual 1984 “Procedure A.” [page 3]

1. The manual was written by Triad Engineering and Brown & Caldwell.

Response to Comment B39-62

This comment concerns the authors of the Town of Mammoth Lakes Design Manual 1984 “Procedure A”, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation

measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B39-63

iv. Section 4 – Design Methods and Assumptions [page 3]

The on-site conveyance systems are designed to convey a storm of 20-year intensity as designed by the 1984 Design manual. This is not adequate as shown by the statement in the second paragraph of section 5 [page 4] that the off-site conveyance systems will be designed for a 100-year storm.

a. The 1981 EIR did not address off-site drainage issues.

i. However in Appendix A of the 1981 EIR the Kleinfelder report “Preliminary Investigation of the South Meadows Area, Snowcreek Development, Mammoth Lakes, California, dated September 30, 1980 contains the following:

1. The Hydrology section recommends dealing with the 3 sources of water, sheet flow on the ground surface, seepage from the irrigation ditches, and groundwater from sands 2 to 7’ below the surface. Their ideas are appropriate initial thoughts on the situation in the Snowcreek development area.

2. All of these issues off-site drainage issues [sic] affect the Snowcreek V site and none were dealt with by Chadmar. These omissions must be corrected by Chadmar before construction of Snowcreek VIII can begin.

ii. The statement that 100-year storm is tacit admission that Snowcreek V protections from off-site drain was not adequate. [sic]

ii.[sic] Chadmar must correct these issues in Snowcreek V before construction of Snowcreek VII [sic] can begin.

Response to Comment B39-63

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

See Response to Comment B39-26. The 1981 EIR was completed before the requirements of the Town had been created.

Comment B39-64

- v. **The initial conclusion is that perforated pipe is not recommended as the primary drainage conveyance because it could increase groundwater and have a negative effect on building foundations. The recommendations could be revised [page 4].**
 - 1. **Chadmar needs to define what would cause perforated pipe to be used.**
 - 2. **The HOA has no information indicating if perforated pipe was used in Snowcreek V. If it was used in Snowcreek V this is a tacit admission that the system used for Snowcreek V was inadequate.**
 - a. **Chadmar must correct this inadequate design if it exists before construction begins on Snowcreek VIII.**

Response to Comment B39-64

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

As indicated on page 4 of the Preliminary Drainage Study included as Appendix G to the Draft EIR, the 1984 Mammoth Lakes Master Plan indicates that perforated pipe may be used for runoff conveyance. At this preliminary stage of design perforated pipes are not recommended since additional infiltration could increase the amount of ground water and have a negative effect on building foundations. This recommendation could be revised depending upon additional information learned during the design process. Perforated Pipe is used extensively for storm drainage solutions and its use may be reconsidered for the Project prior to final design of the Project's drainage system. Snowcreek V is a separate approved and developed project. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction, are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems.

Comment B39-65

- vi. **Section 5 – Off Site Drainage Tributary to Residential /Commercial Site [page 4]**

The conveyance system will be designed for a storm of 100-year intensity.

- 1. **This is a tacit admission that the 20-year storm supposedly used in Snowcreek V is inadequate design criteria.**
- 2. **Off-site drainage issues were not dealt with at all in the 1981 EIR.**

3. Chadmar must correct these inadequate designs in Snowcreek V before construction begins on Snowcreek VIII.

Response to Comment B39-65

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses concern with the inadequate design of the conveyance system. The 20-year intensity storm requirement was the design criteria at the time of the design for Snowcreek V for management of stormwater runoff generated on-site. The 100-year criterion is for conveying off-site runoff through an existing site. See Response to Comment B39-26.

Comment B39-66

vii. The retention basins [page 5]

- 1. The retention basins must be designed with sufficient capacity for the 100-year storms runoff from Snowcreek V at a minimum. This will still likely be inadequate as calculations show runoff from off site sources into Snowcreek V could exceed 50 million cubic feet of water a year.**
 - a. What criteria would be used to justify retention basins that did not have this capacity. [sic]**
 - b. Selection of a 100-year storm capacity is tacit admission that the 20-year storm used in Snowcreek V is inadequate design criteria.**
 - i. This inadequate design for Snowcreek V must be repaired by Chadmar before the construction of Snowcreek VIII begins.? [sic]**
 - ii. Who will decide the final size of the retention basins And [sic] what criteria will be used for selection of final size of the retention basin.?**

Response to Comment B39-66

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses concern with the sufficiency of the 100-year storm runoff capacity. The 100-year criterion is for conveying off-site runoff through an existing site. See Response to Comment B39-26.

Comment B39-67

2. Section 6-On site Drainage within the Residential / Commercial Site (page 5)

The retention basins must be designed for shallow groundwater up to within 2 feet bgs.

- a. **If this criteria creates retention basins that are too large to be feasible, what alternatives will be used?**

Response to Comment B39-67

Project retention basins will be designed for the sites in which they are placed. While there may be ground saturation conditions as high as 2 feet during times of high irrigation in certain areas, other locations on the site have ground saturations below 8 feet. All of these factors will be taken into consideration during the final design process.

Comment B39-68

3. Section 7 – Retention / Infiltration System for Residential / Commercial Site (page 5)

- a. **Snowcreek V is not included in the list of surrounding sites included in the capacity calculations. How can the calculations be considered valid if runoff from Snowcreek V is not included?**

- i. **Will Snowcreek V be included in the capacity of the retention basins?**

- ii. **If not why not?**

- b. **Retention basins must be designed for shallow groundwater up to within 2 feet bgs? [sic]**

- c. **If these criteria creates [sic] retention basins that are too large to be feasibly what alternatives will be used.**

Response to Comment B39-68

See Response to Comment B39-67. As required by the Town of Mammoth Lakes Storm Drainage Manual and Design Manual, drainage facilities in the proposed project will be designed to handle all of the stormwater that enters the facilities consistent with applicable design storms.

Comment B39-69

4. Section 8 – Golf Course Expansion (page 6)

- a. Portions of the golf course expansion are at elevations higher than Snowcreek V. What ensures that drainage from the golf course expansion will not drain into Snowcreek V?**

Response to Comment B39-69

The Project would be developed at an elevation (approximately 7,875 average mean sea level [amsl]) well below that of the existing Snowcreek V development (approximately 7,890 amsl at the lower end). As indicated on the offsite drainage map in Appendix A, sheet 3 of 5 to the Preliminary Drainage Study included as Appendix G to the Draft EIR, runoff from this portion of the golf course would be directed away from Snowcreek V.

Comment B39-70

5. Section 9 – Sub-drainage (page 7)

- a. All facilities including underground structures, parking garages, basements, under slabs and crawl spaces shall be protected from snow pack melt and seasonal high groundwater.**
- b. This was not done for Snowcreek V.**
- i. Chadmar must pay for correcting these problems at Snowcreek V.**
- c. Sub drains will be designed with outlet systems that have maximum water surface elevations lower than [sic] the bottom elevations of the subdrains to insure that subdrains cannot be inundated by the outlet systems.**
- i. Will this design ensure that constant drainage will occur when groundwater is 2 feet bgs?**

1. If not why not?
2. If not what will ensure that drainage continues when runoff rates and groundwater levels are both high simultaneously which will frequently be the case during high snow fall years?

Response to Comment B39-70

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P. Any existing problems within the existing Snowcreek V, developed by Dempsey Construction are not due to impacts created by the Project and are outside the scope of this EIR. The Project is not required to correct these problems. However, as development of the Project occurs care would be given so as not to add to the existing problems, and so as to avoid creating similar issues with the Project.

The elevation differential across Snowcreek V through Snowcreek VIII and the golf course is over 80 feet. Whether or not the groundwater level is high, the prevailing fall across these properties is significant. The preliminary drainage design for the Project has been developed to avoid dam effects or bathtubs. Where the definition of dam effects or bathtubs is “areas where water will collect and cannot escape without providing subsurface drainage facilities.” See Response to Comment B26-7.

Comment B39-71

6. Section 10 – Summary & Conclusion (page 8)
 - a. Collection and conveyance systems shall have capacity for 100-year storms for off-site tributary areas and 20-year storms for on-site tributary areas.
 - b. There were no mitigation measures taken for off-site runoff on entering the Snowcreek V site. Chadmar must pay for correcting this before construction of Snowcreek VIII proceeds.

Response to Comment B39-71

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment concerns mitigation measures for Snowcreek V, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B40

Wilma Wheeler

Comment B40-1

Dear Jen Daugherty, Please accept my comments on the subject Draft EIR. Thank you.

Response to Comment B40-1

This comment introduces ensuing comments, which are addressed in Responses to Comments B40-2 through B40-10, below.

Comment B40-2

I believe the project draft EIR is not adequate for many reasons. This proposed development is huge and will have a significant effort [sic] on the Town of Mammoth Lakes if it goes forth.

Response to Comment B40-2

This comment states that the EIR is inadequate and will have a significant effect, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B40-3

It has many unsubstantiated statements regarding water supply, stating that increased permanent population (approximately 11,460 people) is less than significant, etc. A fairly recent California state law states that any development of projected population over 500 much [sic] have evidence of a sufficient water supply. That requirement is not met in this Draft EIR.

Response to Comment B40-3

It is unclear which state law the commenter is referring to. However, it is assumed the commenter is referring to Senate Bill (SB) 610 and SB 211. Senate Bill (SB) 610 and SB 221 amended State law in January 2002 to facilitate the exchange of water supply availability information during the planning processes of certain developments. SB 610, which requires water supply assessments (WSA) to be furnished to local governments for inclusion in the environmental documentation for certain projects, primarily relates to the California Water Code. SB 221 requires an affirmative written verification of

sufficient water supply for the approval of certain projects. The WSA describes the relationship between projected demands on the Town's water supply and the availability of that supply under normal and dry years. The WSA is a comprehensive document, which is prepared to assist the Town Council in making decisions related to land use and is designed to assist in water supply planning efforts. Section 10912(a) of the California Water Code defines seven types of projects which are subject to the mandates of SB 610. The Project required a Water Supply Assessment because it proposes a residential development of more than 500 dwelling units. The WSA is included in Appendix L to the Draft EIR. The contents of the WSA were used to prepare the Utilities – Water Supply Section IV.N of the Draft EIR. The WSA found that for the Project alone there is a sufficient water supply, but there would not be enough water during dry years when the Project is combined with other reasonably foreseeable projects proposed to be built in the Town. However, Town General Plan Policy R.4.A states that the Town shall work with Mammoth Community Water District (MCWD) to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. The Project is required to comply with this policy. See Response to Comment B17-7.

Comment B40-4

A population increase of 11,460 permanent resident [sic] is significantly more than present population. How could more than doubling the current population not significant affect the town and the surrounding public lands?

Response to Comment B40-4

As stated on page IV.J-8 of Section IV.J (Population & Housing) in the Draft EIR, the reasonably-foreseeable residential projects proposed to be built in the Town would total approximately 3,674 residential units that would accommodate a population of approximately 8,900 persons. When combined with the Project's 1,050 units and estimated population of 2,562 persons, cumulative residential development amounts to approximately 4,724 units and approximately 11,462 persons. By 2024, development of the Project in conjunction with the applicable related projects would account for approximately 28 percent of the 16,710 anticipated housing units and for approximately 19 percent of the 60,700 anticipated total population. It is because this population increase has been accounted for by the Town in their long range development plans that the impact is considered to be less than significant.

Comment B40-5

The proposed building height of 120 feet for the hotel is grossly out of character for this town and will adversely affect the view shed and observing the night sky. The Draft EIR failed to analyze this.

Response to Comment B40-5

This comment suggests the analysis of the Project's proposed Hotel of up to 120 feet was not included in the Draft EIR with regards to its impacts on the view and the night sky. See pages IV.B-35 through IV.B-50 of Section IV.B (Aesthetics) in the Draft EIR, which include a detailed discussion of impacts to public views and scenic vistas in and around the Town. In addition, page IV.B-55 of Section IV.B (Aesthetics) in the Draft EIR includes a discussion of the light and glare impacts, including impacts to the night sky, as a result of development of the Project.

Comment B40-6

There is a land covenant on 94 acres of land proposed for the second nine holes of Snowcreek golf course. Is the proposed Outfitters Cabin an allowed use under the covenant?

Response to Comment B40-6

The land covenant, as provided in Appendix K to the Draft EIR, allows recreational uses such as the Outfitters' Cabin. See Response to Comment B32-23.

Comment B40-7

There was also an agreement that the golf course would limit the use of pesticides and fertilizers.

Response to Comment B40-7

This comment is referring to Conditional Use Permit 88-19 which was issued for the existing nine hole golf course for Snowcreek. Condition of approval 4 states, "[t]he use of fertilizers, pesticides, and weed control chemicals shall be carefully controlled and shall comply with the requirements of the Lahontan RWQCB and the Soil Conservation Service. The golf course operator shall submit to the RWQCB and to the MCWD a list of chemicals to be used on the golf course. This list shall be updated annually, before any chemicals are applied, and at any time new chemicals are proposed for use. No chemicals shall be used on the golf course which are prohibited by the RWQCB or the Department of Health Services. During periods when fertilizers and other chemicals are used watering shall be kept to a minimum." The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment B40-8

Does the developer plan to abide by the negotiated agreement, which stated that no residences can be built on that land or retail businesses not directly associated with the golf course, [sic] is allowed? The land acquired from the Forest Service in a land exchange is to remain open space by the terms of the covenant.

Response to Comment B40-8

The comment is concerned with whether the developer will abide by the covenant affecting a portion of the Project. As described on page III-10 of Section III (Project Description) and elsewhere in the Draft EIR, the 2005 Land Exchange between the United States Forest Service (USFS) and the Snowcreek Investment Company resulted in the acquisition of 94 acres from the USFS for golf course/recreation use. After the 2005 Land Exchange, Snowcreek Investment Company entered into a covenant with the Town that protected the exchange parcel from being developed with residential housing, commercial lodging, transient occupancy, or being further subdivided as this land is outside of the Town's Urban Growth Boundary. The covenant was initiated as a part of the 2005 Land Exchange process, and is monitored by the Eastern Sierra Land Trust. This is illustrated in Figure III-3 (Parcel Map of Project Site showing Land Exchange Boundary) on page III-13 and in Figure III-4 (Illustrated Conceptual Site Plan) on page III-17 of Section III (Project Description) in the Draft EIR. The Project as proposed is consistent with the covenant. See Response to Comment B32-23.

Comment B40-9

It also seems that the Draft EIR counts the 94 acres of the land covered by a covenant in the density in the Land Use and section. Those acres can't be included in the density calculations.

Response to Comment B40-9

The density calculation can be found on page IV.H-13 of the Draft EIR. Overall housing density for the Project would be approximately 7.35 dwelling units/acre (1,050 dwelling units/143 acres). The entire project site is approximately 237 acres; 143 acres is determined by subtracting the 94 acres acquired through the 2005 Land Exchange which does not permit residential units from the Project's total 237 acres. In other words, the 94 acre 2005 Land Exchange parcel is not included in the density calculations. See Response to Comment 32-80.

Comment B40-10

This is just a small sample of the inadequacies of the Draft Environment Impact Report for Snowcreek VIII.

The Draft EIR should be withdrawn; [sic] the deficiencies corrected and a new Draft EIR submitted for public review.

Response to Comment B40-10

This comment states that the Draft EIR should be revised and recirculated based on the preceding comments, but does not state a specific concern or question regarding the sufficiency of the analysis or

mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Comment Letter B41

Thomas Heller

Comment B41-1

Page III-11 Project Description: The Sherwin Bowl (Snowcreek) Ski Area was a large component of the original Snowcreek Village concept. Included in the original project description was the expansion of the golf course to an 18 hole feature, so that should not be used in this document as a substitute recreational amenity. The Village was going to provide the bed base for both recreational features in the original plan. Without the 6-8,000 SAOT that the ski area was to provide, the winter recreation numbers are off kilter and the need for the Snowcreek Village to buildout to its full numbers is somewhat in question.

Response to Comment B41-1

This comment expresses an opinion about the size of the Project as compared to the previous Snowcreek Master Plan, but does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Response to Oral Comments from Planning Commission Meeting

Comment TS-1

John Walter 240 Mammoth Hills Drive: I'm curious of where the district planning on this. This is a big project, we know it's been in the works a long time before the General Plan, but it would seem to me that this one cries out. Almost all this district is on one person's land, it's still part of the Town and it should be part of the district planning process. There should be lots input [unintelligible] And things like that going on, what the Town really wants in this area, the public of the Town, not just staff and applicant cooking up what they think is best for the Town.

Response to Comment TS-1

This comment expresses an opinion about the district planning process in the Town, but does not indicate any deficiency or question about the adequacy of the Draft EIR's analysis. The comment will be forwarded to the applicant and the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-2

Nancy Peterson Walter: The most important site of cultural significance in the report is Mono 3, a village site recorded over fifty years ago by Nelson Leonard, this site is referenced as large and significant, with great potential for subsurface material as well as buried historic material, and despite what has happened across the road to the north, the specific area relevant to this report is still true. We have no idea for this large village site where the burials are, and all that needs to happen is to find two burials, and we have a cemetery, and all the plan in the EIR becomes moot, because all work stopping has to happen. And there should have been times when work stoppage should have happened with material to the north, but did not.

Response to Comment TS-2

This comment concerns the unknown location of burials on site CA-MNO-3 and states that if burials are encountered, the EIR becomes “moot”. Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code §7050.5, Public Resources Code §5097.98 and the California Code of Regulations §15064.5(e) (CEQA) and are included in Mitigation Measure CULT-2d. Mitigation Measures CULT-2a through CULT-2f as described on pages IV.E-11 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8, and A6-9 acknowledge and provide a course of action for the potential to encounter previously unrecorded cultural resources including human remains and previously unrecorded features within CA-MNO-3. The Town will be responsible for the enforcement of these measures, as illustrated in Section IV (MMP) of the Final EIR. Enactment and enforcement of these measures will ensure the proper treatment of any such resources, should they be encountered.

Comment TS-3

There was supposed to be monitoring done with the site north of old mammoth road, and I have driven past that several times a week...I find utility connections going in, and monitors are not there. It's an area with a tremendous amount of resources. There were no monitors there, just construction crew. At one point, when archeology was being done, I stopped and asked the crew where the monitors were, and they said oh, all those lazy people, they don't really know how to dig. They did not know they were talking to someone who has done work in this field. I did not bother to tell them.

Response to Comment TS-3

The commenter is referring to a separate approved project (e.g., Snowcreek VII) that is not the subject this of this EIR. This comment states that commenter has witnessed construction occurring without monitors at that Project site, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Mitigation Measures CULT-2a through CULT-2f as described on pages IV.E-11 through IV.E-12 of Section IV.E (Cultural Resources) in the Draft EIR and revised according to Responses to Comments A1-1, A6-8 and A6-9 provide a course of action including archaeological and Native American monitoring for ground-disturbing construction activities will ensure adequate monitoring for this Project.

Comment TS-4

Commissioner Barrett and I proposed in the nineties, to the town council, a- the establishment of a commission to look into historic and cultural resources. The town council turned us down. It would have prevented something like this from occurring. It should be clear that mitigation measures must apply to all the project area, including the golf course, and other auxiliary facilities, such as the store, interpretive center, and outfitter buildings.

Response to Comment TS-4

Cultural resource mitigation measures have been revised to include Native American Monitors during the construction of the Project and to include the cultural resource awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities. Proper cultural resources awareness training will facilitate the protocol for bringing in the appropriate monitors as designated in Mitigation Measure CULT-1 to the portions of the Project site with unknown cultural resources if cultural resources are found. See Responses to Comments A1-1 and A6-4.

Comment TS-5

There are times when a project this important may require consultation with other anthropologists who work in the area, who are familiar with the various types of habitation, variety of sites, differences in work areas, as well as material that may be obsidian, that may be Queen Bodi or Casa Diablo sources, and in talking with several people throughout the state, throughout the last couple of weeks, this site is still eligible for the National Register of Historic Places, which would make construction in or near it a moot point. I feel that the EIR needs to address several issues it has not addressed and also that the Town in its planning, needs to consider the fact that there are resources available to it that will help. We don't have to have the Paiute finding out indirectly that material has been found and or hauled off. We don't need as professional people construction workers telling us that we don't know, we don't understand, and I really resent that.

Response to Comment TS-5

This comment suggests that consultation with anthropologists with different specialties may be necessary and correctly notes that the site is eligible for NRHP listing. Ethnography studies are not generally required because CEQA is concerned about impacts on the physical environment, including cultural resources such as Native American and archeological resources, and an ethnography study would not

shed any light on those resources beyond what is included in the EIR and what may be encountered during ground disturbing activities. The Cultural Resources Study prepared for this Project relied on previously prepared ethnography studies as shown on pages 7 and 8 in Appendix E of the Draft EIR. See Response to Comment A6-3.

Comment TS-6

Bruce Woodward: I don't feel that this project, this area, falls under the district plan requirements. This district, it's one single plan, and if it's the district, we have one guy building it...I think the district plan is set up for, probably to make the whole area work together...that's the point of, one [unintelligible], one project, is to make it all work together.

Response to Comment TS-6

This comment expresses an opinion about the district planning process in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-7

I think that there's some, some earlier comments that I don't think are, are necessarily correct, in my opinion. Um, one is that the um, the construction workers I don't think are the low-paid people that everyone thinks they are. I think that the service industry people who will work at the hotels... the Hispanic population certainly makes a lot less money than construction workers do in this town. So, bringing more construction workers to town is not putting a hardship on the town, there's income in the town to pay off those people.

Response to Comment TS-7

This comment expresses an opinion about construction workers and service industry staff, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-8

And I also think that housing the construction workers, I think there are a number of landlords in town at this time who would gladly have 200, 300 additional people because they're, right now, and this is a condition now, and it may change in the future, but right now, that's...our occupancies are extremely low on projects that in the past have housed construction workers.

Response to Comment TS-8

This comment expresses opinion about the available housing for construction workers in the Town during shoulder seasons, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-9

So, but I guess my- the most important thing is the district planning issue. I think that it's important in all the areas where you have owners, different pieces of property, and it's necessary to pull them together to make that area work together, and I don't think that that's the case.

Response to Comment TS-9

This comment expresses an opinion about the district planning process in the Town, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-10

Gordon Alper for Mammoth Community Water District: Gordon Alper, speaking as director of the Mammoth Community Water District, um I've heard comments today about water supply and as no one comes to our meetings and no one's aware of the fact that the water district is committed to supplying the water necessary for what is approved to be built in the community of buildout...we're comfortable that we're going to be able to provide that. We have taken the Dry Creek project off of our projects because we feel we can supply the community with the needed water without it. We do have a reclaimed water project which we have approved and will be building next summer which we'll be supplying Sierra Star's water needs and we'll take them off of our roll system, and Chadmar has also committed to it, although we haven't finalized the agreement, to using reclaimed water for the golf course as well. These are supplies of well water which will no longer have to be provided to golf courses and will come from the Laurel Ponds which we have set up some time ago. We're presently modeling the underground aquifer system of the basin here, and we have a strong feeling that that will provide all of the water that we need in this community of buildout, and as a contingency we are presently doing some exploration in Dry Creek and we feel that in cooperation with Mammoth Mountain, we will be able to supply some water from that source, should we need it. We actually...the water district would be responding right to the EIR but seeing that your water supply referred to so often that, I would just uh, make the public a little more aware of what the water district is doing. Thanks.

Response to Comment TS-10

The commenter has incorrectly referred to the Project applicant as Chadmar. The correct Project applicant is the Snowcreek Investment Company, L.P.

This comment expresses an opinion about water supply available in the Mammoth Community Water District, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-11

Elizabeth Tenney: Thank you everyone again for comments, there were a few things that, in my reading of it, I hadn't focused on as well as you had, so thank you all [unintelligible] reading some [unintelligible] sections, um...my biggest concern is that it doesn't really seem to connect to the rest of the community, it looks like it's cutting Snowcreek V off.

Response to Comment TS-11

This comment expresses an opinion about the merits or a design feature of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-12

Um, I don't see, and unfortunately the EIR didn't have the depth to show me where the trails of the people staying there are going to get into the Forest Service access, or even where the trails of [unintelligible] etcetera are. That's a real concern that um, I had on it.

Response to Comment TS-12

Because this is a Master Plan and not a development review application for a specific building or structure, the details regarding the exact placement of trails and public access to the Inyo National Forest has not yet been determined. The Project is required to comply with all applicable General Plan policies regarding trails and public access, and comply with the Town's Trail System Plan as described on page IV.L-5 of Section IV.L (Recreation) in the Draft EIR. The Town will evaluate the Master Plan and development review application(s) for consistency with the General Plan policies including trails and public access. The routing of trails and public access that are needed on the site to satisfy the consistency requirement will be determined as part of the project approval by the Town. See Topical Response 2 (Project Details) and Topical Response 3 (Recreation).

Comment TS-13

I am also extremely concerned about the purpose of the market and interpretive center and the parking lot that covers three or four times the area of the two small buildings, and whether or not that cannot be somehow incorporated into the project, which then also makes it more forced into the community and Cesar Mammoth Creek corridor that we just said all through our general plan should be safe. I can't really, from my perspective as a person, as a resident, see why they would even put anything on that side.

Response to Comment TS-13

The commenter suggests that an alternative should be prepared that does not include a parking lot or create view impacts on the Project's development area north of Old Mammoth Road. Section VI (Alternatives to the Proposed Project) identifies four alternate options for development on the Project site. Three of the four alternatives do not propose development on the parcel north of Old Mammoth Road that the commenter is referring too. These include: Alternative A (No Project), Alternative B (Revised Site Plan), and Alternative C (Reduced Density).

Comment TS-14

Elizabeth Tenney: Same thing at 111. Significant and unavoidable changes in visual character...are we defining visual character not in terms of how we value it being good or bad, or defining visual character as being an open meadow versus a housing development...um I was unclear on that one.

Response to Comment TS-14

This comment poses a question about how visual character is defined, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Comment TS-15

Um, on page one-I don't know how I jumped...oh it also talks about how 166, under transportation, it talks about the worst impact would be the grading construction, and uh I wonder why that assumption is made because I think that they'll be other impacts as well.

Response to Comment TS-15

This comment refers to the discussion under Impact TRANS-10 in Table I-1 on page I-66 of Section I (Introduction/Summary) in the Draft EIR, which states that the grading phase would generate the highest volume of traffic when compared to all other construction phases. Traffic generated by the actual Project subsequent to construction (i.e., during occupancy) would be greater than traffic generated by the worst-

case construction phase and is analyzed in the traffic study, which is included in Appendix J to the Draft EIR.

Comment TS-16

Um, under birds on page 119, it talks about having a buffer from nesting zones, and yet one of the letters of comment suggested that all the areas where birds might nest be cut down, it was afraid that we weren't doing adequate protection for our wildlife...

Response to Comment TS-16

This comment suggests that the Project would remove all potential nesting habitat for birds on the site and that the Draft EIR does not provide adequate measures to protect wildlife. As discussed in Response to Comment B17-4, the Project was designed to preserve existing natural resources. For example, approximately 13 acres adjacent to Mammoth Creek would be preserved as open space (refer to Figure II-3 of the Draft EIR). Vegetation communities and wildlife habitats within the open space area provide potential nesting and foraging habitat for several bird species, as well as other species of wildlife. Preservation of these habitats, as well as implementation of the Mitigation Measure BIO-1c on page IV.D-64 and Mitigation Measure BIO-1d on page IV.D-65 of Section IV.D (Biological Resources) in the Draft EIR would assist in protecting birds during the breeding season. Also, implementation of the other mitigation measures prescribed in the Draft EIR (e.g., Mitigation Measure BIO-1b on page IV.D-63, Mitigation Measure BIO-1f on page IV.D-67, Mitigation Measure BIO-1g on page IV.D-67 of Section IV.D [Biological Resources]) would avoid, minimize, or otherwise offset potential Project impacts on other wildlife species. Mitigation measures prescribed in Section IV.D (Biological Resources) of the Draft EIR are accepted by the California Department of Fish and Game (CDFG) and other appropriate resource agencies, and require close coordination with these resource agencies to minimize Project impacts to wildlife.

Comment TS-17

Page 123 the plant list that we're using as a guideline...is not one of the County's plant lists incidentally one of the County's plant lists adopted formally by the Town of Mammoth Lakes.

Response to Comment TS-17

This comment suggests the plant list referenced in Table I-1 on page I-23 of Section I (Introduction/Summary) in the Draft EIR is not a plant list of Mono County but, rather a list adopted by the Town of Mammoth Lakes (Town). Two plant lists (*Plants that Thrive in Eastern Sierra Gardens* and the California Invasive Plant Inventory) are referenced within Mitigation Measure BIO-2b in Table I-1 on page I-23 of the Draft EIR. Assuming the commenter is referring to the list of *Plants that Thrive in the Eastern Sierra Gardens*, this list is referenced in the Town Design Guidelines (2004) on page 5-6 as

being prepared by Mono County and as a guide to plants that are adapted to the Eastern Sierra, although not all plants identified on the list may be appropriate for the Mammoth Lakes area. See Response to Comment B29-21.

Comment TS-18

On page 141, why aren't best management practices listed as mitigation measures, um, that's not specified.

Response to Comment TS-18

As discussed on page IV.G-18 of Section IV.G (Hydrology and Water Quality) in the Draft EIR, the required implementation of the BMPs in the Project's construction SWPPP would ensure that Project construction activities within the site would not cause substantial erosion or siltation on- or off-site. Additionally, no significant impacts pertaining to Project operation-generated erosion and siltation are anticipated to result from new development at the Project site. Thus, the Project would have a less-than-significant impact in terms of increasing on- or off-site erosion and siltation through the alteration of existing drainage patterns. Therefore, no mitigation measures are required.

Comment TS-19

On page 146 is another sentence I couldn't comprehend. It said they'll be no construction activities on days that residents are most sensitive to exterior noise. I have no idea what that means.

Response to Comment TS-19

See Topical Response 1 (Standards for Responses to Comments and Focus of Review of Commenters).

Comment TS-20

157, I question under "Rec-1" who determines that the project's recreational facilities are adequate? Just that assumption is made- who determines or did determine that? Same thing with Rec-3, assumptions about access to the Sherwins. Who decides that those access points have been enhanced or that they're adequate?

Response to Comment TS-20

This comment poses questions about who makes final determinations if the Project's recreational facilities are adequate, if access to the Sherwins is adequate or enhanced, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. A determination of significance under CEQA is made by the Town's independent environmental consultant, which is reviewed by staff. See Response to Comment B27a-13. The

comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The Town's Planning Commission and Town Council will ultimately make the decision on the Project.

Comment TS-21

Transit on page 160, yeah, there's also a determination that it will operate at a success- satisfactory level of service. I didn't see the material that backed that up.

Response to Comment TS-21

This comment refers to the discussion under Impact TRANS-1 in Table I-1 on page I-60 of Section I (Introduction/Summary) in the Draft EIR, which states that all of the study area intersections are forecast to operate at a satisfactory LOS in the existing plus Project condition. Table IV.M-6 on page IV.M-15 of Section IV.M (Traffic/Circulation) in the Draft EIR shows that all study area intersections in the existing plus Project condition are forecast to operate at a satisfactory LOS.

Comment TS-22

and then on page III-43 it talks about preserving the existing tree cover and except for the ones that have been planted I don't know what trees are out there.

Response to Comment TS-22

This comment suggests that trees on the Project site were not identified in the Draft EIR. Section IV.D (Biological Resources) of the Draft EIR provides a description of the vegetation communities and wildlife habitats present on the site (see the discussion under Vegetation Communities and Wildlife Habitat on page IV.D-17). These descriptions include examples of plants, including trees (e.g., Jeffrey pine [*Pinus jeffreyi*], lodgepole pine [*Pinus contorta*]), associated with the vegetation communities and wildlife habitats on the site. Also, Appendix D (Biological Data) of the Draft EIR includes a list of plant species observed during field surveys completed by the applicant's consultant.

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III. CORRECTIONS AND ADDITIONS TO THE DRAFT EIR

The following corrections have been made to the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Draft Environmental Impact Report (Draft EIR) in response to the comments received during and after the public review period. Changes to the Draft EIR are listed by the corresponding Draft EIR section, subsection, if applicable, and page number. Additions to the Draft EIR are identified by underlined text and deletions to the Draft EIR are identified by strikethrough text.

COVER

There are no changes to this page.

TITLE PAGE

There are no changes to this page.

I. INTRODUCTION/SUMMARY

As noted in Response to Comment B29-21, Table I-1 on pages I-22 and I-23 of the Draft EIR has been revised as follows:

<i>Mitigation Measures BIO-2a through 2b</i>
<i>-Mitigation Measure BIO-2a</i> <i>To avoid potential inadvertent impacts to preserved sensitive habitats (riparian habitat, wet meadow, or other jurisdictional features) adjacent to the development area, the following measures shall be implemented prior to and during construction activities:</i> <i>• Prior to construction activities, the boundaries of sensitive habitats that will not be impacted shall be plotted on all construction plans and maps, including a minimum buffer of 10 feet or more as determined by a qualified biologist.</i> <i>• Silt fencing and construction fencing (or flagging to make the silt fencing more visible) shall be installed around the sensitive habitat and buffer, and the final location of the installed fencing shall be approved by a qualified biologist prior to initiation of construction activities.</i> <i>• Encroachment into the sensitive habitat and buffer shall be prohibited by construction personnel, and storage of materials or equipment shall be prohibited in this area.</i> <i>• Prior to the onset of construction activities, construction personnel shall be briefed on the location of sensitive habitat and other resources that shall be persevered and the importance of avoidance.</i> <i>• The silt fence shall be monitored regularly during construction activities to ensure that the fencing remains intact and functional, and that no encroachment has occurred into the sensitive habitat or boundary; any repairs</i>

to the fence or encroachment correction shall be conducted immediately. A memo summarizing monitoring dates, observations, and repairs/corrections shall be prepared following each construction season and submitted to the Town.

- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect water quality of Mammoth Creek and its adjacent wet meadow community during and following project construction. The BMPs to be implemented shall be described in the site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacturer's specifications.
- All fueling and maintenance of vehicles and other equipment and staging areas shall be at least 50 ft (15 m) from sensitive habitats.
- ~~Mitigation Measure BIO-2b~~

Mitigation Measure BIO-2b

To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.

- ~~To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.~~
- A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeded, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.
- Vegetation disturbances shall be limited to those areas identified on construction plans and maps as slated for development or construction staging.
- Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.
- Landscaping will not use invasive non-native plants that threaten wildlands according to the California Invasive Plant Inventory made available by the California Invasive Plant Council (Cal-IPC).
- Erosion and sediment control materials shall be certified as weed-free.

II. ENVIRONMENTAL SETTING

There are no changes to this section.

III. PROJECT DESCRIPTION

As noted in Response to Comment A3-2, the text on page III-2 of the Draft EIR has been revised as follows:

The Project being evaluated in this Draft EIR pertains only to the remaining portion of the current 1981 Master Plan development areas. The Project does not include the existing/entitled Snowcreek Master Plan in which development has either already occurred or is currently in progress. The existing/entitled developments include the residential areas of Snowcreek I through VII, the Snowcreek Athletic Club, the Catholic Church, the Mammoth Lakes Fire Protection District (MLFPD) Fire Station 2, Aspen Village Workforce Housing, the Mammoth Community Water District (MCWD) ~~Wastewater~~ Groundwater Treatment Plant #1 and the existing privately owned publicly accessible nine-hole golf course (refer to Table III-1). While the nine-hole golf course is considered an existing feature, the environmental impacts related to merging it with undeveloped land to create a privately owned publicly accessible 18-hole course is considered part of the Project. Reconfiguration could include modification to the irrigation system or increasing native vegetation in the “rough.” However, major recontouring and reconfiguration of the existing nine-hole course is not anticipated.

As noted in Response to Comment A3-2, Table III-1 on page III-3 of the Draft EIR has been revised as follows:

**Table III-1
Development Areas of the 1974 and 1981 Master Plans**

Development Area by Year Developed/Entitled	Dwelling Units (DU)
Original 1974 Snowcreek Master Plan	
1978 - Snowcreek I	107
1979 - Snowcreek II	123
1979 - Snowcreek Athletic Club	
1982 - Snowcreek III	86
Existing 1981 Updated Master Plan for Snowcreek at Mammoth	
1986 - Snowcreek IV	138
1987 - The Ranch	19
1988 - Snowcreek Crest	58
1988 - MCWD Wastewater Groundwater Treatment Plant	
1989 - MLFPD Fire Station 2	
1990 - Snowcreek V-1	150
1991 - Nine-hole Golf Course	
1992 - Fairway Ranch	24
1992 - Catholic Church	
1997 - Snowcreek V-2	144
2004 - Snowcreek VI	106
2004 - Aspen Village	72 ⁽¹⁾
2006 - Snowcreek VII	118
Master Plan Build-Out To Date	1,145⁽²⁾
Total Master Plan Units Allotted	2,368
Total Master Plan Units Remaining	1,223⁽³⁾
Total Non-Residential Square Footage Remaining	150,000
Notes: (1) Aspen Village has two phases; 48 unit phase and 24 unit phase for a total of 72 units. (2) Developed, entitled and/or currently under construction (3) Totals remaining exceed amount proposed under the Project (i.e., 237 acres, 75,000 sf non-residential space, and 1,050 residential units. Sources: 1974 and 1981 Snowcreek Master Plan EIRs, Town of Mammoth Lakes Department of Community Development, and Snowcreek Resort Conceptual Plan, December 2006.	

As noted in Response to Comment A3-3, the text on page III-19 of the Draft EIR has been revised as follows:

Furthermore, the applicant is currently working with MCWD on the expansion, improvement and distribution of MCWD's recycled water (i.e., tertiary treated water) for use in irrigating the 18-hole golf course. If an agreement between the two parties is finalized and recycled water from MCWD's Wastewater Treatment Plant becomes available at a reasonable cost, the irrigation needs for the golf course may be provided with the recycled water, and thus could result in the availability of untreated ground water that could be treated and used to meet ~~other project or~~ future needs of the Town.

As noted in Response to Comment B32-21, the text on page III-41 of the Draft EIR has been revised as follows:

If reclaimed water is used for the golf course watering, the golf course will conform with all governing agency requirements for stormwater management. If required, stormwater runoff would be retained on the golf course expansion property to the level of the 100-year storm in all areas where reclaimed water is proposed to be utilized. These retention facilities would be sand traps and/or natural and man-made depressions.

IV. ENVIRONMENTAL IMPACT ANALYSIS

IV.A Impacts Found to be Less Than Significant

There are no changes to this section.

IV.B Aesthetics

As noted in Response to Comment B32-26, the text on page IV.B-11 has been revised as follows:

Ski runs on the ~~Sherwin Range~~ Mammoth Mountain are visible under both summer and winter conditions.

As noted in Response to Comment B32-33, Table IV.B-2 on page IV.B-32 of the Draft EIR has been revised as follows:

<i>C.2.J Be stewards in preserving public views of surrounding mountains, ridgelines and knolls.</i>	<i>Consistent with the General Plan but inconsistent with the Town Development Code. Consistent with Town Development Code if the Zone Code Amendment is approved. The majority of the Project would not exceed the height limitation in the Town's Zoning Code, Residential buildings would be two- or three-stories in height and would not obscure views of the surrounding mountains, although they would obscure some views of the meadows and foothills in the distant foreground. However, the location and massing of the proposed structures would be consistent with the Town's Design Guidelines and the General Plan policies under Neighborhood and District Character, Snowcreek. The proposed 2007 General Plan Update states that in the Snowcreek district, "strong vertical elements are encouraged." If the proposed 2007 General Plan Update is adopted by the Town</i>
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	Council, it may be that this The 120 foot height element could be determined to be consistent with the policies of the 2007 General Plan Update with regard to aesthetics. Additionally, the Project proposes a Zone Code Amendment to revise the Zoning Ordinance. If approved, the height of the Hotel would be consistent with the height limitation in the Town's Zoning Code.
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As noted in Response to Comment B32-37, the text on page IV.B-51 of the Draft EIR has been revised as follows:

This proposed building height would exceed the height limit of ~~55~~ 45 feet in the Town's zoning code and would constitute a substantial change.

IV.C Air Quality

As noted in Response to Comment B32-56, the text on page IV.C-28 of the Draft EIR, under Impact AQ-2 Operational Emissions, has been revised as follows:

Stationary area source emissions would be generated by the consumption of ~~natural gas~~ propane for space and water heating devices, cooking appliances, and fireplaces, the operation of landscape maintenance equipment, the use of consumer products, and the application of architectural coatings (paints).

As noted in Response to Comment B32-56, the text on page IV.C-34 of the Draft EIR has been revised as follows:

Note that emissions models such as EMFAC and URBEMIS evaluate aggregate emissions and do not demonstrate, with respect to a global impact, how much of these emissions are "new" emissions specifically attributable to the Project in question. For most projects, the main contribution of greenhouse gas emissions is from motor vehicles, but how much of those emissions are "new" is uncertain. New projects do not create new drivers. Some mixed use and transportation-oriented projects can actually reduce the number of vehicle miles traveled that a person drives; this reduction is not typically discussed in CEQA documents. Therefore, it is anticipated that the Project will not substantially add to the global inventory of greenhouse gas emissions. This is especially true considering that the Project is adding retail uses next to residential uses. Nevertheless, greenhouse gas emissions are estimated using procedures similar to those for criteria pollutants. The following GHG inventory analysis considers natural gas as a

proxy for propane, as no GBUAPCD-accepted emissions factors for propane are available and natural gas has similar emissions properties to propane.

As noted in Response to Comment B32-56, the text on page IV.C-34 of the Draft EIR has been revised as follows:

Carbon Dioxide: *The Project will generate emissions of carbon dioxide primarily in the form of vehicle exhaust and in the consumption of ~~natural gas~~propane for heating from onsite combustion. Carbon dioxide emissions from vehicles were calculated with EMFAC 2007 emission factors using burden values for the South Coast Air Quality Management District. Carbon dioxide emissions from natural gas combustion were generated from guidance as presented in the Climate Leaders Greenhouse Inventory Protocol. The natural gas usage came from discussions with the California Energy Commission; it is lower than default URBEMIS 2002 natural gas usage because the Project will only use ~~natural gas~~propane for heating the buildings and for minimal hot water heating. The carbon dioxide emissions are shown in Table IV.C-11. As shown in Table IV.C-11, at build-out, the Project is estimated to emit 0.0048 Tg CO₂ Eq.*

As noted in Response to Comment B32-56, the text on page IV.C-34 of the Draft EIR has been revised as follows:

Methane: *The Project will generate some methane gas from vehicle emissions and ~~natural gas~~propane combustion.*

As noted in Response to Comment B32-56, the text on page IV.C-35 of the Draft EIR has been revised as follows:

Nitrous Oxide: *The Project generates small amounts of nitrous oxide from vehicle emissions. Emissions from ~~natural gas~~propane combustion were generated using guidance as presented in the Climate Leaders Greenhouse Inventory Protocol.*

IV.D Biological Resources

As noted in Response to Comment B25-5, Mitigation Measure BIO-1e on page IV.D-66 of the Draft EIR has been revised as follows:

Mitigation Measure BIO-1e

The following good wildlife management practices shall be implemented to reduce impacts to nesting migratory birds and raptors, as well as other wildlife species, following Project development.

Unleashed Domestic pets belonging to residents or visitors shall be prohibited from entering the adjacent undeveloped lands or open space areas. Signage shall be posted and maintained along the boundaries of the development area indicating such prohibitions and educating the community about domestic pets as a conservation threat to birds and other wildlife.

As noted in Response to Comment B29-21, the text on page IV.D-69 under Mitigation Measure BIO-2b of the Draft EIR has been revised as follows:

- *Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.*

As noted in Response to Comment A9-8, the text on pages IV.D-79 and IV.D-80 of the Draft EIR has been revised as follows:

Increased visitor use and the associated management of natural resources within the Inyo National Forest are being addressed by the U.S. Forest Service through planning efforts including the USFS Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses FEIS, ~~and the Inyo National Forest Winter Needs Assessment conducted in collaboration with the Town in 2003 and 2004, and the Inyo National Forest's update its Forest Land and Resource Management Plan, which was updated by the Record of Decision (ROD) for the Supplemental Environmental Impact Statement (SEIS) of the Sierra Nevada Forest Plan Amendment (SNFPA).~~¹ ~~The SNFPA This document gives management direction to all forests to address problems of (1) old forest ecosystems and associated species, (2) aquatic, riparian, and meadow ecosystems, and (3) fire and fuels, (4) noxious weeds, and (5) lower westside hardwood forests.~~² ~~The SNFPA requires an assessment of existing environmental conditions and identification of management options at various geographic, jurisdictional, and temporal scales, and the implementation of adaptive management procedures to adjust the management direction for future events, changing knowledge, or dynamic social views.~~³

Impacts to natural resources within the Inyo National Forest from recreational use are expected to increase due to the Town's cumulative population increase from the Project and other regional residential projects, and these impacts may be considered cumulatively considerable or significantly adverse; however, identification and quantification of such impacts would be speculative under the current analysis. Potential impacts to sensitive natural resources within the Inyo National Forest ~~were should be~~ evaluated as part of the Forest's Land and Resource

¹ *Ibid.*

² *Ibid.*

³ *Ibid.*

~~Management Plan Update associated with the 2004 SNFPA SEIS ROD, which will identify and assess existing conditions with respect to recreational areas in accordance with the SNFPA. The SNFPA identifies bird watching, hiking/backpacking, downhill skiing and primitive camping as some of the fastest growing outdoor recreational activities in the U.S., and projects an over 100 percent increase in downhill skiing and an over 250 percent increase in snowmobiling for the Pacific coast region through 2050.⁴ Therefore, it is reasonable to assume that much of the recreational Forest uses from the cumulative population growth in the area will revolve around these increasingly popular outdoor activities. The SNFPA SEIS ROD reaffirmed that “providing recreation opportunities is one of the Forest Service’s major missions in California, along with providing sustainable, healthy ecosystems.”⁵ The ROD notes that the projected tourism increase in the Sierra Nevada will contribute to an increased demand for recreation facilities and services, and that decisions for recreation activities will be made at the local level to reflect site-specific conditions.~~

IV.E Cultural Resources

As noted in Response to Comment A3-4, the text on page IV.E-5 of the Draft EIR under Archaeological Site CA-MNO-893H (The Bodle Ditch) has been revised as follows:

~~The Bodle ditch system was constructed in 1879. Originating at Coldwater-Mammoth Creek above Lake Mary, the ditch supplied water and power to Mill City for both mining and domestic use. A side ditch was used to irrigate pasture in the meadow in the southern portion of CA-MNO-3. The meadow supplied feed for both local cattle destined for Mill City and Mammoth City, and large herds en route to Reno from the Owens Valley. Later, dairy cows and sheep grazed on Windy Flat. The Bodle Ditch was recorded by the U.S. Forest Service in the 1970s. Water rights of Bodle Ditch were purchased by the Currently, the Mammoth County Community Water District maintains flows in Bodle Ditch as a requirement of the management constraints that are contained in the District’s water rights permit with the State Water Resources Control Board; in the 1980s and irrigation was discontinued. In the 1990s the California State Historic Preservation Office found the Bodle Ditch to be not eligible for the National Register of Historic Places. There is no indication that the determination of eligibility listing was finalized, however, and the portion of the ditch within the Project site was transferred out of federal ownership. A ditch and pipeline associated with the historic component of the CA-MNO-3 site was identified; however, it is located outside of the current Project area.~~

⁴ ~~U.S. Forest Service. 2001. Sierra Nevada Forest Plan Amendment, Final EIS. U.S. Department of Agriculture, Forest Service, Pacific Southwest Region. January 2001.~~

⁵ ~~Ibid.~~

As noted in Response to Comment A1-1, Mitigation Measure CULT-1 on page IV.E-10 of the Draft EIR under Impact CULT-1 has been revised as follows:

Mitigation Measure CULT-1

For the entire portion of the Project ~~CA-MNO-3~~ site located north of Old Mammoth Road, including the CA-MNO-3 site, ~~the applicant shall implement any of the following measures to reduce the significant impact to a less than significant level:~~

- ~~• plan construction to avoid the site,~~*
- ~~• deed conservation easements,~~*
- ~~• cap the site prior to construction, or~~*
- ~~• perform archaeological data recovery.~~*

that portion shall be avoided or capped as determined by the Town based on the advice of the qualified archeologist in consultation with the Native American Monitors, as such persons are selected and designated below. The archeologist shall be selected as follows. The Town shall prepare a list of at least three proposed qualified archeologists. The applicant and the MLD (Most Likely Descendant, as determined by the Native American Heritage Commission) shall mutually agree upon and select one of the archeologists on the Town's list within 15 days after receipt of the list. If the applicant and the MLD cannot agree upon an archeologist, the Town shall make the decision. The MLD shall select at least one but not more than three Native American Monitors for this Project. However there shall be no more than one Native American Monitor per construction crew. If the MLD cannot select a Native American Monitor(s) within 15 days after receipt of request the Town, in consultation with the Native American Heritage Commission and the MLD, shall make the decision. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the applicant.

As noted in Response to Comment A1-1, Mitigation Measures CULT-2a, CULT-2b, CULT-2c, CULT-2e, and CULT-2f on pages IV.E-11 and IV.E-12 of the Draft EIR have been revised as follows:

Mitigation Measure CULT-2a

A Mitigation Monitoring and Reporting Plan (MMRP) shall be prepared by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology⁶ and the Native American Monitors as selected per requirements identified in Mitigation Measure CULT-1 prior to Project construction. ~~for the portion of the Project site north of Old Mammoth Road.~~ The MMRP shall outline the protocol for notification, temporary protection, documentation, and evaluation of previously unrecorded cultural resources encountered during construction, as well as mitigation of Project-related impacts to any such resources that are considered significant under CEQA, and the curation of any artifacts or samples collected in the field. The MMRP shall include a sample data recovery plan and a curation agreement. This document shall be completed prior to commencement of any ground-disturbing activity associated with the Project site (including clearing, brushing, grubbing, vegetation removal, disking, grading, trenching, excavation, and/or boring) and shall include a provision requiring cultural resources awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities.

Mitigation Measure CULT-2b

A qualified archaeologist and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall monitor all ground-disturbing construction in native soils for the portion of the Project site north of Old Mammoth Road. ~~(Construction work within stockpile material does not require monitoring.)~~ The ~~construction~~ archaeological and Native American monitor(s) shall be supplied with maps and site records for the previously recorded cultural resources within the Project site, so that she/he can distinguish new resources from those that have been previously recorded and evaluated. The monitors shall prepare a daily monitoring logs recording the type of work monitored, soil conditions, discoveries, and general observations.

Mitigation Measure CULT-2c

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing (to be outlined in the MMRP) until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements

⁶ National Park Service, ARCHEOLOGY AND HISTORIC PRESERVATION: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated], website: http://www.nps.gov/history/local-law/arch_stnds_9.htm, November 18, 2007.

identified in Mitigation Measure CULT-1 shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American Monitor(s) and the applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate project-related impacts to a less-than-significant level.

Mitigation Measure CULT-2e

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Mitigation Measure CULT-2f

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

As noted in Response to Comment A6-8, the last sentence of the paragraph under Mitigation Measure CULT-2c on page IV.E-11 of the Draft EIR has been revised as follows:

If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate ~~P~~project-related impacts to a less-than-significant level if preservation is not possible.

As noted in Response to Comment A6-9, Mitigation Measure CULT-2d on page IV.E-12 of the Draft EIR has been revised as follows:

Mitigation Measure CULT-2d

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section §7050.5, Public Resources Code Section §5097.98 and the California Code of Regulations Section §15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The

Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has ~~2448~~ hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within ~~2448~~ hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

IV.F Geology/Soils

There are no changes to this section.

IV.G Hydrology/Water Quality

As noted in Response to Comment A3-5, Mitigation Measure HYD-1 on page IV.G-16 of the Draft EIR has been revised and Mitigation Measure HYD-1b has been added as follows:

Mitigation Measure HYD-1a

The golf course expansion (Areas E2, E4, and F) area may be irrigated with reclaimed or potable water. At this time, mitigation requirements for the use of reclaimed water have not been determined. However, if reclaimed water is used for irrigation, options shall be explored to ~~limit~~ prevent reclaimed water from entering ~~the tributary area that flows toward~~ Mammoth Creek. These measures could include:

- Irrigate all retention basins and the swale from the retention basins (located to the west of Sherwin Creek Road) using potable water.*
- Irrigate any landscaping within or directly tributary to these features which requires irrigation using potable water. Golf course areas immediately south of the basins shall be constructed to retain all stormwater runoff and shall not overflow to the basins.*
- ~~• Increase capacity of on-site retention for the golf course areas irrigated with reclaimed water to include capacity for a storm of 100-year intensity.~~*
- Grade southeasterly limits of the golf course expansion area in some locations to ~~block~~ minimize tributary drainage from the south and direct it east toward Sherwin Creek Road.*

At this stage, it is unknown if it will be required to limit reclaimed water from entering the tributary area that flows toward Mammoth Creek. The final determination of outflow conditions if reclaimed water is used will be made during the final design in coordination with the RWQCB and other applicable agencies. In the event that reclaimed water is used, the above mitigation measures will be implemented to avoid any impacts to the water quality of Mammoth Creek.

In consultation with the Town, the Project applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, the golf course, and storm drain inlets. These BMPs shall include detention and sedimentation basins as well as infiltration devices designed to filter runoff from paved areas on the Project site. The design and location of these BMPs will be subject to review and comment by the Town but shall generally adhere to the standards associated with the Phase II NPDES stormwater permit program.

*Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits. Compliance with these mitigation measures would reduce potential impacts resulting from Project operation on receiving water quality in Mammoth Creek to a **less-than-significant** level.*

Mitigation Measure HYD-1b

Capacity of on-site retention basins for the golf course areas irrigated with recycled water shall include the capacity for a 24-hour storm of 100-year intensity in order to limit recycled water from entering Mammoth Creek.

As noted in Response to Comment B32-21, the text on page IV.G-22 of the Draft EIR has been revised as follows:

The Project would include retention basins ~~of sufficient capacity to retain all runoff on-site sized per Town of Mammoth Lakes and RWQCB requirements~~, with eventual discharge to Mammoth Creek. The Project will outflow to the culvert under Sherwin Road.~~would not be connected to the Town's storm drain system. This culvert is a part of the Town Storm Drainage System.~~ The Project would include BMPs to reduce erosion and impacts to water quality. The Project would not result in any cumulatively considerable impacts to the Town's existing or planned stormwater drainage system capacity. In addition, per the Basin Plan, development on each site larger than 0.25 acre above the 7,000 foot elevation level would be subject to uniform policy guidelines designed to minimize the water quality impacts associated with Project construction to the maximum extent practicable.

IV.H Land Use/Planning

As noted in Response to Comment A9-8, the text on page IV.H-19 of the Draft EIR has been revised as follows:

The Sierra Nevada Forest Plan amendment of ~~2004~~ 2004 updated the Inyo National Forest Plan of 1988, therefore consistency with Forest Service goals and policies will be considered.

IV.I Noise

As noted in Response to Comment B32-94, Table IV.I-11 on page IV.I-22 of the Draft EIR has been revised as follows:

Table IV.I-11
Future Plus Project Roadway Noise Levels On-site

Roadway	Roadway Segment	Reference CNEL _{dn} at 100 feet ^a	Distance to Noise Contour (feet)		
			70 L _{dn}	65 L _{dn}	60 L _{dn}
Minaret Road	Main Street to Meridian Boulevard South of Meridian	61 57.5	25 15	5432	116 68
Old Mammoth Road	West of Minaret Road	59.1 55.4	19 -	4023	87 50
	Minaret to Meridian East of Minaret Road	62.9 58.2	33 16	7235	155 75
^a Distances are in feet from roadway centerline. The identified noise level at 100 feet from the roadway centerline is for reference purposes only as a point from which to calculate the noise contour distances. It does not reflect an actual building location or potential impact location. Source: Christopher A. Joseph and Associates, 2006 2007. Calculation data and results are provided in Appendix H to this Draft EIR.					

As noted in Response to Comment B32-95, Table IV.I-12 and the text on page IV.I-23 of the Draft EIR have been revised as follows:

**Table IV.I-12
Future Off-Site Future Roadway Noise Levels**

Roadway Segment	Existing Noise Sensitive Uses	Noise Levels in dBA L_{dn} at 75 feet ^a			
		Existing Noise Levels	Cumulative (Existing Plus Project Approved Projects)	Increase	Significance Threshold ^b
Minaret Road					
Meridian to Main Street	Residential @ 190'	<u>63.2</u> <u>54.0</u>	<u>64.9</u> <u>55.9</u>	<u>1.7</u> <u>1.9</u>	5.0
South of Meridian Blvd.	Residential @ 60'	<u>59.3</u>	<u>63</u>	<u>3.7</u>	<u>3.0</u>
North of Old Mammoth Rd.	Residential @ 40'	<u>62.9</u>	<u>66.2</u>	<u>3.3</u>	<u>3.0</u>
Old Mammoth Road					
North of Meridian Blvd.	Residential @ 50'	<u>66.0</u> <u>66.3</u>	<u>66.7</u> <u>67.2</u>	<u>0.7</u> <u>0.9</u>	3.0
South of Meridian Blvd.	Residential @ 210'	<u>54.4</u>	<u>56.3</u>	<u>1.9</u>	<u>5.0</u>
East of Old Mammoth Rd.	Residential @ 200'	<u>53.1</u>	<u>56.1</u>	<u>3.0</u>	<u>5.0</u>
West of Old Mammoth Rd.	Residential @ 40'	<u>62.9</u>	<u>64.4</u>	<u>1.5</u>	<u>3.0</u>

^a The dBA L_{dn} values represent the noise levels experienced at approximately 75 feet from the roadway centerline.

^b As described under the Thresholds of Significance heading of this section, the significance threshold is three dBA if the noise increase would meet or exceed the Town's noise level standard for the affected land use (see Table IV.I-4, Town of Mammoth Lakes Exterior Noise Limits). However, if the noise levels remain below the Town's noise level standard for the affected land use, then an increase in noise levels of five dBA or greater would be considered significant.

Source: Christopher A. Joseph and Associates, 2007 2006. Calculation data and results are provided in Appendix H to this Draft EIR.

As shown in Table IV.I-12, implementation of the Project would increase local noise levels off-site by a maximum of 1.7 3.7 dBA L_{dn} at the segment of Minaret Road ~~located between Meridian Boulevard and Main Street~~ south of Meridian Boulevard which would result in a future noise level of 63.0 dBA L_{dn} . In addition, the maximum noise level achieved due to operation of the project would be 67.2 dBA L_{dn} for the roadway segment of Old Mammoth Road, north of Meridian Boulevard. Therefore, even though the Project would result in a greater than 3 dBA L_{dn} increase in ambient noise levels, the resulting noise level would not exceed 70-80 dBA L_{dn} during daytime hours and 60-70 dBA L_{dn} from 10 P.M. until 7 A.M. (See Table IV.I-4, Town of Mammoth Lakes Exterior Noise Limits). Because the increase in local noise levels along roadway segments resulting from implementation of the Project would not exceed the established thresholds of significance, this would not represent a substantial permanent increase in ambient noise levels. Therefore, this impact would be considered **less than significant** and no mitigation measures are required.

IV.J Population/Housing

There are no changes to this section.

IV.K Public Services

As noted in Response to Comment A10-5, the text on page IV.K-9 of the Draft EIR under Impact PS-3 has been revised as follows:

Proponent is obligated to pay Developer Impact Fees which will assist in the additional impacts that the Project brings to the Mammoth Lakes Fire Protection District. Therefore, Project impacts related to fire protection services would be less than significant and no mitigation measures are required.

IV.L Recreation

As noted in B27a-10, the text on page IV.L-2 of the Draft EIR has been revised as follows:

The Town is a recreational/resort destination and as such both visitors and residents value the abundance of recreational opportunities that the Mammoth Lakes area offers. The Town's economy is tourism based, with the mainstay of the Town's tax revenue coming from the Transient Occupancy Tax (TOT), which is a 12% tax added to the rental of any lodging facility and campgrounds for stays less than a month. The 2000 census showed the base year-round population to be 7,094.⁷ However, the Town is subject to large fluctuations in resident populations and visitation levels due to its tourism based economy. During the peak winter season, the population-at-one-time (PAOT) can increase to over 35,000 individuals.⁸ The Town's 2003 General Plan Housing Element projects that the permanent population will reach 11,000 individuals by 2024.⁹ Additionally, the Town predicts that the resident population will increase by roughly 2,000 people during peak tourism season.¹⁰

The Project site is located at the southeast edge of the Town, and is bordered by the Inyo National Forest, (United States Forest Service [USFS] land) on its southern and eastern sides, near the base of Sherwin Range. Mammoth Creek runs through the northern portion of the property from the west in an easterly direction. The site is relatively flat, with a slight rise along the northern and southern boundaries. The Project site supports natural and

⁷ Town of Mammoth Lakes - Housing Element, December 2003, page 8.

⁸ Mammoth Lakes Visitor Bureau website, <http://www.visitmammoth.com/static/index.cfm?contentID=9>, retrieved by CAJA staff, December 11, 2006.

⁹ Town of Mammoth Lakes - Housing Element, December 2003, page 8.

¹⁰ Town of Mammoth Lakes - Housing Element, December 2003, page 8.

disturbed habitats including basin sagebrush, meadow, wet meadow, upper montane chaparral, alder-willow riparian, developed/disturbed areas and irrigation ditches/retention basins. The Project site has been used as pastureland for cattle grazing in the past. In addition, due to the Project's location on the outer edge of the Town, the private property has been used in the past for general access to the adjacent Inyo National Forest land. The surrounding Inyo National Forest land is heavily used for both summer and winter recreational activities. Such activities include, but are not limited to, hiking, mountain biking, cross-country skiing, 4-wheel drive and all terrain vehicle (ATV) use, and backcountry camping.

IV.M Transportation/Traffic

As noted in Response to Comment A4-2, Table IV.M-7 and Mitigation Measure TRANS-2 on page IV.M-18 of the Draft EIR have been revised as follows:

Table IV.M-7
Cumulative Plus Project Typical Winter Saturday Intersection Levels of Service

Intersection	Cumulative + Project		With Mitigation	
	Delay (sec)	LOS	Delay (sec)	LOS
1. Minaret Rd./Old Mammoth Road*	8.9	A		
2. Minaret Rd./Meridian Blvd.	43.2	D		
3. Old Mammoth Rd./Meridian Blvd.	33.9	C		
4. Old Mammoth Rd./Main St.	32.9	C		
5. Minaret Rd./Main St.	58.5 55.6	E	38.6 53.5	D
*Roundabout Shaded = Unsatisfactory LOS Source: Traffic Impact Analysis prepared by LSA in December 2006 and revised in July 2007 and November 2007.				

As shown in Table IV.M-7, one of the study area intersections is forecast to operate at an unsatisfactory LOS in the cumulative plus Project condition.

Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS

Evaluation of intersection LOS shows that the addition of the Project traffic to the cumulative traffic will significantly impact the Minaret Road/Main Street intersection in the cumulative plus Project scenario, according to the Town's criteria.

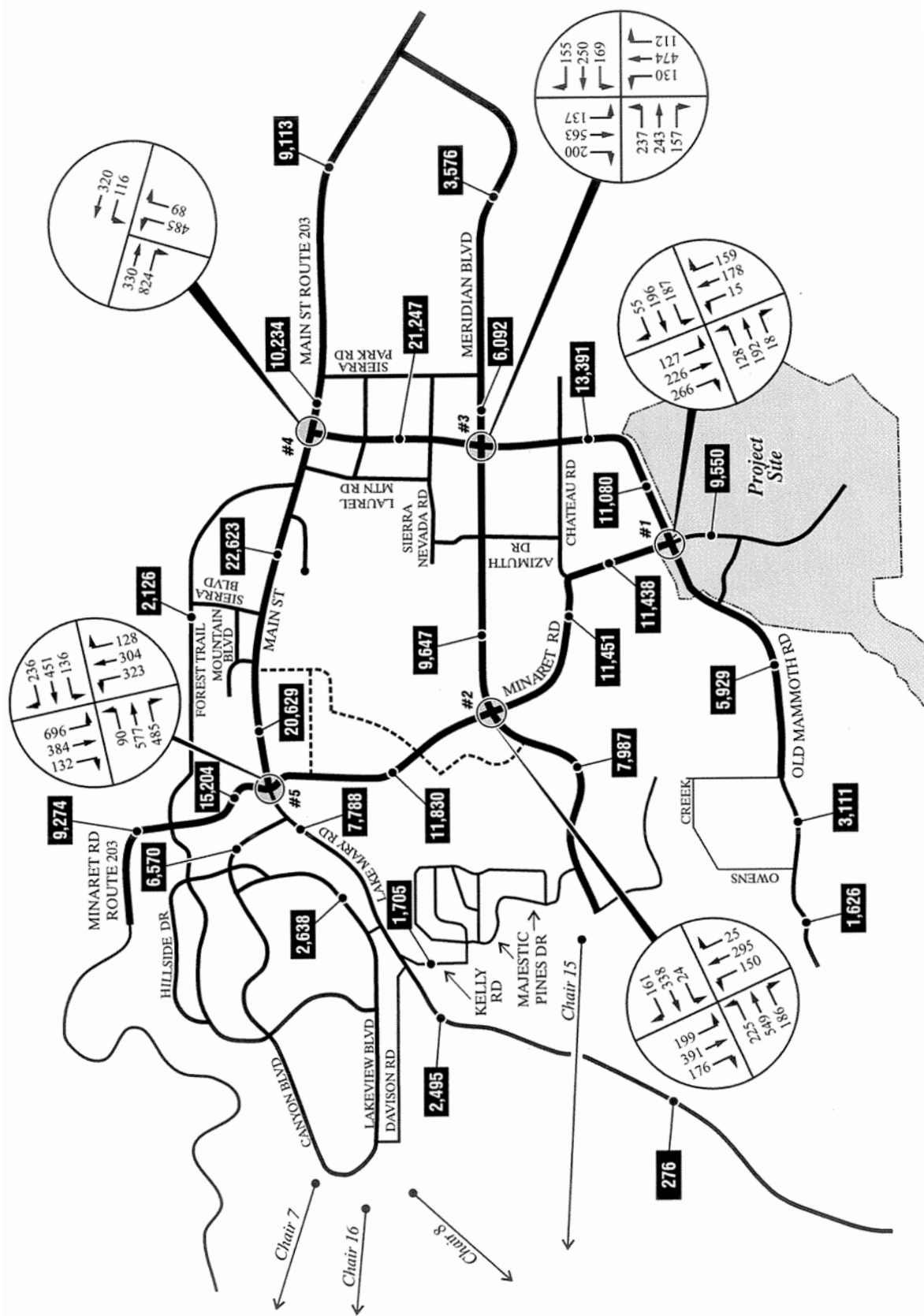
The following improvement would be required for the cumulative plus Project condition to mitigate the intersection to LOS D or better:

- ***Minaret Road/Main Street.*** ~~Provide eastbound right turn overlap signal phasing consistent with General Plan recommendations protected northbound and southbound phasing. All costs for the implementation of this improvement should be eligible for a credit to Developer Impact Fees (DIF). This mitigation would be implemented as part of a traffic mitigation program that would be funded by the DIF.~~ This improvement shall be implemented when warranted. Project may be required to construct the improvement based upon project phasing and available Developer Impact Fees (DIFs). Applicant costs to construct would be eligible for reimbursement pursuant to the provisions of the Town of Mammoth Lake's Municipal Code. This Project will also be required to contribute to a Townwide traffic monitoring program. Implementation of this mitigation measure would reduce this impact to a ***less-than-significant*** level.

As noted in Response to Comment A4-3, Figure IV.M-8 on page IV.M-19 of the Draft EIR has been revised to reflect the correct turn movements at the intersection of Main Street/State Route 203 and Old Mammoth Road (intersection #4). The corrected figure is included on the following page of this Final EIR.

As noted in Response to Comment A10-7, the text on page IV.M-22 of the Draft EIR under Impact TRANS-7 has been revised as follows:

New internal access roads would be created throughout the Project site. Access to the Project facilities and lodging would be from an internal roadway system and the number of internal intersections at the Project site would be limited. Trails and/or emergency access roadways would allow secondary points of access from internal streets and roadways. All side intersecting streets to the main spine road would be stop-controlled, and an all-way stop would be provided at the intersection of the spine road and the road leading to Snowcreek V. Roadway designs would fit the land and allow for views of oncoming traffic. Safe crossings for pedestrians would be included and crosswalks would be provided to cross Old Mammoth Road at the Minaret Road round-about. Applicable utilities and road pavement shall be in place prior to the delivery of combustible construction products.



YYY - Average Daily Traffic (ADT)

Source: LSA, 2007.



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Environmental Planning and Research



Figure IV.M-8
Cumulative Plus Project Typical Winter
Saturday Peak Hour Traffic Volumes

IV.N Utilities

As noted in Response to Comment A3-8, the footnote text in Table IV.N-3 on page IV.N-17 of the Draft EIR has been revised as follows:

Table IV.N-3
Existing Water Supply Reliability⁽¹⁾

Supply	Normal Water Year	Single Dry Water Year	Multiple Dry Years			
			Year 1	Year 2	Year 3	Year 4
<i>Projected Surface Water</i>	2,760 ⁽²⁾	0	1,780	1,500	1,100	1,084
<i>Projected Groundwater Wells</i>	4,000 ⁽³⁾	3,410	3,410	3,408	3,408	3,408
Projected Total Supply	6,760	3,410	5,190	4,908	4,508	4,492
⁽¹⁾ Units of measure are acre-feet (af) per year. An af equals approximately 325,829 gallons. ⁽²⁾ Total MCWD is "entitled" to. This amount has been used by MCWD. ⁽³⁾ Total MCWD has a "right" to. This amount has been used by MCWD. <u>Note:</u> While MCWD currently has surface water rights that total a maximum of 2,760 acre-feet annually, the bypass flow requirements that MCWD operates under have not been permanently established and the final bypass requirements that are eventually established could potentially result in less surface water being available to MCWD. In addition, the volume of groundwater noted in this table is the maximum amount of groundwater that MCWD has projected to pump in any given year and does not necessarily represent the safe yield of the aquifer. Source: MCWD SB 610 WSA for the 2006 Revised Snowcreek Master Plan (Snowcreek VIII Project).						

As noted in Response to Comment A3-8, the footnote text Table IV.N-8 on page IV.N-25 of the Draft EIR has been revised as follows:

Table IV.N-8
Existing Water Supply Reliability Plus 2025 Future Water Sources⁽¹⁾

Supply	Normal Water Year	Single Dry Water Year	Multiple Dry Years			
			Year 1	Year 2	Year 3	Year 4
Projected Surface Water	2,760 ⁽²⁾	0	1,780	1,500	1,100	1,084
Projected Groundwater Wells	4,000 ⁽³⁾	3,410	3,410	3,408	3,408	3,408
Future Groundwater	1,000	1,000	1,000	1,000	1,000	1,000
Future Recycled Water	360	360	360	360	360	360
Projected Total Supply	8,120	4,770	6,550	6,268	5,868	5,852
⁽¹⁾ Units of measure are acre-feet (af) per year. An af equals approximately 325,829 gallons. ⁽²⁾ Total MCWD is "entitled" to. This amount has been used by MCWD. ⁽³⁾ 4,000 afy is the total MCWD has a "right" to. This amount has been used by MCWD. <u>Note:</u> While MCWD currently has surface water rights that total a maximum of 2,760 af annually, the bypass flow requirements that MCWD operates under have not been permanently established and the final bypass requirements that are eventually established could potentially result in less surface water being available to MCWD. In addition, the volume of groundwater noted in this table is the maximum amount of groundwater that MCWD has projected to pump in any given year and does not necessarily represent the safe yield of the aquifer. Source: MCWD SB 610 WSA for the 2006 Revised Snowcreek Master Plan (Snowcreek VIII Project).						

V. GENERAL IMPACT CATEGORIES

There are no changes to this section.

VI. ALTERNATIVES TO THE PROPOSED PROJECT

There are no changes to this section.

VII. PREPARERS OF THE EIR AND PERSONS CONSULTED

There are no changes to this section.

VIII. REFERENCES

There are no changes to this section.

IV. MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program, §15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The Town of Mammoth Lakes (Town) is the Lead Agency for the Snowcreek VIII, Snowcreek Master Plan Update – 2007 (Project) and is therefore responsible for enforcing and monitoring the mitigation measures in this Mitigation Monitoring Program (MMP).

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. There are occasions that feasible mitigation is not available. CEQA Code 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination. This MMP is designed to monitor implementation of the required and recommended mitigation measures and conditions set forth for project approval for the Project as identified in the Draft Environmental Impact Report (Draft EIR) and the Final Environmental Impact Report (Final EIR). The required and recommended mitigation measures as well as the conditions set forth for project approval are listed and categorized by impact area, with an accompanying identification of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored. These phases include:
 - ◊ Pre-Construction, including the design phase.
 - ◊ Construction.
 - ◊ Operation (post-construction).
- Implementing Party, the party responsible for implementing the mitigation measure.
- The Enforcement Agency, the agency with the power to enforce the mitigation measure.
- The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation, and development are made.

The MMP for the Project will be in place throughout all phases of the Project. The Project applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The Project applicant shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been

implemented. The Town will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

Generally, each certification report will be submitted to the Town in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. The Town shall assure that project construction occurs in accordance with the MMP. Departments listed below are all departments of the Town unless otherwise noted.

AESTHETICS

Mitigation Measure AES-5 Signage

Prior to the issuance of building permits, all buildings containing three or more separate businesses shall prepare a Master Sign Plan, in accordance with the Mammoth Lakes Municipal Code Chapter 17.34 and 17.40.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure AES-6 Light and Glare

Prior to occupancy, all lighting on the Project site shall comply with the applicable requirements of the Town of Mammoth Lakes Outdoor Lighting Ordinance, in accordance with Mammoth Lakes Municipal Code Chapter 17.34.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

AIR QUALITY

Mitigation Measure AQ-1 Construction

The Project applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases:

- a. Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits.
- b. Cover all trucks hauling soil, sand, and other loose materials;
- c. Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- d. Remove excess soils from paved access roads, parking areas and staging areas at construction sites;
- e. Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;
- f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- h. Limit traffic speeds on unpaved roads to 15 miles per hour;
- i. Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;
- j. Replant vegetation in disturbed areas as soon as possible;
- k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;
- l. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 50 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency of watering from twice daily, as described in Mitigation Measure AQ-1a above, to three to four times a day;
- m. The construction fleet will meet the terms set forth in the CARB Proposed Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling. The proposed regulation implementation date is May 1, 2008.
- n. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;
- o. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;

- p. When feasible, alternative fueled or electrical construction equipment shall be used for the Project site;
- q. Use the minimum practical engine size for construction equipment;
- r. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	GBUAPCD

Mitigation Measure AQ-2 Operational Emissions

The Project applicant shall require the following implementation measures to reduce PM₁₀ operational emissions resulting from the Project to a less than significant level:

- a. The Project shall include a transportation demand management program to reduce overall vehicle miles traveled (VMTs), in order to demonstrate compliance with the Federal PM₁₀ standard of 150 µg/m³. The program shall include, but not be limited to, circulation system improvements, shuttles to and from parking areas, and the location of facilities to encourage pedestrian circulation.
- b. The Project shall be linked to existing developed areas through existing road networks, public transit systems, open space systems, and bicycle and pedestrian systems.
- c. The Project shall implement trip reduction measures particularly during PM peak traffic hours to disperse trips between parking areas and mountain portals to and from the ski area.
- d. Residential condominium units shall enter into a transit fee agreement with the Town consistent with the Town's established Transit Fee Agreement Program.
- e. No solid fuel burning appliances shall be permitted within residential units within multi-family residential developments.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	GBUAPCD

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1a Special Status Species

To determine presence or absence of Masonic rock cress in the development area, a qualified biologist shall conduct focused surveys according to CDFG guidelines^{1,2} for this species prior to the onset of construction activities. The surveys shall be conducted at the proper time of year when this plant is both evident and identifiable. A qualified biologist is an individual who possesses the following qualifications: 1) experience conducting floristic field surveys; 2) knowledge of plant taxonomy and plant community ecology; 3) familiarity with the plants of the area, including rare, threatened, and endangered species; 4) familiarity with the appropriate state and federal statutes related to plants and plant collecting; and 5) experience with analyzing impacts of development on native plant species communities.

If Masonic rock cress is not found in the development area, no further mitigation would be required. However, if this plant species is located, the survey will determine the number of individuals present and the limits of the area occupied by the population, and one of the following additional mitigation measures shall be implemented:

- (a) avoidance and permanent protection of the onsite population;
- (b) permanent preservation of an existing, offsite population of the species in the region at a 2:1 acreage ratio; or
- (c) transplant the individuals to permanently preserved habitat on- or off-site at a 1:1 acreage ratio. If transplanted offsite, the location should preferably be adjacent to the site or in close proximity.

Each additional mitigation option above (a – c) shall include the preparation of a Preservation Plan (under a or b) or a Mitigation Plan (under c) by a qualified biologist to be submitted to and approved by the Town. The Preservation or Mitigation Plan shall include the location and extent of the preserved or transplanted individuals and measures to ensure protection of the population during and following Project implementation (in perpetuity), including a mechanism to ensure permanent preservation of the population from development such as a conservation easement. The Plan shall also include methods to transplant the individuals (if applicable), measures to maintain the population (i.e., weed control), and methods to monitor the population for a minimum of five years following preservation or transplantation, including performance criteria and contingency measures in case of failure to meet the established performance criteria.

¹ California Department of Fish and Game. 1983. *Guidelines for conducting and reporting botanical inventories for federally listed, proposed and candidate plants*. Unpublished information sheet, revised 2000.

² California Department of Fish and Game. 2000. *Guidelines for assessing effects of proposed developments on rare and endangered plants and plant communities*. Unpublished information sheet.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1b Special Status Species

To avoid substantial adverse affects to Yosemite toad, a qualified biologist shall conduct surveys following standard visual encounter techniques supplemented with dipnetting surveys to confirm presence or absence of toads in the study area. At minimum, the biologist shall be familiar with the distinguishing physical characteristics of all life stages of the Yosemite toad and other amphibians found in the Sierra Nevada region of California. The biologist shall also hold all necessary federal, state, and local agency permits for surveying and handling this species. Because the actual timing of visual encounter and dipnetting surveys for Yosemite toad may vary depending primarily on the watershed characteristics, regional snow pact, timing and rate of spring runoff, day length, average ambient air and water temperatures, and local and seasonal weather conditions, the biologist shall visit nearby accessible occurrences of Yosemite toad (reference sites) to identify the breeding period in the vicinity of the Project site. The biologist shall then conduct at least one to two visual encounter surveys from May through July at the appropriate time of day to determine presence or absence of toads onsite. If during the initial breeding survey, no individual Yosemite toads or egg masses are encountered, subsequent surveys shall be conducted two to four weeks later. Approximately four to eight weeks after completing the breeding survey(s), dipnetting surveys for tadpoles shall be conducted (usually July through August).

If no individual toads (e.g., adults or tadpoles) or egg masses are encountered, no further mitigation would be required. However, if Yosemite toad is encountered the following measures shall be implemented:

- A qualified biologist shall develop and implement, in coordination with the USFWS, CDFG, and USFS, an exclusion and relocation program for Yosemite toads within the development area. The design and type of exclusion fencing, as well as the method and location of relocation shall be approved by the resource agencies prior to implementation.
- Pre-construction surveys of aquatic habitats and adjacent terrestrial habitat shall be conducted in all work area by qualified biologist within two weeks of initiating work. Any observed toads shall be relocated according to procedures outlined in the exclusion and relocation program developed and implemented above. Active work areas shall be re-surveyed regularly between May and September.
- During construction activities, all trash that may attract predators will be properly contained, removed from the work area, and disposed of regularly. Following Project construction, all trash and construction debris shall be removed from work areas.

- Any fueling and maintenance of vehicles and other equipment and staging areas shall be at least 65 ft (20 m) from any willow-alder riparian community or waterbody.
- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect the water quality of the Mammoth Creek and the several ponds near Mammoth Creek, as well as the golf course ponds and associated drainages. BMPs to be implemented shall be described in the Project site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacture's specifications.
- Areas temporarily disturbed by construction activities shall be recontoured and revegetated. An appropriate assemblage of vegetation that is suitable for the area shall be used during restoration efforts.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Building Division

Monitoring Agency

Building Division

Mitigation Measure BIO-1c Special Status Species

To avoid substantial adverse affects to nesting willow flycatchers, construction activities, including vegetation clearing and grubbing and grading, on the portion of the development area north of Old Mammoth Road shall be conducted outside of the nesting season (June 1st through September 15th). If this is not feasible, then a qualified biologist holding all necessary federal, state, and agency permits shall conduct protocol-level surveys for willow flycatchers following methods outlined in *A Willow Flycatcher Survey Protocol for California*³ to confirm presence or absence in the study area. A qualified biologist is an individual who has sufficient knowledge, training, and experience with bird identification and surveys to distinguish the willow flycatcher from other non-*Empidonax* species, and recognize the willow flycatcher's primary song. Also, it is strongly recommended that the biologist has attended a willow flycatcher survey training workshop. The protocol is based on the use of repeated tape-playback surveys during pre-determined periods of the breeding season: Survey Period 1: June 1st through June 14th; Survey Period 2; June 15th through June 25th; and Survey Period 3: June 26th through July 15th. It requires a minimum of two surveys on the site, one during Survey Period 2 and one during either Survey Period 1, or Survey Period 3 to document presence or absence of willow flycatchers during the survey year. In addition, successive surveys must be at least five days apart; surveys done fewer than 5 days apart are not considered to be in separate survey periods.

³ Bombay, H. L., T. M. Ritter, and B. E. Valentine. 2006. *A willow flycatcher survey protocol for California*. June 6, 2000.

If no willow flycatchers are detected in the study area, no further mitigation would be required. However, if willow flycatcher is detected, the CDFG shall be contacted for a final discussion on the possibility of doing construction-related activities during the breeding season. Also, in coordination with the CDFG, a long-term (i.e., greater than five year) monitoring program shall be developed and implemented in order to protect the existing population and provide baseline data to make well-informed, adaptable management plans, if needed in the future. Regardless of whether or not flycatchers are detected, the willow flycatcher survey forms (Form 1; Willow Flycatcher Field Survey Form, Form 2; Willow Flycatcher Survey Summary-Site Description, and Form 3: Willow Flycatcher Survey Summary-Results Summary) shall be submitted to the CDFG by October 1st of each year.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1d Special Status Species

To avoid substantial adverse affects to other nesting migratory birds and raptors, one of the following measures shall be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with Project construction during the non-breeding season (September 16th through March 14th); OR
- Conduct pre-construction surveys for nesting birds if construction activities are to take place during the nesting season (March 15th through September 15th). Pre-construction surveys shall be conducted by a qualified biologist once per week for eight consecutive weeks at the appropriate time of day during the breeding season and shall end no more than three days prior to the onset of construction activities to confirm presence or absence of active nests in the Project vicinity (at least 300 feet around the development area). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist, in coordination with the CDFG and other appropriate agencies, and implemented to prevent direct loss or abandonment of the active nest. At a minimum, construction activities in the vicinity of nest shall be deferred until the young have fledged and an exclusion buffer zone shall be established. A minimum exclusion buffer of 25 feet is typically recommended by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town for review and concurrence prior to initiation of construction activities within the nest-set-back zone. The survey report shall also be submitted to the CDFG for review.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1e Special Status Species

The following good wildlife management practices shall be implemented to reduce impacts to nesting migratory birds and raptors, as well as other wildlife species, following Project development.

- Unleashed domestic pets belonging to residents or visitors shall be prohibited from entering the adjacent undeveloped lands or open space areas. Signage shall be posted and maintained along the boundaries of the development area indicating such prohibitions and educating the community about domestic pets as a conservation threat to birds and other wildlife.
- Signage shall be installed along the existing nature trails on the Project parcel north of Old Mammoth Road educating the community about the breeding season being a vital period in birds' and other animals' lives and disturbances during this time may result in nest or young abandonment.
- Educational brochures shall be distributed to residents and visitors discussing the importance of not supplementing the diet of avian nest predators such as jays (*Cyanocitta* sp.), magpie (*Pica* sp.), ravens (*Corvus corax*), and brown-headed cowbird (*Molothrus ater*) by feeding them during the breeding season. Also, educational brochures shall instruct residents and visitors not to feed wildlife or allow wildlife access to trash. This could lead to increased natural mammalian predators such as raccoon, fox (*Vulpes* sp.), and opossum (*Didelphis virginiana*). These predators tend to benefit disproportionately from human habitation, and as their populations expand they are negatively affecting the health of bird and other animal populations.
- Night lighting associated with the Project shall be designed to provide illumination of target areas with minimal offsite visibility to avoid potentially illuminating wildlife use areas located within and adjacent to the development area.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1f Special Status Species

To avoid substantial adverse affects to western white-tailed jackrabbit, one of the following measures shall be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with Project construction during the non-breeding season (August 1st through January 31st); OR
- Conduct pre-construction surveys for western white-tailed jackrabbit if construction activities are to take place during the breeding season (February 1st through July 31st). Pre-construction surveys shall be conducted by a biologist familiar with this hares' habitat and sign (e.g., tracks, pellets) once per week for five consecutive weeks and shall end no more than three days prior to the onset of construction activities to confirm presence or absence of hares within the Project's development area. If hares or evidence of hare is encountered, the qualified biologist, in coordination with the CDFG, shall develop and implement site-specific measures (e.g., exclusion buffer zone, nesting monitoring) to avoid loss of nests or young. A survey report by the qualified biologist verifying the presence or absence of western white-tailed jackrabbit and describing measures developed and implemented to avoid hares, if determined present, shall be submitted to the Town for review and concurrence prior to initiation of construction activities.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Building Division

Monitoring Agency

Building Division

Mitigation Measure BIO-1g Special Status Species

To avoid substantial adverse effects to badgers, a qualified wildlife biologist shall conduct an initial survey for active burrows at least 30 days prior to initiation of construction activities to confirm presence or absence of badger in the project vicinity (at least 150 feet around the development footprint). If no individual badgers or evidence of badger is found, no further mitigation would be required at this time. However, if badger is detected, site-specific measures (e.g., exclusion buffer zone, nesting monitoring) shall be prepared by a qualified biologist, in coordination with the CDFG and other agencies as appropriate, and implemented to prevent direct loss of active burrows and/or individuals. Regardless of whether badger is detected during the initial survey, a subsequent survey for badger in the Project vicinity shall be conducted no more than 3 days prior to the initiation of construction activities to confirm no new burrows have established in the intervening period. A survey report by the qualified biologist verifying that there are no active burrows present in the development footprint shall be submitted to the Town for review and concurrence prior to initiation of construction activities. The survey report shall also be submitted to the CDFG for review.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-2a Sensitive Natural Communities

To avoid potential inadvertent impacts to preserved sensitive habitats (riparian habitat, wet meadow, or other jurisdictional features) adjacent to the development area, the following measures shall be implemented prior to and during construction activities:

- Prior to construction activities, the boundaries of sensitive habitats that will not be impacted shall be plotted on all construction plans and maps, including a minimum buffer of 10 feet or more as determined by a qualified biologist.
- Silt fencing and construction fencing (or flagging to make the silt fencing more visible) shall be installed around the sensitive habitat and buffer, and the final location of the installed fencing shall be approved by a qualified biologist prior to initiation of construction activities.
- Encroachment into the sensitive habitat and buffer shall be prohibited by construction personnel, and storage of materials or equipment shall be prohibited in this area.
- Prior to the onset of construction activities, construction personnel shall be briefed on the location of sensitive habitat and other resources that shall be persevered and the importance of avoidance.
- The silt fence shall be monitored regularly during construction activities to ensure that the fencing remains intact and functional, and that no encroachment has occurred into the sensitive habitat or boundary; any repairs to the fence or encroachment correction shall be conducted immediately. A memo summarizing monitoring dates, observations, and repairs/corrections shall be prepared following each construction season and submitted to the Town.
- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect water quality of Mammoth Creek and its adjacent wet meadow community during and following project construction. The BMPs to be implemented shall be described in the site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacturer's specifications.
- All fueling and maintenance of vehicles and other equipment and staging areas shall be at least 50 ft (15 m) from sensitive habitats.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-2b Sensitive Natural Communities

To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.

- A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeded, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.
- Vegetation disturbances shall be limited to those areas identified on construction plans and maps as slated for development or construction staging.
- Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.
- Landscaping will not use invasive non-native plants that threaten wildlands according to the California Invasive Plant Inventory made available by the California Invasive Plant Council (Cal-IPC).
- Erosion and sediment control materials shall be certified as weed-free.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-3 Jurisdictional Resources

Prior to the onset of construction activities, including concrete and riprap removal associated with the reduction of the stormwater retention in the existing golf course pond, and vegetation clearing and grubbing and grading associated with the creation of the stormwater control basins and vegetative swale, a Waste Discharge Requirement (WDR) permit application shall be submitted to RWQCB and a Lake or Streambed Alteration Notification shall be submitted to CDFG for impacts to the existing golf course pond, the northernmost retention basin, and the drainage/ditch connecting these features. Mitigation measures associated with permits may include impact minimization measures such as implementation of

best management practices (i.e., erosion and sediment control measures) and seasonal work restrictions, and possibly habitat compensation measures such as the restoration plantings in the vicinity. Impacts to potentially jurisdictional features shall not occur until the permits are received from the appropriate regulatory agencies, or correspondence is received from the agencies indicating that a permit is not required.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Planning Division/CDFG/ RWQCB

Monitoring Agency

Building Division

Mitigation Measure BIO-4a Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

To offset the loss of holding area deer habitat, the applicant shall purchase or contribute funds to purchase a conservation easement on property(ies) that contain important lands in the winter range, migration corridor, and/or holding area of the Round Valley mule deer herd or any other migratory mule deer herd within the Mammoth Lakes vicinity as determined by the CDFG. The amount of acreage to be purchased or made part of a conservation easement ("replacement land") to offset the loss of mule deer habitat by this project shall be determined by the CDFG, and based upon the recommendation of a qualified biologist. The location and quantity of replacement land shall be based upon the acreage of deer habitat affected by the development and the comparative benefits or value to the mule deer herd of the habitat being removed by this project to the area being acquired or protected. Consequently, the CDFG shall not be required to utilize a simple removal to replacement ratio, but shall be permitted to consider other factors such as the quality and quantity of plant foraging material in the removal area and the replacement area and whether the replacement area land serves to protect important lands in the winter range, migration corridor and/or the holding area for the herd. In lieu of providing for replacement land, the CDFG may approve other means recommended by a qualified biologist by which the applicant shall protect or enhance habitat for the Round Valley mule deer herd or any other migrating mule deer herd within the Mammoth Lakes vicinity, such as erecting fencing along U.S. Highway 395 to protect the deer herd from vehicular traffic, providing monetary contributions toward the construction of a deer undercrossing along U.S. Highway 395, or other means to enhance the herd's habitat, or protect the herd, that is roughly proportional to the impact on the deer herd of the loss of deer herd habitat caused by the project (the "in lieu protection program").

The proposed land protection agreement or in lieu protection program shall be prepared by the applicant in close consultation with the Town, CDFG and directly affected parties (i.e., the seller(s) of the conservation easement or the recipients of the monetary contributions under the in lieu program). Prior to the onset of construction activities associated with the development of the new golf course, located on those portions of the site that have historically been deer habitat (refer to areas labeled "I" on Figure III-4), the Town shall receive a signed copy of the land protection agreement, executed by all directly

affected parties as defined above, or obtain written confirmation from CDFG of CDFG's approval of the in lieu protection program proposed by the applicant. Construction activities include vegetation clearing and grubbing and grading. In all events, implementation of the approved land protection agreement or in lieu protection program shall be commenced to the CDFG's satisfaction, prior to any grading of the approximately 46 acres of impacted deer habitat. Implementation shall be completed in stages, to the satisfaction of the CDFG, so as to ensure that the mitigation occurs within a sufficiently short period of time after the impact has occurred, in order to minimize any possibility of an unmitigated impact. The Town will reserve the option to delay the onset of construction activities in the event it determines that implementation of the proposed land protection agreement or in lieu protection program has been unduly delayed or obstructed by the applicant.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/CDFG
Monitoring Agency	Planning Division

Mitigation Measure BIO-4b Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

Major construction activities (e.g., vegetation clearing and grubbing, and grading) within the development area south of Old Mammoth Road shall not occur when significant numbers of migrating deer are present in the Project vicinity (generally during the period from April 15 through June 1 and from October 1 through November 15) to avoid potential adverse impacts to the Round Valley mule deer herd using the Sherwin holding area and Mammoth Rock migration route during the spring and fall migration periods. Because the actual dates of construction will be based on deer arrival at and departure from the Project vicinity, which will depend on weather and snow conditions, a monitoring program shall be developed and implemented, in coordination with CDFG and other appropriate agencies, to determine the presence of deer in the area. All major construction activities shall be conducted during the interim periods between spring and fall migration periods only.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/CDFG
Monitoring Agency	Planning Division

Mitigation Measure BIO-4c Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

In addition to the good wildlife management practices outlined in Mitigation Measure BIO-1e, the following habitat management practices shall be implemented:

- No fences or other potential impediments to deer and other wildlife movement shall be installed along the outer edges of the Project site, particularly along the southern and eastern Project boundaries for deer.
- No depredation permits for controlling deer shall be requested. The applicant recognizes that the development of lands within deer habitat contains associated risks of damage, which is acceptable.
- Require management practices of landscapes treated with pesticides that minimize low-level exposures and sub-lethal effects to wildlife. Herbicides, pesticides, and fungicide application records and other landscape and turfgrass management records shall be made available to the Town or CDFG at any time upon request.

Monitoring Phase

Operation

Implementing Party

Applicant

Enforcement Agency

Planning Division/CDFG

Monitoring Agency

Planning Division

CULTURAL RESOURCES

Mitigation Measure CULT-1 Impacts to Known Cultural Resources

For the entire portion of the Project site located north of Old Mammoth Road, including the CA-MNO-3 site, that portion shall be avoided or capped as determined by the Town based on the advice of the qualified archeologist in consultation with the Native American Monitors, as such persons are selected and designated below. The archeologist shall be selected as follows. The Town shall prepare a list of at least three proposed qualified archeologists. The applicant and the MLD (Most Likely Descendant, as determined by the Native American Heritage Commission) shall mutually agree upon and select one of the archeologists on the Town's list within 15 days after receipt of the list. If the applicant and the MLD cannot agree upon an archeologist, the Town shall make the decision. The MLD shall select at least one but not more than three Native American Monitors for this Project. However there shall be no more than one Native American Monitor per construction crew. If the MLD cannot select a Native American Monitor(s) within 15 days after receipt of request the Town, in consultation with the Native American Heritage Commission and the MLD, shall make the decision. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the applicant.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2a Impacts to Unknown Cultural Resources

A Mitigation Monitoring and Reporting Plan (MMRP) shall be prepared by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology⁴ and the Native American Monitors as selected per requirements identified in Mitigation Measure CULT-1 prior to Project construction. The MMRP shall outline the protocol for notification, temporary protection, documentation, and evaluation of previously unrecorded cultural resources encountered during construction, as well as mitigation of Project-related impacts to any such resources that are considered significant under CEQA, and the curation of any artifacts or samples collected in the field. The MMRP shall include a sample data recovery plan and a curation agreement. This document shall be completed prior to commencement of any ground-disturbing activity associated with the Project site (including clearing, brushing, grubbing, vegetation removal, disking, grading, trenching, excavation, and/or boring) and shall include a provision requiring cultural resources awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2b Impacts to Unknown Cultural Resources

A qualified archaeologist and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall monitor all ground-disturbing construction in native soils for the portion of the Project site north of Old Mammoth Road. The archaeological and Native American monitor(s) shall be supplied with maps and site records for the previously recorded cultural resources within the Project site, so that she/he can distinguish new resources from those that have been previously recorded and evaluated. The monitors shall prepare daily monitoring logs recording the type of work monitored, soil conditions, discoveries, and general observations.

⁴ National Park Service, *ARCHEOLOGY AND HISTORIC PRESERVATION: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated]*, website: http://www.nps.gov/history/local-law/arch_stnds_9.htm, November 18, 2007.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2c Impacts to Unknown Cultural Resources

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing (to be outlined in the MMRP) until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American Monitor(s) and the applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level if preservation is not possible.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2d Impacts to Unknown Cultural Resources

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section §5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance.

Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Monitoring Phase	Construction
Implementing Party	Applicant/Mono County Coroner
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2e Impacts to Unknown Cultural Resources

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Monitoring Phase	Operation
Implementing Party	Applicant/Archaeologist
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2f Impacts to Unknown Cultural Resources

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

GEOLOGY/SOILS

Mitigation Measure GEO-3a Liquefaction and Soil Instabilities

Prior to issuance of building permits and grading activities, a design level geotechnical report shall be prepared and all recommendations in the report shall be adhered to. The design-level geotechnical report shall evaluate the potential for localized liquefaction by performing supplemental subsurface exploration (to evaluate the thickness, in place density, fines content of the underlying loose to medium soil and gradation), laboratory testing, and engineering analysis.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-3b Liquefaction and Soil Instabilities

Implement all recommendations contained within these site-specific geotechnical reports, including those pertaining to site preparation, excavation, fill placement and compaction; foundations; concrete slabs-on-grade; pavement design; lateral earth pressures and resistance; and surface drainage control.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-3c Liquefaction and Soil Instabilities

The final grading, drainage, and foundation plans and specifications shall be prepared and/or reviewed and approved by a Registered Geotechnical Engineer and Registered Engineering Geologist. In addition, upon completion of construction activities, the Project applicant shall provide a final statement indicating whether the work was performed in accordance with Project plans and specifications and with the recommendations of the Registered Geotechnical Engineer and Registered Engineering Geologist.

Monitoring Phase	Pre-Construction/Occupancy
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-6 Volcanic Activity

The Project applicant shall prepare an emergency evacuation plan in consultation with the Town in order to provide for the orderly evacuation of the Project site in case the potential for volcanic hazards increases and residents need to vacate the Project site.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Mammoth Lakes Fire Protection District

Mitigation Measure GEO-8 Soil Erosion/Loss of Topsoil

The following measures shall be implemented to prevent soil erosion and loss of topsoil:

- A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared with the grading plans to fulfill regulatory requirements.
- Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized between October 15th and April 15th.
- Finish grading for all building areas shall allow for all drainage water from the building area to drain away from building foundations (two percent minimum grade on soil or sod for a distance of five feet). Ponding of water shall not be permitted.

Monitoring Phase

Construction/Operation

Implementing Party

Applicant

Enforcement Agency

Planning Division

Monitoring Agency

Planning Division

HYDROLOGY & WATER QUALITY***Mitigation Measure HYD-1a Water Quality Standards***

The golf course expansion (Areas E2, E4, and F) area may be irrigated with reclaimed or potable water. At this time, mitigation requirements for the use of reclaimed water have not been determined. However, if reclaimed water is used for irrigation, options shall be explored to prevent reclaimed water from entering Mammoth Creek. These measures could include:

- Irrigate all retention basins and the swale from the retention basins (located to the west of Sherwin Creek Road) using potable water.
- Irrigate any landscaping within or directly tributary to these features which requires irrigation using potable water. Golf course areas immediately south of the basins shall be constructed to retain all stormwater runoff and shall not overflow to the basins.
- Grade southeasterly limits of the golf course expansion area in some locations to minimize tributary drainage from the south and direct it east toward Sherwin Creek Road.

At this stage, it is unknown if it will be required to limit reclaimed water from entering the tributary area that flows toward Mammoth Creek. The final determination of outflow conditions if reclaimed water is used will be made during the final design in coordination with the RWQCB and other applicable

agencies. In the event that reclaimed water is used, the above mitigation measures will be implemented to avoid any impacts to the water quality of Mammoth Creek.

In consultation with the Town, the Project applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, the golf course, and storm drain inlets. These BMPs shall include detention and sedimentation basins as well as infiltration devices designed to filter runoff from paved areas on the Project site. The design and location of these BMPs will be subject to review and comment by the Town but shall generally adhere to the standards associated with the Phase II NPDES stormwater permit program.

Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits. Compliance with these mitigation measures would reduce potential impacts resulting from Project operation on receiving water quality in Mammoth Creek to a *less-than-significant* level.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division/Community Development Department
Monitoring Agency	Planning Division/Community Development Department

Mitigation Measure HYD-1b Water Quality Standards

Capacity of on-site retention basins for the golf course areas irrigated with recycled water shall include the capacity for a 24-hour storm of 100-year intensity in order to limit recycled water from entering Mammoth Creek.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/Community Development Department
Monitoring Agency	Planning Division/Community Development Department

Mitigation Measure HYD-2 Groundwater Depletion or Recharge

All underground structures shall be designed with exterior wall drain board to a footing drain system as well as underslab subdrains. Crawl spaces shall be protected with proper ventilation and subdrains. The system shall be designed such that subdrains shall be designed with outlet systems that have maximum water surface elevations lower than the bottom of the subdrains to ensure that subdrains would not be inundated with stormwater when retention basins reach capacity. Subdrain design shall be based on final

Project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes. Implementation of this measure would reduce this impact to a less-than-significant level.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure HYD-4 Drainage System Capacity

In consultation with the Town of Mammoth Lakes and RWQCB, and subject to Town approval, the Project applicant shall identify and implement a suite of storm drainage facilities designed to safely capture, treat, and convey runoff from the required design storms. In addition, a detailed set of maintenance procedures necessary to assure that storm drainage facilities continue to work as designed shall be established and approved by the Town, in consultation with the RWQCB. Particular items requiring maintenance include, but are not limited to, cleaning of grates, removal of foreign materials from storm drainage pipes, maintenance as necessary for outlet facilities and retention basins, and repairs as necessary to damaged facilities.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/RWQCB
Monitoring Agency	Planning Division

NOISE

Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels

Construction activities shall be limited to between the hours of 7 A.M. and 8 P.M., Monday through Saturday. Work hours on Sundays and Town recognized holidays shall be limited to the hours between 9 A.M. and 5 P.M., and shall be permitted only with the approval of the building official or designee.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure NOISE-1b Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- Provide advance notification of construction to the immediate surrounding land uses around a development site
- Ensure that construction equipment is properly muffled according to industry standards
- Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible
- Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant/Contractor
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure NOISE-1c Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that construction staging areas within the Project site would be located as far away from vibration-sensitive sites as feasible.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

PUBLIC SERVICES***Mitigation Measure PS-2a Police Services (Cumulative)***

Bars and restaurants that cater to late night crowds will have trained security personnel in order to reduce demand on police services.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure PS-2b Police Services (Cumulative)

Provide fair share of Developer Impact Fees to assist the MLPD in the construction of a public safety and dispatch facility and holding facilities as needed.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure PS-2c Police Services (Cumulative)

Provide private security within the site to patrol the non-residential complex in the evenings, if necessary, in order to reduce criminal behavior, and work in conjunction with law enforcement to solve crimes and crime problems.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

TRAFFIC/CIRCULATION***Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS***

Evaluation of intersection LOS shows that the addition of the Project traffic to the cumulative traffic will significantly impact the Minaret Road/Main Street intersection in the cumulative plus Project scenario, according to the Town's criteria.

The following improvement would be required for the cumulative plus Project condition to mitigate the intersection to LOS D or better:

- **Minaret Road/Main Street.** Provide protected northbound and southbound phasing. This improvement shall be implemented when warranted. Project may be required to construct the improvement based upon project phasing and available Developer Impact Fees (DIFs). Applicant costs to construct would be eligible for reimbursement pursuant to the provisions of the Town of

Mammoth Lake's Municipal Code. This Project will also be required to contribute to a Townwide traffic monitoring program. Implementation of this mitigation measure would reduce this impact to a *less-than-significant* level.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division
Monitoring Agency	Public Works/Planning Division

UTILITIES

Mitigation Measure UTIL-5a Water Supply

The applicant should ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division/Building Division
Monitoring Agency	Public Works/Planning Division/Building Division

Mitigation Measure UTIL-5b Water Supply

The applicant should install either a "smart sprinkler" system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.

Monitoring Phase	Pre-Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division
Monitoring Agency	Public Works/Planning Division

Mitigation Measure UTIL-5c Water Supply

The applicant should select and use drought-tolerant, low-water consuming plant varieties to reduce irrigation water consumption.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-5d Water Supply

The applicant should install low flush water toilets and urinals and shall limit the number of showerheads to one high efficiency fixture per stall, in new construction. Low-flow faucet aerators should be installed on all sink faucets.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-5e Water Supply

The applicant shall be subject to the provisions of a recycled water ordinance adopted by the Town pursuant to Article 10.9, beginning with Section 65601 of the Government Code, and titled Water Recycling in Landscaping Act (Act) at such time as the Town is notified by the Mammoth Community Water District of the future availability of recycled water, at costs reasonably competitive with the costs of untreated groundwater. In addition, the Snowcreek Master Plan shall include a provision that, for all projects constructed or approved prior to the notice, the applicant shall use their best efforts to use recycled water consistent with the Town, the Act, and water district policy.

In addition to using recycled water, untreated well water may be used for irrigation of the golf course expansion (Areas E2, E4, and F) area. At this time, mitigation requirements for the use of recycled water or untreated well water have not been determined. However, if recycled water or untreated well water is used for irrigation, options shall be explored to limit recycled water or untreated well water from entering the tributary area that flows toward Mammoth Creek. Mitigation measures for the use of reclaimed water or untreated well water are specifically described in Section IV.G, Hydrology in Mitigation Measure HYD-1, but could include increasing the capacity of on-site retention for the Golf course areas irrigated with recycled water or well water to include capacity for a storm of 100 year intensity and grading southeasterly limits of the golf course expansion area in some locations to block tributary drainage from the south and direct it east toward Sherwin Creek Road.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-5f Water Supply

The applicant should install Energy Star dishwashers, clothes washers, and refrigerators.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-7 Cumulative Water Supply

The Town shall not approve new development applications that would result in a water demand in excess of available supplies as determined by the Mammoth Community Water District. The Town shall work with Mammoth Community Water District to ensure that development projects include phased demand increases so that the development of necessary additional water supply sources is established prior to respective development demand occurring.⁵

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

⁵ This mitigation measure shall be made a policy of the 2007 General Plan. FPEIR General Plan Update May 2007, page 4-286.

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