



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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JUL 20 2007
MONO COUNTY
COMMUNITY DEVELOPMENT

1795 (CA-170.2) P

County of Mono
437 Old Mammoth Road
Mammoth Lakes, CA 93546
Community Development – Planning
Gerry LeFrancois

Dear Mr. LeFrancois:

Mr. Scott Burns of Mono County has graciously allowed us to extend our submission of comments for the White Mountain Estates DEIR until July 20. The recent Inyo Complex Fires as well as several wildfires in Mono County prevented us from providing comments earlier.

The following are our comments.

Recreation:

We commend Mono County for identifying a conservation standard to address potential off-site impacts to adjoining public lands that is progressive and farsighted. The standard to require the project proponent to work with LADWP and BLM to identify trail/route access from the community across adjacent LADWP and BLM lands creates a unique opportunity to manage off-site subdivision impacts responsibly.

An additional recommendation we request is the county give further consideration to a conservation standard of a wildlife friendly perimeter fencing or some form of natural appearing barriers such as boulders, wood rail fences, etc. to delineate the public land/private subdivision boundary and reduce trespass onto public lands from storage use, etc. We invite the county and the developer to work with us to explore this opportunity further. See the additional comment below on fencing.

Wildlife:

The BLM is responsible for maintaining habitat for wildlife on the public lands adjoining the project area. In general, possible effects of development that can extend beyond private property to affect animals on adjoining public lands include lights, noise, free-roaming pets, and increased recreational use of the surrounding area.

The lighting provisions described in the Visual Resource Impacts section of the DEIR are probably adequate to minimize effects to wildlife. The DEIR also includes a provision that pets be kept indoors or on leash at all times. BLM appreciates this measure; if it is enforced it will minimize the likelihood of dogs and cats harassing or killing wildlife on public lands (although indirect disturbance due to the noise of barking dogs could cause wildlife to spend less time in the area).

Fences can be a hazard to wildlife. It is unclear whether a perimeter fence is planned for the project area; it is also unclear whether the referenced fencing standards for individual yards include wildlife-friendly design. BLM would be available to provide on request suggestions for fence designs that would be least likely to injure wildlife.

As noted in the DEIR, the spring on the parcel is one of very few water sources in the vicinity and is likely important to wildlife in the surrounding area. The 9-acre "Lot D" described as designated for open space appears to include the spring. It is important that as wide as possible an undeveloped corridor, with undeveloped surrounding open space, be maintained for spring access by wildlife; and that this remain unfenced.

In conclusion, we thank you for the opportunity to comment on the Plan and DEIR. If you have any further questions, please feel free to contact me at any time.

Sincerely,

s/Joe Pollini – Acting For

Bill Dunkelberger
Bishop Field Manager



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Eastern Sierra - Inland Deserts Region (ESIDR)
407 West Line Street
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(760) 872-1284 FAX



July 20, 2007

Mr. Gerry Le Francois
Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, CA 93546

Subject: White Mountain Estates Specific Plan/Draft Environmental Impact Report for Tentative Tract Map 37-46 (State Clearinghouse Number 2005022068)

Dear Mr. Le Francois:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project. The proposed project is subdivision of a total of 70.38 acres (APNs 26-240-09 and 26-240-10) into forty-five (45) single-family residential lots (overall project density of 1.5 acres per dwelling unit), one utility lot (0.78 acres) for water and propane tanks, three lots for open space uses (1.46 acres, 3.81 acres, and 9.08 acres), and a remainder parcel (19.23 acres) that allows one single-family residence. Associated improvements include the development of required infrastructure on-site, including paved two-lane roads, pedestrian paths, a domestic and fire protection water system (well(s), water distribution and storage system, fire hydrants), a propane tank area and underground propane distribution system, a storm drainage system, an underground electrical and telephone system, and individual septic systems for all lots.

The Department is providing comments on the IS/ND as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department offers the following comments and recommendations:

The sensitive biological resources supported by the property's springs are of particular importance to the Department. The springs and marsh area are located on the remainder parcel, a 19.23-acre parcel that allows for one single-family residence. Sensitive plants, including sliverleaf milkvetch (*Astragalus argophyllus* var. *argophyllus*), alkali ivesia (*Ivesia kingii* var. *kingii*), and Shockley's buckwheat (*Eriogonum shockleyi* var. *shockleyi*) are known from the east side of the project area. The Owens Valley Springsnail (*Pyrgulopsis owensensis*) has also been reported from the spring on the property and the location is listed in the California Natural Diversity Data Base. We commend the County for largely avoiding these areas in the Specific Plan.

Land use and development on the remainder parcel is to be restricted as stated in the Specific Plan and DEIR. Throughout the DEIR and Specific Plan, reference is made to only one single-family residence to be allowed on the remainder parcel. However, Mitigation Measure VW-2 implies that the remainder parcel may be subject to additional development in the future. Mitigation Measure VW-2 states (emphasis added):

If development occurs on the remainder parcel beyond one residential unit with one mutual water company connection, the Planning Commission may determine that the spring should be monitored on an annual basis, for a period of 10 years, to determine if development is affecting the spring. Monitoring of the spring shall be performed by a qualified biologist during the spring and paid for by the property owner. Should it be determined that development is affecting the spring, appropriate mitigation shall be imposed by Mono County, in coordination with CDFG. (White Mountain Estates Specific Plan Conservation Standard CS-24).

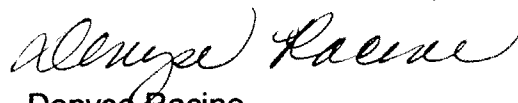
Although we appreciate the proposed monitoring and mitigation for future impacts to sensitive spring habitat, we recommend that development limits on the remainder parcel be addressed now as a part of the CEQA process. In order to ensure that sensitive resources are avoided, we recommend that the County specifies building envelope(s), with development limited to less sensitive portions of the parcel. If the remainder parcel is available for future development outside of areas currently analyzed in the DEIR, we recommend that the Final EIR (FEIR) addresses and provides mitigation for reasonably foreseeable impacts to rare plants and sensitive habitat supported on the parcel. A mitigation plan should be included in the FEIR in anticipation of future impacts, as it may likely be too late to accomplish meaningful on-site mitigation after the remainder parcel is developed.

According to the DEIR, one of the springs was "*recently disturbed (filled) to construct a crude dam. Currently, flowing water from the southern spring is partially impounded by the dam and a portion of the flow is conveyed through a pipe to an off-site location.*" We recommend that the County utilizes the opportunity to improve or correct this situation as an additional mitigation measure to address long-term indirect

impacts associated with the project. Unless the dam and water diversion have been previously authorized and reviewed by the appropriate agencies with jurisdiction over these resources, the springs should be restored to a more natural and functional condition.

The Department appreciates the efforts of the County to coordinate with Department staff and to reduce the environmental impacts of the project. Questions regarding this letter and further coordination on these issues should be directed to Mr. Brad Henderson, Environmental Scientist, at (760) 873-4412.

Sincerely,

A handwritten signature in black ink, appearing to read "Denyse Racine". The signature is fluid and cursive, written in a professional style.

Denyse Racine
Senior Environmental Scientist

cc: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812

Chron

DEPARTMENT OF TRANSPORTATION

District 9
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*Flex your power!
Be energy efficient!*

July 11, 2007

Gerry Le Francois
Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, California 93546

File: 09-MNO
DEIR
SCH #: 2005022068

Dear Mr. Le Francois:

White Mountain Estates Draft Environmental Impact Report (DEIR) (June 2007)

Thank you for giving the California Department of Transportation (Caltrans) the opportunity to review the DEIR for White Mountain Estates, which could create up to 49 single family residences that would access US 6 at White Mountain Estates Road. I appreciate the project discussion that we had on June 19, 2007.

We have the following comments:

- The "Caltrans Improvement Plans in the Chalfant Area" paragraph (EIR page II-57) should be re-titled as "Chalfant Safety Improvements". The first two sentences should be revised to read: "Caltrans and Mono County continue to address community concerns about traffic speeds and turn movements through mitigation of impacts caused by new development."
- The "Corridor Study" in the paragraph cited above and in the last sentence of the Transportation/Circulation paragraph (Specific Plan, page I-9) should be revised to read as: "Mono County, assisted by staff and resources from Caltrans, is conducting outreach to the community of Chalfant and creating a Community Plan. Along with general community issues, US 6 (including access) is being addressed."
- White Mountain Estates Road needs to be realigned so it joins US 6 at 90-degrees (noted in our March 8, 2005 letter).
- We concur with the construction of the US 6 northbound right-turn lane onto White Mountain Estates Road. The length of this right-turn deceleration lane needs to be approximately 480-ft, which includes the bay taper (assumes design speed of 65mph and 10 mph of deceleration within the through lane). The pavement transition for this turn lane addition needs to occur over a length of 120-ft. See enclosed Highway Design Manual (HDM) excerpts. The HDM is also available on-line at:

<http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>

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COMMUNITY DEVELOPMENT

Gerry Le Francois
July 11, 2007
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- An encroachment permit will be required for work within the State right-of-way. Stephen Winzenread may be contacted at (760) 872-0674 regarding permit and turn lane design details. The following are available on-line:

Permit application -

[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/Std_E.P_Application_\(TR-0100\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/Std_E.P_Application_(TR-0100).pdf)


Permit application instructions -

http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/encrchpermt_instruc.pdf

- Since the current White Mountain Estates Road cattle guard is in close proximity to US 6, it can complicate turning maneuvers. Another feasible intersection improvement would be to move it 100-ft east and reconstruct the two abutting fence segments. The Los Angeles Department of Water and Power owns the abutting land so would need to be consulted. We recently provided this suggestion to Kelly Garcia of Mono County Public Works staff.
- We understand that the construction of the above mentioned turn lane would normally be included as a project Condition of Approval (the sole responsibility of the developer) to be completed before the map can be filed. Therefore, it would be in place before any additional trips would be generated by this project (i.e. before any lots/houses in the tract could be sold). It has been brought to our attention that the County may wish to expedite the construction of the turn lane. Some possible mechanisms for achieving this goal may be a Development Agreement or Cooperative Agreement. However, there are many details about such agreements that could be time consuming and complicated (e.g. requiring Caltrans Headquarters approval, getting multiple agencies/parties to agree, etc.). The County would need to weigh all factors to determine if it would be in the best interest of the public by being both cost effective and timely to pursue such an avenue or to simply include it as a Condition. Contact me if you wish further discussion in this matter.

Please continue to forward project information pertinent to Caltrans. We value a cooperative working relationship regarding transportation issues with Mono County. If you have any questions, I may be contacted at (760) 872-0785.

Sincerely,



GAYLE J. ROSANDER
IGR/CEQA Coordinator

Enclosure

c: State Clearinghouse
Steve Wisniewski; Caltrans

"Caltrans improves mobility across California"

Topic 206 - Pavement Transitions

206.1 General Transition Standards

Pavement transition and detour standards should be consistent with the section having the highest design standards. The transition should be made on a tangent section whenever possible and should avoid locations with horizontal and vertical sight distance restrictions. Whenever feasible, the entire transition should be visible to the driver of a vehicle approaching the narrower section. The design should be such that intersections at grade within the transition area are avoided. For decision sight distance at lane drops, see Index 201.7.

206.2 Pavement Widening

- (1) *Through Lane Additions.* Where through lanes, climbing lanes, or passing lanes are added, the minimum recommended distance over which to transition traffic onto the additional width is 250 feet per lane. Figure 206.2 shows several examples of acceptable methods for adding a lane in each direction to a two-lane highway.
- (2) *Turning, Ramp, and Speed Change Lanes.* Transitions for lane additions, either for left or right turns or to add a lane to a ramp, should typically occur over a length of 120 feet. Lengths shorter than 120 feet are acceptable where design speeds are below 45 miles per hour or for conditions as stated in Index 405.2(2)(c).

Where insufficient median width is available to provide for left turn lanes, through traffic will have to be shifted to the outside. See Figures 405.2A, B and C for acceptable methods of widening pavement to provide for median turn lanes.

- (3) *Lane Widening.* An increase in lane width can occur at short radius curves which are widened for truck off-tracking, at ramp terminals with large truck turning volumes, or when new construction matches existing roadways with narrow lane widths. Extensive transition lengths are not necessary as the widening does not restrict the drivers

expectations. Transition tapers for these types of situations should be at 10:1 (longitudinal to lateral).

- (4) *Shoulder Widening.* Shoulder widening should normally be accomplished in a manner that provides a smooth transition, but can be accomplished without a taper if necessary.

206.3 Pavement Reductions

- (1) *Through Lane Drops.* When a lane is to be dropped, it should be done by tapering over a distance equal to WV , where W = Width of lane to be dropped and V = Design Speed. In general, the transition should be on the right so that traffic merges to the left. Figure 206.2 provides several examples of acceptable lane drops at 4-lane to 2-lane transitions. The exception to using the WV criteria is for the lane drop/freeway merge movement on a branch connection which is accomplished using a 50:1 taper.
- (2) *Ramp and Speed Change Lanes.* As shown in Figures 504.2A and 504.3C, the standard taper for a ramp merge into a through traffic lane is 50:1 (longitudinal to lateral). Where ramp lanes are dropped prior to the merge with the through facility, the recommended taper is 50:1 for design speeds over 45 miles per hour, and the taper distance should be equal to WV for speeds below 45 miles per hour.

The "Ramp Meter Design Guidelines" also provide information on recommended and minimum tapers for ramp lane merges. These guideline values are typically used in retrofit or restricted right-of-way situations, and are acceptable for the specific conditions stated in the guidelines.

Figure 405.9 shows the standard taper to be used for dropping an acceleration lane at a signalized intersection. This taper can also be used when transitioning median acceleration lanes.

Figures 405.2A, B and C show the recommended methods of transitioning pavement back into the median area on conventional highways after the elimination of left turn lanes.

Table 405.2B
Deceleration Lane Length

Design Speed (mph)	Length to Stop (ft)
30	235
40	315
50	435
60	530

- (e) **Storage Length**--At unsignalized intersections, storage length may be based on the number of turning vehicles likely to arrive in an average 2-minute period during the peak hour. As a minimum, space for 2-passenger cars should be provided at 25 feet per car. If the peak hour truck traffic is 10 percent or more, space for one passenger car and one truck should be provided.

At signalized intersections, the storage length may be based on one and one-half to two times the average number of vehicles that would store per signal cycle depending on cycle length, signal phasing, and arrival and departure rates. As a minimum, storage length should be calculated the same manner as unsignalized intersection. The District Traffic Branch should be consulted for this information.

When determining storage length, the end of the left-turn lane is typically placed at least 3 feet, but not more than 30 feet, from the nearest edge of shoulder of the intersecting roadway. Although often set by the placement of a crosswalk line or limit line, the end of the storage lane should always be located so that the appropriate turning template can be accommodated.

- (3) **Double Left-turn Lanes.** At signalized intersections on multilane conventional highways and on multilane ramp terminals, double left-turn lanes should be considered if the left-turn demand is 300 vehicles per hour or more. The lane widths and other design elements of left-turn lanes given under Index 405.2(2) apply to double as well as single left-turn lanes.

The design of double left-turn lanes can be accomplished by adding one or two lanes in the median. See "Guidelines for Reconstruction of Intersections", published by Headquarters, Division of Traffic Operations, for the various treatments of double left-turn lanes.

- (4) **Two-way Left-turn Lane (TWLTL).** The TWLTL consists of a striped lane in the median of an arterial and is devised to address the special capacity and safety problems associated with high-density strip development. It can be used on 2-lane highways as well as multilane highways. Normally, the District Traffic Operations Branch should determine the need for a TWLTL.

The minimum width for a TWLTL shall be 12 feet (see Index 301.1). The preferred width is 14 feet. Wider TWLTL's are occasionally provided to conform with local agency standards. However, TWLTL's wider than 14 feet are not recommended, and in no case should the width of a TWLTL exceed 16 feet. Additional width may encourage drivers in opposite directions to use the TWLTL simultaneously.

405.3 Right-turn Channelization

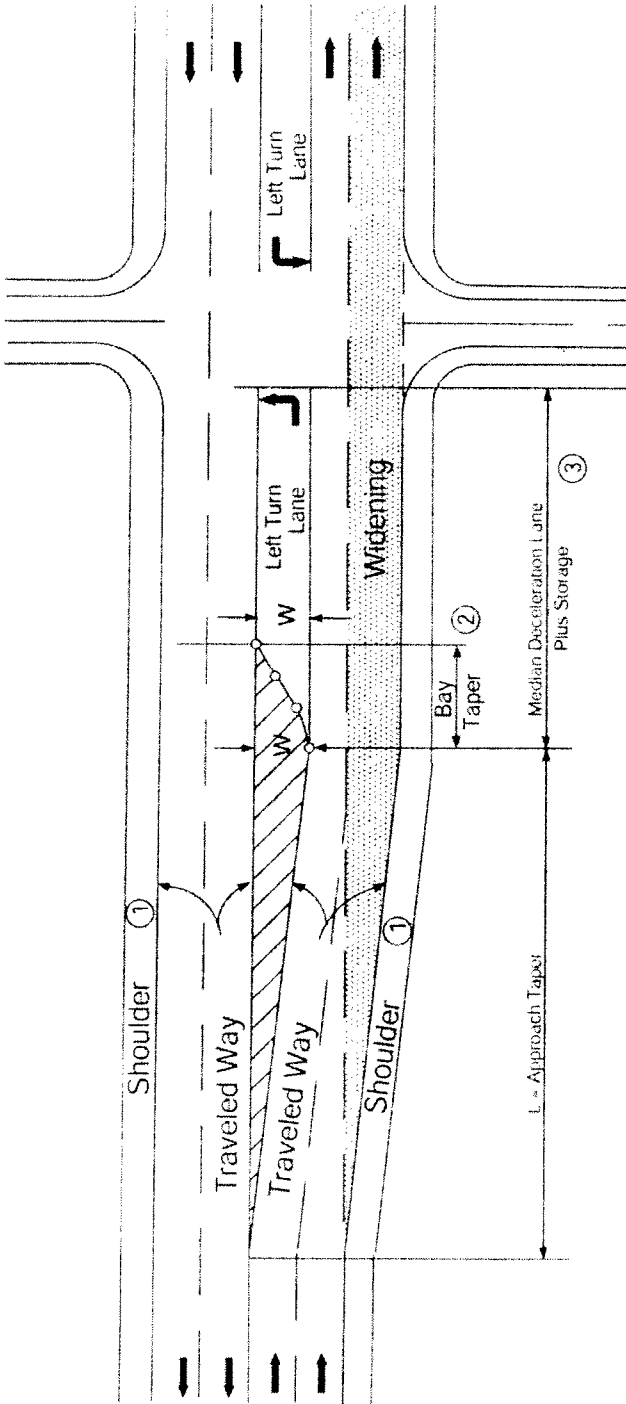
- (1) **General.** For right-turning traffic, delays are less critical and conflicts less severe than for left-turning traffic. Nevertheless, right-turn lanes can be justified on the basis of capacity, analysis, and accident experience.

In rural areas a history of high speed rear-end accidents may warrant the addition of a right-turn lane.

In urban areas other factors may contribute to the need such as:

- High volumes of right-turning traffic causing backup and delay on the through lanes.
- Pedestrians conflicting with right turning vehicles.
- Frequent rear-end and sideswipe accidents involving right-turning vehicles.

Figure 405.2A
Standard Left-turn Channelization



EQUATION: $L = \text{Use } WV$, for $V \geq 45 \text{ mph}$ (4)
Or $WV^2/60$, for $V < 45 \text{ mph}$

Where L = Length of Approach Taper - feet
 V = Design Speed - mph
 W = Width of Median Lane - feet

NOTES:

- ① Where width is restricted, shoulder width may be reduced and parking restricted with an approved design exception pursuant to Index 82.2. For bicycle use, a minimum 4-foot shoulder is required (5-foot if gutter is present).
- ② Bay taper length = 60 feet to 120 feet. (See Table 405.2A) *Applies to Right-turn channelization*
- ③ For deceleration lane length see Table 405.2B.
- ④ Where both sides of roadway are widened, use a fraction of "W" that is proportional to widening on each side.

(2) Design Elements.

- (a) Lane and Shoulder Width--**The basic lane width for right-turn lanes shall be 12 feet. Shoulder width shall be a minimum of 4 feet.** Whenever possible, consideration should be given to increasing the shoulder width to 8 feet to facilitate the passage of bicycle traffic and provide space for vehicle breakdowns. Although not desirable, lane and shoulder widths less than those given above can be considered for right-turn lanes under the following conditions and with the approval of a design exception pursuant to Index 82.2.
- On high speed rural highways or moderate speed suburban highways where width is restricted, consideration may be given to reducing the lane width to 11 feet with approval of a design exception.
 - On low to moderate speed roadways in severely constrained situations, consideration may be given to reducing the minimum lane width to 10 feet with approval of a design exception.
 - Shoulder widths may also be considered for reduction under constricted situations. Whenever possible, at least a 2-foot offset should be provided where the right-turn lane is adjacent to a curb. Entire omission of the shoulder should only be considered in the most severely constricted situations and where an 11-foot lane can be constructed. Gutter pans can be included within a shoulder, but cannot be included as part of the lane width.

Additional right of way for a future right-turn lane should be considered when an intersection is being designed.

- (b) Tapers--Approach tapers are usually unnecessary since main line traffic need not be shifted laterally to provide space for the right-turn lane. If, in some rare instances, a lateral shift were needed, the approach taper would use the same formula as for a left-turn lane.

Bay tapers are treated as a mirror image of the left-turn bay taper.

- (c) Deceleration Lane Length--The conditions and principles of left-turn lane deceleration apply to right-turn deceleration. Where full deceleration is desired off the high-speed through lanes, the lengths in Table 405.2B should be used. Where partial deceleration is permitted on the through lanes because of limited right of way or other constraints, average running speeds in Table 405.2B may be reduced 10 mph to 20 mph for a lower entry speed. For example, if the main line speed is 50 mph and a 10 mph deceleration is permitted on the through lanes, the deceleration length may be that required for 40 mph.
- (d) Storage Length--Right-turn storage length is determined in the same manner as left-turn storage length. See Index 405.2(2)(e).
- (3) *Right-turn Lanes at Off-ramp Intersections.* Diamond off-ramps with a free right turn at the local street and separate right-turn off-ramps around the outside of a loop will cause problems as traffic volumes increase. Serious conflicts occur when the right-turning vehicle must weave across multiple lanes on the local street in order to turn left at a major cross street close to the ramp terminal. Also, rear-end accidents can occur as right-turning drivers slow down or stop waiting for a gap in local street traffic. Free right turns usually end up with yield, stop, or signal controls thus defeating their purpose of increasing intersection capacity.

Free right turns should generally be avoided unless there is room for a generous acceleration lane or a lane addition on the local street. See Index 504.3(2) for additional information.

405.4 Traffic Islands

A traffic island is an area between traffic lanes for control of vehicle movements or for pedestrian refuge. An island may be designated by paint, raised pavement markers, curbs, pavement edge, or other devices. Examples of traffic island designs are shown on Figure 405.4.



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
Secretary for Environmental
Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

Date: July 20, 2007

File: Environmental Doc Review
Mono County

To: Mr. Gerry LeFrancois, Planner
The Town of Mammoth Lakes Community Development
P.O. Box 1609
Mammoth Lakes, CA 93546
FAX (760) 934-8608

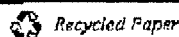
COMMENTS ON THE PROPOSED WHITE MOUNTAIN ESTATES LLC SPECIFIC PLAN TO DEVELOP 45 SINGLE-FAMILY RESIDENTIAL LOTS, ONE UTILITY LOT, THREE LOTS FOR OPEN SPACE, AND A REMAINDER PARCEL THAT ALLOWS ONE SINGLE-FAMILY RESIDENCE ON A 70.38-ACRE SITE, APPROXIMATELY 0.8 MILES EAST OF HIGHWAY 6 AT WHITE MOUNTAIN ESTATES ROAD, APPROXIMATELY 2.4 MILES SOUTH OF THE COMMUNITY OF CHALFANT, APN 26-240-09, 10 (SCH #2005022068)

Please refer to the items checked for staff comments on the above-referenced project:

- [X] The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters. Principles of LID include:
- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
 - Reducing the impervious cover created by development and the associated transportation network, and
 - Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

California Environmental Protection Agency



Mr. Gerry LeFrancois

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We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

- [X] The project requires development of a Stormwater Pollution Prevention Plan and
- a NPDES General Construction Stormwater Permit and/or
- a NPDES General Industrial Stormwater Permit

These permits are accessible on the State Board's Homepage (www.waterboards.ca.gov). Best Management Practices must be used to control soil and pollutants from leaving the site and to mitigate project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

- [X] The project may require a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board. Application forms can be found at our web site (www.waterboards.ca.gov/lahontan).

- [X] The proposal does not provide specific information on how impacts to surface Waters of the State and/or Waters of the U.S. will be mitigated. These surface waters include, but are not limited to, drainages, streams, washes, ponds, pools or wetlands. Waters of the State or Waters of the U.S. may be permanent or intermittent. The Environmental Document needs to quantify these impacts. Discuss purpose of project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances and mitigation). Mitigation must be identified in the environmental document including timing of construction.

Mitigation must replace functions and values of wetlands lost. For more information see the Lahontan Region Basin Plan http://www.waterboards.ca.gov/lahontan/BPlan/BPlan_Index.htm.

- [X] Other

- Please include both pre-construction and post construction stormwater management and best management practices as part of planning process.
- Please consider designs that minimize impervious surface, such as permeable surface parking areas, directing runoff onto vegetated areas using curb cuts, rock swales, etc., and infiltrating runoff as close to the source as possible to avoid forming erosion channels. Runoff should be infiltrated on-site rather than diverted to storm drainage system.

Design features should be incorporated to ensure that runoff is not concentrated by the proposed project. The project must incorporate measures to ensure that stormwater generated by the project is managed on-site both pre- and post

California Environmental Protection Agency




Mr. Gerry LeFrancois

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July 20, 2007

construction.

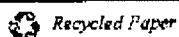
Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Sincerely 
Print Name Judith Keir
Title Environmental Scientist
Phone No. (760) 241-7366
E-Mail jkeir@waterboards.ca.gov

cc: State Clearinghouse (SCH #2005022068)

RCACEQA/JMK/Mammoth_White Mountain Estates Specific Plan.doc

California Environmental Protection Agency





ANTONIO R. VILLARAIGOSA
Mayor

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RECEIVED
JUL 23 2007
MONO COUNTY
COMMUNITY DEVELOPMENT
postmarked
07.20.07

July 17, 2007

Mr. Gerry Le Francois
P.O. Box 347
Mammoth Lakes, CA 93546

Dear Mr. Le Francois:

Subject: White Mountain Estates Specific Plan /DEIR

The Los Angeles Department of Water and Power (LADWP) has completed a review of the Draft Environmental Impact Report (DEIR) and Specific Plan (SP) for the White Mountain Estates project in Chalfant Valley, California. This letter transmits LADWP's comments on these documents.

LADWP has concerns regarding increased impacts to rare plant populations on adjoining City of Los Angeles (City) property. The bordering property contains the following species of special concern:

- *Calochortus excavatus* - listed by the California Native Plant Society (CNPS) as a species of special concern (SSC)1B.1 that must be fully considered under CEQA;
- *Astragalus argophyllus var argophyllus* – listed by CNPS as SSC 2.2 that must be fully considered under CEQA; and
- *Spartina gracilis* – listed by CNPS as SSC 4.2 that is strongly recommended for consideration under CEQA.

LADWP is concerned about potential project-related impacts to spring habitat due to increased water uses associated with the new homes. Additionally, the increased recreational use of the area could have a significant impact on the plant populations on City property. Historically, new developments tend to increase off-highway vehicle use, horseback riding, etc., as the localized population puts increased demand on adjacent open properties.

As mentioned in previous letters dated April 25, 2003 and April 14, 2005, LADWP has concerns regarding the additional groundwater demand for the domestic use of the new tract and believes monitoring wells should be installed to measure changes in the water table

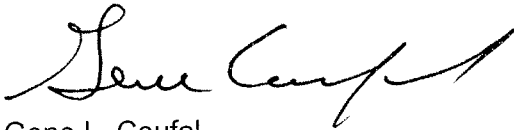


Mr. Gerry Le Francois
Page 2
July 17, 2007

(copies enclosed). The developer has indicated that a new well will be installed and that a hydrologist would be contracted to perform hydrology studies to determine the effects of groundwater pumping. Please submit copies of all information pertaining to the study to LADWP.

If you have any questions regarding this matter, you may write to our office at 300 Mandich Street, Bishop, California 93514-3449, attention Real Estate, or you may reach the Real Estate office by phone at (760) 873-0370.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Coufal". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gene L. Coufal
Manager
Aqueduct Section

Enclosures
c: Mr. Bob Stark
Real Estate

COPY

April 25, 2003

Mr. Gerry Le Francois
Mono County Planning Department
P.O. Box 347
Mammoth Lakes, CA 93546-0347

Dear Mr. Le Francois:

Subject: Comments on Proposed 29-Acres Subdivision
White Mountain Estates – Chalfant Valley

This is in response to a letter dated March 28, 2003 from the Mono County Community Development Department (County) requesting comments on the proposed subdivision of Assessor's parcel number 26-240-10, in Chalfant Valley.

As landowners of the property to the south and west of said parcel, drainage most likely will be directed towards Los Angeles Department of Water and Power (LADWP) property, in which case the project proponent will need to request and receive permission from LADWP to drain onto its property. If required, drainage shall be designed so it is contained in the paved streets, with curbs or berms, and directed to one discharge area for the tract. Installation of an oil/water separator will be required on private property immediately prior to the discharge onto LADWP property. A homeowners' association or entities shall maintain the oil/water separator. Detailed drainage plans showing the location of the oil/water separator shall be submitted to LADWP's office at the address noted below for our review and approval.

LADWP also has concerns regarding the additional groundwater demand for domestic use for the new tract and believes monitoring wells should be installed to measure changes in the water table. The developer has indicated that a new well will be installed and that a hydrologist would be hired to perform hydrology studies to determine the effects of groundwater pumping. Please submit all information pertaining to the study to LADWP.

If you have any questions regarding this matter, please write to this office at 300 Mandich Street, Bishop, California 93514-3449, attention Mr. Don McGhie, or you can reach Mr. McGhie by phone at (760) 873-0248.

Sincerely,

Gene L. Coufal
Manager
Aqueduct Business Group

DSM:rjm

c: Mr. Don McGhie
Real Estate

bc: Thomas M. Erb
Gene L. Coufal
Charlotte L. Rodrigues

Terry L. Williams
Brian Tillemans
Misc. Functions - Drainage

COPY

April 14, 2005

Mr. Gerry Le Francois
P.O. Box 347
Mammoth Lakes, CA 93546

Dear Mr. Le Francois:

Subject: Tentative Tract map 37-46/White Mountain Estates

These are the Los Angeles Department of Water and Power's (LADWP) comments on the development of an Environmental Impact Report (EIR) and Specific Plan (SP) for the project noted above.

Tract drainage should be contained in the paved streets with curbs or berms and directed to one discharge area for the tract. The developer should take all means to retain all drainage on-site with retention ponds. Drainage leaving the development site should be directed to the street right-of-way. Each individual lot should have grading and drainage plans and drainage should be designed to be retained within each lot.

LADWP owns property to the south and east of White Mountain Estates Road. If the developer requests to drain onto LADWP property, LADWP will only consider accepting drainage if all means have been considered to retain drainage within the tract or direct drainage to the street right-of-way. To approve drainage onto LADWP property, the minimum requirements would be the installation of an oil/water separator within the development immediately prior to the discharge point. The Owner shall maintain the oil/water separator and comply with LADWP guidelines for recordkeeping and maintenance. Requests for drainage and detailed drainage plans showing the location of the oil/water separator shall be submitted to this office for approval. LADWP will not approve accepting any drainage that may have contaminants or pollutants.

LADWP has concerns regarding additional groundwater demands for domestic use for the new tract. The developer has indicated that a new well will be installed. A study should be conducted to determine the effects of groundwater pumping, and new monitoring wells should be installed to measure changes in the groundwater table. The developer indicated a hydrologist would be hired to perform such studies; all information shall be submitted to LADWP for review.

Mr. Gerry Le Francois
Page 2
April 14, 2005

If you have any questions regarding this matter, you may write to our office at 300 Mandich Street, Bishop, California 93514-3449, attention Real Estate, or you may telephone them at (760) 873-0370.

Sincerely,

Gene L. Coufal
Manager
Aqueduct Business Group

DSM:jej

c: Mr. Bob Stark
Real Estate

bc: Thomas M. Erb
Gene L. Coufal
Charlotte L. Rodrigues
Terry L. Williams
Brian Tillemans
Don S. McGhie
Pending (Mono-Tentative Tract Map 37-46)

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net



July 2, 2007

RECEIVED

JUL - 6 2007

MONO COUNTY
COMMUNITY DEVELOPMENT

Gerry LeFrancois

County of Mono Community Development Department

P.O. Box 347
 Mammoth Lakes, CA 93546

Re: SCH#2005022068: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for White Mountain Estates Specific Plan and Tentative Tract Map No. 37-46; Mono County, California

Dear Gerry LeFrancois:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission 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 § 15064.5(b)(c). 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 recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- √ 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) §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.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §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.

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

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,


Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Native American Contacts

Mono County
July 2, 2007

Benton Paiute Reservation
Joseph C. Saulque, Chairperson
Star Route 4, Box 56-A Paiute
Benton , CA 93512
numic@gnet.com
(760) 933-2321
(760)933-2412

Mono Lake Indian Community
Charlotte Lange, Chairperson
P.O. Box 117 Mono
Big Pine , CA 93513 Northern Paiute
(760) 938-1190

Big Pine Band of Owens Valley
Genevieve Jones, Chairperson
P. O. Box 700 Owens Valley Paiute
Big Pine , CA 93513
bigpinetribaladmin@earthlink.
(760) 938-2003
(760) 938-2942-FAX

Big Pine Band of Owens Valley THPO
Bill Helmer, Tribal Historic Preservation Officer
P.O. Box 700 Paiute
Big Pine , CA 93513
amargosa@aol.com
(760) 938-2003
(760) 938-2942 fax

Bridgeport Paiute Indian Colony
Charlotte Baker, Chairperson
P.O. Box 37 Paiute
Bridgeport , CA 93517
biggovadm@yahoo.com
(760) 932-7083
(760) 932-7846 Fax

Bishop Paiute Tribe THPO
Theresa Stone-Yanez, Tribal Historic Preservation
50 Tu Su Lane Paiute-Shoshone
Bishop , CA 93514
(760) 873-3584, Ext 250
(760) 873-4143 - FAX

Antelope Valley Paiute Tribe
Bill Lovett, Chairperson
874 Camp Antelope Road, #11 Washoe / Paiute
Coleville , CA 96107
(530) 495-2801
(530) 495-2736

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2005022068; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for White Mountain Estates Specific Plan and Tentative Tract Map # 37-46; Mono County, California.

July 10, 2007

Gerry LeFrancois, Project Coordinator
Mono County Community Development Department
P. O. Box 347
Mammoth Lakes, CA 93546

**RE: Proposed White Mountain Estates Specific Plan and
Environmental Impact Report**

White Mountain Mutual Water Company (“Company”) believes the above-referenced EIR and the proposed specific plan do not adequately address water issues. The proposed specific plan amendment should not be approved until this defect is cured.

The specific plan amendment is proposed to accommodate the development of White Mountain Estates.¹ The specific plan amendment should not be approved unless the underlying project is feasible, including the existence of an assured source of water supply. The EIR is a convenient and appropriate vehicle for demonstrating the existence of assured supply but the EIR fails to accomplish this task. The failure of the EIR to demonstrate adequate water service is not the only reason to reject the specific plan amendment. The specific plan must be consistent with the general plan. A specific plan which contemplates a separate water system for the project violates the general plan.

Specific Plan Comments

The general plan requires new developments to connect to existing water providers when feasible.² This policy is vital for the existence of the small water systems created by past County actions. The proposed specific plan violates this general plan provision.

¹ APN 26-240-09, 26-240-10. For convenience, the development will be called the “project.”

² Objective B of the Conservation/Open Space Element states, “Identify and secure adequate water for future local domestic needs...” Policy 4 states, “Encourage the consolidation of small water providers to increase operational and service efficiency.” Action 4.1 states, “Require new developments to be served by existing water provides, where feasible, rather than creating new service entities.”

The Company was created in 1980 when the County approved the first development of 43 lots in the Company's area. In addition to serving these lots, the Company anticipated providing water to the future development, including the project. The Company is ready, willing and able to serve the project if the developer complies with the Company's regulations.

The proposed specific plan contemplates a separate water system for the project.³ The proposed specific plan also states, "In compliance with Mono County General Plan, policies and State policies concerning the efficient provision of public services, the water system for the proposed development should be consolidated with the water provider for the existing White Mountain Estates in order to increase operational and service efficiency. Consolidation should occur at some time in the future when it becomes feasible." The project should be annexed to the Company system at this time, not some undefined time when the project is no longer able to meet Company system standards. The proposed specific plan should ensure water service will be provided by the Company because the existing and future community would best be served by one water system providing water to the area and not dividing the community with multiple small systems.⁴ The proposed specific plan must be changed to avoid violating the general plan by requiring water service be provided by the Company.

An enlarged system with about eighty services connecting to the Company's system would provide the most feasible way of meeting the technical, managerial and financial ("TMF") elements of a small water system.⁵ The Company has discussed serving the subject project with the owner's representatives. The developer seemed satisfied with the Company's technical standards.⁶ The developer seems satisfied with the Company's managerial standards.⁷ The Company believes the developer was concerned about the Company's financial ability to serve the subject project, but the developer has not met to discuss the Company's financial condition.

³ Proposed specific plan, Page I-28, I-32.

⁴ The proposed specific plan suggests the area could be served by a county service area or a new community services district. A mutual water company would be able to better serve the community compared to these new entities. However, dissolving the Company and creating one new water provider would be better for the existing and future residences than having two systems.

⁵ The State of California encourages small mutual water companies to prepare reports on the company's ability to provide service from a technical, managerial and financial standpoint (hence, the acronym "TMF report"). The Company will soon complete its TMF report.

⁶ The Company complies with the standards of the American Water Works Association (AWWA).

⁷ The local operator has access to the California Rural Water Users Association and other consultants.

EIR Comments

In addition to the above concerns relating to the substance of the proposed specific plan, the draft EIR does not demonstrate the project will have an assured source of water supply as required by a recent California Supreme Court decision.⁸ Because the specific plan is designed solely to accommodate the project, it should not be adopted unless the project is feasible, i.e., an assured water supply must be established for the project.

Some erroneous assumptions were made concerning the amount of water that would be used in the proposed development. The Company has five years of data showing average annual demand is 1.45 af/y/lot and the maximum day demand was 2.1 gpm/home. The draft EIR contains geologic reports by Golden State Environmental (GSE) which uses "rule of thumb" data. The Company's actual data should be used instead of theoretical figures.⁹

GSE concludes pumping wells in the project area would not impact the springs to the East due to the semi-permeable faulting that separates the wells from the springs. The wells will not be recharged as predicted by GSE if they are separated from the remainder of the basin by a semi-permeable fault.

The developer is attempting to develop a well in the same aquifer as the Company because the Company's well is robust. However, the two wells drilled by the developer are not in the same aquifer as evidenced by the fact the groundwater elevation in the developer's well is significantly different than the groundwater elevated in the Company's well. The statement that wells are located in the main valley aquifer is incorrect. The project cannot rely on recharge data for the main valley aquifer. New recharge data must be developed.¹⁰

Concern raised by AMEC in a July 8, 2005, comment that the well bore in lot B "intercepted fault traces that are considered active as defined by the state geologist. The occurrence of fault displacements generated by future earthquake events is likely to damage the well to the point that it is unusable." This concern was not

⁸ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

⁹ Whenever possible, needed source capacity and needed storage volume shall be determined from existing water use records of the water system. 22 CCR §64564.

¹⁰ The EIR says, "The hydrogeologic analysis for the project indicated that there is sufficient recharge..." This is an overstatement of that made in the February 6, 2006, GSE report. The conclusion in that report, based on the apparent misunderstanding of the location of the two wells above, states, "...conditions suggest that the two wells are screened in the main valley aquifer. Consequently, the water supply needs of the proposed Phase 2 development should be met..." "Is sufficient" is not the same as "should be met" and both statements are based on the possible misunderstanding of the aquifer location for the wells.

fully addressed by the GSE response that states the well "was installed to provide increased reliability of the water supply to the development." Response is this well can become unusable without consequence. The State Department of Corporations requires system redundancy and mandates a minimum of two wells.

The analyses in the draft EIR relies on dilution by the relatively large main valley basin to handle bacterial contamination associated with on-site waste disposal. The draft EIR must also examine chemicals, such as nitrates, and make the analysis in light of the fact the well is located in a separate aquifer.

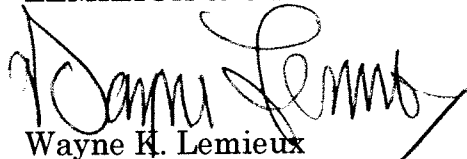
The development budget shown on page I-36 appears not to show the cost of the two 60,000-gallon water tanks. A date on this table will prove helpful due to the recent high volatility of the costs for this type of work.

In the sections relating to drainage design, statements should be added requiring that drainage facilities should also be designed to accommodate flows from possible broken water mains or fire hydrants. This flow could be in the range of 2,000 gpm.

Thank you for considering the above comments. The Company remains committed to working with you to resolve the above items. If you need further explanation regarding your concerns, please contact the undersigned.

Very truly yours,

LEMIEIUX & O'NEILL



Wayne K. Lemieux

Attorneys for White Mountain Mutual Water Company
WKL/lms

cc: Marilyn Voorhis
Dan Tothoroh

White Mountain Estates HOA

940 White Mountain Estates Road
Bishop, CA 93514

July 13, 2007

Gerry LaFrancois
Project Coordinator
Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, CA 93546

RECEIVED
JUL 16 2007
MONO COUNTY
COMMUNITY DEVELOPMENT

Re: Proposed White Mountain Estates Specific Plan and Environmental
Impact Report

Dear Mr. LaFrancios:

The Proposed White Mountain Estates Specific Plan and Environmental Impact Report ("EIR") raises concerns regarding the common area for Track 37-15 ("our common area").

From the maps and information provided it appears that at least a portion of the proposed development is to be built within the boundaries of our existing common area. If so, we do not know how the Developer proposes to build on our land. We would request that we be provided with documentation showing that our existing common area and it's access and egress will not be infringed upon, if and when the project moves forward.

Also, we would like to have the issue of our acreage in our common area resolved at this time. We think that our common area should consist of at least 22.37 acres. The White Mountain Mutual Water Company previously raised this issue to the County in a May 11, 2003 letter.

We look forward to your comments.

Sincerely,

The White Mountain Estates Homeowners Association Board of Directors

RECEIVED

JUL 12 2007

MONO COUNTY
COMMUNITY DEVELOPMENT

July 7, 2007

Gerry LeFrancois
Mono County Planning Department
P.O. Box 347
Mammoth Lakes, Ca 93546

Re: White Mountain Estates EIR/SP response.

My name is Mike McWilliams. I am a resident in Phase I of White Mountain Estates. You may recall that you and I have had contact previously on issues related to a Mono County Code violation complaint against the common area in White Mountain Estates.

Herewith you should find my comments regarding the EIR/SP for the proposed Phase II development.

Specific Plan:

In general terms these are the major areas of concern with respect to the Specific Plan:

- General plan objectives regarding annexation of adjacent community water systems
- Development of lots within the Alquist-Priolo Earthquake Fault Zone
- Statements made by Mono County to the effect that common area land use issues related to the complaint could be addressed at the time of this EIR.

1.- General Plan Objectives:

I am concerned that Mono County General Plan Objectives (and State of California Statutes) relating to connection of new developments to existing adjacent Water systems and companies is being set aside by Mono County under pressure from the developer in main part because his personal preference would not be to have to deal constructively with the existing community. My belief is that a matter of personalities or conflict related thereto has been substituted for sound judgment regarding the benefits to new development and the existing community. The developer should not be allowed to apply for a permit from Public Health to construct or operate a separate water system or company. He should be required to construct only those elements needed by the existing system to bring his prospective homeowners into that system. New system elements already in place such as the two wells may be of some use in a combined system. They can be included in a comprehensive design. Any further construction of the elements suggested in the SP (tankage and hydro-pneumatic apparatus) however would take the compatibility of the new system elements in a seriously divergent direction...making combination much more difficult if not permanently infeasible.

I believe design of a single system for both communities can be of great financial benefit both to the developer and to his buyers. The time to conceptualize and move forward with a single comprehensive system is now! Leaving annexation for some time in the future is frankly irresponsible.

2.-Alquist-Priolo Affected Lot Development:

Lots 40 through 45 and the remainder portion shown on the maps as being in Phase II should not be developed in any manner. Follows a list of potential problems or conflicts:

- Map detail shows insufficient setback from known fault scarps. The Alquist- Priolo statute recommends 50-foot setbacks from known traces. The proposed plan is showing only 25 feet. Either the house, the garage or the septic system will be on top of the fault trace.
- Community Water system transmission lines crossing earthquake faults. In the situation where the water systems were combined, I doubt the company would issue a "Will Serve" letter for a system with such transmission lines.
- Individual wells impacting spring flow or down gradient aquifer recharge.

- Lot development impacting riparian ecology
- Conflict between property owners and spring capture for existing common area users
- Loss of effective contiguous open space for dispersed recreation.
- Large lots invite agricultural uses-uncontrolled or excessive use of individual well water will impact springs and aquifer.

It is not obvious to me how the proponent would approach a prospective buyer in light of the nature of the geologic reality for those upgrade lots. "Caveat Emptor." My contention is that the entire Phase II section should be rezoned OS and left essentially alone. The only exception would be a requirement for the developer to replace native vegetation on areas exposed due to fault trenching activities.

3.- White Mountain Common area Complaint:

Subsequent to the 2002 Code compliance complaint against the White Mountain Homeowners Association for activities on the common area a preliminary application for general plan amendment and Specific plan was submitted to Mono County Community Development. This was done in order to change the land use designation from RMH to OS with additional requests to permit storage and structure activities associated with livestock and vehicle storage. No action was forthcoming from Mono County. The reason given was that no action would be taken pending the EIR for the Stark Development.

I note that Lot A in the new development contains those structures in trespass upon the Stark property which were originally thought to be on Phase I common area property. Lot A is to be zoned Open Space with potential for use permits to be extended covering the uses found on that lot; including structures and storage associated with animal husbandry and general storage. We in the existing community are interested in perpetuating those uses in order to avoid having certain types of storage not exist on individual community lots. It comes down to this: If Lot A is acceptable to the County for the new community, why not for us?

Please indicate how the existing Homeowners Association might move ahead now. Can our request to change LUD and associated use permits be included with the new development request for General Plan Amendment? Can we offer to share in the GPA fees with the developer in this effort? I request to know if there is an opportunity here for the Phase I community to vacate the portion of the complaint dealing with land use.

Page-by-Page Commentary:

I-1 Project Components

1. Subdivision total acreage 70.35. As shown if all lots in the upper section were developed there would only be 14.35 acres of open space. That is equivalent to 20% open space in the tract. Phase I open space ratio is 15 acres out of 44 for 34%. I don't believe large private lots contribute to open space. They are often fenced and invite agricultural uses instead of contributing to habitat or dispersed recreation. As a minimum the "Remainder" Lot should not be zoned SFR or developed. This would raise the open space ratio for the development to 48%.

I-1 identified issues: I believe the Specific Plan should Identify Annexation of the proposed new water system to the existing system as an issue. Identifying impacts on the environment and on springs and wells is important. However the greatest impact on the **People** in the existing community will be how their water company performs. That performance can be adversely impacted by a competing service dividing the community rather than a single system designed comprehensively.

I-4 Housing Needs: The information in the paragraphs give the impression that working class families with above moderate incomes will qualify for mortgages in the new development. The lowest figure given for price is \$325000. If Osage Circle is any indication the sales price by the time properties are sold will be on the order of \$400000. If incomes increase by 2% per year for say 5 years from the 2003 data given we have an upper "above Moderate" income of \$72,200. A

\$400000 sale may include a \$40000 down payment and a 30 yr mortgage at 6% with a monthly payment of \$2160. At a recommended limit 30% of monthly income for mortgage the qualifying annual income becomes \$86400. So any contention these units are intended for anyone other than retirees selling million dollar homes in Southern California is mildly disingenuous.

I-9 Transportation/Circulation: Caltrans and Mono County LTC are completing a study of SH 6. When will the results of that study be available and should we expect any changes in the Specific Plan as a result?

I-12 Relationship of the Specific Plan to Neighboring Plans: "There are no neighboring plans affected by the proposed White Mountain Estates Specific Plan." I presume that the consultant who prepared the specific plan was simply not aware that we had presented a draft general plan amendment for the common area.

I-13

- Policy 1-B: Change to read "Allow 39 single-family lots on APN 26-240-09. Allow one utility lot on APN 26-240-10 with the remainder of that parcel zoned open space. Make corresponding changes in Program 1-B.
- Policy 1-C: Eliminate Policy 1-C entirely. The entire parcel 26-240-10 should be zoned OS with the exception of Lot B (Utility Lot).
- Policy 1-D: Eliminate this policy as unnecessary. The entire project should be implemented in one phase for the lower 39 lots.

I-14 Housing Objective 2: Provide single-family housing in the tri-Valley to meet needs of local residents. The only local residents whose needs will be met by this project are the ones whose income is greater than \$86400.

Policy 2A Allow the development of 46 SFR: change to read "Allow 39 SFR

I-18 Additional Uses Permitted for Lot A. Lot A in the upper portion of the proposed development should be preserved. The Land Use Designation and permitted uses should also be applied to the remainder of Phase I Common Area (37-15 Lot 45).

I-26

- CS-23 Change to Read: land uses on 26-240-10 should be limited to non-motorized passive recreational activities with exception of Lot A which permits animal husbandry with storage or Lot B which allow utility activities. Travel through the parcel should be permitted only on existing graded roads.
- CS-24 Eliminate this standard because "remainder parcel" should be included in larger OS parcel comprising 37-46 Phase II

I-27

- CS-27 Re-vegetation: Areas affected by earthquake fault trenching should be added to those areas to be re-vegetated.

I-28

- CS-40: The proponent's application for a permit to operate a water system should be denied. Under the Mono County General Plan and State Law He should be required to connect to an adjacent system. If this is not done properly at the beginning there will be no opportunity to join these systems down the road. The proponent would instead seek a "Will Serve" letter from the existing company.

- CS-41: The TMF should be performed on combined system using the existing system and company as the basis with added elements provided by the proponent. The existing company will apply to Mono County Environmental Health for a modification to its existing permit to include new customers.

I-30 Policy 5-B The right turn lane and turn pocket is an excellent policy for this development. I would add or suggest that the county undertake prior to the turn lane construction on SH6 to improve the entrance and cattle guard. The entrance is too narrow and the cattle guard too close to the highway.

I-32 Water System:

- Objective 8: The proponent can best minimize the impact on existing service providers by adding elements appropriate to the existing system and seeking a "Will Serve" letter from the existing company.
- Program 8-A: Change to read: Install Water storage and distribution system in compliance with design principles provided by White Mountain Mutual Water Company.
- Program 8-B: ... Prior to the final map the developer shall seek a "Will Serve" letter from White Mountain Mutual Water Company.
- Policy 8-D Change last sentence to read: Consolidation should occur before approval of final map
- Program 8-D Change to Read: The water system for the proposed development shall represent a comprehensive extension or the existing White Mountain Mutual Water Company for the purpose of serving the new residents of White Mountain Estates.

EIR

Page-by-Page Commentary

II-1

- Purpose Statement: Remove reference to 6 lots on upper steeper portion and Remainder portion. Project should refer only to 39 lots plus utility Lot B on western portion of parcel.
- Project Components: Change to read 39 lots SFR-1/2 plus one Lot zoned U with remainder of 26-240-10 zoned as open space.

II-11

- Project Objectives: Change total number of lots from 46 to 39 single family residences on the western portion wit the entire steeper, eastern section reserved for open space.
- Project Description: Change description in accordance with the development of 39 one half acre parcels on 24-240-09 and the remaining 44.52 acres zoned as open space.

II-16

- Tri-Valley had one of the lowest percentages of households paying more than 30% of household income on housing. This percentage is guaranteed to increase as the sales price will be well beyond the means of "above moderate" income families. Local residents will have no choice but over-extend themselves in order to make a purchase. Retirees out of professional careers and out of the Southern California real estate market will have no trouble with a straight cash purchase.
- Percentage of seasonal or recreational use in White Mountain Estates is 20%
- Home values in the existing community have more than doubled since 2001.
- Considering the percentage of retirees in the community I find it impossible to believe that incomes have increased anything near 71%. My feeling is quite the opposite from the rosy picture portrayed by the EIR that home prices have far outstripped income. Every family I have spoken to in the community would not be able to purchase their existing home now...including myself, just 5 years later.

II-17

- 38% of owners in White Mountain Estates are retired

II-21 Water and Sewer Impacts: A comprehensive design of an integrated water system encompassing both the existing community and the proposed development must be completed now. Allowing for consolidation in the future will result in construction of a new system that is essentially incompatible with the existing system. The proposed system elements including hydro-pneumatic pressurization with no backup power generation to provide fire flow in the case of utility power outage would make consolidation extremely expensive.

II-33 Development of the eastern portion of the project site:

- 2. Building Setbacks of 25 feet. The recommendation of the Alquist-Priolo statute is 50 Feet. But that would render building profiles less usable. If the parcel cannot be used within the limits posed by Alquist-Priolo then I recommend the lot be abandoned for development.

II-37

- GS-3 The maps showing fault locations also show the topography. The sites usable from faulting standpoint are on steeper sections of each parcel...requiring deeper cuts for a suitable pad.

II-64 Circulation Mitigation

- C-3 Turn lane idea is great. Need to add improvement to White Mountain Road entrance and cattle guard. Entrance is too narrow and cattle guard is too close to SH6.

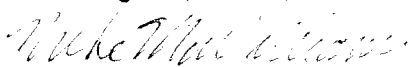
II-74 Water Resources Mitigation:

- WR-3 Permit application by proponent: Permit application should be denied. Proponent must seek a will serve letter from White Mountain Mutual Water Company. This process involves construction of required system elements fitted to a compatible design integrated with the existing system. System elements currently proposed by proponent are incompatible with existing system design. Wells drilled in project property can be used in an expanded system. They can be used with de-rated pumping to avoid questions of aquifer depletion and draw-down as shown in the 72 hour test (101 feet of draw-down)
- WR-4 TMF report should be completed on a combined system. It is performed by the existing company with the help of California Rural Water Association as a part of the company's application for extension of its current permit.

In conclusion I strongly recommend the commission and the board adopt the reduced development comprising 39 lots as depicted on II-79. Development of 26-240-10 carries too great a risk to the environment but more importantly too great a risk to potential homeowners.

I sincerely appreciate the chance to make a response to the EIR/SP

Best Regards,



Mike McWilliams
65 Tenaya Dr.
Bishop, Ca 93514
760.872.0947

July 17, 2007

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MONO COUNTY
COMMUNITY DEVELOPMENT

Gerry LeFrancois
Project Coordinator
Mono County Community Development Department
P. O. Box 347
Mammoth Lakes, CA 93546

Sent Electronically, July 17, 2007

Re: White Mountain Estates Environmental Impact Report

Dear Mr. LeFrancois:

I appreciate the opportunity to submit comments regarding the White Mountain Estates Environmental Impact Report and look forward to submitting additional comments regarding the Specific Plan Document. I will try to keep my comments brief as I am sure that others have directed similar remarks to your attention. I wish to address three principal areas.

The first of these is water resources. The water resources segment of the EIR is difficult to read and follow. No doubt that is due in large part to the fact than groundwater resources in the Tri-Valley Area are themselves difficult to understand. The difficulty may also relate to the acknowledged "gaps in the justification for methods of analysis" which are acknowledged in connection with the GSE study which underlies the water resources section.

There are serous issues regarding the organization of the delivery system for water to the proposed development. These, I believe have been addressed by the White Mountain Mutual Water Co. and I will not repeat their concerns.

There are also questions as to the adequacy of supply available to a proposed development at the site. Mono County officials have repeatedly stated that the groundwater resources and system of the Tri-Valley is not well understood and have recently commissioned a study of the question. Notwithstanding the fact that the results of that study have not been received, it is proposed that this development proceed without benefit of the result of the county expenditure. It does not seem prudent to acknowledge the need for more a comprehensive understanding of groundwater resources by spending public money and then fail to take the time to receive that information and apply it to the current application.

The finding that there is an adequate groundwater supply is closely related to the concept of a "reasonable life expectancy" for the project. That phrase is

repeated several times in one iteration or another without any indication of what it signifies or how and by whom it was developed. It would appear that the “reasonable life expectancy “of the project if 40 years since this is the time period in which the underground water supply would be depleted (absent an unknown recharge) by the residential use from the development. It is difficult to imagine that this is meant to suggest that, after 40 years, the residences and there inhabitants will simply disappear. It is also difficult to see how this amounts to a sustainable use of the resource. The “reasonable life expectancy” is pegged to the exhaustion of the resource which does not suggest sustainability at all.

Obviously there is some rate of recharge. It is estimated that this may be 30 acre feet per year during the time of the analysis. The analysis fails to comment on the significance of the fact that it took place in the aftermath of two very much higher than normal snow years. The most definitive statement that the groundwater will not face depletion is the notion that “potential exists for there to be adequate recharge” It would be hoped that downplaying of the impact of the proposed project on groundwater resources could be based on something more certain and quantifiable than “potential”

It would make more sense to look to a development scope which would not be tied to a meaningless concept of “reasonable life expectancy” of residential houses and to a water demand equal to the recharge of the groundwater source. Use of an amount equal to recharge is actual sustainability.

The proposed mitigation factors are inadequate. There is no determination as to the amount of water which would be saved by the measures nor is how they would be enforced and by whom. Lastly there is no indication of what the remedy would be if negative impact to existing well supplies actually is found to occur.

The water resources section needs to be re-thought.

There are serious concerns regarding the public safety/hazards implications of the new development, especially when these impacts are viewed cumulatively with approved and potential additional development in the Chalfant area. The EIR acknowledges that the proposed project increases the population served by the Chalfant Fires District by as much as 25%. The EIR further acknowledges that fire mitigation fees may not be sufficient to off-set the additional resource requirement of the district in terms of physical infrastructure, apparatus, and personnel needs. These issues are not adequately addressed in the document.

There are similar concerns related to circulation. These in large part dove-tail with public safety issues in terms of increased demands upon fire suppression and emergency medical services, particularly in connection with other development within the Fire District. The ingress and egress to Highway 6 require significant upgrades which should take place at the time construction begins. The construction of the development will bring a significant number of

vehicles, some of which are oversized, into and out of the White Mountain Estates Road through an intersection which is not adequate to deal with the existing level of use.

One final note: The EIR speaks to air quality (dust) issues associated with the construction of the development. It sets forth mitigation measures. I am sure that such measures were required for more recent project construction. The reality was that they were not adhered to and a meaningful mechanism for enforcement should be included in any purported mitigation.

Again, I appreciate the opportunity to provide these comments. I do not believe that any of these issues are insurmountable. However, more information is required regarding the water questions which are crucial throughout the Tri-Valley. Mono County is to be commended for attempting to deal with this issue by conducting a groundwater study. We would all benefit from being able to apply the results to the questions posed by this development proposal.

Very truly yours,

Peter Pumphrey

128 Ronda Ln.
Chalfant, CA. 93514

Gerry LeFrancois
Mono County Planning Department
P.O. Box 347
Mammoth Lakes, CA 93546

June 27, 2007

RE: Comments to White Mountain Estates Specific Plan and Environmental Impact Report

Dear Gerry :

The following are my comments concerning the White Mountain Estates Specific Plan and Environmental Impact Report (EIR) for the proposed White Mountain Estates Phase 2 development. I am submitting these comments as a homeowner in the existing White Mountain Estates Phase 1 development. Although I am employed locally as a consulting hydrogeologist, the comments provided herein are provided purely as an effected party, and not under my professional license. As a general matter, it should be noted that I am neither a proponent nor an opponent of the proposed development. My sole concerns are that the currently undeveloped land is developed wisely, and with demonstrated adequate resources so as not to impact the existing community of which I am a part, due to either environmental, economic or other quality of life issues.

The following are my comments and corrections to the Specific Plan and EIR.

Specific Plan

1. First throughout the Specific Plan, the project objective as stated sounds as if the White Mountain Estates Phase 2 project were a public project. It should be noted that the primary objective of the project is to profitably develop the parcel of land described. The objectives described are effects of the project.
2. Page I-1: With respect to the costs of housing for the project, recent area home sales indicate significantly greater home values than those listed. Given current mortgage rates, property tax rates, fuel costs for commuting to and from work, etc., it is unclear to me how affordable the costs of housing would be to moderate- income families. I was lucky enough to buy into White Mountain Estates at a time when property/home costs were less than half of what they are now . . . that is how home-ownership is comfortably affordable to me despite an income above the median for the county. Please provide an analysis backing up the affordability statement.
3. Page I-7: Water Resources Section, 2nd Paragraph - groundwater flows generally to the west as opposed to the east as stated. Further, as will be discussed later in this letter, it is highly unlikely that the project area receives any significant amount of groundwater from the main area of groundwater underflow beneath Chalfant Valley. This apparent error in the groundwater analysis was due to the lack of key data (current groundwater level data in the existing White Mountain Estates Phase I well) having been used in the groundwater analysis as the groundwater consultant was not made aware of the existence of those data.

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4. Page I-8: With respect to the Wildlife Section, an expanded bird list is provided as an attachment to this letter. The consultant apparently missed several migratory bird species that annually nest in the project area during their field survey. Further, the database search conducted is more than three years old. The database search should be rechecked for updated information as it is unclear if these database search results are still valid.
5. Page I-10: With respect to the Environmental Conditions section, a cumulative analysis of the effects of additional groundwater development in the Tri-Valley area such as the proposed project should include the potential cumulative impacts of development on the Fish Slough spring area, as well as on-site impacts.
6. With respect to open-space prohibitions, a means of enforcement is necessary to assure that proper use of open spaces are conducted. Currently, there appears to be little enforcement of the open space requirements for the existing White Mountain Estates Phase I development. Given the typical atmosphere of a residential neighborhood, and the reluctance of neighbors to conduct enforcement on fellow neighbors, friends and relatives, more of a County role appears to be necessary for open space requirements to be followed.
7. Page I-28: With respect to water resource development, it is essential that incorporation of the water system for the Phase 2 development be a requirement for that development, and that design of that water system be in conformance with the existing White Mountain Estates Mutual Water Company (WMMWC) water system. It is my understanding that the only reason that the developer has planned for a separate system is due to a personality conflict with an existing WMMWC board member. Groundwater management in the Tri-Valley area is a much-too-important issue for White Mountain Estates, the Tri-Valley area, and Mono County as a whole, than to be relegated to being controlled by the personality conflicts of a couple of individuals. Allowing personality issues to serve as a precedent for future development would be destructive water policy. Further, with the extensive number of developments proposed for the Tri-Valley area, consolidation of water systems should be a goal - not the proliferation of numerous, possibly conflicting separate water systems.

Additionally, should it be determined after full development is complete that insufficient water is available for the Phase 2 development, the existence of an infrastructure that does not conform to the existing WMMWC system could result in later incorporation into the WMMWC being cost prohibitive or even not possible without completely removing and replacing the infrastructure for the Phase 2 development. Based on the performance of the existing WMMWC well, WMMWC could produce sufficient water quantity for both developments.

Environmental Impact Report

The following comments specifically address the environmental analysis portion of the Environmental Impact Report. As a general statement, I found the seismic hazard and cultural resources assessments to be diligently completed and thorough. No additional comments are provided with respect to those issues and/or recommendations.

Land Use

The EIR should indicate that the existing area is an open-range area and that damage to the future

development and associated infrastructure due to cattle entering the development, similar to that which has occurred previously in the White Mountain Estates Phase 1 development may occur. The implications of open-range on the existing development should be described.

Public Services

As described previously in this letter, incorporation of the Phase 2 water system into the existing WMMWC system as a requirement for development is essential. Allowing the water systems for the two phases of White Mountain Estates to coexist as separate entities would be:

- Poor water policy as described previously in this letter.
- An invitation to future litigation should issues develop between the two water systems.

Further the technical basis for the development of a separate water system was based on a faulty study that did not have a full data set to evaluate. Based on the performance of the existing water supply for the WMMWC, sufficient water is present to supply both phases of development.

Vegetation and Wildlife

No comments are provided concerning the botanical study or its conclusions and recommendations. With respect to the wildlife study, it should be noted that the survey is approximately three years old. Therefore it is unclear if the information concerning sensitive, proposed or candidate species is still valid. These database searches should be updated. A list of birds observed by me at White Mountain Estates (including the common area and spring) during the period from May, 2004 to present is attached and includes birds endemic to the area as well as rare-bird species sighted. Selected sightings with rare bird documentation (for example Lawrence's Goldfinch and White-winged Dove), have been submitted for inclusion to the journal *North American Birds* published by the American Birding Association.

Further, house finches are not migratory birds as listed. However, the scrub covering the development area and surrounding lands is nesting habitat for migratory Black-throated Sparrows which nest in the area (April through September) and others. Other birds noted to have nested at White Mountain Estates and immediate areas include Burrowing Owl, Long-eared Owl, Costa's Hummingbird, Black-chinned Hummingbird, Western Kingbird, and Bullock's Oriole among others. The riparian area below the spring has been observed to be a very active migratory bird location during spring and fall. With respect to raptors, the following raptor species have been observed at White Mountain Estates;

- Swainson's Hawk
- Red-tailed Hawk
- Golden Eagle
- Cooper's Hawk
- Sharp-shinned Hawk
- Northern Harrier
- Prairie Falcon
- American Kestrel

It should be noted that Appendix A of the wildlife report was omitted from the copy of that report. Additionally stating that the Swainson's Hawk could potentially be present when the bird was actually sighted by the report preparer is problematic . . . clearly the bird is present during the proper season.

Circulation

The traffic report that was provided as an appendix is also three years old and was apparently prepared prior to numerous proposed developments including a potential development at the southern end of Chalfant Valley, and numerous developments in Hammil and Benton Valleys. It is likely that all of this additional development that has been proposed recently will have effects on U.S. Highway 6 traffic patterns. Given the age of the study, and the safety issues involved an updated study appears to be needed.

From a personal note, I have had two close calls during storm conditions while trying to make right turns onto White Mountain Estates Road after traveling northbound on U.S. Highway 6. In both cases, semi-trucks had to veer (at high speed) into oncoming lanes to avoid rear-ending my vehicle due to poor visibility (snow) and due to the high-speed the trucks were traveling at despite the poor conditions. Widening U.S. Highway 6 throughout Chalfant Valley is essential to avoid future fatalities on U.S. Highway 6 as more traffic uses this key route to Bishop and other areas south. Additionally, a recent report on National Public Radio noted that truck use from the Reno area is anticipated to increase significantly in coming years and that will very likely result in additional truck traffic on U.S. Highway 6 given this highway's status as a key route between Reno and the Los Angeles area.

Water Resources

As a general matter, the conceptual model for the groundwater system as presented is incorrect. It is clear that the saturated earth materials in which the White Mountain Estates Phase 2 development is completed are separated from the main, southward moving groundwater system by the extensive fault system that extends beneath the Phase 2 development. There are also indications that the extensive faulting is also present beneath the Phase 1 development. The groundwater elevation in the existing WMMWC well appears to be significantly higher than the groundwater elevations in the Phase 2 wells drilled for the proposed project. Both of these groundwater elevations are above the groundwater elevations that would be expected along the axis of the valley. This anomaly in the groundwater surface indicates a significant degree of separation between these saturated zones, and is indicative of a fault-block controlled aquifer. Further, it is my understanding that the drillers' log for the WMMWC well along with more recent water level measurements, may never have been provided to Golden State Environmental during their investigation. That well log indicates the presence of a significant zone of volcanic rock being encountered in the well. The exceedingly high specific capacity of the WMMWC well along with the well log information suggests the presence of a basalt flow of very high transmissivity. This also is not incorporated into the conceptual model of the system. Therefore, the conceptual model is clearly incomplete and poorly understood.

It should be noted that since the WMMWC well was drilled, the water level in that well has remained stable despite full build-out of the White Mountain Estates Phase 1 development and the declining groundwater levels beneath the main portion of Chalfant (to the north). It is highly likely given the performance of the well over the period that the existing development has been in existence that there is sufficient water for the WMMWC to provide both phases of development with a reliable, good quality water supply.

Another note is with respect to the potential impact to the spring flow resulting from the 6 gallons per minute for the upper lots. Golden State Environmental discusses that a reduction of 6 gallons per minute from the spring would result in no net loss of flow to the riparian area downstream of the spring.

However, it is clear that a reduction in spring flow of 6 gallons per minute would either result in cutting nearly in half the existing use of that spring flow for the White Mountain Estates Phase 1 common area or a complete cessation of flow to the riparian area which is nesting habitat for migratory birds. The reduction in spring flow must be made by one means (use) or another (flow to riparian area).

With respect to recharge, if one were to assume that the newly-drilled White Mountain Estates Phase 2 wells were in the main valley aquifer (with a southward gradient) recharge from drainages to the south (e.g., Coldwater Canyon) would not be a likely source of recharge to an upgradient location. In that case, a portion of the flow from Piute Canyon could recharge the project area. Given the hydrogeologic complexity of the area, without extensive work (for example geophysical surveys) ascertaining the recharge area for the project is problematic. While uncertainties also exist for the existing WMMWC well, the long-term performance and yield of the well indicate a more reliable source. This all points to the clearly superior alternative of having both Phases of White Mountain Estates as one single water entity.

With respect to the mechanics of hooking up to the existing system, I will leave those issues to the comments that will likely be provided by the WMMWC Board.

Alternatives

The only case in which I feel the no-project alternative would be warranted is in the case that either the Phase 2 development does not incorporate into the existing water system, the mitigation measures detailed in the EIR are not adhered to, and/or the other issues detailed in this letter are not addressed. With inclusion into the existing water system (a key issue), and as a 10-year resident/homeowner, I have enough confidence in our existing water system to provide an adequate supply to both developments. Given the fault-block aquifer that is present beneath Phase 2, I am suspect of the long-term supply and availability to the Phase 2 development, and am very concerned that major technical and legal issues could result between two adjoining water companies. Further, that the approach of two separate water companies is driven not technically, or even legally, but primarily due to personal differences, the concept of two separate water companies should never have been considered a defensible alternative to start with.

Impact Overview

Given the issues concerning the conceptual groundwater model for the area, the statement that the project would not result in any significant unavoidable environmental effects is not accurate. Given that merely one piece of data previously unknown to the groundwater consultant would result in negation of the proposed conceptual groundwater model for the area indicates the degree of uncertainty in site conditions. Therefore, it is clear that there is insufficient data to make such a strong statement. It is true however that by incorporating into the existing WMMWC water system, and utilizing the existing WMMWC source as a primary source, many potential environmental impacts resulting from the Phase 2 development go away.

As stated previously in this letter, cumulative impacts to Fish Slough resulting from the cumulative effect of the many proposed developments in the Tri-Valley area should be considered.

Mitigation Monitoring

A hydrologic mitigation monitoring plan is needed to protect spring flow and the existing water supply system. This is completely lacking in the EIR.

Recommendation

As stated above, assuming that the concerns raised by the public (including those raised in this letter) are addressed; the mitigation measures provided in the EIR are adopted, and with the incorporation of the Phase 2 water system into the existing WMMWC system (including working with the existing WMMWC Board to design the water system to conform with the existing WMMWC system) I believe that development should be able to proceed as planned.

However, either lacking the incorporation of the water systems, not adequately addressing the concerns of the public or failure to adopt the mitigation described, and given the potential resulting environmental, legal and economic liabilities to the existing community and to myself as a landowner, I must support the no-project alternative.

I appreciate the opportunity to comment on the EIR for the Phase 2 development of White Mountain Estates.

Sincerely,



Andy Zdon
85 Tenaya Drive
Chalfant Valley, CA 93514

SPECIES SEEN
All Dates ~ in White Mtn. Estates ~ 89 seen

**HERONS, EGRETS AND
BITTERNS**

Great Egret

NEW WORLD VULTURES

Turkey Vulture

HAWKS, EAGLES AND

KITES

Northern Harrier

Sharp-shinned Hawk

Cooper's Hawk

Swainson's Hawk

Red-tailed Hawk

Golden Eagle

FALCONS AND

CARACARAS

American Kestrel

Prairie Falcon

NEW WORLD QUAIL

California Quail

PLOVERS AND

LAPWINGS

Killdeer

Mountain Plover

PIGEONS AND DOVES

Rock Pigeon

Eurasian Collared-Dove

Mourning Dove

White-winged Dove

CUCKOOS

Greater Roadrunner

BARN-OWLS

Barn Owl

OWLS

Burrowing Owl

Long-eared Owl

NIGHTJARS

Lesser Nighthawk

Common Nighthawk

Common Poorwill

SWIFTS

White-throated Swift

HUMMINGBIRDS

Black-chinned Hummingbird

Anna's Hummingbird

Costa's Hummingbird

Calliope Hummingbird

Broad-tailed Hummingbird

Rufous Hummingbird

WOODPECKERS

Red-breasted Sapsucker

Hairy Woodpecker

Northern Flicker

TYRANT FLYCATCHERS

Say's Phoebe

Western Kingbird

LARKS

Horned Lark

SWALLOWS

Violet-green Swallow

Barn Swallow

KINGLETS

Ruby-crowned Kinglet

WAXWINGS

Cedar Waxwing

WRENS

Bewick's Wren

House Wren

MOCKINGBIRDS AND

THRASHERS

Northern Mockingbird

Sage Thrasher

THRUSHES

Western Bluebird

Townsend's Solitaire

American Robin

GNATCATCHERS

Blue-gray Gnatcatcher

LONG-TAILED TITS

Bushtit

CHICKADEES AND

TITS

Mountain Chickadee

SHRIKES

Loggerhead Shrike

CROWS AND JAYS

Steller's Jay

American Crow

Common Raven

STARLINGS

European Starling

VIREOS AND ALLIES

Cassin's Vireo

WOOD WARBLERS

Orange-crowned Warbler

Yellow-rumped Warbler

Black-throated Gray Warbler

TANAGERS AND

ALLIES

Western Tanager

SPARROWS, TOWHEES,

JUNCOS

Green-tailed Towhee

Spotted Towhee

Chipping Sparrow

Brewer's Sparrow

Black-throated Sparrow

Sage Sparrow

Song Sparrow

White-crowned Sparrow

Golden-crowned Sparrow

Dark-eyed Junco

**SALTATORS, CARDINALS
AND ALLIES**

Rose-breasted Grosbeak

Black-headed Grosbeak

Lazuli Bunting

BLACKBIRDS, ORIOLES,

GRACKLES, ETC.

Red-winged Blackbird

Yellow-headed Blackbird

Brewer's Blackbird

Great-tailed Grackle

Brown-headed Cowbird

Hooded Oriole

Bullock's Oriole

FINCHES, SISKINS,

CROSSBILLS

Cassin's Finch

House Finch

Pine Siskin

Lesser Goldfinch

Lawrence's Goldfinch

American Goldfinch

Evening Grosbeak

OLD WORLD SPARROWS

House Sparrow

----- STATISTICS -----

Species seen - 89