

**October 2, 2018**  
**Regular Meeting**  
**Item # 5c**

**CDD**

**Amended INF Objection  
Letter / Letters from the  
Public**

Dear Members of the Board,

I want to commend the Board for your outstanding Letter of Objection to the Inyo National Forest regarding the final Forest Plan. I hope that you will vote at tomorrow's meeting to formally submit this objection to the Inyo.

I spent more than a decade working on the litigation and stream restoration negotiations for Rush, Walker, Parker and Lee Vining Creeks, on behalf of the Mono Lake Committee (1984-1995). I am very familiar with the research by which the historic watershed conditions prior to LADWP's water diversions were identified and the process by which stream flow recommendations and restoration activities were developed and implemented. The recovery of wild and scenic values has been remarkable, and I am pleased to know that the mission and commitment to restore functional ecosystems with a capacity for self-renewal on these streams, along with Mill Creek, continues into the future. It is most heartening to read the Board's recognition of the importance of these vital riparian corridors and fisheries to Mono County.

Likewise, it is most encouraging that the Board recognizes the importance of conserving Mono County lands that merit Wilderness Designation and has become a strong champion for their protection.

Thank you for being true stewards of Mono County's precious wild and scenic environmental values!

Sincerely,

Ilene Mandelbaum  
PO Box 89  
Lee Vining, CA 93541

October 1, 2018

Supervisor Fred Stump  
District 2, Mono County  
PO Box 715  
Bridgeport, CA 93517

Dear Supervisor Stump,

Thank you for responding to my telephone call of Monday, October 1, 2018, concerning the Inyo Forest Plan (USFS) which is due for its final release.

To reiterate, I am a supporter of wild lands and the importance of designating land and rivers under protection by law. Once a stream or river is dammed, a meadow is plowed under, a spring is capped, a mountain is mined, a vernal pond is drained, the wildness, or originality, can never be recreated.

I appreciate the USFS efforts. As a former National Park Service employee, I believe that the folks in the field and in the office for our government agencies, as a whole are doing their best. I appreciate also, the efforts the Mono County Board of Supervisors are doing to promote wild land habitat protections in the county.

Please continue your support of bolstering wild land and scenic river designations in Mono County.

Sincerely,

Ann Hoffmann  
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Benton, California 93512  
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Hello,

We are very concerned that the proposed Inyo National Forest Plan Revision Objection Letter (Oct. 2) on the consent vote excludes Wilson Creek which was included in an earlier letter, see below. I would very much like the Board of Supervisors to add Wilson Creek to their Inyo National Forest Plan Revision Objection Letter.

“\* Wilson Creek: The county supports including the segment below the DeChambeau Ranch diversion on the list of eligible Wild and Scenic Rivers. However, the county's recommendation is conditioned on the inclusion of language within any eventual legislative designation that such designation shall not impact or impair historic water rights, uses of water, or activities on the Conway or Mattly ranches. The county has not conducted an evaluation for Wild and Scenic River eligibility; however, our understanding is that this segment is noted for its scenic vistas of the Sierra crest, canyon walls, and Mono Lake; recreational activities such as birding, hiking and photography; geological features; waterfowl habitat and migratory bird habitat connectivity. This segment is within the Mono Basin National Forest Scenic Area and is therefore subject to management actions directed at protecting its geological, ecological, cultural, scenic and other natural resources. Off-road vehicles potentially include scenic, recreational, geological and wildlife. “

Thank you,  
Cole and Priscilla Hawkins  
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9500 Hwy 167  
Lee Vining, CA, 93541  
760-937-4527

"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." -- Benjamin Franklin

“ ... that something is right when it tends to maintain the earth's life-support systems for us and other species, and wrong when it doesn't.”

Aldo Leopold

September 29, 2018

Dear Mono County Board of Supervisors,

I am emailing you to urge the Board of Supervisors to vote in support of the draft objection letter to the revised Inyo National Forest Plan (item 5 C on the agenda for your October 2, 2018 meeting).

I am a resident of Mammoth Lakes living in the district represented by Supervisor Bob Gardner. I have participated in the plan revision process since the opening stages – due to my personal interest and as a member and officer of the local Range of Light Group (Sierra Club). This email is submitted as my personal comment and not as a statement by the Range of Light Group. I am fully supportive of the stance of the Sierra Club regarding the draft forest plan and anticipate Sierra Club signing onto the joint objection letter that will be submitted by the Sierra Nevada Forest Coalition which includes Sierra Club and the local Range of Light Group.

I have followed particularly the topic of potential wilderness additions in both Inyo and Mono Counties. I am happy to see that there are useful wilderness additions in the plan for Inyo County. The Inyo County Board of Supervisors is supporting the additions but with objections to the precise boundaries – generally recommending a revision of the north-south boundary on Owens Valley facing side that moves the boundaries up slope somewhat. As you know, in contrast to Mono County, the 2008 Omnibus Wilderness bill included no wilderness additions in Inyo County. As expected, there was more public opposition to wilderness additions in the new plan in Inyo than in Mono County. It was good to see stronger support for new wilderness areas by Inyo County stakeholders than was the case in developing the 2008 legislation.

I was disappointed to see no new wilderness areas in the new plan in Mono County, despite strong support for such additions, including the support of the Mono Board of Supervisors. The reasons given (to the extent reasons were given) for not including potential areas from Alternative C do not appear persuasive, especially in view of the local public and government support for suggested additions. It is almost as if the Forest Service is implying – by the plan – that Mono County got its wilderness additions in 2008, and that now it is the turn of Inyo County to get areas that were politically impossible to include in the 2008 legislation.

I found it a very useful review of the wilderness issue to read over the documentation included in the agenda packet for Wednesday's Board meeting and commend the staff for both the draft letter and the supporting documentation – including clear maps.

In the plan revision process, my main interests have been wilderness areas (and other protected area designations), sensitive species, water issues, and climate change. As the draft objection letter and the supporting documentation detail the reason for the specific desired new wilderness areas, I will not address the suggestions additions individually. My primary concerns as regards possible wilderness areas are:

- 1) Connectivity issues for flora and fauna across landscape scale areas, especially important due to the changes occurring due to climate change.
- 2) Wilderness areas that include types of landscape, habitat, flora, and fauna not represented or under-represented in existing wilderness areas.
- 3) Filling in boundaries of existing areas by additions adjacent to existing wilderness areas – where those existing boundaries do not make sense from an ecological or scientific perspective.
- 4) Not applying an overly purist definition of wilderness that is not supported by defining wilderness legislation.

The other major topic in your Board's draft objection letter concerns potential Wild and Scenic River segments that are not included in the final plan, including but not limited to those related to the drainage into the Mono Basin. I support these additions. Happily, one of the bills passed by the state legislature this past session addresses possible efforts by the federal administration to roll back W&SR designation by automatically incorporating into the state W&SR system any segments removed from W&SR designation at the federal level. For maximum future protection of these waterways, it is important to make the W&SR additions recommended in your draft objection letter.

I realize that the Board may wish to make minor changes to the text of the draft objection letter but I do hope that the substance of the draft letter is incorporated into the final letter that I urge the Board to submit.

Thank you for your work in securing an improved forest management plan for the Inyo.



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Within Mono County's original comment letter on the Inyo National Forest Draft Plan and Environmental Impact Statement, a list of recommended wilderness areas was provided. The areas listed were included in Alternative C in some form and therefore meet wilderness criteria, however the areas have been excluded in the final report.

In Mono County comment 2107 of the FEIS, the rationale for excluding the requested areas from recommended wilderness includes 1) did not increase the manageability of adjacent wilderness areas as wilderness, 2) were not manageable as wilderness, or 3) did not add under-represented ecosystems to the National Preservation System.

To address points 1 and 3, Mono County submits that adding areas adjacent to existing wilderness and under-represented ecosystems has merit but that the actual wilderness characteristics of an area should be the determining factors. The Wilderness Act of 1964 specifically defines wilderness characteristics as: "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."<sup>1</sup>

The Inyo National Forest, in determining the areas requested by Mono County should not be included as recommended wilderness, should explain, on the basis of the definition and criteria in the Wilderness Act of 1964, the rationale for exclusion. If no clear rationale exists, Mono County requests that these areas be included in as recommended wilderness. In addition, including these areas is only a recommendation. As pointed out in the response to comment 2104, only Congress can formally designate wilderness.

In response to point 2 above in the response to comment 2107, the rationale for determining these areas are not manageable as wilderness is unwarranted. The following bulleted points explain the flaws in commonly cited reasons offered by the Forest Service to exclude areas from wilderness, although the Inyo National Forest responses were not necessarily so specific:

1. Fish stocking - including non-native fish stocking - and fish barriers (Dexter Canyon)

- Congress has clarified that fisheries enhancement activities and facilities "are permissible and often highly desirable in wilderness areas .... Such activities and facilities include ... stream barriers, aerial stocking, and the protection and propagation of rare species." (House Report 95-540 of the Endangered American Wilderness Act)
- Fish barriers needed to protect endangered fish species are not precluded by wilderness. For example, there is a fish barrier that protects the threatened Paiute cutthroat trout on Cottonwood Creek, within the White Mountains Wilderness.
- To maintain an existing or construct a new fish barrier in wilderness would require a minimum tool analysis<sup>2</sup> (i.e. whether it is "necessary to meet minimum requirements for the administration of the area" under Sec. 4(c) of the Wilderness Act). Options could range from maintaining/constructing barriers by hand, using pack stock to carry equipment and supplies, to even constructing temporary motorized routes.

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<sup>1</sup> The Wilderness Act of 1964. Section 2(c). <https://www.wilderness.net/nwps/legisact>. Site visited Sept. 22, 2018.

<sup>2</sup> Section 4(c) of the Wilderness Act provides that motorized equipment, mechanical transport, motorboats and aircraft landings are prohibited "...except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act..." Proposed administrative activities must be evaluated via a minimum tool analysis to see if they are required. If so, then it is a "minimum requirement."

If it is not feasible to implement the "minimum requirement" without using generally prohibited activities (e.g. motorized equipment), then using motorized equipment becomes necessary and is the "minimum tool." Feasibility must be determined by physical possibilities not efficiency, convenience or cost. Each tool's proposed use must be evaluated on its own merits. A determination that a rock drill is "necessary" does not mean that it is acceptable to use a chainsaw or land a helicopter on the same project.



- Forest Service recommended wilderness areas in Alt. C generally exclude existing motorized routes and roads, so these routes are not targeted for closure and there should be little or no conflict with the need to maintain/construct fish barriers.
2. Wildlife management for species like bighorn sheep and sage grouse
- Congress has recognized that “management activities to maintain or restore wildlife populations and the habitats to support such populations may be carried out within wilderness areas ... where consistent with relevant wilderness management plans....” (Pub. L. 101-628 (Arizona Desert Wilderness Act); see also House Rep. 101-405 and Forest Service and BLM “Policies and Guidelines for Fish and Wildlife Management in Wilderness”)
  - Use of the minimum tool analysis should allow habitat restoration activities for these species without significant disturbance of wilderness qualities.
  - Recovery efforts for the at-risk Parker Meadow sage grouse sub-population in the Ansel Adams Northeast Addition -- which is threatened by pinyon/juniper encroachment, local development, power lines, and fencing -- could continue if the area were designated wilderness, subject to the minimum tool test.
3. Wildfire
- Section 4(d) of the Wilderness Act specifically allows firefighting in designated wilderness, stating that “such measures can be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.” Congress has further provided that permitted fire control in wilderness areas “includes the use of mechanized equipment, the building of fire roads, fire towers or fire pre-suppression facilities where necessary and other techniques for fire control. In short, anything necessary for the protection of public health and safety is clearly permissible.” (House Report 95-540 of the Endangered American Wilderness Act)
  - National Park Service studies in the Illilouette Creek basin in Yosemite Park show that managed wildfire in wilderness provided reduced fire risk, greater resilience to fire and drought, greater vegetation diversity, and increased or stabilized water yields, without significant negative effects. (“Managed Wildfire Effects on Forest Resilience and Water in the Sierra Nevada” by Gabriel Boisrame et al, Ecosystems 2016)
  - Prescribed fire and associated fuel management may also occur in wilderness (for example, the Caples Creek Ecological Restoration Project, Eldorado National Forest, in the agency-recommended Caples Creek Wilderness).
4. Sights and Sounds
- The Wilderness Act does not preclude the designation of areas that are affected by external sights and sounds. In fact, there are and will continue to be wilderness areas designated by Congress right next to urban landscapes with plenty of sights and sounds.
  - The Inyo’s wilderness analysis inappropriately considers outside sights and sounds – often related to motorized activity on roads or trails outside the polygon. Outside sights and sounds are relevant to wilderness suitability only to the extent that they are “pervasive and influence a visitor’s opportunity for solitude” throughout the unit. (FSH 1909.12, sec. 72.1(2)(a). The Inyo Plan’s assertions that sights and sounds “would likely penetrate throughout much of the polygon” are unsupported by any empirical data, noise models, or surveys.
  - It is especially inappropriate to disqualify areas based on exterior sights or sounds associated with motorized use of the roads that necessarily define the areas’ boundaries or are cherry-stemmed. In fact, many designated wilderness areas are closely bordered by high-traffic roads. As Congress has seen fit to use these highways and other major thoroughfares as wilderness boundaries, the Forest Service cannot reasonably claim that the noise caused by lesser roads or even motorized trails can create a “pervasive” loss of wilderness values across large, rugged, and usually trackless landscapes.
  - Even where an area’s exterior sights and sounds are clearly pervasive and preventing opportunities for solitude, the area can still be suitable for wilderness recommendation if it possesses outstanding opportunities for primitive and unconfined recreation.

5. Wild Horse Management

- The management requirements of the Wild Free Roaming Horses and Burros Act are not inconsistent with the Wilderness Act. Under the Wild Horses law, management activities such as use of helicopters and motorized vehicles to manage wild horses “shall be at the minimal feasible level” (Sec. 1331); similarly, motorized uses are allowed in wilderness areas “as necessary to meet the minimum requirements for the administration of the area” (Wilderness Act, Sec. 4(c)).
- Thus, wild horse management activities, like other administrative uses of motorized vehicles, are permissible in wilderness areas, subject to the minimum tools test.

6. Evidence of past mining, grazing development, historical sites, etc.

- The Forest Service should not take an overly “purist” approach toward non-conforming past uses in making its wilderness recommendations. Section 2(c) of the Wilderness Act defines wilderness as an area that “generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable” (emphasis added). Thus, areas need not be pristine or untouched to be suitable for wilderness designation, and an area may include any number of past or present activities or improvements, so long as they are substantially unnoticeable.
- Continued livestock grazing is specifically allowed by the Wilderness Act (Sec. 4(d)(4)). Grazing and associated infrastructure is commonplace throughout many designated and recommended wilderness areas in western national forests.

7. Lack of water (limiting recreation)

- The absence of water is not a valid reason not to recommend an area for wilderness. There are plenty of existing wilderness areas with little or no water (particularly, for example, in the California Desert).
- This non-criterion is inconsistently and arbitrarily applied in the plan. It states that the lack of water in the Glass Mountains supports a remote wilderness experience, while noting that lack of water limits recreation opportunities in Adobe Hills, South Huntoon Creek, and Pizona-Truman Meadows.

Mono County continues to request the following areas, most of which were included in Alternative C in some form and therefore meet wilderness criteria, be added to the final Plan as recommended wilderness. Specific boundaries should be identified at a later date as noted above, however general maps of these areas are attached<sup>3</sup> to provide a geographic reference (see Attachment 1).

- Dexter Canyon: As proposed in Alternative C; see DEIS Appendix B, pages 34-36 for an evaluation of wilderness characteristics. Please note the attached map contains an area in the southwest that is not included in Alternative C, but includes geological, ecological, and recreational features that justify wilderness eligibility according to the Sierra Club. As stated previously, adjustments such as these to determine the final boundary should be the product of additional public outreach.
- Glass Mountains: A larger area (~34,500 acres) is proposed in Alternative C; the County supports a reduced area for wilderness of ~17,000 acres, similar to the areas submitted by the Sierra Club and Friends of the Inyo, to avoid recreation conflicts and potential conflicts due to management of Bi-State sage-grouse habitat. This more limited area was included in the DEIS Appendix B evaluation (pages 30-33).
- Ansel Adams Wilderness Addition – Northeast: As proposed in Alternative C, with the exclusion of Walker Lake; see DEIS Appendix B, pages 69-71. Walker Lake contains existing private property and recreation facilities, and therefore should not be included in the recommended wilderness. The Sierra Club has also suggested that an unauthorized route in Bohler Canyon should be excluded; this type of adjustment should be the product of additional public outreach.
- Adobe Hills: As proposed in Alternative C; see DEIS Appendix B, pages 104-105.

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<sup>3</sup> Maps provided courtesy of the Sierra Club.

- South Huntoon Creek: This area is missing from Table 118 in the DEIS Volume I (p. 517), which appears to be an error, as it is included in Table B-3 of DEIS Appendix B (p. 234). This error should be corrected. The Board would like South Huntoon Creek to be included in recommended wilderness as proposed in Alternative C, based on the evaluation of wilderness characteristics in DEIS Appendix B (p. 105-106).
- Huntoon Creek: As proposed in Alternative C; see DEIS Appendix B, pages 107-108.
- Pizona-Truman Meadows: Mono County is commenting only on the portion of this polygon within California. The Nevada portion is excluded from our comments. While the County is generally supportive of including this area in recommended wilderness as proposed in Alternative C, concerns about access and use by Native Americans in order to protect their heritage should be addressed. We request the INF conduct specific outreach to tribes on this parcel as part of the public outreach process to determine boundaries. See DEIS Appendix B, pages 101-102 for and evaluation of wilderness characteristics.

The inclusion of the areas above as recommended wilderness will resolve this objection. In addition, Mono County appreciates that, regardless of labels, it appears much of these lands are in the "Challenging Backroad Area (Low Use)."<sup>4</sup> As noted in response to comment 2104, the standards and guidelines for these areas were designed to retain low use with undeveloped, natural landscapes and challenging access to retain a feel of wildness for forest users.

#### Wild & Scenic Rivers

Mono County continues to request the inclusion of the following waters on the Wild & Scenic River eligibility list based on Outstandingly Remarkable Values (ORVs, see attachment 2):

- Rush Creek, segment 1.28.1, unmapped 3.4-mile section, and segment 1.166: The segment from the outlet of Silver Lake to the inlet of Grant Lake should be considered eligible, as it is both scenic and a very popular recreational fishing area. These segments (1.28.1 and the unmapped 3.4 mile section between Mono Gate One Return to segment 1.166, and including segment 1.166) exhibit dense stands of aspens; a dramatic, narrow, glacially-carved stretch of canyon; and exceptional fall color displays. Segment 1.28.1 also includes views of Horsetail Falls, the largest waterfall in the region, unmentioned in the analysis. Recreational use is diverse with camping, fishing, hiking, photography, and fall color recreation focused on this stretch, which brings recreation visits from outside the Region of Comparison. Segment 1.166 is difficult to resolve on page 320 of the FEIS, "Inyo National Forest: Wild & Scenic River Evaluation Map A" and in the GIS mapping. As best we can surmise, this section includes the confluence of Walker Creek and the area known as the "Rush Creek Narrows." This small segment is contiguous with the values in the lower segment 1.28.2. The Narrows also include significant cultural Native American Kutzadika<sup>a</sup> Paiute archaeological features, in addition to exceptionally scenic geologic features including rapids as Rush Creek erodes into an exposed deposit of Bishop Tuff. Previous extensive comments on Rush Creek regarding geologic and cultural ORV potential covered this very short segment and the FEIS analysis makes no mention of geologic or prehistory values. The segment from the bottom of the Mono Gate One Return Ditch to Mono Lake should be considered eligible, as it has been significantly restored due to management actions directed at protecting its geological, ecological, cultural, scenic and other natural resources. More than 15 years of State Water Board-ordered restoration has transformed this reach from a barren creek into a vibrant, recovering riparian system. This segment was not analyzed for eligibility in the FEIS. The restoration of this segment and the historic background of this decision indicates ORV. The Mono Lake Public Trust Decision and the resultant decisions regarding Mono Lake and its tributary streams are notable in environmental law and history. *"The public trust...is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands..."* (Supreme Court of California, 1983). This landmark decision influenced other state public trust decisions and is an outstanding remarkable historical value that led to the restoration of this stream

<sup>4</sup> Revised Land Management Plan, Inyo National Forest, Appendix A, Maps: Sustainable Recreation Management Areas. [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd589652.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd589652.pdf). p. 135. Site Visited Sept. 22, 2018.

segment and others in the Mono Basin that were devastated by excessive water diversions beginning in 1941. The fact that this unmapped segment of Rush Creek flows outside of federal designation is not a reason for exclusion. FSH 1909.12\_82.61.2 directs the agency to "Consider the entire river system, including the interrelationship between the main stem and its tributaries and their associated ecosystems which may contain outstandingly remarkable values."

- Lee Vining Creek, segment 1.12.6: Previous comments indicated that this segment includes a substantial portion within the Congressionally-designated Mono Basin National Forest Scenic Area, and as a result of enabling legislation (1984 PL 98-425, section 301) management actions should be directed toward "protecting [the Scenic Area's] geological, ecological, cultural, scenic and other natural resources." Scenic values were recognized even prior to the restoration of stream flows in the riparian corridor 30 years ago. Today the segment offers incomparable views of Mono Lake with its volcanic islands, the Mono Craters, distinctive tufa towers at Lee Vining Tufa, and thousands of birds using the rich delta terminus. The broad riparian bottomland offers an extensive ribbon of green in summer and blaze of orange and yellow in fall, the richest source of fall color display anywhere along the Lee Vining Creek drainage. The area frames a spectacular view from the back patio of the Mono Basin National Forest Scenic Area Visitor Center, a view sought by over 100,000 visitors annually. No other creek within the Mono Basin currently offers a broad, riparian ecosystem experience leading to the shoreline of Mono Lake. This is a unique scenic experience indicative of an Outstandingly Remarkable Value (ORV). This segment also includes Lee Vining Creek Trail, and natural and political history interpretive features, and connects key recreation destinations. Previous comments noted that "this restored segment of Lee Vining Creek provides migratory wildlife habitat connectivity between Mono Lake and the high country as well as necessary riparian corridors in the arid Great Basin landscape." Because of this habitat value, this segment provides a unique recreational birding experience with the chance to see birds like Bullock's Orioles, Yellow Warblers, Osprey, California Gulls, Wilson's Phalaropes, Spotted Sandpipers, and Eared Grebes within ¼-mile of the lower segment. The lower segments near Mono Lake offer solitude, views of tufa towers, and excellent birding opportunities. This is a unique recreational experience within the Region of Comparison and is indicative of a recreational ORV. The County believes historic values were not fully evaluated and past comments were not considered: "This segment of Lee Vining Creek has undergone significant State Water Board-ordered restoration and habitat recovery as a result of Decision 1631." The restoration of this segment and the historic background of this decision indicates ORV. The Mono Lake Public Trust Decision and the resultant decisions regarding Mono Lake and its tributary streams are notable in environmental law and history. "*The public trust...is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands...*" (Supreme Court of California, 1983). This landmark decision has influenced other state public trust decisions and is an outstanding remarkable historical value that led to the restoration of this stream segment and others in the Mono Basin that were devastated by excessive water diversions beginning in 1941. This lower segment of Lee Vining Creek is free flowing, but the FEIS indicates no ORV. This is an arbitrary exclusion. Forest Service Handbook (FSH) 1909.12\_82.61.2 directs the agency to "Consider the entire river system, including the interrelationship between the main stem and its tributaries and their associated ecosystems which may contain outstandingly remarkable values." ORVs include scenic, recreational, wildlife and hydrologic transitions from diversions to restoration.
- Parker Creek, segment 1.25.2 and unmapped 3-mile segment: Segment 1.25.2 and the unmapped 3-mile segment to the Rush Creek confluence appears to have been excluded solely on the basis that it is not within wilderness, yet it is contiguous with segment 1.25.1. The scenic and recreational values do not abruptly end at the wilderness boundary. Previous comments recommended that this segment and the unmapped segment below this to the confluence with Rush Creek be eligible for scenic classification. The lower, unmapped segment of Parker Creek is now free flowing, and the historic diversion structure below segment 1.25.2 is a minor impoundment that as per 2013 settlement agreement with the Los Angeles Department of Water and Power will no longer divert water. This unmapped segment of Parker Creek was not analyzed for eligibility; it is roughly 3 miles in length, and per a State Water Board-approved settlement it is free-flowing. The fact that this portion flows outside of federal designation

is not a reason for exclusion. FSH 1909.12\_82.61.2 directs the agency to "Consider the entire river system, including the interrelationship between the main stem and its tributaries and their associated ecosystems which may contain outstandingly remarkable values." The County agrees that the unmapped section of Parker below 1.25.2 has ORV. Historic values were not fully evaluated, and past comments indicated, "hydrology history of diversions to free flowing, restored system." This segment of Walker Creek has undergone significant State Water Board-ordered restoration and habitat recovery as a result of Decision 1631." The restoration of this segment and the historic background of this decision indicates ORV. The Mono Lake Public Trust Decision and the resultant decisions regarding Mono Lake and its tributary streams are notable in environmental law and history. "*The public trust...is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands...*" (Supreme Court of California, 1983). This landmark decision influenced other state public trust decisions and is an outstanding remarkable historical value that led to the restoration of this stream segment and others in the Mono Basin that were devastated by excessive water diversions beginning in 1941. ORVs include scenic, fish and other values, and hydrologic diversion history to the current free-flowing, restored system. In addition, the INF should consult with LADWP on identifying segments flowing through its property as eligible.

- Walker Creek, segment 1.205.2 and the 2.9-mile unmapped segment to the confluence of Rush Creek: Segment 1.205.2 provides an intensely colorful display of aspen in the fall season that is highly scenic and distinctive for a large patch of aspen, surrounded by sagebrush-covered moraines and framed by 12-13,000-foot peaks. The area is an iconic fall color scenic location. ORVs include scenic, fish and other values, and hydrology diversion history to current free-flowing, restored system. In addition, the INF should consult with LADWP on identifying segments flowing through its property as eligible. The lower, unmapped segment of Walker Creek is free flowing, and the historic diversion structure below segment 1.205.2 is a minor impoundment that as per 2013 settlement agreement with the Los Angeles Department of Water and Power will no longer divert water. This unmapped segment of Walker Creek was not analyzed for eligibility; it is roughly 2.9 miles in length. The fact that this portion flows outside of federal designation is not a reason for exclusion. FSH 1909.12\_82.61.2 directs the agency to "Consider the entire river system, including the interrelationship between the main stem and its tributaries and their associated ecosystems which may contain outstandingly remarkable values." The unmapped section of Walker below 1.205.2 has ORV. Historic values were not fully evaluated and past comments indicated, "hydrology history of diversions to free flowing, restored system." This segment of Walker Creek has undergone significant State Water Board-ordered restoration and habitat recovery as a result of Decision 1631. The restoration of this segment and the historic background of this decision indicates ORV. The Mono Lake Public Trust Decision and the resultant decisions regarding Mono Lake and its tributary streams are notable in environmental law and history. "*The public trust...is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands...*" (Supreme Court of California, 1983). This landmark decision influenced other state public trust decisions and is an outstanding remarkable historical value that led to the restoration of this stream segment and others in the Mono Basin that were devastated by excessive water diversions beginning in 1941.
- Mill Creek, segments 1.18.5 – 1.18.12: The County supports including the segment from below US Highway 395 to Mono Lake on the list of eligible WSRs. However, the County's recommendation is conditioned on the inclusion of language within any eventual legislative designation that such designation shall not impact or impair historic water rights, uses of water, or activities on the Conway or Mattly ranches. The creek is noted for its scenic vistas of the Sierra crest, canyon walls, and Mono Lake, and recreation such as fishing, birding, hiking and photography is increasing. The segments, wholly or partially, transit the Congressionally-designated Mono Basin National Forest Scenic Area, and as a result of enabling legislation (1984 PL 98-425, section 301) management actions should be directed toward "protecting [the Scenic Area's] geological, ecological, cultural, scenic and other natural resources." A portion of this segment is within the Mono Basin National Forest Scenic Area and is therefore subject to management actions directed at protecting its geological, ecological, cultural, scenic and other natural resources. Geological features, riparian songbird and waterfowl populations and habitat, and migratory bird habitat connectivity justify the eligibility of this stream reach. ORVs include scenic, recreational, geological and wildlife.

The omitted segments are worthy of inclusion because of their federal designation and their contiguous ORV to Mill Creek segment 1.18.12. Segment 1.18.12 exposes significant lake bottom, deltaic, and volcanic ash strata that are unique to the geologic history of the Mono Basin and reveal important data for constructing past lake levels and climate regimes in the Eastern Sierra and Great Basin. Adjacent to this value, the riparian corridor leading to a freshwater deltaic habitat entering a terminal saline lake is distinctive and rare in the Great Basin. The resulting delta has a high index of bird species and is critical waterfowl habitat in the Eastern Sierra, contributing to the greatest diversity and concentration of waterfowl species in the Mono Basin. As per FSH 1909.12\_82.73a, "Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions...The river, or area within the river corridor, provides uniquely diverse or high-quality habitat for wildlife of national or regional significance..."

- **Wilson Creek:** The County supports including the segment below the DeChambeau Ranch diversion on the list of eligible Wild and Scenic Rivers. The omitted segment is worth of inclusion because the segment exposes significant lake bottom, deltaic, and volcanic ash strata that are unique to the geologic history of the Mono Basin and reveal important data for constructing past lake levels and climate regimes in the Eastern Sierra and Great Basin. The segment is noted for its scenic vistas of the Sierra crest, canyon walls, and Mono Lake; recreational activities such as birding, hiking and photography; geological features, riparian songbird and waterfowl populations and habitat, and migratory bird habitat connectivity justify the eligibility of this stream reach. Adjacent to this value, the riparian corridor leading to a freshwater deltaic habitat entering a terminal saline lake is distinctive and rare in the Great Basin. The resulting delta has a high index of bird species and is critical waterfowl habitat in the Eastern Sierra, contribution to the greatest diversity and concentration of waterfowl species in the Mono Basin. As per FSH 1909.12-82.73a, "Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions...The river, or area within the river corridor, provides uniquely diverse or high-quality habitat for wildlife of national or regional significance. The segment is within the Mono Basin National Forest Scenic Area and is therefore subject to management actions directed at protecting its geological, ecological, cultural, scenic and other natural resources. The County's recommendation is conditioned on the inclusion of language within any eventual legislative designation that such designation shall not impact or impair historic water rights, uses of water, or activities on Conway or Mattly ranches. ORVs include scenic, reactional, geological, and wildlife.

Inclusion of the segments listed above as eligible Wild and Scenic River segments will resolve this objection.

### **Sustainable Recreation and Designated Areas**

The County's concern with the FEIS summer and winter Recreation Opportunity Spectrum maps is the conflicting boundaries for motorized use. The Plan should provide rationale as to why these boundaries differ. Changing the boundaries for a user group may have adverse effects on the environment and multiple recreational users of these areas during different times of the year.

Modifying the maps so that motorized use areas are the same in the winter and summer, or explaining the rationale for different boundaries, would resolve this objection.

### **CONCLUSION**

Mono County appreciates the complexity of the Draft Plan and the effort it has taken to reach this point. We appreciate the outreach the INF has conducted by hosting workshops and attending meetings in Mono County during Plan development, and look forward to continued cooperation and increased partnerships in support of Forest Plan success.

If you have any questions regarding these comments, please contact Michael Draper in the Community Development Department at 760.924.1805 or [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov).

Sincerely,

Bob Gardner  
Chair, Mono County Board of Supervisors

Attachments:

1. Maps of recommended wilderness additions
2. Maps of Wild & Scenic River segments

**October 2, 2018**  
**Regular Meeting**  
**Item # 7b**

**CAO**

**CAO's PPT Presentation**



# PHASE II BUDGET AMENDMENT

For fiscal year 2018-19

## BUDGET REVIEW

- Phase I – With fiscal resilience as the goal, staff produced a structurally balanced budget that required defunding vacant positions and reducing requested operating expenses. During budget hearings, some essential staff positions were added back along with appropriations for encumbrances from the prior year and funding for ongoing projects.
- Phase II – Designed to appropriate fund balance carryover less amounts encumbered in Phase I and Board actions since the adoption of Phase I budget

**TOTAL FUND BALANCE APPROPRIATED = \$1.5 MILLION**

**FUND BALANCE AVAILABLE FOR PHASE II = \$4.8 MILLION**

## BUDGET AMENDMENT PROCESS

- Add unanticipated Revenue
- Less expenditures by priority
  - Tier I – Contributions to Reserves, encumbered legal obligations
  - Tier II – Essential staffing additions, urgent facility repairs & maintenance and budget corrections due to faulty software
  - Tier III – Everything else, prioritized by Strategic Priorities, department recommendations and/or staff's interpretation of Board priorities

# Proposed Adjustment Highlights

## **TIER I ADJUSTMENTS:**

- Increase property tax by \$380,000
- Added \$1.5 million to General Reserves & Economic Stabilization combined.
- Increase contribution to the Road fund by \$300,000 to purchase much needed equipment

## **TIER II ADJUSTMENTS:**

- Add back essential, vacant staff
- Add back Sheriff salaries that dropped off during software salary simulation
- Fund replacement for failing roof on Bridgeport Museum
- Replace two lawn mowers for Facilities

# Adjustments Continued:

## **TIER III ADJUSTMENTS:**

- First Responders Fund, \$150,000
- Tri Valley EMS pilot program, \$200,000
- Fish stocking, \$100,000
- Community grants at same level as last year
- Affordable Housing, \$200,00
- CARB compliance for the purchase of one grader and two transport trucks, \$500,000 plus remaining balance from last year
- Budget for the Mono County Civic Center construction

## Recommended Follow Up Items:

- Motor Pool workshop to determine vehicle purchase plan with related budget adjustments
- California Air Resources Board (CARB) compliant equipment purchase plan for future planning
- Community Corrections Partnership: Committee proposed budget requires workshop, including strategic plan, before staff recommends board approval
- Sheriff workshop to present recommended staffing levels and scope of operations

## **PRINCIPLES OF FISCAL RESILIANCY**

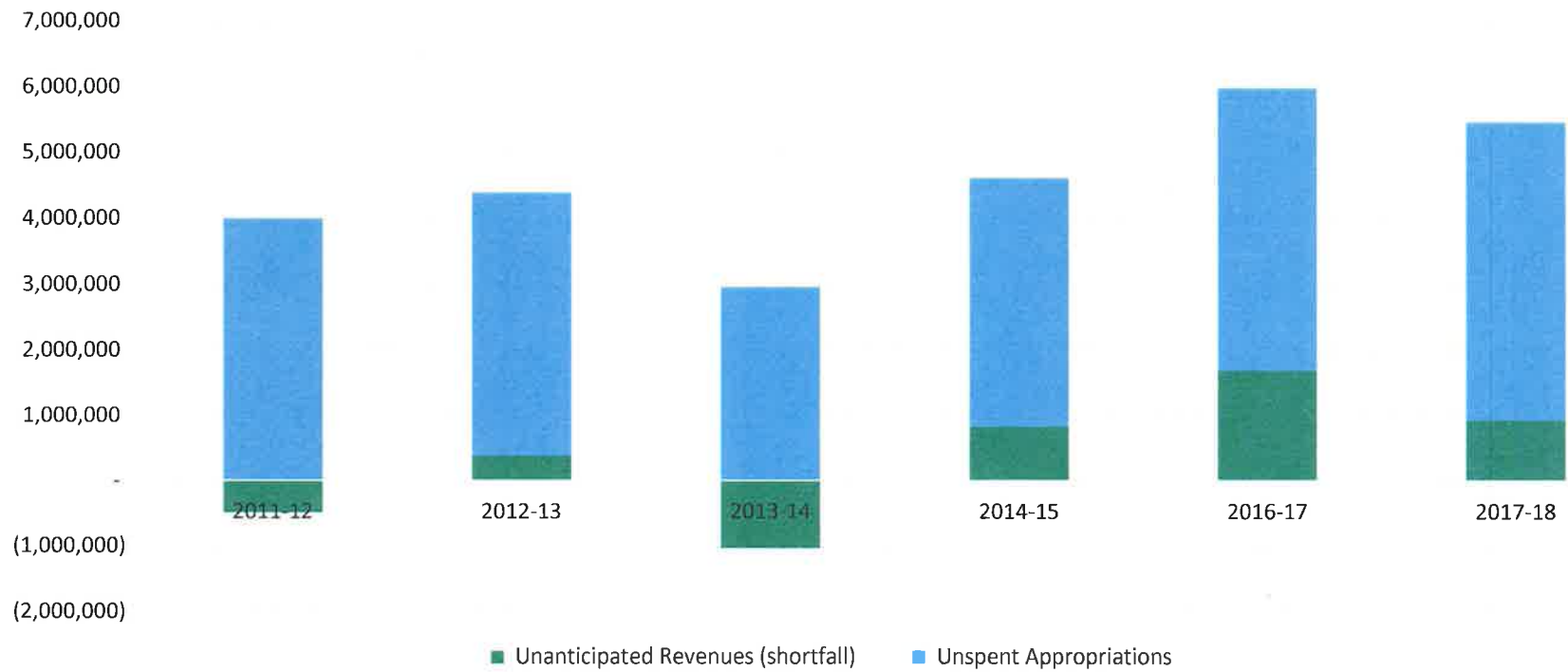
**STRUCTURALLY BALANCED BUDGET –  
OPERATING REVENUES = EXPENSES  
INCLUDING CONTRIBUTIONS TO  
RESERVES**

**CARRY OVER FUND BALANCE – USED  
FOR ONE TIME EXPENDITURES**

**HOW DO WE GET TO A  
STRUCTURALLY  
BALANCED BUDGET?**



# Budgetary View of Carryover Fund Balance



**October 2, 2018**  
**Regular Meeting**  
**Item # 7c**

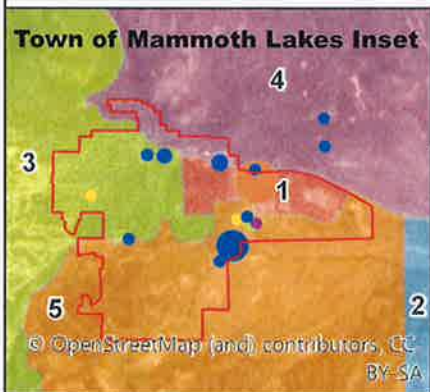
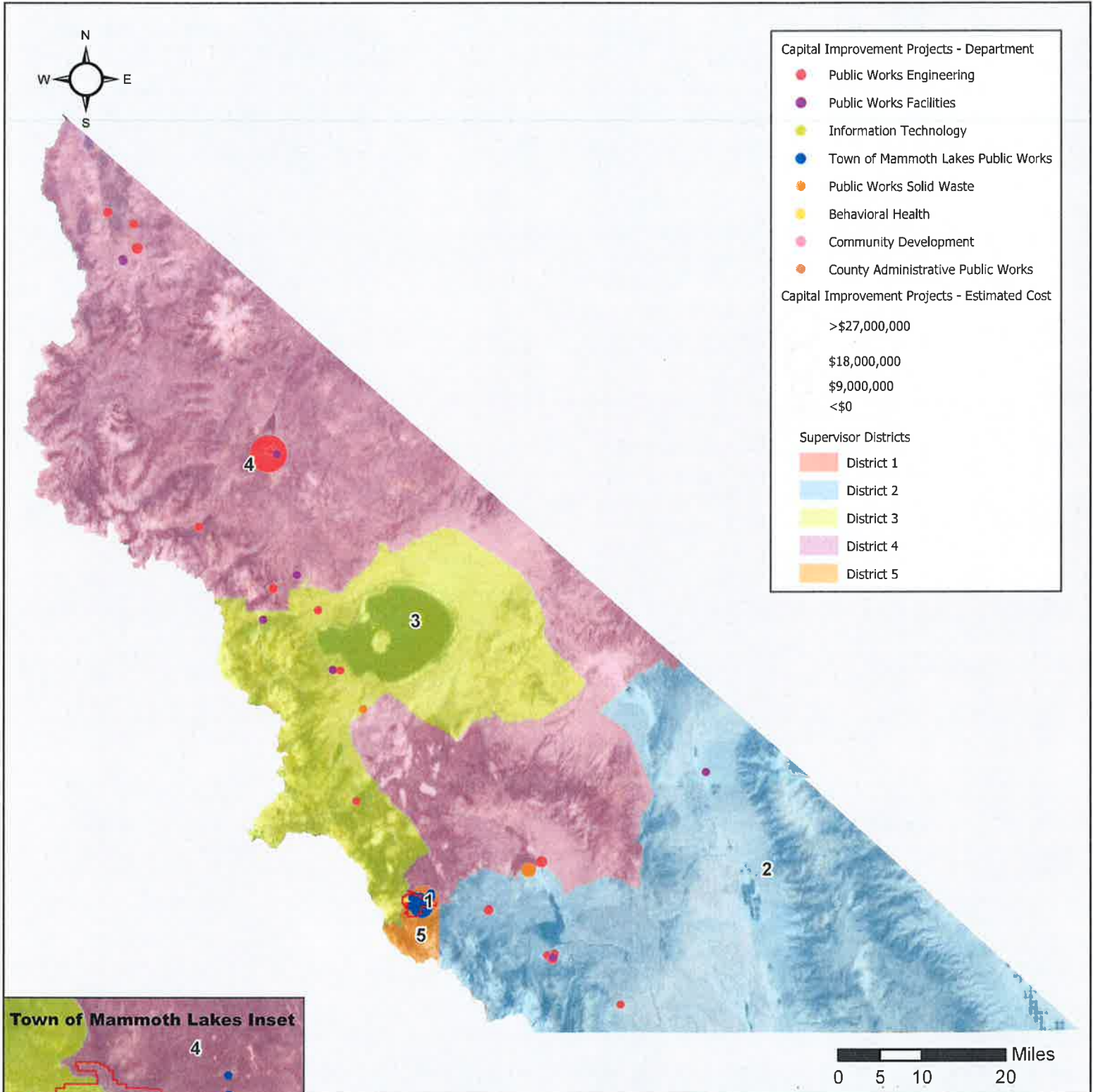
**CAO**

**CIP District Map**

# Mono County Capital Improvement Projects

## County Supervisor Districts

Mono County IT Dept  
 PO Box 7657  
 437 Old Mammoth Rd, Ste. 228  
 Mammoth Lakes, CA 93546  
 Production date: 10/1/2018 2:45 PM



Mono County Locator Map



Supervisor Districts	#of Projects	Estimated Investment
Countywide Projects	14	\$8,452,150
District 1	1	\$20,500,000
District 2	9	\$10,173,550
District 3	10	\$3,572,663
District 4	27	\$43,097,497
District 5	8	\$13,677,849



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**October 2, 2018**  
**Regular Meeting**  
**Item # 10**

**Sup. Corless Report**

**RCRC Memo**



**To:** RCRC Board of Directors  
**From:** Lisa McCargar, Chief Financial Officer  
Paul A. Smith, Vice President Governmental Affairs  
Tracy Rhine, Legislative Advocate  
**Date:** September 11, 2018  
**Re:** CalPERS Hardship Policy Update

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### **Summary**

This memo provides information on the recent developments regarding the California Public Employment Retirement System's (CalPERS) Hardship Policy.

### **Background**

CalPERS administers a defined benefit retirement program. Nearly all RCRC member counties are contracting agencies with CalPERS, with the exception of Merced, Mendocino, Imperial, and Tulare, which operate their own separate retirement systems under "the '37 Act."

The most significant source of retiree pension benefits is CalPERS investment earnings, followed by employer contributions and then employee contributions. Employee contributions are fixed per statute and employer agreements. CalPERS maintains the responsibility for investment earnings. Thus, when the pension funds' underlying assumptions are changed, or when expected investment performance is not met, employers can be negatively impacted. For example, a reduction in the funds' expected long-term rate of return can result in increased required contributions by employers.

Recently, CalPERS instituted changes to the "discount rate" (the expected rate of return on investments was reduced from 7.5 percent to 7 percent) and the time process for contracting agencies to satisfy certain financial obligations (a reduction to a 20-year amortization period in lieu of a 30-year period on future performance). Earlier this year, senior staff from CalPERS presented at the RCRC Board of Directors Meeting, reporting on the implications these actions have on rural counties that participate in CalPERS. Globally, employer contributions toward their unfunded liability are expected to significantly increase.

### **Issue**

Many employers, including RCRC member counties, have expressed concerns over escalating annual contributions, and in some instances, the inability to meet their obligations of significantly higher payments. While CalPERS' actuaries continue to work with employers in managing their unfunded liability payments, CalPERS recognizes that

some employers may require other options. Thus, CalPERS continues to have internal discussions regarding the potential for changes to the existing Hardship Policy (a policy that allows for changes in a contracting agencies' payment plan to address the fiscal difficulties of the agency). CalPERS has been studying how changes to the Hardship Policy could be applied to mitigate some of the financial stress on employers resulting from escalating pension contributions.

CalPERS' staff recently sought input from public agency organizations – including RCRC - and requested local government opinions on preferred revisions to the Hardship Policy.

In discussion with CalPERS, RCRC staff communicated that there is no single metric, or short list of metrics, that can be utilized by CalPERS to objectively determine if a public agency truly has the inability to pay the contributions set forth by CalPERS. RCRC believes that, because each and every public agency has their own set of circumstances, the agency is in the best position to determine if a “hardship” exists, and a rate reduction strategy that is in their best interests.

On September 10<sup>th</sup>, CalPERS staff met again with local agency members, including RCRC, and shared a proposed draft of the Hardship Policy. Accompanying this draft were proposed guidelines which may be utilized in evaluating a public agency that requests an extension in the length of time to meet their unfunded liability payment to CalPERS. The drafts will be shared with a broader group of stakeholders prior to consideration by the CalPERS Board of Directors, and this will allow stakeholders to review and offer comments prior to formal adoption. Key components of the drafts include:

- Revised “Request to Extend Amortization due to Severe Financial Hardship Policy” allows for greater flexibility by the Chief Actuary; and,
- Creates guidelines for the CalPERS Chief Actuary to determine if a financial hardship exists including:
  - An easy-to-use agency financial hardship template which provides agencies an opportunity to submit their financial information and “tell their story.”
  - Open lines of communication including meetings between the agency and CalPERS' financial and actuarial offices.

RCRC staff will make available the draft guidelines and draft revised policy as soon as it is formally provided by CalPERS. In addition, RCRC staff and RCRC member counties' staff will participate in an invitation-only session with CalPERS' senior leadership. This meeting will occur in October 2018 immediately prior to CalPERS Educational Forum.

### **Staff Recommendation**

RCRC staff will continue to work with CalPERS in addressing the concerns of rural counties as contribution rate reduction strategies are being discussed and adopted.