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October 12, 2020

**Via E-Mail**

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Re: Tioga Inn Specific Plan Amendment #3

Dear Members of the Mono County Board of Supervisors:

On behalf of the Mono Lake Committee (“MLC”), we have reviewed the materials associated with Alternative 7 for the proposed Tioga Inn Specific Plan Amendment #3 (“Project”). Once again, despite the Board’s concerns and prior direction, the project applicant has returned with a proposal that (1) fails to address the significant safety concerns associated with the Project, including the lack of safe fire evacuation routes and the absence of a pedestrian trail; and (2) introduces a new landscaping plan that is inadequate to reduce aesthetic impacts, and that could result in new environmental impacts that must be addressed. In light of the flaws in the current proposal, we urge the Board to either deny the Project as unsafe, lacking in detail, and unnecessary; or, in the alternative, to approve only phase 1 of the Project, subject to conditions addressing safety concerns described below.

The Project, including the proposed Alternative 7, does not address the substantial safety concerns identified in our previous letters, by the Board itself, and by the Lee Vining Fire Protection District (“LVFPD”) and other commenters.

First, the Project must include a fire evacuation route to Highway 395. As discussed in our prior letters, *see* April 14, 2020 letter at p. 14; August 21, 2019 letter at pp.13-15, without an evacuation route to Highway 395, the Project sends residents and

guests up Lee Vining Canyon into an area of fire danger, and similarly complicates access for emergency crews. An evacuation route to Highway 395, **which CalTrans has indicated may be feasible** (see August 6, 2020, Tioga Inn Staff Report Attachment #6, Attachment D, Emergency Route onto US 395), would address these concerns. As the LVFPD has stated, any evacuation route would need to be fully functional, designed to allow residents, guests, and employees to evacuate the site while simultaneously accommodating access for LVFPD equipment and crews.

Recent events have made clear that the already-substantial risk presented by wildfires is increasing. California is experiencing record-high temperatures: summers are 2.5 degrees warmer than they were several decades ago, and they are likely to get even hotter. See Susanne Rust et al., *How climate change is fueling record-breaking California wildfires, heat and smog*, Los Angeles Times (Sep. 13, 2020), attached hereto as Exhibit 1. These high temperatures remove moisture from plants and soils, increasing fire danger and adding combustible fuel to the landscape. *Id.*; see also Exhibit 2, Anne Mulkern, *Fast-Moving California Wildfires Boosted by Climate Change*, Scientific American (Aug. 24, 2020) (“Hotter temperatures, less dependable precipitation and snowpack that melts sooner lead to drier soil and parched vegetation,” according to UCLA climate scientist Daniel Swain). According to CalFire, fire seasons are “starting earlier and ending later each year,” and the length of fire season “is estimated to have increased by 75 days across the Sierras.” See Exhibit 3, 2020 Incident Archive, CalFire, available at <https://www.fire.ca.gov/incidents/2020/>. In 2020 alone, over four million acres have burned in over 8,000 separate fire incidents; eight people have died; and over 5,000 structures have been damaged or destroyed. *Id.* As of September 13, the year 2020 had already brought six of the 20 largest wildfires in California’s history. See Exhibit 1, Rust et al. The fire season is far from over.

Fire concerns have been prominent in Mono County in recent months, as well. A lightning strike near South Tufa grew unusually quickly overnight into a 4,000-acre fire. See Exhibit 4, Incident Information System, *Beach Fire*, available at <https://inciweb.nwcg.gov/incident/photograph/6987/0/101211>. The communities of Walker and Coleville in north Mono County were physically evacuated due to the Slink fire at the end of August. See Exhibit 5, Amy Alonzo, *Slink Fire now at 14,200 acres, expected to burn well into October, officials say*, Reno Gazette Journal (Sep. 1, 2020). And the Town of Mammoth Lakes prepared for a potential evacuation due to the huge Creek fire. See Exhibit 6, *Creek Fire Information & Updates*, Town of Mammoth Lakes (<https://www.townofmammothlakes.ca.gov/CivicAlerts.aspx?AID=691>).

Given this worsening risk profile, the importance of evacuation routes to safe roadways with adequate capacity cannot be understated. Fires can arrive with little

warning, and the consequences of inadequate evacuation routes can be devastating. According to one early account of the Camp Fire, “[t]he victims apparently were trapped or overtaken by the speeding fire while trying to evacuate during a frantic few hours Thursday night when roads became choked and some residents abandoned gridlocked cars to flee on foot.” See Tony Bizjak et al., *Updated: “We’re not going to die like this: Twenty-nine confirmed fatalities in California’s most destructive fire*, The Sacramento Bee (Nov. 6, 2018), attached hereto as Exhibit 7. California jurisdictions must strive to prevent such a situation from ever occurring again. The Board should not approve this project without an evacuation route to Highway 395.

Second, Alternative 7 still does not require the applicant to create a trail connecting the project site to Lee Vining, nor does it address the pedestrian safety concerns created by the lack of such a trail. In order to ameliorate the pedestrian safety hazard raised in our prior letters and by numerous commenters at previous Board of Supervisors meetings—including by one commenter who delivered testimony from the shoulder of Highway 395 with oncoming traffic rushing by over her shoulder, see Exhibit 8, screen capture of August 6 Board of Supervisors Meeting—this trail must be in place before any Project residences are occupied.

The fact that it may be expensive for the developer to carry out these measures—the safe evacuation route to US 395 and the pedestrian trail—does not make them infeasible. Under CEQA Guidelines section 15364, “feasible” means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” By this definition, the safety measures are feasible. Even if the project applicant does not want to pay for them, there is no evidence that their cost would jeopardize the economic viability of the Project.

In addition to Alternative 7’s failure to address safety issues, the Alternative’s new landscaping plan is inadequate to reduce the Project’s aesthetic impacts and could result in new significant environmental impacts that must be addressed.

There is no evidence that the proposed landscaping will reduce aesthetic impacts to less than significant levels. There has been no demonstration of whether or how the proposed trees would provide screening from various viewpoints. And, as described in a letter from the Mono Lake Committee to Michael Draper on October 6, 2020, some of the tree species proposed for inclusion in the landscaping plan are non-native and may not even grow successfully in the Mono Basin. The Mono Lake Committee’s letter is attached to this letter as Exhibit 9 and its contents are incorporated by reference herein.

Further, the mitigation measure proposed in Alternative 7 is inadequate. Mitigation Measure AES 5.12(a,b-2) states that additional planting and monitoring will continue until the “screening goal” has been met. But the “screening goal” is not defined. As a result, the mitigation measure is vague and unenforceable, and its purported performance standards are inadequate. Further, the mitigation measure does not adequately specify how and when a landscaping specialist will monitor tree health and screening efficacy, stating only that such activities will happen during the first five years of growth. More detail is needed to ensure that the monitoring and reporting program for this mitigation measure is sufficient. Finally, if screening is found adequate at year five, monitoring will apparently cease—even though trees might die and screening might fail after five years. Monitoring must be a permanent feature of the project, as significant impacts may emerge after five years. To address these flaws, the Mono Lake Committee has proposed a modified mitigation measure that contains clear and adequate performance standards and monitoring requirements. *See* Exhibit 9, letter dated October 6, 2020. We urge the Board to review and adopt this proposed mitigation measure.

Finally, the landscaping plan included with Alternative 7 would introduce additional environmental impacts that must be studied. For example, the number of new trees and other plantings proposed could significantly increase fire ignition risks, especially given the changing climate conditions discussed above. The County cannot approve the project until these impacts are fully studied.

In conclusion, we recommend that the County deny the Project, including Alternative 7, because it is not safe, has not been described in sufficient detail, and, as discussed in our prior letters, is not necessary to meet current needs in the County or the needs of hypothetical future on-site employees who may never materialize. In addition, for all the reasons we have previously stated, the environmental review for the project remains inadequate, with unmitigated significant impacts and unenforceable mitigation measures. Alternatively, if the County is not inclined to deny the Project, we recommend that the County approve only phase 1 on the condition that the applicant complete the pedestrian trail prior to occupancy. The applicant could propose additional housing in the future in connection with a serious proposal to construct the hotel and a demonstration of need for employee housing.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

Exhibit List:

1. Susanne Rust et al., *How climate change is fueling record-breaking California wildfires, heat and smog*, Los Angeles Times (Sep. 13, 2020)
2. Anne Mulkern, *Fast-Moving California Wildfires Boosted by Climate Change*, Scientific American (Aug. 24, 2020)
3. 2020 Incident Archive, CalFire, available at <https://www.fire.ca.gov/incidents/2020/>
4. Incident Information System, *Beach Fire*, available at <https://inciweb.nwcg.gov/incident/photograph/6987/0/101211>
5. Amy Alonzo, *Slink Fire now at 14,200 acres, expected to burn well into October, officials say*, Reno Gazette Journal (Sep. 1, 2020)
6. *Creek Fire Information & Updates*, Town of Mammoth Lakes (<https://www.townofmammothlakes.ca.gov/CivicAlerts.aspx?AID=691>)
7. Tony Bizjak et al., *Updated: "We're not going to die like this: Twenty-nine confirmed fatalities in California's most destructive fire"*, The Sacramento Bee (Nov. 6, 2018)
8. Screen capture of August 6 Board of Supervisors Meeting
9. Letter from Mono Lake Committee to Michael Draper dated October 6, 2020

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# **EXHIBIT 1**

# How climate change is fueling record-breaking California wildfires, heat and smog

By Susanne Rust, Tony Barboza

In 2001, a [team of international scientists projected that during the next 100 years](#), the planet's inhabitants would witness higher maximum temperatures, more hot days and heat waves, an increase in the risk of forest fires and "substantially degraded air quality" in large metropolitan areas as a result of climate change.

In just the past month, nearly two decades after the [third United Nations Intergovernmental Panel on Climate Change report](#) was issued, heat records were busted across California, [more than 3 million acres of land burned](#), and in major metropolitan areas, such as [Los Angeles](#) and [San Francisco](#), air pollution has skyrocketed.

"This shouldn't come as a surprise to anyone," said Michael Gerrard, director of the Sabin Center for Climate Change Law at Columbia University. "Maybe we underestimated the magnitude and speed" at which these events would occur, he said, but "we've seen this long freight train barreling down on us for decades, and now the locomotive is on top of us, with no caboose in sight."

In a matter of weeks, [California has experienced six of the 20 largest wildfires in modern history](#) and toppled all-time temperature records from the desert to the coast. Millions are suffering from some of the worst air quality in years due to heat-triggered smog and fire smoke. A sooty plume has blanketed most of the West Coast, blotting out the sun and threatening people's lungs during a deadly pandemic.

California is being pushed to extremes. And the record heat, fires and pollution all have one thing in common: They were made worse by climate change. Their convergence is perhaps the strongest signal yet that the calamity climate scientists have warned of for years isn't far off in the future; it is here today and can no longer be ignored.

"What we've been seeing in California are some of the clearest events where we can say this is climate change — that climate change has clearly made this worse," said Zeke Hausfather, a climate scientist at the Breakthrough Institute, an Oakland-based think tank. "People who have lived in California for 30, 40 years are saying this is unprecedented, it has never been this hot, it has never been this smoky in all the years I've lived here."

Unprecedented, yes. But not unexpected.

Since the 1980s, government and oil industry scientists have been anticipating the events that have transpired across the state this past month.

[As one 1988 internal Shell Oil Co. document noted](#), "by the time the global warming becomes detectable it could be too late to take effective countermeasures to reduce

the effects or even to stabilize the situation.”

“I’m only sorry that in 1989, I could not get an audience for what I wanted to communicate,” said Jim Hansen, a retired NASA researcher and early climate change scientist, of testimony he made to Congress about the issue.

## Record temperatures

Each of the extremes Californians are living through right now is fueled, at least in part, by the gradual warming of the planet, which is accelerating as greenhouse gas emissions continue to rise.

California summers are 2.5 degrees warmer than they were in the 1970s and are on track to heat up an additional 4.5 degrees by the end of the century if the world’s current emissions trajectory continues, said Hausfather.

While precise attribution studies on the extreme heat waves in California in recent weeks will take time to complete, he said, they are clear examples of how climate change compounds natural weather variability to increase the likelihood of what once would have been a rare event.

“In a world without climate change, it still would have been a hot August; we still would have had some fires. But it’s clear that climate change has made things notably worse,” he said. “An extreme heat event that would have been 100 degrees is now 102.5 or 103 degrees, and that is actually a pretty big difference in terms of the impacts on people.”

During the mid-August heat wave, Death Valley [soared to 130 degrees](#), one of the hottest temperatures ever recorded on Earth.

Another ferocious heat wave over the Labor Day weekend brought Death Valley-like heat to other areas. Los Angeles County had its hottest temperature on record when [Woodland Hills hit 121 degrees Sept. 6](#). At Cal Poly San Luis Obispo, it reached 120 degrees, the highest reading since record-keeping began in 1869, in an area that is less than 10 miles from the Pacific Ocean.

John Lindsey, a marine meteorologist with Pacific Gas and Electric, said the mercury rose to unprecedented levels in San Luis Obispo due to hot, downslope winds blowing from the northeast. They are known locally as Santa Lucia winds and can increase temperatures by 5.5 degrees for every 1,000 feet they descend.

“It was just rip-roaring hot,” said Lindsey, who has forecast weather along the Central Coast since 1991. “You just don’t expect Death Valley temperatures along coastal California.”

Lindsey, who acknowledges that he was a bit of a climate skeptic in the past, said seeing the increase in seawater temperatures, in particular, over many years “was a real epiphany or wake-up call.”

“By now, there’s no doubt in most people’s minds that the atmosphere is warming and the ocean is warming,” he said. “With the way greenhouse gases are increasing, in my mind, there’s no doubt that we’re causing this. It’s human activity that’s causing this. So I’m concerned about the future. And that’s somebody who’s very



skeptical.”

Global warming has increased the odds of unprecedented heat extremes across [more than 80% of the planet](#) and “has doubled or even, in some areas, tripled the odds of record-setting hot events” in California and the Western U.S., said Stanford University climate scientist Noah Diffenbaugh.

## An unprecedented firestorm

When it comes to wildfires, “what we’ve had in California over the last three to four weeks is unprecedented in our historical experience,” Diffenbaugh said.

“This is more extreme than any other year in living memory,” he said, and is consistent with the impact of global warming.

Research by Diffenbaugh and colleagues that was [published last month](#) found that the number of days with extreme wildfire weather in California has more than doubled since the early 1980s, primarily due to warming temperatures drying out vegetation.

“It means that even with no change in the frequency of strong wind events, even with no change in the frequency of lightning, the risk of wildfire and risk of large, rapidly growing wildfires goes up as a result of the effect of that warming,” he said.

And it’s that atmospheric warming that has set the stage for the fires raging throughout the western U.S., said Park Williams, a hydroclimatologist at Columbia University’s Lamont-Doherty Earth Observatory.

“If we think of the atmosphere as a giant sponge that’s always trying to extract water from the landscape, then temperature increases the sponginess,” he said.

As soils become drier, heat waves become more intense. That’s because the energy in the atmosphere is no longer being used in evaporation but is just building up heat. And as heat increases and soils — and, therefore, fuel for fires — dry out, the risk grows, laying the foundation for the type of wild and destructive fires we are now observing.

“That’s why, I think, you keep reading quotes from these firefighters who say they are seeing fire behavior unlike anything they’ve seen before,” he said. “As we go out in the future, in a world with this exponentially growing risk ... we’re going to see fires far different than we’ve seen before.”

He noted that fires are not unusual in California — they are an integral part of the state’s history and landscape. Bad forest management, combined with human behavior — intentional and unintentional starting of fires — have contributed to the problem. But the effect of climate change is real and growing.

“We have seen the rapid warming of California summers really turbocharge the type of conditions that are suitable for rapid growth of wildfires,” Hausfather said. “We see fires growing from essentially nothing to a quarter of a million acres in one day. And that’s because the conditions are ripe, and temperature plays a large role.”

John Abatzoglou, associate professor in the Department of Management of

Complex Systems at UC Merced, agreed.

“What we are seeing play out does indeed have human fingerprints on it, including those from climate change,” he said.

“We can see how warm and dry years catalyze these fires,” he said, adding, however, that for fires to start, “they need to have ignitions. But the heat and dryness have absolutely set the table for widespread fire activity.”

## Dreadful air quality

It was no coincidence that ozone pollution levels in downtown Los Angeles [spiked to their highest levels since the mid-1990s](#) on a day in which temperatures reached an all-time high for the county, said Cesunica Ivey, an assistant professor of chemical and environmental engineering at UC Riverside who studies air quality.

The global rise in temperatures observed over decades is also occurring locally, she said, “and these frequently occurring heat waves, this upward trend in basin-wide average temperature, is contributing to ozone exacerbation.”

Southern California regulators have seen decades of progress fighting smog stymied in recent years by hotter weather and stronger, more persistent inversion layers that trap pollution near the ground. Their efforts are being hindered by rising temperatures from climate change, according to air quality experts.

That’s because hotter weather speeds up the photochemical reactions that turn pollutants from vehicle tailpipes and other sources into ozone, the invisible, lung-damaging gas in summer smog. Studies show that ozone levels are [about two parts per billion higher](#) than they would be without global warming.

What precisely is driving changes such as elevated smog levels can be hard to tease out in the middle of an extreme event because so much is happening at once, with multiple hazards piling on top of each other in a vicious feedback loop.

The recent heat spells, for instance, both fueled smog formation and led to power outages. Gov. Gavin Newsom suspended air quality rules on power plants and other polluters to ease strain on the grid, allowing more emissions to sully the air. The COVID-19 pandemic has added an additional layer of complexity at a time when Californians are trying to protect their homes, lungs and bodies from threats that seem to be coming from all sides.

“When you add COVID, extreme heat, wildfires and air pollution all together, they’re all detrimental to public health, and it just makes things worse,” said Yifang Zhu, a professor of environmental health sciences at UCLA Fielding School of Public Health who studies air pollution and its effects. “These stressors are happening at the same time. So the impact is cumulative and maybe even synergistic to each other.”

That cascading effect, in which one extreme compounds another, is a feature of global warming that experts have long warned about.

Ivey, of UC Riverside, said she and other scientists aren’t surprised to see so many

extremes hitting simultaneously, “but to see it playing out is scary.”

“It’s one of those moments where ozone converged with record acres burned and a heat wave,” she said. “If the writing isn’t on the wall, then I don’t know what to tell folks.”

Global warming is also fueling increases in wildfire pollution, a mix of soot particles and gases that can fuel ozone formation and dramatically worsen smog. Those added emissions are only going to get worse as the severity and frequency of fires increases.

“People may not directly connect local air pollution to global climate change, but they are intertwined,” said Zhu. “They are two sides of the same coin.”

What this year’s extreme heat, fire and air quality degradation is showing, said Columbia’s Williams, is that we are, in a sense, blindly stepping off a cliff from a world in which we could somewhat predict what was going to happen, based on decades and centuries of data.

“We’re finding that we’ve lost complete control,” he said. “The baselines we’ve used for decades no longer apply. There really isn’t a normal anymore.”

# **EXHIBIT 2**

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**E&E**NEWS

CLIMATE

## **Fast-Moving California Wildfires Boosted by Climate Change**

Nearly two dozen large blazes have burnt more than 1 million acres of the state

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By Anne C. Mulkern, E&E News on August 24, 2020



Embers blow off a burned tree after the LNU Lightning Complex Fire burned through the area on August 18, 2020 in Napa, California. Credit: Justin Sullivan *Getty Images*

Firefighters battled nearly two dozen wildfires in California yesterday after a week of raging blazes blackened more than 1 million acres across the state.

The fast-moving fires, which are seen by many scientists as a sign of climate change, have killed five people, destroyed more than 1,000 structures and forced thousands to flee. More than 238,000 people either evacuated or were ready to go as more thunderstorms threatened to light new fires yesterday afternoon, according to officials.

Still-active fires are affecting at least 23 counties in Northern California, stretching from Butte to Fresno. Two of the blazes rank among the largest in state history.

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The LNU Lightning Complex Fire, a group of fires centered in Napa and Sonoma counties, has grown into the second-largest blaze ever seen in California. The SCU Lightning Complex Fire, a cluster of blazes in Santa Clara, Alameda and nearby counties, is the third-largest.

Altogether, the fires have burned an area the size of Rhode Island.

"The scope [of the damage] is absolutely astonishing," said Daniel Swain, a climate scientist at UCLA. It's "hard to impress on people just how vast the acreage burned is, especially considering there were no strong offshore winds" to drive the spread.

President Trump on Saturday issued a major disaster declaration to fulfill a request by Gov. Gavin Newsom (D) to bolster the state's emergency resources. Meanwhile, the National Weather Service issued a red flag warning for more thunderstorms and lightning through today.

The racing flames show how climate change is affecting the nation's most populous state, experts said. Hotter temperatures, less dependable precipitation and snowpack that melts sooner lead to drier soil and parched vegetation. Climate change also affects how much moisture is in the air, Swain said.

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"It's actually drying out the air during these extreme heat events," which zaps plants of additional moisture, Swain said. That left much of the state a tinderbox when hundreds of lightning strikes scorched the countryside last week.

"This is really a testament to how dry the vegetation is, in terms of how quickly these fires spread when they were ignited by lightning," he said.

The amount of land burned last week is more than the total burned in all of 2018, and more than double the amount burned in 2017, according to data released by the California Department of Forestry and Fire Protection (Cal Fire).

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The fires on Saturday burned part of the oldest state park in California, Big Basin Redwoods State Park in Santa Cruz County. Flames damaged historic buildings, the campground and "all of the infrastructure," said Christine McMorrow, a spokeswoman with Cal Fire. It wasn't known whether redwood trees were engulfed.

The blazes threaten to outpace the state's ability to respond. Nearly all of Cal Fire's crews are in the field, with some working 72-hour shifts. Oregon, Washington, Nevada, New Mexico, Texas and other states sent firefighters, equipment or both. Officials said more than 13,000 fire personnel were on the scene.

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"We have more people, but it's not enough," Newsom said at a Friday news conference. "We have more air support, but it's not enough."

## **REPEAT FIRE TRAUMA**

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Fires erupted beginning Aug. 15 when more than 1,200 lightning strikes hit the baking landscape within 72 hours.

Those came "the exact week that we were experiencing some of the hottest temperatures ever recorded in human history, 130-degree temperatures in the southern part of the state," Newsom said. It was "maybe the hottest modern recorded temperature in the history of the world," he said.

He was referring to the temperature of 130 degrees Fahrenheit on Aug. 16 in Death Valley, a high not reached on Earth in 89 years. The highest temperature ever recorded on the planet is 134 Fahrenheit. It was reached in 1913 in Death Valley. Its accuracy is



disputed by some observers because there was a lack of modern technology (*Climatewire*, Aug. 18).

Altogether, more than 12,000 lightning strikes hit California last week, igniting over 600 fires. Firefighters knocked down smaller ones, but others merged into major "complex" fires.

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The week was filled with horror stories and heroic efforts. Volunteers helped evacuate senior citizens from a Vacaville retirement home in the middle of the night as a fire raced toward the facility. Others helped rescue "dozens and dozens of individuals with intellectual disabilities" in Santa Clara, Newsom said.

Hundreds saw their homes destroyed.

"Tuesday night when I went to bed, I had a beautiful home on a beautiful ranch," Hank Hanson, 81, of Vacaville, told the Associated Press. "By Wednesday night, I have nothing but a bunch of ashes."

State Assemblywoman Cecilia Aguiar-Curry, who represents the Napa wine region, said at a news conference Friday that she has "half a dozen really good friends who don't have a home right now."

The American Red Cross, wary of the coronavirus pandemic, put some survivors in hotel rooms so they could be separated from other evacuees, said Jim Burns, a Red Cross spokesman. Others went to evacuation shelters where protocols were in place to keep people spaced out. The Red Cross was also talking to colleges to see whether dorm rooms were available.

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The fires swept across heavily populated cities that have endured major fires in recent years. Susan Gorin, a Sonoma County supervisor, lost her home in the 2017 Tubbs Fire, a blaze that killed 22 people. She built a new house in the same location; on Friday, she found ashes on her patio from a nearby firestorm.

"It just seems so terrifyingly familiar," Gorin said as she traveled to Lake Tahoe to escape the smoke and mayhem. "This is now the third major fire in four years. We are battle-weary."

## CLIMATE CONNECTION SCRUTINIZED

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Swain with UCLA and other scientists earlier this year published a study that said climate change has doubled the number of extreme-risk days for California wildfires.

It said temperatures statewide rose 1.8 degrees Fahrenheit since 1980, while precipitation dropped 30%. That doubled the number of autumn days that offer extreme conditions for the ignition of wildfires (*Climatewire*, April 3).

The heat is expected to get worse with time. Climate models estimate that average state temperatures will climb 3 degrees Fahrenheit by 2050 unless the world makes sharp cuts in greenhouse gas emissions, said Michael Wehner, a senior scientist at Lawrence Berkeley National Laboratory.

Even with emissions cuts, average temperatures would rise 2 degrees by midcentury, he said.

Jon Keeley, a senior scientist at the U.S. Geological Survey Western Ecological Research Center, argued that the study from Swain and others failed to show that hotter temperatures are driving wildfires.

"Show us data that shows that level of temperature increase is actually associated with increased fire activity," Keeley said. "They don't show that."

Keeley added, "We ought to be much more concerned with ignition sources than a 1- to 2-degree change in temperature."

A big contributor to large California fires is that the state has focused on extinguishing blazes for about a century rather than allowing for controlled burns, he said. That has caused dead vegetation to accumulate.

Trump has accused California of failing to "sweep" its forests, which he has linked to fires in the state.

Keeley said that "we don't sweep forests here in the U.S., but what we do is prescription burning. ... It's potentially the same thing. It's modifying the fuels prior to a fire."

Swain, the UCLA climate scientist, said global warming is affecting how big fires get and how fast they move.

"What happens when they start burning, what is the character of those fires, and is it changing?" Swain asked. "The answer is yes."

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# **EXHIBIT 3**



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## 2020 Incident Archive

A summary of all 2020 incidents, including those managed by Cal Fire and other partner agencies.



**4,040,935 Acres**  
Estimated Acres Burned



**8,320 Incidents**  
Number of Incidents



**8 Fatalities**  
Confirmed Loss of Life



**5,495 Structures**  
Structures Damaged or Destroyed

### 2020 Incidents

Name	Start Date	Counties	Acres	Containment
Fields Fire	10/6/2020	Yuba	56	100%
Lambert Fire	10/4/2020	Amador	21	100%
Pony Fire	10/3/2020	Sacramento	20	100%
Copper Fire	9/30/2020	Amador	48	100%
Candy Fire	9/29/2020	Riverside	227	100%
Martindale Fire	9/28/2020	Los Angeles	230	100%
Zogg Fire	9/27/2020	Shasta	56,338	95%
Glass Fire	9/27/2020	Napa and Sonoma	67,484	74%
Wolf Fire	9/22/2020	Mariposa		
Snow Fire	9/17/2020	Riverside		



## 2020 Fire Season

While wildfires are a natural part of California's landscape, the fire season in California and across the West is starting earlier and ending later each year. Climate change is considered a key driver of this trend. Warmer spring and summer temperatures, reduced snowpack, and earlier spring snowmelt create longer and more intense dry seasons that increase moisture stress on vegetation and make forests more susceptible to severe wildfire. The length of fire season is estimated to have increased by 75 days across the Sierras and seems to correspond with an increase in the extent of forest fires across the state.

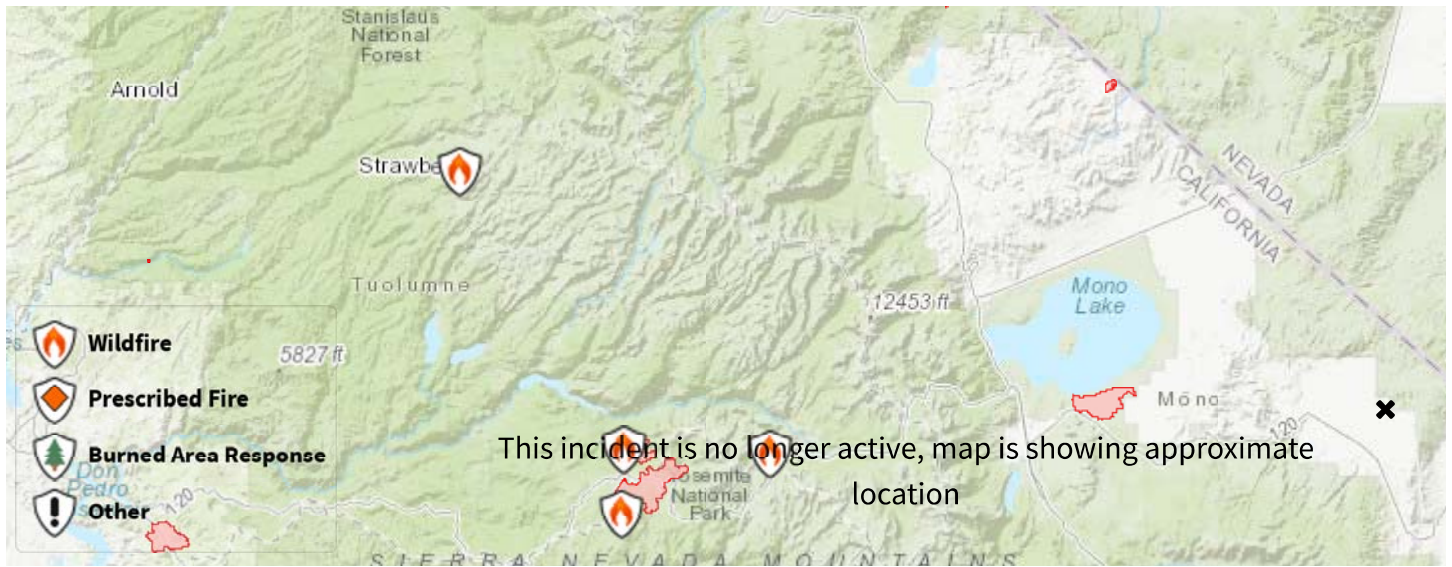
### Search our Incident Database

Search by Incident Name, Year, County or Keyword

#### Annual Fire Season Pages

[ACTIVE](#) | [2020](#) | [2019](#) | [2018](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#)

# **EXHIBIT 4**



# Beach Fire

## Unit Information

Inyo National Forest  
 U.S. Forest Service  
 351 Pacu Lane  
 Bishop, CA 93514



## Photographs – Beach Fire

Beach Fire 08/17/20

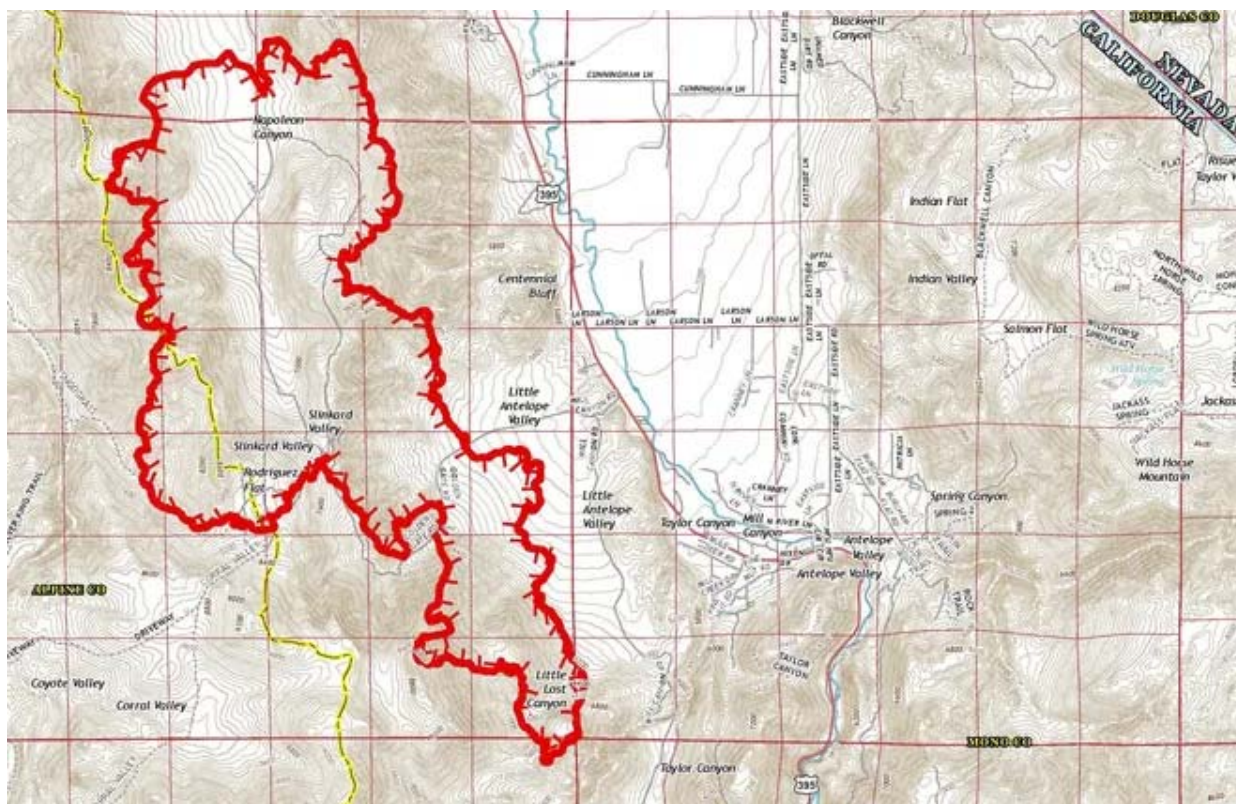
8/17/2020



Image options: [ Full Size ([http://inciweb.nwcg.gov/photos/CAINF/2020-08-17-1039-Beach-Fire/picts/2020\\_08\\_17-21.25.09.280-CDT.jpeg](http://inciweb.nwcg.gov/photos/CAINF/2020-08-17-1039-Beach-Fire/picts/2020_08_17-21.25.09.280-CDT.jpeg)) ]

# **EXHIBIT 5**

## Slink Fire now at 14,200 acres, expected to burn well into October, officials say



### Friday, 8:30 a.m. update:

The Slink Fire grew to more than 14,000 acres by Thursday evening as crews worked to prevent its spread east toward US 395. The west side of the fire remains active.

However, US 395 has reopened, and [evacuation orders have been lifted](#) for the area between Cunningham Lane and the town of Walker.

The Humboldt-Toiyabe National Forest has [closed campgrounds, trails and roads in the area](#), and the Bureau of Land Management [has closed BLM-managed public lands](#) in Antelope Valley, Little Antelope Valley and Slinkard Valley due to fire suppression efforts.

### Original story:

The towns of Coleville and Walker remain under evacuation orders as the Slink Fire continues to burn mostly unchecked just south of Topaz Lake.

The fire was reported about 6 p.m. Aug. 29 and has grown to 8,300 acres and is just 5 percent contained, as of Tuesday morning.

It was started by a lightning strike in the Slinkard Valley southwest of Topaz and two miles west of Coleville. The fire is burning pinyon juniper, sage and grass.

At about 3 p.m. Sunday the fire made a “substantial run” toward Walker and Coleville, according to the Humboldt-Toiyabe National Forest.

Evacuation orders are in effect from Cunningham Lane north of Coleville to the town of Walker. Highway 395 is closed from Topaz Lane north of Coleville to Eastside Lane in Walker.



Evacuees can coordinate with the Red Cross at the Topaz Lodge.

The fire is burning on the Humboldt-Toiyabe National Forest, Carson-Iceberg Wilderness, Bureau of Land Management land and private land.

A dry cold front is expected to bring gusty winds and much lower humidity to the area, pushing the fire into steep and inaccessible terrain.

**Nevada fire map:** [Track current fires burning across state, nearby states in real-time](#)

There are 249 personnel working on the fire. It has an estimated containment date of Oct. 20, according to the Humboldt-Toiyabe National Forest

Despite the fire, Reno's air quality is expected to remain in the healthy range through Labor Day weekend.

According to IQAir, Reno's air quality will remain "good" through Wednesday before creeping up to "moderate." The air quality is expected to remain moderate through Sunday.

*Amy Alonzo covers the outdoors, recreation and environment for Nevada and Lake Tahoe. Reach her at [aalonzo@gannett.com](mailto:aalonzo@gannett.com) or (775) 741-8588. [Here's how you can support ongoing coverage and local journalism.](#)*

# **EXHIBIT 6**



# Town of Mammoth Lakes

## CREEK FIRE INFORMATION & RESOURCSES:

- **MONO COUNTY CREEK FIRE WEBSITE FOR LOCAL RESOURCES AND INFORMATION - [CLICK HERE](#)**
- **Mono County [Creek Fire Presentation and Community Conversation](#) at 7:00pm on Tuesday, September 29.**
- The Sierra National Forest hosts Incident Briefings every second day at 7:00pm via Facebook Live: <https://www.facebook.com/SierraNF/>
- [Creek Fire Incident Information](#) (CalFire)
- [Creek Fire Incident Management System](#) (Inciweb)
- Creek Fire updates - Sierra National Forest [Facebook page](#) / [Twitter page](#)
- Mono County Preparedness Portal - [Wildfire/Air Quality Interactive Map](#)
- [Town Website](#) (News Flash section)
- Mono County - [Code Red Alert System](#)
- Air Quality – [Great Basin Unified Pollution Control District](#) / [Air Now](#)
- CalFIRE - [Wildfire Preparedness page](#)

## September 13 - 4:00PM

### The Quick Facts:

#### *Frank Frievalt, Fire Chief, Mammoth Lakes Fire Protection District*

- Presently, the Creek Fire continues to be the closest large fire to Mammoth Lakes. The smoke earlier this morning was more from the Castle Fire on the Sequoia to our south, however, current conditions are largely due to the Creek Fire.
- There is no current or projected evacuation order for the Town of Mammoth Lakes at this time.
- The fires “edge” is roughly 16 miles from Town.
- Two smaller fires in the region have been contained.
- As discussed in the previous press release, there are several decision points for the incident that involve actions in our area. The first was reached the evening of September 11. The action includes some initial structure protection mitigation for the Reds Meadow and Devils Post Pile area that began on September 12 and will take several days to complete. The Mammoth Lakes Fire Protection District continues to work closely with the public and private facilities in that area.
- The Creek Fire Incident Management Team will be releasing other decision points when appropriate and will inform the Town of Mammoth Lakes and Mammoth Lakes Fire Protection District.
- We have tentatively planned a Community Conversation for the Creek Fire (similar to the COVID19 Community Conversations) on Tuesday evening at 7:00 p.m. via Zoom – stay tuned for details on the Town website.
- Please continue to keep aware of the current and forecasted weather, as well as using the primary information sources available for this incident through the links provided. This is the best way for you to access timely and accurate

information. The Town of Mammoth Lakes Public Information Officer is directly involved in the incident public information meetings. The Creek Fire Incident has provided two public information officers here in Mammoth Lakes to assist with information outreach.

- While we will attempt to provide an elevated level of information on social media while the Creek Fire is impacting us, please use the authoritative sources below for the most accurate and up to date information.

## **September 10 - 7:30PM**

### ***Pancho Smith, Inyo National Forest Acting Forest Supervisor***

The Inyo National Forest is working closely with the Town of Mammoth Lakes, Mammoth Lakes Fire Protection District, Mammoth Lakes Police Department and Mono County Sheriff's office, and the Creek Fire Incident Management Team (IMT). The team is fully aware that Reds Meadow/ Lakes Basin/ Town of Mammoth Lakes is to the east of the fire. As you know this fire has demonstrated significant growth and we take its potential very seriously. The Inyo National Forest is developing a plan with the IMT if wildfire suppression response is needed. The proactive planning that has already taken place is the establishment of Management Action Points (MAPs) or trigger points between the fire and our community. These points will determine our actions such as notification, need for prepping areas, establishment of contingency fire lines and other actions. These actions will take place long before the fire gets to us. These MAPs are set to give the firefighters plenty of time to begin the efforts they need to slow the fire spread in addition to ensuring the safety of our first responders and firefighters. We are committed to the safety of our communities and neighbors.

# **EXHIBIT 7**

# Updated: ‘We’re not going to die like this’: Twenty-nine confirmed fatalities in California’s most destructive fire

By Representative Jonathan Stickland

## **‘It is never OK to target personal homes or businesses’: Texas state Rep. Jonathan Stickland**

State Rep. Jonathan Stickland, a Ron Paul-style libertarian Republican from Bedford, was announced that his bill legalizing permitless carry was “dead.”

Up Next

### **Ariana Grande reunites NSYNC for Coachella performance**

State Rep. Jonathan Stickland, a Ron Paul-style libertarian Republican from Bedford, was announced that his bill legalizing permitless carry was “dead.” By Representative Jonathan Stickland

After a night of chaos and fear, the fast-moving Camp Fire in Butte County settled down Friday as winds calmed.

But the new day brought gruesome discoveries and a grim new record. As of late Friday, officials said nine people had been killed, and more than 6,700 buildings – the vast majority of them homes – had been destroyed in Butte County, making the Camp Fire the most destructive blaze in state history. By Sunday, the tally of dead had risen to twenty-nine with the expectation more victims would be found – leaving it tied with the 1933 Griffith Fire as the state’s most deadly wildfire.

In five days, the fire has reached 111,000 acres. Fire containment is at 25 percent.

Four as yet unidentified fire victims were found burned in the husks of their cars near Edgewood Lane, a narrow dead-end street in Paradise, and a fifth body was found on the ground on Edgewood. Cars windows there were wrapped in law enforcement crime scene tape Friday, with their wheels melted into the asphalt and sagging electrical wires hanging overhead.

All down the one-mile length of Edgewood, former homes and trailers smoldered in ruins.

The victims apparently were trapped or overtaken by the speeding fire while trying to evacuate during a frantic few hours Thursday night when roads became choked and some residents abandoned gridlocked cars to flee on foot.

“The preliminary investigation revealed that the victims were located in vehicles that were overcome by the Camp Fire,” the Butte County Sheriff’s Office said in a statement earlier in the day. “Due to the burn injuries, identification could not be immediately made.”

One resident of the street, who barely escaped, said her family’s car and those of neighbors’ were jammed “like sitting ducks” as the fire bore down through the black night.

Savannah Rauscher said she got a reverse 911 call ordering her to evacuate her Edgewood Lane home at 8:30 a.m. Outside, embers and dust were already flying.

“We saw a wall of fire,” she said. “Trees were glowing 50 yards away and it was probably moving like 10 yards every couple minutes. ... It was moving so quickly and there’s cars as far as I can see. I had no idea it could be that fast.”

Feeling the heat from the flames, Rauscher’s husband pulled out of the line of cars, cutting into what would have been the oncoming traffic lane. “I thought, ‘We’re going to die,’ and my husband said, ‘No, we’re not going to die like this.’”

She rolled the window down, waving and yelling, prompting other cars to follow suit. “When we got to Pearson (Road), nobody had any clue, it’s right there, it’s coming like a freight train.”

On Friday, she checked satellite images of the neighborhood and saw “a ball of fire” where their house once was.

## Camp Fire in Butte County

**Red circles on this live-updating map are actively burning areas, as detected by satellite. Orange circles have burned in the past 12 to 24 hours, and yellow circles have burned within the past 48 hours. Yellow areas represent the fire perimeter.**

Source: National Interagency Fire Center

Four more deaths were confirmed in Paradise on Friday evening by the Butte County Sheriff's Office. Three were found on the ground outside of residences, and one was found in a residence. The department said it had no further details about those fatalities. Three firefighters were reported injured as well, and first responders were searching for more victims.

Butte County Sheriff Kory Honea said he would have to report more. “I fear it will be my duty to continue to update these figures,” he said.

An estimated 80 percent of the town of Paradise was gone, wiped out by flames in one night, the town mayor said.

Fire officials have not disclosed a cause. However, PG&E submitted a report Thursday to the California Public Utilities Commission about an outage at a 115-kilovolt line on Pulga Road in Butte County at 6:15 a.m. that day, and noted that the site was near the Camp Fire.

In a public statement, PG&E wrote: “The cause of the Camp Fire has not yet been determined. PG&E has provided an initial electric incident report to the (PUC). The information provided in this report is preliminary and PG&E will fully cooperate with any investigations.”

The fire, which began about 6:30 a.m. Thursday, cut a large swath through the center of Paradise and nearby Magalia Thursday night and early Friday before making a brief run toward Chico.

The unofficial initial count of 6,713 destroyed structures vaulted the blaze to first on the state's list of most destructive fires. Of those, 6,453 were homes. That tops the Tubbs Fire that burned more than 5,600 buildings in Sonoma, Napa and Lake counties in 2017, including in the city of Santa Rosa.

Paradise Mayor Jody Jones estimated “80 to 90 percent of the homes are gone.” She said most of the businesses on the town's commercial corridors were also destroyed. Two of the three grocery stores burned to the ground.

Asked if she expected the death toll to rise, Jones said, “I think we have to be prepared for that. There were people who refused to leave.”

The six reported deaths puts the Camp Fire among the 20 deadliest fires in California modern history, according to Cal Fire. The worst was the Griffith Fire in Los Angeles in 1933, when 29 died.

After quadrupling in size to 70,000 acres on Friday morning, the fire jumped another 20,000 acres during the day and remains largely uncontrolled.

The blaze continued to burn in the Jarbo Gap area Friday. Caltrans shut down Highway 99 south of Chico and north of the junction with Highway 149. But Cal Fire officials said dwindling winds slowed the fire's movement and allowed firefighters a chance to establish fire lines and make assaults.

“Firefighters are taking advantage of the break in the wind to aggressively go after the fire,” Cal Fire spokeswoman Cheryl Buliavac said.

Wind speeds are expected to remain low through Saturday evening, but National Weather Service officials say they could kick up again Saturday night and continue through Monday, with gusts up to 30 miles per hour, prompting the agency to issue a fire weather watch.

While Friday was largely calm, residents of Paradise described Thursday evening as something akin to hell on earth. Mark Ghilarducci, California Office of Emergency Services director, on scene Friday, expressed awe at the devastation.

“The magnitude of the destruction we're seeing is really unbelievable and heartbreaking,” Ghilarducci

said.

The fire torched homes and businesses and burned down the Paradise welcome sign. The Butte College police chief's home was among those destroyed. In the nearby hamlet of Magalia, where residents were rousted an evacuated after midnight, little was left Friday but a heavy haze of smoke.

Honea addressed the difficulty in evacuating Magalia, saying at points deputies were going door to door telling people to evacuate.

"There were also times where we didn't have time to do that," he said.

Evacuation orders were issued through reverse 911, but some people on social media have reported not getting any warning as flames from the Camp Fire roared toward their homes.

Lorrie Ballard, whose in-laws live in Magalia, said they didn't know they had to evacuate until they saw a red glow behind their house and the fire inching closer Thursday morning.

Steve and Annette Sawyer, 80, said they got a call warning of the possibility of evacuation but were never told to leave.

As the flames approached, the couple got in their car and turned south on Skyway, heading unknowingly toward the fire. When they ran into the flames two blocks from their house, they turned around and headed north, picking up a man and his dog whose car was low on gas, Ballard said. The couple used a logging road to get out of the area.

Active firefighting in Magalia was ongoing Friday and would be the focus going into Saturday, said Josh Bischof, operations branch director for CalFire.

From Edgewood Lane, Alphonse Sperske was another of the lucky residents to escape at the last minute.

His daughter, Ann Sperske, a Martinez resident, said her father lived at a senior community mobile home park near the only entrance and exit to Edgewood Lane, off of Pearson Road.

By the time he left his house by car, the house across the street was already on fire.

"There was no other way out, there's no back road," Sperske said. "He barely made it out." she said.

At the Oroville evacuation center on Friday, Gaynell McPhearson, 79, there with his wife Carol and two dogs, said he wasn't sure about the fate of the house he had built on a ridge to watch the sun rise and set.

"The structure that I built may not be there, but my home is still there," he said. "My home is still there."

*This story was updated Nov. 12 at 7 a.m. to reflect new fatalities and the size of the fire.*





1 of 3

Charred vehicles sit on Pearson Road in Paradise, where at least 48 people were killed by the Camp Fire. Hector Amezcua [hamezcua@sacbee.com](mailto:hamezcua@sacbee.com)



# **EXHIBIT 8**



# **EXHIBIT 9**



## MONO LAKE COMMITTEE

P.O. Box 29  
Hwy 395 and Third Street  
Lee Vining, CA 93541

Phone (760) 647-6595  
Fax (760) 647-6377

### Board of Directors

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Martha Davis  
Vireo Gaines  
David Kanner  
Gina Radieve  
Tom Soto  
Sherryl Taylor  
Doug Virtue  
Kristine Zeigler

### Directors Emeriti

Helen Green  
Ed Grosswiler  
Richard Lehman

### Executive Director

Geoffrey McQuilkin

### Southern California Office

1718 Wellesley Ave  
Los Angeles, CA  
90025-3634

### On the Internet

[monolake.org](http://monolake.org)  
[monobasinresearch.org](http://monobasinresearch.org)

October 6, 2020

Via email to [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov)

Michael Draper

Mono County Community Development Department  
PO Box 347  
Mammoth Lakes, CA 93546

Re: Comments on the Description of Alternative 7 and Concept Site Plan and  
Landscape Concept Plan

Dear Mr. Draper,

The Mono Lake Committee (MLC) is writing to comment on the Tioga Inn revised “Alt #7 Housing Concept Site Plan” and “Landscape Concept Plan” released to the public on September 29, 2020.

Since the Notice of Preparation phase of the Tioga Inn project in 2016 and continuing through the Draft Subsequent Environmental Impact Report and the Final, MLC has commented on the potential impacts and urged for mitigations that consider the Mono Basin community, Mono County residents, and future visitors to Mono Lake. The scenic grandeur of the Mono Basin is one of the wonders of California and the world, and this project continues to elude the implementation of measurable visual criteria for reducing or eliminating significant, adverse impacts to aesthetics, light, and glare.

While multiple project changes have occurred leading to the latest revised Alt #7 Housing Concept Site Plan and Landscape Concept Plan, the project proposal fails to provide specific, measurable screening criteria for mitigating aesthetic and visual impacts to visitors that frequent high-value recreation sites within the Mono Basin National Forest Scenic Area and the Mono Lake Tufa State Natural Reserve.

The new Landscape Concept Plan, which has been modified from the earlier Screening Tree Plan and is incorrectly identified as Attachment 4 (it appears to be Attachment 2 in Narrative Description), falls short of providing meaningful screening measures. The near absence of native Eastern Sierra tree species appropriate to the elevation and locale, introduces questions regarding the ability of a non-native forest to successfully thrive. Only one identified species, Quaking Aspen, is known to successfully inhabit the Mono Basin at the project elevation

and aspect. While Limber Pine and Ponderosa are native to the Sierra Nevada, only Limber Pine occurs in the Mono Basin, and its occurrence is sparse at elevations above 9,000 feet. Colorado Spruce, Austrian Pine, and White Birch are not native to the Sierra Nevada nor the Mono Basin and these trees will, in a concentrated, urban forest arrangement, offer a significant contrast to the surrounding Mono Basin landscape flora. This concentrated planting of a non-native forest has no historical precedence and will have an unknown impacts on wildlife—from insects to birds to mammals. We urge the plan to specify only tree species native to the Eastern Sierra, as originally identified in the Screening Tree Plan.

#### Mitigating visual impacts

As MLC has stated in previous comments, visual impact mitigations should provide clearly stated performance criteria to ensure that the mitigation purpose is accomplished. Mitigation Measure 5.12(a,b-2) (Visual Screening & Landscaping) does not define “screening efficacy,” nor are there measurable, objective standards for the “visual analysis expectation.” There is no reference to the “visual analysis expectation” in the Narrative Description or in prior project documents. While the mitigation measure suggests that some goal may be in place to screen project walls, windows, and roofs, that goal is not clearly articulated and the offsite locations from which “screening efficacy” may be judged are not identified.

MLC recommends the following mitigation language to solve these shortcomings in Mitigation Measure 5.12(a,b-2):

None of the housing structures or parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) from the top of Panum Crater, and (4) US 395 between the junction of Hwy 120 W and Test Station Rd, and (5) the Mono Lake Tufa State Natural Reserve boardwalk at Mono Lake County Park. A housing structure or parking area is “visible” if an individual can see any part of the buildings or parked vehicles or any reflection, glare, or other light from the housing or moving and parked vehicles at any time. County staff shall monitor compliance with this mitigation measure by conducting visual inspections from each of the public vantage points listed above at least four times per year, at least once per quarter. At least one visual inspection per year per public vantage point shall be conducted after dark, at least one shall be conducted in the two hours after dawn, and at least one shall be conducted in the two hours before dusk.

This performance standard provides flexibility for the applicant in terms of how the standard is met (i.e., additional grading/berms, vegetation, etc.) However, meeting the measure’s standards by conducting additional grading may result in fewer environmental impacts, specifically related to fire danger and water usage, than meeting the standards by, for example, planting trees and other vegetative screening.

The vantage points identified are consistent with prior comments and include scenic corridors with visual quality objectives identified in the Mono Basin National Forest Scenic Area Comprehensive Management Plan.

Thank you for the opportunity to comment. We would be happy to answer any questions you might have regarding our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bartshé Miller". The signature is stylized and written in a cursive-like font.

Bartshé Miller  
Eastern Sierra Policy Director