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August 6, 2020

To: **Honorable Board of Supervisors**

From: Gerry Le Francois, Principal Planner
Wendy Sugimura, Planning Director
Michael Draper, Planning Analyst
Sandra Bauer, CEQA Consultant

Re: **PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3 (Project) and Final Subsequent Environmental Impact Report (SEIR)**

I. RECOMMENDATION

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project"), Alternative #7 – Hybrid Plan ("Preferred Alternative"), and Final Subsequent Environmental Impact Report (SEIR) (Attachment 1).
2. Find that the Project is not subject to the Housing Accountability Act because it consists of/requires a Specific Plan amendment and is inconsistent with applicable, objective general plan, zoning and subdivision standards that were in effect at the time the application was deemed complete including density, location of structures and allowed uses. Additionally, find that the submitted application was deemed complete on July 28, 2016 (Attachment 2), prior to the enactment of SB 167 in 2017.

Option 1: Certify the SEIR and Approve the Project and Preferred Alternative, Incorporating Board Direction from June 29-30 Public Hearing as Presented, or with Further Modifications

Adopt proposed Resolution: 1) certifying the Final Subsequent Environmental Impact Report (SEIR), making all required findings, and adopting the Statement of Overriding Considerations (Resolution Exhibit A); 2) adopting the Mitigation Monitoring and Reporting Program (MMRP; in Attachment 1) as revised; and 3) approving the Project and Preferred Alternative (in Attachment 1) as presented or with further modifications.

Option 2 – Deny the Project and Do Not Certify the SEIR

If the Board of Supervisors determines that one or more of the unavoidable adverse environmental effects identified in the EIR are not outweighed by specific economic, legal, social, technological, or other benefits of the Project, then it would not adopt a Statement of Overriding Considerations for the Project, and would not adopt the proposed Resolution. Instead, the Board should specify which (or all) unavoidable adverse effects it finds to be unacceptable (i.e., not outweighed by the Project's benefits) and articulate its reasoning.

If the Board is additionally unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution then it must articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language.)

II. BACKGROUND AND JUNE 29-30, 2020, BOARD MEETING

The public hearing held at the Board of Supervisors meeting of June 29-30, 2020, included the following information in the staff report (available at https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35):

- Project Document Availability
- Project Location, Land Uses & History
- Tioga Inn Specific Plan Amendment #3 Project Description, including Alternative #6 which was the preferred alternative at the time
- Environmental Review & Significant Impacts
- Public Hearing Notice & Comments, and Tribal Consultation
- Planning Commission Recommendation
- Additional Considerations including Eastern Sierra Unified School District, housing demand, and trail and SR 120 crossing
- Recommended Modification(s) including shuttle service mitigation measure modification, corrections to FSEIR visual analysis, Specific Plan modifications, lighting plan amendment
- Findings
- Attachments & Weblinks to Documents

In addition, a number of changes were proposed in the PowerPoint presentation to the Board of Supervisors and the Board directed several modifications, including combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative. Rather than approve the Hybrid Plan Alternative on June 30, the Board requested that staff prepare updated written documentation incorporating Board direction, with corresponding diagrams and renderings, for presentation at a subsequent meeting.

This staff report attempts to minimize repetition of information that has not changed; past documents including the staff report from the June 29-30, 2020, Board meeting should be referenced for that information. The focus is instead on summarizing the Board-requested Hybrid Plan Alternative and information generated in response to public or Board comments.

III. MODIFICATIONS AS DIRECTED AT THE JUNE 29-30 MEETING

The following project and mitigation measure modifications were recommended by the Planning Commission or proposed/modified at the June 29-30, 2020, Board meeting, and no further work or refinement was directed. The presumption is that these modifications have Board consensus to include if the Project is approved and are included as modifications to the Project, Preferred Alternative, and FSEIR in the proposed Resolution (Attachment 3).

New Wildlife Mitigation Measure Stating Do Not Feed the Wildlife

NEW MITIGATION MEASURE BIO 5.3(a-6) (Signage): Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.

Amended Mitigation Measure for Sierra Nevada Red Fox Survey

AMENDED MITIGATION MEASURE BIO 5.3(a-4): Badger and Fox Survey: A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of ~~100~~ 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of ~~100~~ 500 feet, until the biologist finds that den

occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

Lighting Plan Amendment

Revisions to mitigation measure AES 5.12 (c) are shown in track changes below to add standards for exterior safety lighting to minimize project impacts:

AMENDED Mitigation AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.[1] Long wavelength lighting shall be used, with a color temperature of less than 3,000 Kelvin (warm white).[2] Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30-minutes following sunset, and 30 minutes prior to sunrise.

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced 10 to 15 feet apart[3] unless alternate spacing is required by public health and safety needs. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens each[4];

(c) accent lighting shall be limited to residential ~~accent~~ lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d~~c~~) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

(e~~d~~) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,

(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or

(e) Landscaping information to describe potential screening.

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[1] Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (http://www.darkskysociety.org/), 2009: http://www.darksky society.org/handouts/LightingPlanGuidelines.pdf.

[2] Kelvin is used to describe the color temperature of a light source in degrees Kelvin (K). This specification describes the warmth or coolness of a light source. Cool, blue spectrum lights (4,000-4,500K) brighten the night sky more than warm amber colored light (2,700-3,000 K) (https://ledglobalsupply.com/lumens-versus-kelvin/). The International Dark Sky Association (IDA) notes that exposure to blue light at night has been shown to harm human health and endanger wildlife; IDA recommends long wavelength lighting with a color temperature of < 3000 Kelvin. https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2019/06/Dark-Sky-Assessment-Guide-Update-6-11-19.pdf; https://www.darksky.org/our-work/lighting/ lighting-for-citizens/lighting-basics/.

[3] Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

[4] Yosemite National Park Lighting Guidelines, May 2011: https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidlines-05062011.pdf

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

Phasing Plan (Mitigation Measure POP 5.6(a-1))

Phase	# Units	Schedule
1	30	The 30 Phase I units and childcare facility shall be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process. Infrastructure for all three phases is to be completed in Phase 1.
2	40	Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and phase I building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and phase II building permits have been issued.

Specific Plan Modifications

The clarification and Specific Plan implementation measure proposed below are minor, administrative editorial changes. However, the modifications should be formally approved by the Board.

The following clarification, to be added to the Open Space-Support designation in the Specific Plan, is proposed to accommodate the secondary emergency access road:

> The Open Space-Support designation shall also permit maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

A mitigation measure in the FSEIR for hydrology that is not needed to reduce impacts is more appropriate as a condition of the Specific Plan. Therefore, Mitigation Measure HYDRO 5.2(c-1) is proposed to be moved to the Specific Plan as implementation measure 2a(5):

> Implementation measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.

Housing Occupancy

To further clarify the priorities for housing occupancy, add a NEW Specific Plan Implementation Measure:

Policy 1f: The Community Workforce Housing designation shall permit the following land uses:

> Implementation measure 1f(9): Employees shall have first priority for housing, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

Shuttle Service Flexibility

In response to the Board of Supervisors' request to accommodate additional flexibility in the Shuttle Service to account for reduced ridership if a connectivity trail is established, the wording of Mitigation SVCS 5.8(a-3) is proposed as follows for Board consideration: "*A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase I units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.*"

IV. PROJECT CLARIFICATIONS

Several issues were raised by the Board for clarification and/or confirmation. This section of the staff report provides this additional project work which is not anticipated to result in any proposed modifications to the project or environmental analysis.

Roundabout at SR 120/US 395 Junction

Mono County Community Development Director Wendy Sugimura contacted Caltrans District 9 Director Ryan Dermody on July 8 and 10, 2020, to discuss the potential for an emergency route from the project site onto US 395. During that communication, Director Sugimura indicated a continuing high level of interest in the potential for Caltrans construction of a roundabout at the junction of SR 120/US 395. Director Dermody reiterated Caltrans' earlier statements including (a) Caltrans does not agree with the FSEIR/DSEIR significance determination regarding traffic conditions at the SR 120/US 395 intersection based on their agency standards and therefore (b) a roundabout at the intersection is unfunded, and not reasonably foreseeable at this time, and (c) the Tioga traffic studies would not likely increase the statewide priority of the SR 120/US 395 roundabout project enough for it to be competitive for funding.

Protections for Stockpiled Soils

In addition to the protections outlined in Tioga Inn Specific Plan Policy 3a (with measures to minimize site disturbance) and Specific Plan Table 4-11 (with measures for the revegetation of all project areas that are temporarily disturbed during earthwork and grading), the project will be subject to existing Mono County requirements at the grading permit stage. In accordance with the adopted standards, all project grading for the Tioga Inn Community Housing Project would be subject to requirements of Mono County Code §13.08 pertaining to Land Clearing, Earthwork, and Drainage Facilities (available online at https://library.municode.com/ca/mono_county/codes/code_of_ordinances?nodeId = TIT13ROPAWACH13.08LACLEADRFA), and requirements of the Mono County Best Management Practices (BMP) Manual (available online at: https://monocounty.ca.gov/sites/default/files/fileattachments/public_works-roads/page/3527/monoco_bmp_manual.pdf).

Mono County prepared and adopted the BMP Manual to more fully implement the Erosion and Sediment Control Ordinance (Chapter 19 of the Land Development Code) and thereby protect and improve water and air quality and eliminate hazards. The specific intent of the ordinance is to minimize disturbance to natural drainage processes, to prevent water and wind erosion, and to mitigate impacts to water and air quality resulting from development.

The BMP's have been determined by the County to be an effective means of mitigating potentially adverse effects to water and air quality. Listed below in Table 1 are examples of control methods included in the BMP Manual that would be relevant to the Tioga project. The exact methods to be used would be determined through the grading

permit, based on the actual amount of soil to be stockpiled, stockpile location, and stockpile duration, all of which will dictate the most effective BMP.

TABLE 1. Representative Best Management Practices from the BMP Manual

BMP PURPOSE	BMP MEASURES
BMP2: Winterization	All fill material retained for future backfilling must be protected by sediment barriers and be covered with plastic or other impervious material
BMP 4: Dust Control	One or more of the following methods and materials shall be utilized for controlling dust. 1. Sprinkling - the site is sprinkled with water as needed to keep the surface moistened to a depth of 2-3 inches, but is not saturated. This is generally done as an emergency treatment and must be repeated several times daily. 2. Mulches - Stone and gravel mulches can be used for temporary dust control and for permanent stabilization as well. 3. Vegetative Cover - Establish cover on bare and disturbed soil surfaces using adapted species. Vegetative cover is the most effective practice on bare and disturbed areas not exposed to construction traffic. Stone or gravel mulches are very effective when used where the permanent driveway and parking areas are planned. Purpose: To temporarily stabilize bare and disturbed soils, to protect the soil surface from raindrop impact, to increase infiltration, to conserve moisture, to prevent soil compaction or crusting, to decrease runoff, and to provide a mulch for short-term vegetation if seeded.
BMP 11: Straw Mulch	Straw mulch is used as a temporary mulch to protect bare or disturbed soil areas that have not been seeded. Straw mulch can also be considered as a temporary practice when used as a mulch for short-term vegetation, such as, grass seeding on a graded right-of-way. However, straw mulch is a permanent practice when used to help establish the long-term or permanent vegetation. Purpose: To temporarily stabilize bare and disturbed soils, to protect the soil surface from raindrop impact, to increase infiltration, to conserve moisture, to prevent soil compaction or crusting, to decrease runoff, and to provide a mulch for short-term vegetation if seeded.
BMP 12: Hydromulch	Hydromulch is the combination of wood fiber and water and is applied hydraulically as a slurry. Purpose: To temporarily stabilize bare and disturbed soils, to protect the soil surface from raindrop impact, and to provide a mulch for short-term vegetation if the areas was seeded.
BMP 13: Plastic Netting	Plastic netting is used to hold mulch in place on steep slopes. Purpose: To hold mulch in place on steep slopes and along drainage-ways and to help establish revegetation in critical areas. As a temporary mulching practice over straw, it stabilizes bare and disturbed soils, protects the soil surface from raindrop impact, increases infiltration, conserves moisture, prevents soil crusting or compaction, and reduces erosion caused by overland flow.

	Plastic netting is used primarily to hold mulches in place on steep slopes. Applicable to long-term or short-term revegetation practices. Black plastic netting is longer lasting and recommended for use in the County. Plastic netting is as effective as jute netting and because of its lower cost, it is more cost effective.
BMP 14: Erosion Control Blankets or Geotextiles	Erosion control blankets or geotextiles is a generic name given to support and filter fabrics that are placed in contact with the soil. Purpose: To provide a protective mulch on steep slopes or along drainage-ways and to help establish vegetation in critical areas. As a temporary mulching practice, it stabilizes bare and disturbed soils, protects the soil surface from raindrop impact, increases infiltration, conserves moisture, prevents soil crusting or compaction, and reduces erosion caused by overland flow. As a channel liner, it minimizes channel erosion by restraining the soils from movement while allowing free passage of water along the plane of the fabric. Applicability: Applicable to any area where soil has been disturbed and vegetation removed. Major alternative to jute netting and straw mulch. Can be utilized when it is cheaper or if installation is easier. Advantages 1. Combines two steps, mulch and netting, into one. 2. Cost competitive with jute and straw. 3. Easier installation on some sites, and thus, lower installation costs. 4. Can be used effectively as a channel liner. Disadvantages 1. Cost of materials and installation. 2. Plastic or wire netting may not be as aesthetically pleasing as jute netting. Erosion control blankets are very effective in providing soil protection and in aiding the establishment of vegetation. They can be as cost effective as jute and straw on steep slopes and more cost effective on graded construction sites because of easier installation.

In addition, revegetation of disturbed areas is required by Mitigation Measure BIO 5.3(a-7) and the County has compiled a substantial body of knowledge on revegetation seed mix and soil amendments in the Mono Basin due to work completed at the north end of the Lee Vining Airport runway. The project was a collaborative undertaking that involved participation by the Mono Lake Committee, a botany/revegetation consultant, and the Lahontan RWQCB. Elements of this successful program included amending onsite soils, fertilizing, reseeding, and monitoring of the slopes over a period of several years.

Response to Hydrology Concern Raised in Public Comment Letter

The Mono County Board of Supervisors received correspondence on June 29, 2020, that raised questions concerning potential impacts of project water demands on the Mono Groundwater Basin. In response, the Project Hydrologist (Roger Smith of SGSI) has provided information as presented in the discussion below.

The comment letter appears to confuse the well data for the two Tioga Inn supply wells. As stated in the FSEIR, The southerly Well #1 was completed to a depth of 600 feet in 1984. The current pump setting is near well bottom at a depth of 598 feet. Current static water levels for the 2017 pump test were approximately 351.5 feet (static water levels fluctuate by several feet over time and through the seasons). The "pump test" referred to in the comment letter was actually an 'airlift and cleaning' that was conducted on the south well after drilling. It is difficult to measure the production from such an operation, and results are not considered reliable. Water production estimates during airlift and cleaning operations are used only to determine the potential maximum limits of a well prior to pump cleaning and testing, and to size the test pump. There is no typical depth setting for the pump. Pumps are placed according to the conditions encountered in each well.

As stated in the FSEIR, Kleinfelder did a 22-hour pump test on Well #1 in 1992, and determined that the well could be pumped at a rate of 400 gpm. Although well transmissivity has decreased over time, cleaning of the perforations is expected to restore some if not all of the former transmissivity. SGSI performed a 24-hour pump test on Well #1 in 2017 at a rate of 102 gpm. The pumping water level stabilized at 388.9 feet, and drawdown was 37.4 feet. At the conclusion of the pump test, a 200 foot column of water remained over the well pump inlet, and static water level recovered to within 0.22 feet in 24 hours, this recovery rate is effectively considered to be a complete recovery after accounting for the fluctuations in groundwater levels that occur daily. Results of the pump test indicate that Well #1 has adequate capacity to serve water needs of the proposed project and the cumulative project under foreseeable maximum day demand scenarios without any noticeable impact to the flow of Lee Vining Creek.

The northerly Well #2 was completed in late 2017 to a depth of 610 feet. The comment letter again appears to mistake the airlift/cleaning operation as a pump test for this well. Well #2 will readily meet water demands of the proposed project and the cumulative project water demands. Although no formal pump test has been performed on Well #2 to date, it is currently in use and pumping at 126 gallons per minute, with a static water level of 351 feet below ground surface (bgs) and a pumping water level of 412 feet bgs. Drawdown in this well after 5 hours of pumping was 60 feet, and the pump is set at 525 feet.

Regarding total water usage by season and annually, the comment letter appears to confuse total water use with total irrigation demands. Data that corroborate the FSEIR estimates of total water demand and total irrigation demand are presented in DSEIR §5.2 (Hydrology), Impact 5.2(b) beginning on page 5.2-19, and Impact 5.2(c) beginning on page 5.2-25; also see FSEIR Topical Response #11.

In regard to water usage from these wells impacting Lee Vining Creek, it has been demonstrated by the pump test on the Well #1, and as explained in the DSEIR, that there is no impact upon the aquifer underlying Lee Vining Creek. This conclusion is based on test data taken from the Winston well, which is located approximately 400 feet from Lee Vining Creek. The static water level at the time of the pump test was 350.42 feet bgs. The static water level of 350 feet bgs directly adjacent to the creek, in combination with the highly porous material of the alluvial fan that the creek flows over to reach Mono Lake (with little change in volume) indicates that Lee Vining Creek is armored as it flows across the fan to the lake. Absent armoring, the groundwater levels in the Winston well would be much closer to the surface and most (if not all) of the water flow would percolate into the fan before reaching the lake.

The pump test recommended in the comment letter has already been performed by SGSI on Well #1 in 2017. The test was undertaken to address the very issues raised in the comment letter, and results of the pump test formed the basis for the DSEIR conclusion of 'no impact.'

The above information, all of which is drawn from analyses and conclusions presented in the DSEIR and FSEIR, is corroborated by a report prepared for Mono County by Team Engineering (Attachment 4). The Team Engineering study shows that the Tioga Inn well is not in the Lee Vining Creek watershed, or any of the Lee Vining Creek sub-watersheds, and also shows that the Tioga well is in the same watershed as the Andrews well, but not in the same aquifer as the Andrews well. Additional information concerning the Andrews well is provided in FSEIR Topical Response #11, Water Quality and Water Supply.

V. UNRESOLVED ISSUES AND FURTHER MODIFICATIONS

At the June 29-30, 2020, public hearing, the Board of Supervisors directed additional staff work on several project issues, in particular the development of a one-story alternative that incorporates elements of the Cluster Plan Alternative and Alternative 6, as discussed in the Draft and Final Subsequent EIRs. This Hybrid Plan alternative is presented in Attachment 5 along with corrections to the visual analysis for Alternative 6 and an environmental impact analysis for the Hybrid Plan.

In addition, the Board requested additional information on several other topics including phasing of grading, evacuation routes to SR 120 and US 395, the propane tank, connectivity trail, and Lee Vining Fire Protection District concerns, which are addressed in Attachment 6. A question about deed restricting units to be affordable was raised after the public hearing and is also included in the discussion.

Any further modifications the Board desires to incorporate from Attachment 5 or 6 into the Project and FSEIR should be added to Section One of the Resolution. Staff may request a short recess to finalize the Resolution for action.

V. PUBLIC HEARING NOTICE & COMMENTS

A public hearing notice was published in The Sheet on July 25, 2020.

Written public comments will be provided to the Board prior to the close of the public hearing.

VI. FINDINGS

If the Board certifies the FSEIR and approves the proposed Tioga Inn Specific Plan Amendment #3, with any modifications desired, the Board must adopt the findings contained in the proposed Resolution, including Exhibit A (Attachment 3).

VII. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Subsequent Final Environmental Impact Report (FSEIR) and Tioga Inn Specific Plan Amendment #3 is available on the Mono County website at: https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir
2. Community Development Department Completeness of Application Determination, date July 28, 2016
3. Proposed Resolution R20-__ with Exhibits A and B
4. Team Engineering report "Surface Water and Groundwater Availability Assessment Lee Vining Area"
5. Alternative #7-Hybrid Plan & Errata
6. Additional Information Requested by the Board of Supervisors
7. Public hearing notices

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COMPLETENESS OF APPLICATION DETERMINATION

PROJECT NAME *Tioga Inn SP Amendment*

PROJECT LOCATION *SR 120 & US 395 (portions of APNs 021-080-014, 26, 027 and 28)*

ASSESSOR PARCEL # *see above*

APPLICANT *Dennis Domaille*

DATE OF APPLICATION SUBMITTAL *July 2016*

TYPE OF APPLICATION: ~~® General Plan Amendment ® Director Review~~ *Specific Plan Amendment* ~~® Conditional Use Permit ® Parcel Map ® Subdivision ® Other~~

COMPLETENESS DETERMINATION: For purposes specified in the California Environmental Quality Act (CEQA) PRC 21151.5 and CEQA Guidelines (California Code of Regulations 15101), your application has been reviewed with the following determination:

Your application is complete, provide a complete application is submitted with deposits for processing and deposits for the CEQA consultant, and a signed indemnification agreement (attached).

~~® Your application is not complete. The following items needed in order for your application to be deemed complete. Please submit these items at your earliest convenience:~~

Submittal materials reviewed by staff see above

File

DETERMINATION BY [signature] **TITLE** Principal Planner

DATE OF DETERMINATION 7/28/2016

RESOLUTION R20-___

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS ADOPTING TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND THE MITIGATION MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

WHEREAS, the Tioga Inn Specific Plan was originally approved and adopted in 1993, amended in 1995 and 1997, and modified pursuant to a Director Review approval in 2012; and

WHEREAS, the 1993 approval includes a hotel (two stories, 120 rooms), full-service restaurant, 10 hilltop residential units, gas station with two gas pump islands, convenience store (4,800 square feet), infrastructure, convenience store deli, two-bedroom apartment above the convenience store, and clarifications regarding infrastructure, access, financing, phasing, signage and development standards; and

WHEREAS, in late 2016, a Notice of Preparation (NOP) was distributed and a meeting was held to discuss the scope of the environmental analysis for Tioga Inn Specific Plan Amendment #3 which, as originally proposed, included 80 residential units, an increase in the height of the 120-room hotel, and an increase in the size of the promontory restaurant, among other features; and

WHEREAS, due to scoping comments, the project was modified to its current iteration, which modifications comprise the proposed Tioga Inn Specific Plan Amendment #3, and include up to 100 housing units, a daycare facility, an increase in Open-Space Preserve acreage, a decrease in Open Space-Support and Open Space-Facilities acreage, three new gas pump islands under one new canopy, the replacement of the existing water tank with a new tank in a different location, the addition of a new 30,000 gallon propane tank, and an onsite wastewater treatment plant with recycled water irrigation; and

WHEREAS, the previously-approved components of the Tioga Inn Specific Plan, which were removed from the project scope after the NOP period, specifically the 120-room hotel and restaurant, are not part of Amendment #3 nor subject to modification; and

WHEREAS, a Subsequent Environmental Impact Report (SEIR) was prepared in compliance with the California Environmental Quality Act (CEQA) and a Draft SEIR (DSEIR), titled the Tioga Workforce Housing Project, was released on June 14, 2019, initiating the maximum 60-day public comment period provided by CEQA until August 13, 2019, which comment period was subsequently extended at the request of the public and due to a publishing date technicality to August 21, 2019; and

WHEREAS, public workshops were held on the DSEIR with the Planning Commission in June 2019 and the community in late July 2019; and

WHEREAS, a total of 904 comment letters were received during the comment period and responded to in the Final Subsequent Environmental Impact Report (FSEIR), and an additional 79 comment letters were received after the comment period ended and were responded to as part of the public hearing held before the Planning Commission; and

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative

#6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced visual and other impacts, and included other project changes; and

WHEREAS, none of the project changes require recirculation of the DSEIR under CEQA Guidelines §15088.5(a); and

WHEREAS, the applicant voluntarily held a community meeting on the FSEIR in Lee Vining in March 2020, at which meeting there were approximately 50 attendees; and

WHEREAS, on April 16, 2020, the Planning Commission held a duly noticed public hearing regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR, received approximately seven hours of public testimony and approximately 150 written comments, and recommended the adoption of the preferred alternative (now Alternative #6) Tioga Inn Specific Plan Amendment by Resolution R20-01 to the Board of Supervisors; and

WHEREAS, on June 29 & 30, 2020, the Board of Supervisors held a duly noticed public hearing regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR; and

WHEREAS, on August 6, 2020, the Board of Supervisors held a duly noticed public hearing to consider new information regarding Tioga Inn Specific Plan Amendment #3 and Final SEIR.

NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report, all information and evidence in the record and testimony provided in the public hearing, the Board of Supervisors finds that the following modifications should be, and hereby are, incorporated into the Tioga Inn Specific Plan Amendment #3 and FSEIR. The Tioga Inn Specific Plan Amendment #3 and the FSEIR are included **as Exhibit B** and incorporated herein by this reference:

A. Add Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.

B. Revise Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red

fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

C. Revise Mitigation Measure AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:
(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.[1] Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30-minutes following sunset, and 30 minutes prior to sunrise;
(b)pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced 10 to 15 feet apart[2] unless alternate spacing is required by public health and safety needs. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens[3];
(c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;
(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:
(a) A written narrative to demonstrate lighting objectives,
(b) Photometric data,
(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,
(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or
(e) Landscaping information to describe potential screening.

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[1] Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (http://www.darkskysociety.org/), 2009: http://www.darkskysociety.org/handouts/LightingPlanGuidelines.pdf.
[2] Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/
[3] Yosemite National Park Lighting Guidelines, May 2011: https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidlines-05062011.pdf

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

D. Revise Mitigation Measure 5.6(a-1) (Phasing Plan)

Phase	# Units	Schedule
1	30	The 30 Phase I units and childcare facility shall be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process. Infrastructure for all three phases is to be completed in Phase 1.
2	40	Construction of the 40 Phase 2 units would be authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and phase I building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and phase II building permits have been issued.

E. Revise Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase I units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

F. Add Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, and shall be bladed annually to maintain full easement width, to be recorded prior to issuance of project building permits.

G. Add Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

1. Limits of Construction: All Community Housing residential structures, whether multi-unit or cabin units, must be located within the footprint of the rectangles as designated in Exhibit 1.
2. Maximum Heights: All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
3. Number of Units and Bedrooms: As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units, and the residential units shall not contain more than 150 bedrooms, including the Manager's Unit.
4. Screening Landscaping: As in the Cluster Alternative and Alternative 6 (see FESIR Topical Response 1), generous landscaping will further soften visible horizontal rooflines (similar to the hilltop residential units). Screening landscape trees within the Community Housing project shall be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan), (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and (c) the Plant Palette outlined in Specific Plan Table 4-13.
5. Visibility of Residential Units and Structures: Visibility of all structures and units within the Community Housing complex shall be consistent with the Alternative 7-Hybrid Plan visibility analysis in the FSEIR.

H. Add Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan): A formal screening tree landscape plan shall be prepared by a restoration specialist approved by the County. The plan will provide specific requirements including (a) the number, size, location and timing of initial plantings of Jeffrey pine, quaking aspen, and other fast-growing native and non-invasive tree species, with consideration of the requirements for and availability of irrigation and consistent with both the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and the Plant Palette outlined in Specific Plan Table 4-13, (b) acceptable nursery or other sources for obtaining seedlings and plantings of all species to be used on the site, and (c) monitoring of tree health, screening efficacy and replacement requirements for the first 5-years of growth. The restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of the providing at minimum the number of trees shown on the "Alt 7 Conceptual Tree Planting Plan." If monitoring after the fifth year indicates that the standard has not been met, additional planting will be added and annual monitoring will continue every year until the screening goal has been met. The plan shall be submitted to Mono County Community Development Department for review and approval prior to planting, and within six months of ground-disturbing construction activities.

I. Add/replace Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control and which parties were unwilling to cooperate at the time, (e.g., SCE and Caltrans),;and for other reasons. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental impact. Since the Planning Commission hearing on the project, SCE and Caltrans have stated that their agencies can consider other options for providing pedestrian/bicycle connectivity between the project site and Lee Vining.

Accordingly, the property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue options for a pedestrian/bicycle connection to Lee Vining which includes, but is not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the development, CEQA analysis, and construction of the trail project. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

J. Add the following language to the Specific Plan Open Space-Support designation: The Open Space-Support designation shall also permit maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

K. Add to the Specific Plan the following new Implementation Measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.

L. Add to the Specific Plan the following new Implementation Measure 1f(9): Employees shall have first priority for housing, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

SECTION TWO: The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the modifications described in Section One of this Resolution, is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3, including making the findings for the Statement of Overriding Considerations in the form set forth in **Exhibit A**, which is attached hereto and incorporated by this reference.

SECTION THREE: Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report (DSEIR and FSEIR, respectively), and staff reports and presentations, the Board of Supervisors makes the following findings regarding the Tioga Inn Specific Plan Amendment #3 and Preferred Alternative (Alternative #7-Hybrid Plan):

A. *The proposed changes in the specific plan are consistent with the text and maps of the General Plan because:*

The proposed changes to the Tioga Inn Specific Plan, the Tioga Inn Specific Plan Amendment #3, Alternative #7 (Amendment), are consistent with General Plan policies directing the County to

utilize the specific plan process for large-scale projects and consistent with Land Use Element policies to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The project site is an existing specific plan approved for development and nearly adjacent to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest adjacent business. The amendment is also consistent with General Plan policies for amending Specific Plans (Chapter 36 and Chapter 48).

The Amendment is reasonable within the context of providing housing for the approved unconstructed commercial uses and compatible with surrounding and proposed development of the Tioga Inn Specific Plan, and does not alter the adopted Tioga Inn Specific Plan in a manner that makes it inconsistent with the text or maps of the General Plan.

Further, the Amendment is consistent with Housing Element programs that require specific plans for large-scale development within community expansion areas (Mono County General Plan Housing Element 1.8) to utilize mixed use developments to more efficiently and economically utilize the County's limited land base for housing (Mono County General Plan Housing Element 1.9).

In addition, the Amendment is consistent with the Land Use Element policy which "require[s] future development … to provide a fair share of affordable and workforce housing units" through compliance with the Housing Mitigation Ordinance.

B. *The proposed changes in the specific plan are consistent with the goals and policies contained within any applicable area plan because:*

As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent with area plan polices. The site has long been identified for development, with commercial hotel and restaurant uses approved in 1993. The Amendment incorporates energy efficient designs such as solar panels, southern orientation, and a graywater irrigation system, and includes requirements stricter than the General Plan Dark Sky requirements (Chapter 23) to protect the night sky. Small-town character is preserved by providing housing for future employees of the approved commercial components so that the existing housing stock is not impacted and induced growth/overcrowding in the existing Lee Vining townsite is limited. In addition, a significant portion of the infrastructure required to accommodate the increase in population, such as water and sewer, are provided on site. Other services and environmental impacts such as fire protection, emergency medical services, law enforcement, traffic, greenhouse gas emissions, etc., have been evaluated based on an increase of approximately 300 residents and mitigated when possible or identified as significant and unavoidable. Further, population estimates are well within General Plan build-out projections and do not exceed generally understood population definitions of small towns (e.g., less than 10,000 people) or the Census Bureau's definition of a rural area (less than 2,500 people). Finally, the population increase is generated by the previously approved restaurant and hotel, not by the proposed project. The proposed project affects the distribution of that population, increasing the likelihood that the employees will become residents of the Lee Vining area rather than commuting from adjacent communities such as Bridgeport, June Lake, Crowley Lake, and Mammoth Lakes. The Amendment also enhances and supports the area's tourism-based economy and economic sustainability.

C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan because:*

The project site contains existing and approved (but unconstructed) commercial uses and is large enough to provide a significant portion of needed infrastructure improvements, including roads meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite wastewater treatment plant, and water supply from wells, among other infrastructure. The proposed residential uses are suitable for the site because they will provide housing for the approved commercial uses and the construction of the residential units is tied to the commercial components in the Amendment, which is consistent with General Plan policies (LU Element, Objective A, Policy 1, Actions 1.2; and Housing Element Program 1.9). The gas pump and propane tank expansions are similar to commercial uses already in place on the site, and therefore are appropriate uses. The adjustment to the land use designations within the specific plan accommodate the development proposal and mitigate biological impacts, and are therefore appropriate changes.

D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior to this Amendment provided for 10 housing units for the approximately 187 employees estimated to be generated by the approved commercial uses. This Amendment provides up to 100 units, which will house significantly more employees on site and reduce impact to the community's housing stock. The phasing plan in the Amendment ties the construction of housing units to the construction of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified in the Housing Needs Assessment.

In addition, the 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment.

E. *The proposed changes to the specific plan will not have a substantial adverse effect on surrounding properties because:*

As described in the FSEIR for the project and in the associated Statement of Overriding Considerations, impacts have been reduced to the lowest possible level. The five significant effects are limited to impacts to the project site, adjacent transportation routes and rights-of-way, traffic (which would also occur without the project), wildlife, and the general scenic nature of the Mono Basin area, with no direct adverse effects to specific surrounding properties. The Statement of Overriding Considerations is included as **Exhibit A** and incorporated herein by this reference.

SECTION FOUR: The Board of Supervisors hereby takes the following actions: 1) makes the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in **Exhibit A,** which is attached hereto and incorporated by this reference; 2) certifies the Final SEIR as modified by Section One of this Resolution; 3) adopts the Mitigation Monitoring and Reporting Program as modified by Section One of this Resolution; and 4) approves the Tioga Inn Specific Plan Amendment #3, Alternative #7, Hybrid Plan, as modified by Section One of this Resolution.

PASSED AND ADOPTED this 6th day of August, 2020, by the following vote of the Board:

AYES :

NOES :

ABSENT :

ABSTAIN :

_____
Jennifer Kreitz, Vice Chair

ATTEST:

_____
Scheereen Dedman
Clerk of the Board

APPROVED AS TO FORM:

_____
Stacey Simon
County Counsel

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

For the proposed Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 Project

I. INTRODUCTION

The requirement for preparing Findings is outlined in CEQA Guidelines §15091, as provided below:

(a) "No Lead Agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

When a Lead Agency approves a project that will result in significant adverse effects that will not be avoided or substantially lessened, the Agency is required to balance the unavoidable environmental risks against the economic, legal, social, technological, or other benefits associated with the project. Pursuant to CEQA Guidelines §15093(b) (Statement of Overriding Considerations) if a Lead Agency finds that the benefits of a project outweigh its unavoidable adverse effects, then the adverse effects may be considered "acceptable." Further when an agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the law requires the agency to make written statements of fact specifying the reasons for its approval, which must be based on the final EIR and/or other substantial evidence and information in the record. Accordingly, the process of balancing adverse effects against potential benefits requires Mono County to make such written findings of fact ("Findings"), and to adopt a Statement of Overriding Considerations. CEQA Guidelines §15093(c) indicates that the statement of overriding considerations should be included in the record of project approval and mentioned in the notice of determination. The Statement of Overriding Considerations is in addition to the Findings required under CEQA Guidelines §15091.

Pursuant to CEQA Guidelines §15093, Section VIII of this document contains a Statement of Overriding Considerations. The statement explains how the Mono County Board of Supervisors, as the decision-making body of Mono County, weighed the economic, legal, social, technological or other project benefits against the significant adverse project impacts as identified in the Subsequent EIR prepared for the proposed *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3.* This document also lists and briefly discusses project impacts that are less than significant, and project impacts that are less than significant with mitigation. A table of contents for the Findings of Fact and Statement of Overriding Considerations is provided on the following page.

II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

The Draft Subsequent EIR ('DSEIR') was subsequently distributed for a two-month public review period that began on 14 June 2019 and closed on 13 August 2019, which was then extended to 21 August 2019. The DSEIR contained a description of the proposed project and proposed amendments to the Tioga Inn Specific Plan, as well as a description of the environmental setting, identification of project impacts, mitigation measures for impacts found to be significant, an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts.

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.[1] Project modifications included a new Preferred Alternative 6 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 6.

The completed FSEIR was posted on the Mono County website on 28 February 2020. On 3 March, a workshop was held with the Lee Vining community to review the project changes and overall FSEIR schedule. Comments and questions raised during the 3 March 2020 workshop have been addressed in a Staff Report prepared for the Planning Commission meeting on 16 April 2020.

[1] In total, 983 comment letters were received including 226 individual letters submitted by agencies, organizations and citizens and 757 'generated' comment letters that utilized a 'generated format' provided by the Mono Lake Committee. Seventy-nine of the 982 comment letters were received too late to include in the FSEIR, but all have been reviewed for any significant new issues and it has been determined that no significant new issues were raised.

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

Analyses provided in the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3 FSEIR* indicate that approval and implementation of the project may result in five significant and unavoidable adverse environmental effects. The significant and unavoidable adverse effects of the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3* project are identified as follows:

Significant Unavoidable Adverse Effects of the Tioga Community Housing Project
HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption **BIOLOGICAL RESOURCES:** Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant. **PUBLIC SERVICES:** Exposure of pedestrians & cyclists to unsafe travel conditions between the Tioga site and Lee Vining. **TRAFFIC:** Significant unavoidable impacts associated with turning movements from eastbound SR 120 onto northbound US 395 (this significant impact would occur with or without the proposed housing project) **AESTHETICS:** Project impacts on scenic and visual resources, and project impacts on light and glare

The new preferred Alternative 6, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

The Administrative Record serves as the basis on which the Mono County Board of Supervisors determines whether to certify an environmental document, and whether to approve or disapprove a proposed project. California Public Resources Code §21167.6(e) requires that the record of proceedings shall include, but is not limited to, all of the following materials:

CONTENTS OF THE ADMINISTRATIVE RECORD
(1) All project application materials. *(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.* *(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.* *(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.* *(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.* *(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.* *(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.* *(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.*

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.
(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.
(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

CEQA Guidelines §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project shall be maintained and shall be available for public review at 437 Old Mammoth Road, Suite P in Mammoth Lakes, California, under the custody of the Mono County Community Development Department (CDD), until the CDD is moved to the new County offices at 1290 Tavern Road, Mammoth Lakes, California. Project files shall also be available at the Bridgeport CDD office at 74 N. School Street, Bridgeport, California.

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

In adopting these Findings, Mono County as Lead Agency finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was presented to the Board of Supervisors, as the decision-making body of the County. The Board of Supervisors reviewed and considered the information in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* prior to certifying the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 FSEIR* and prior to approving the project. By these Findings, the Board of Supervisors ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final Subsequent EIR. The Board of Supervisors finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was completed in compliance with the California Environmental Quality Act. The information and conclusions contained in the Findings, in the Statement of Overriding Considerations, and in the Final Subsequent EIR reflect Mono County's independent judgment and analysis.

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

VI.A <u>Impacts that are Less than Significant and do not require mitigation</u>. Project impacts have been found to be less than significant, with no mitigation requirements, for the three CEQA environmental factors listed below:

1. **<u>POPULATION, HOUSING, EMPLOYMENT</u>**. No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. However, to ensure consistency with General Plan policies that require population growth and development to be coordinated, and to the housing in the proposed Project is available for the previously approved commercial components, Mitigation Measure POP 5.6(a-1)(Phasing Plan) has been included as follows:

Phase	# Units	Schedule
1	30	The 30 Phase I units and childcare facility shall be built following completion of grading for the housing project as a whole (including phases 1, 2 and 3). The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process. Infrastructure for all three phases is to be completed in Phase 1.
2	40	Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and phase I building permits have been issued.

		The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and phase II building permits have been issued.

No Findings or Statement of Overriding Consideration are required for these environmental factors.

2. **AIR QUALITY AND GREENHOUSE GASES**. No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.

3. **NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

VI.B Impacts that are Less than Significant with Mitigation. Project impacts have been determined to be less than significant, with mitigation requirements, for impacts associated with the environmental factors listed in this section.

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.

   - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
   - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
   - *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
   - *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
   - *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*

2. **HYDROLOGY AND WATER QUALITY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect

to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeks, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*

- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*

- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*

- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*

- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.*

- *Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual. The measures to be implemented are shown below:*

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	*Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.*
RUNOFF COLLECTION AND TREATMENT	*Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by*

	bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.
ONSITE FLOW RETENTION	*Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.*
INFILTRATION	*Use of rock swales & collection features to enhance filtration of pollutants.*
RUNOFF SEPARATION	*Channels and/or swales will be used to create a separate between roads and pedestrian paths.*
ROAD DESIGN	*Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.*
CLUSTER DESIGN	*Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.*
VEGETATION RETENTION	*Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.*
SCREENING	*The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.*
WATER USE FOR LANDSCAPING	*The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.*

- *Mitigation Measure HYDRO 5.2(a-7) (Spill and Leak BMP Plan): The Spill and Leak BMP Plan below shall be incorporated into and approved as part of the Board Order for the package wastewater treatment plant (WWTP). The plan shall comply with all applicable requirements of the Lahontan Regional Water Quality Control Board, as stipulated in the Board Order, to ensure that onsite facilities have containment and other controls in place to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.*

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPILLS	*Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.*
	Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.
	At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff
	Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.
LEAK CONTROLS	*Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.*
	Drip pans shall be placed under the spouts of liquid storage containers.
TRAINING	*All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.*
	Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.
FUELING	*Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.*
	Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.
	Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.
	Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.
	Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.
WASTE TREATMENT PLANT	*WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals*

	and combustible liquids shall be stored in in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.
WASHING	*No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.*
	If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.
	Detergents sold & used at the gas station shall be biodegradable and free of phosphates.

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
- *Mitigation Measure HYDRO 5.2(b-2):(Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
- *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*
- *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
- *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.*
- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*
- *Mitigation Measure HYDRO 5.2(c-1) (Groundwater Level Monitoring): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, airlift pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter.*

3. **BIOLOGICAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or have a substantial adverse effect on any riparian habitat or other sensitive natural plant

community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; or have a substantial adverse effect on a state or federally protected wetlands; or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as discussed on DSEIR pages 5.3-17 through 5.3-26. Please see §VII for discussion of the significant adverse impacts associated with the project potential to interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (Eriogonum microthecum, E. fasciculatum, or E. umbellatum), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.*

- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.*

- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.*

- *Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by a Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.*

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*

- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas): The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:*
  (a) TOPSOILS: During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of

the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
(b) SCREENING: Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
(c) BITTERBRUSH: Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.
(d) SEED MIX ADJACENT TO ROADS: The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (Chrysothamnus viscidiflorus, 1-2 ft. maximum ht.) and 2) desert peach (Prunus andersonii,2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.
(e) WEED CONTROL: Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.
(f) MONITORING: Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

- *Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.*

- *Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting): Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.*

- *Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration): All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (Purshia tridentata), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (Eriogonum microthecum, E. fasciculatum, or E. umbellatum), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.*

- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395): Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*

- *Mitigation Measure BIO 5.3(d-4) (Waste Receptacles): All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.*

4. **CULTURAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages 5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

   - *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources): Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation[2] for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.*

   - *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources): All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.*

   - *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains): No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been*

[2] Reasonable compensation for pre-discovery and post-discovery tribal time and services shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed $40.

identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed $40.

5. **LAND USE AND RECREATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to physically divide an established community; or conflict with any applicable land use plan, policy, or regulation; or Increase the use of park facilities such that substantial physical deterioration would occur; or impact the acreage or function of designated open space, as discussed on DSEIR pages 5.5-14 through 5.5-27.

   - *Mitigation Measure LU 5.5(b-1) (HMO Compliance): A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to issuance of the first building permit. The determination shall include identification of the number of qualifying units (i.e. units with rents no higher than 120% of average median income (AMI)) that are exempt from the HMO requirements.*
   - *MITIGATION MEASURE LU 5.5(b-2) (ESTA/ESUSD Bus Stops): An ESUSD bus stop and turnaround area will be provided in the full-service restaurant parking lot with a path connecting to the Day Care Center. An ESTA bus stop and turnaround will be in the vicinity of the hotel access road. The ESTA and ESUSD bus stops, turnaround areas and access roads shall be maintained in a safe condition at all times, including snow removal during winter months.*

6. **PUBLIC HEALTH AND SAFETY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a hazard to the public or environment through routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within 1/4 mile of a school; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5; or create a safety hazard for people living or working in an area located in an airport land use plan or within 2 miles of a public airport or public use airport or private airstrip; or impair implementation of or physically interfere with an adopted emergency response or evacuation; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, or exacerbate wildfire risk or expose people or structures to significant risk of fire-related flooding; or expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, seiches or tsunamis, rockfall or volcanic activity, as discussed on DSEIR pages 5.7-14 through 5.7-25.

   - *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
   - *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*

- *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290 &N§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30' from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*

- *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*

- *Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, and shall be bladed annually to maintain full easement width, to be recorded prior to issuance of project building permits.*

7. **PUBLIC SERVICES, ENERGY AND UTILITIES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities , services and utilities); or result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13.

   - *Mitigation Measure SVCS 5.8(a-1) (Pedestrian Safety). A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant (just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/ cycling pathway. Construction of a pedestrian/ cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection.*

   - *Mitigation Measure SVCS 5.8(a-2) (Defibrillators): At least two 'Automated External Defibrillator' units (also known as portable defibrillators) shall be maintained in good working condition at the housing area. At a minimum, one Automated External Defibrillator unit shall be provided at the day care center (at the north end of the housing complex), and a second unit at the southeastern-most housing structure. The onsite Community Housing Manager shall receive training in use of the portable device. The onsite housing manager shall also be trained in emergency shutdown, and take responsibility for scheduling an annual walk-through.*

   - *Mitigation Measure SVCS 5.8(a-3) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase I units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin operations each year no later than July 4, and end operations each year no sooner than Labor Day. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.*

8. **TRAFFIC AND CIRCULATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities; conflict with CEQA §15064.3 Guidelines for Determining the Significance of Transportation Impacts; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks; or result in inadequate emergency access, as discussed on DSEIR pages 5.9-8 through 5.9-12. Please see Section VII for discussion of the significant and unavoidable adverse impacts associated with increased hazards due to a geometric design feature or incompatible uses.

   - *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
   - *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
   - *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

9. **VISUAL RESOURCES.** With development of Alternative #7-Hybrid Plan and the mitigation measures to (a) require consistency with the 5 development criteria (limits of construction, maximum building heights, maximum number of units and bedrooms, requirement for a Screening Tree Plan, and mapped maximum sight lines and cones of visibility) and the Screen Tree Plan mitigation measure, plus previously proposed measures lowering of the grading line, requirement for dark muted colors (Shaker Gray or similar) and non-reflective materials for the walls and roof, as well as the approximately 5-mile distance to South Tufa Beach and Navy Beach, visibility of the proposed structures on aesthetic resources has been mitigated and reduced to less than significant levels and Alternative #7-Hybrid Plan will not have a substantial adverse effect on a scenic vista or scenic resources within a state scenic highway, or substantially degrade the existing visual character or quality of public views of the site and surroundings. This finding is made in consideration of (a) information provided in the record of proceedings to correct inaccurate FSEIR statements regarding the visual impacts of the previous preferred Alternative #6, and (b) new sight line studies and visibility cone analyses showing that offsite views of project structures will be reduced to less than significant levels as a result of the 5 development criteria noted above, and (c) a Visual Impact Assessment of Alternative #7 that concludes impacts would be less than significant.

   - **Mitigation Measure AES 5.12(a,b) (Design Criteria):** To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

     1. **LIMITS OF CONSTRUCTION:** All Community Housing residential structures, whether multi-unit or cabin units, must be located within the footprint of the rectangles as designated in Exhibit 1.
     2. **MAXIMUM HEIGHTS:** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
     3. **NUMBER OF UNITS AND BEDROOMS:** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units, and the residential units shall not contain more than 150 bedrooms, including the Manager's Unit.
     4. **SCREENING LANDSCAPING:** As in the Cluster Alternative and Alternative 6 (see FESIR Topical Response 1), generous landscaping will further soften visible horizontal rooflines (similar to the hilltop residential units). Screening landscape trees within the Community Housing project shall be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan), (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and (c) the Plant Palette outlined in Specific Plan Table 4-13.

5. **VISIBILITY OF RESIDENTIAL UNITS AND STRUCTURES:** Visibility of all structures and units within the Community Housing complex shall be consistent with the Alternative 7-Hybrid Plan visibility analysis in the FSEIR.

- **Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan):** A formal screening tree landscape plan shall be prepared by a restoration specialist approved by the County. The plan will provide specific requirements including (a) the number, size, location and timing of initial plantings of Jeffrey pine, quaking aspen, and other fast-growing native and non-invasive tree species, with consideration of the requirements for and availability of irrigation and consistent with both the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and the Plant Palette outlined in Specific Plan Table 4-13, (b) acceptable nursery or other sources for obtaining seedlings and plantings of all species to be used on the site, and (c) monitoring of tree health, screening efficacy and replacement requirements for the first 5-years of growth. The restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of the providing at minimum the number of trees shown on the "Alt 7 Conceptual Tree Planting Plan." If monitoring after the fifth year indicates that the standard has not been met, additional planting will be added and annual monitoring will continue every year until the screening goal has been met. The plan shall be submitted to Mono County Community Development Department for review and approval prior to planting, and within six months of ground-disturbing construction activities.

The timing of the mitigation measure requiring screening trees was developed based on the professional expertise of the project biologist/botanist. In practice, determining the exact condition of ground disturbance for landscaping prior to grading is impractical and an attempt will likely result in revisions to any approved landscaping plans once the machinery leaves the site. To provide for effectiveness and efficiency, the final determination of placement and number of trees is established through the landscaping plan that is designed based on the actual ground disturbance that occurs, but shall provide at minimum the number of trees shown in "Alt 7 Conceptual Tree Planting Plan."

VII. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT THAT ARE SIGNIFICANT, ADVERSE AND UNAVOIDABLE.

Project impacts have been determined to be potentially significant, and unavoidable, for the environmental factors discussed in this section.

1. **HYDROLOGY AND WATER QUALITY – Potential for Mudflows.** It has been determined that the proposed project would have a small but significant potential to exposure people and structures to adverse impacts resulting from a volcanic eruption and associated mudflows (if in winter). USGS monitors the Long Valley Caldera for volcanic earthquakes, which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions. However, no mitigation measures have been identified to reduce the risks of eruption-related mudflows to less than significant levels. This impact is considered to be significant, adverse and unavoidable.

   a. **MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.
      - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*

   b. **FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:

      i. **Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the

rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.

ii. **FINDING:** Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

2. **BIOLOGICAL RESOURCES – Potential to Cumulatively Interfere with the Movement of the Native Resident Casa Diablo Deer Herd.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR,* and in DSEIR pages 5.3-21 to 5.3-24, it has been determined that the proposed project, in combination with other regional transportation and development improvements, would have potential to cause cumulatively significant, adverse and unavoidable impacts on deer migration.

   a. **MITIGATION.** Mitigation Measures BIO 5.3(a-5) and BIO 5.3(d-3), shown below, have been incorporated into the FSEIR to reduce mule deer mortality in the project area.

      - *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*

      - *Mitigation Measure BIO 5.3(d-3) (Protected Corridor). Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*

   b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

      i.. **Facts and Reasoning that Support the Finding:**. Implementation of Mitigation Measure BIO 5.3(a-5) (which requires eviction of tenants who do not comply with pet leash requirements, and who do not properly dispose of trash) and Mitigation BIO 5.3(d-3) (which requires a protected corridor along US 395) will reduce the direct project impacts on deer migration and on deer mortality to less than significant levels. However, these measures will not be sufficient to reduce to less than significant levels the cumulative project impacts on deer migration that are associated with regional transportation and development improvements. The cumulative impacts can be mitigated only through the creation of a dedicated deer passageway. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'). The project site and vicinity was not among the identified hotspot locations, and is thus not among the areas that will be considered for funding of a future wildlife passageway.

Furthermore, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority hotspot location, due to difficult US 395 roadway geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.

ii. **Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

3. **PUBLIC SERVICES AND UTILITIES – Potential for Safety Hazards Associated with Increased Foot Traffic to and from the Project Site and Lee Vining.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR,* and in DSEIR pages 5.8-7 to 5.8-10, it has been determined that the proposed project will result in increased foot traffic between the project site and businesses in Lee Vining. Access between these locations would be along state highways that are not designed for pedestrian use. This impact therefore represents a significant safety concern.

   a. **MITIGATION:** Mitigation Measure SVCS 5.8(a-1), shown below, has been incorporated as a project requirement with the intent to establish a formal trail right-of-way inside the project boundary that can link to other trail segments connecting the site to Lee Vining. A through connection between the site and Lee Vining would require Caltrans implementation of a non-motorized connectivity project between Lee Vining and the SR 120/US 395 intersection. A second mitigation measure provides for continued efforts to develop a pedestrian/bicycle trail between the project site and Lee Vining, even though such trail has been deemed infeasible at this time.

   - *Mitigation Measure SVCS 5.8(a-1) (Pedestrian Safety): A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant (just northeast of the hotel site), shall be incorporated into the Tioga Concept Plan (including the original plan and Alternative 6). The pathway shall be ADA compliant and designed for safe use by pedestrians, bicycles and by project utility carts serving the WWTP. Additionally, right-of-way (R/W) shall be reserved on the Concept Plan to extend between the path terminus at the WWTP and the northwestern-most property boundary. The R/W shall incorporate sufficient width to accommodate a future ADA-compliant pedestrian/ cycling pathway. Construction of a pedestrian/ cycling path within the reserved R/W shall be triggered if and when Caltrans approves plans to implement a non-motorized connectivity project between Lee Vining and the SR 120/US 395 intersection.*

   - *MITIGATION SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control and which parties were unwilling to cooperate at the time, (e.g., SCE and Caltrans); and for other reasons. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental impact. Since the Planning Commission hearing on the project, SCE and Caltrans have stated that their agencies can consider other options for providing pedestrian/bicycle connectivity between the project site and Lee Vining.*

     Accordingly, the property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue options for a pedestrian/bicycle connection to Lee Vining which includes, but is not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system

sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the development, CEQA analysis, and construction of the trail project. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

i. Facts and Reasoning that Support the Finding: Mitigation SVCS 5.8(a-1) requires that the project provide right-of-way for an ADA sidewalk within the project boundary, along the east side of SR 120, extending between Vista Point Drive and US 395. Mitigation SVCS 5.8(a-1) will ensure that the project can provide an onsite trail segment that can in the future link to offsite trail segments providing a safe and continuous pathway between the project site and Lee Vining.

Caltrans indicates that SR 120 is currently designated as a freeway, with access controls that prohibit at-grade crossings. Caltrans plans to change the designation of SR 120 from 'freeway' to 'conventional highway,' and indicates that this change would create potential for future construction of an 'at-grade' pedestrian and bicycle crossing. However, Caltrans indicated that it would be premature to instigate a pedestrian crossing on SR 120 with its current status as a 'freeway' and Caltrans also expressed reservations about the safety of an at-grade crossing on SR 120 near Vista Point Drive due to high speeds and poor sight distances at that location.

Caltrans is also analyzing alternatives for a traffic calming project in Lee Vining. The alternatives include updated ADA facilities, implementation of 'complete street' concepts, pavement repairs, and updated drainage system elements for a roughly 8-mile stretch of US 395 between Lee Vining and the junction with SR 120. A roundabout at US 395/SR 120 is under consideration as a tertiary component of the alternatives, though none of the identified sidewalk improvements would extend south to the SR 120/US 395 intersection.

Caltrans has indicated that it has no plans at this time for pedestrian facilities in or around the US 395/SR 120 intersection, nor is it considering a roundabout at US 395/SR 120 at this time. However, in recognition of the goal to provide for future access between the site and the Lee Vining community, Caltrans suggested that the project applicant would have the option to provide an ADA sidewalk within the project boundary along the east side of SR 120. The sidewalk would extend between Vista Point Drive and US 395, based on the prospect that Caltrans may in the future construct pedestrian safety features at the SR 120/US395 intersection.

Mitigation SVCS 5.8(a-1) will reserve right-of-way inside the project boundary that will represent a critical segment of a future pedestrian access-way between the project site and Lee Vining if Caltrans in the future approves plans to implement a non-motorized connectivity project between Lee Vining and the SR 120/US 395 intersection. Caltrans cautions that there is no guarantee of future connectivity between the US 395/SR 120 junction and Lee Vining (with or without a project sidewalk).

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was determined to be infeasible for several reasons, including SCE concerns regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors). After the Planning Commission hearing on the project, SCE and Caltrans have stated that their agencies can consider other options for providing pedestrian/bicycle connectivity between the project site and Lee Vining but formal permission or agreement still cannot be offered. As a result, a pedestrian connection remains infeasible but a mitigation measure provides for continued work toward a solution.

Ultimately, a wide range of alternatives has been analyzed and it has been determined that none of the feasible alternatives would reduce impacts to less than significant levels. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe

pedestrian travel along area freeways, although the extent of foot travel would be lower than with the project as proposed. .

ii. **Finding:** For the reasons cited above, no feasible mitigation has been identified that would reduce to less than significant levels the potentially significant and unavoidable safety hazards associated with increased foot traffic to and from the project site and Lee Vining. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of a non-motorized connectivity project between the project site and Lee Vining. The potential for adverse impacts on foot traffic between the project site and Lee Vining is therefore considered to be significant and unavoidable.

4. **TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR,* and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

   a. **MITIGATION.** The DSEIR Traffic Impact Analysis identified two mitigation recommendations for the identified hazard, including Mitigation Measure TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or Mitigation Measure TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 305/SR 120 intersection. Either mitigation measure would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the mitigation measures described above have been found to be infeasible, and have been deleted from the FSEIR, as described below.

   b. **FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:

      i. **Facts and Reasoning that Support the Finding:** The Traffic Impact Analysis prepared for the *Tioga Community Housing Project/Specific Plan Amendment #3* FSEIR analyzed traffic and intersection conditions at the SR 120/US 395 junction for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that with one exception, all study area intersections are now and will continue to operate at an acceptable level of service (LOS D or better) during the peak hours.

      The exception pertains to the intersection of US 395/SR 120, which is forecast to operate at a deficient LOS E or worse during the mid-day peak hour, both with and without the project. The Traffic Impact Analysis notes that for one-way or two-way stop controlled intersections (such as US 395 and SR 120), LOS is based on the least-functional stop-controlled approach. The identified deficient operation and excess delay at US 395/SR 120, as experienced only by vehicles on the minor street (i.e., the stop-controlled Tioga Road approach) that are making a left-turn onto northbound US 395.

      The DSEIR recommended two traffic mitigation measures (including Mitigation TFFC 5.9(c-1) calling for intersection signalization, and Mitigation TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 395/SR 120 intersection); either measure would reduce the adverse impact to less than significant levels. The mitigations were discussed with Caltrans. Caltrans indicated that traffic counts and projected traffic increases at the SR 120/US 395 intersection do not justify installation of a signal or a roundabout at this time. Caltrans stated that the peak-day traffic counts used in the Traffic Impact Analysis overestimate traffic levels on US 395 and at the US 395/SR 120 intersection. In particular, Caltrans was concerned that the mid-day counts did not accurately reflect typical year-round conditions. Based on new shoulder season counts, taken at Caltrans' request, Caltrans suggested traffic should be considered a less than significant impact.

Caltrans also confirmed that a roundabout at SR 120/US 395 is unfunded and not reasonably foreseeable at this time. Although a roundabout may ultimately be a viable traffic control measure from an engineering standpoint, it is Caltrans' view that the need for and expense of a roundabout does not warrant funding at this time and therefore the project is not planned to be programmed. Caltrans also indicates that the Tioga project would likely not increase the statewide priority for a roundabout at SR 120/US 395 enough for the project to be competitive for funding. Furthermore, the US 395/SR 120 unsignalized study intersection does not satisfy traffic signal warrants in the *California Manual on Uniform Traffic Control Devices* (used by Caltrans) for any of the analysis scenarios evaluated as part of this report. Installation of a traffic signal is therefore not warranted and not recommended by Caltrans as a future action.

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

Additionally, a wide range of alternatives has been analyzed and it has been determined that none of the alternatives, including the No Project Alternative, would lessen the adverse traffic impacts at the SR 120/US 395 junction to less than significant levels.

ii. Finding: For all of the reasons cited above, there is no feasible mitigation available at this time that would reduce to less than significant levels the potentially significant and unavoidable traffic and circulation hazards that have been identified at the Intersection of US 395 and SR 120 during midday peak hour conditions. Moreover, the adverse conditions will exist with or without the proposed project. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce impacts on the SR 120/US 395 intersection. The potential for adverse impacts at the intersection of SR 120/US 395 is therefore considered to be significant and unavoidable.

5. AESTHETICS – Potential for the Project to Create a New Source of Substantial Light or Glare that would Adversely Impact Day or Nighttime Views in the Area. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR,* and in DSEIR pages 5.12-26 to 5.12-27, it has been determined that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views. Compliance with General Plan Land Use Element Chapter 23 – Dark Sky is required. However, standards from the Dark Sky Society and Yosemite National Park Lighting Guidelines, along with general standards for pedestrian bollard fixtures, were incorporated for maximum Kelvin color temperature of light emitting diode (LED) bulbs, maximum lumens, and maximum number of pedestrian bollards to further mitigate light and glare to the extent possible.

a. MITIGATION. Mitigation Measure AES 5.12(c-2), shown below, has been incorporated as a project requirement with the intent to reduce impacts on light and glare associated with the project proposal.

- *Mitigation AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:*

  (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking

areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.[3] Long wavelength lighting shall be used, with a color temperature of less than 3,000 Kelvin (warm white).[4] Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30-minutes following sunset, and 30 minutes prior to sunrise.
(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced 10 to 15 feet apart[5] unless alternate spacing is required by public health and safety needs. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture[6];
(c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;
(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:
(a) A written narrative to demonstrate lighting objectives,
(b) Photometric data,
(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,
(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or
(e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

b. FINDINGS:

i.. **Facts and Reasoning that Support the Finding:** The project site is about 200 feet above the level of Mono Lake, and portions of the site can be seen from locations around the southeastern part of the Mono Basin scenic area and environs. As noted in Impact 5a above (impacts on scenic resources), the project is located in or adjacent to four formally designated scenic resources/designations (the US 395 State Scenic Highway, the SR 120 County Scenic Highway, the Mono Basin National Forest Scenic Area, and the Mono County Scenic

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[3] Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (http://www.darkskysociety.org/), 2009: http://www.darkskysociety.org/handouts/LightingPlanGuidelines.pdf.

[4] Kelvin is used to describe the color temperature of a light source in degrees Kelvin (K). This specification describes the warmth or coolness of a light source. Cool, blue spectrum lights (4,000-4,500K) brighten the night sky more than warm amber colored light (2,700-3,000 K) (https://ledglobalsupply.com/lumens-versus-kelvin/). The International Dark Sky Association (IDA) notes that exposure to blue light at night has been shown to harm human health and endanger wildlife; IDA recommends long wavelength lighting with a color temperature of < 3000 Kelvin. https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2019/06/Dark-Sky-Assessment-Guide-Update-6-11-19.pdf; https://www.darksky.org/our-work/lighting/ lighting-for-citizens/lighting-basics/.

[5] Access Fixtures, *Bollard Light Spacing,* 2020: https://www.accessfixtures.com/bollard_light_spacing/

[6] Yosemite National Park Lighting Guidelines, May 2011: https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidlines-05062011.pdf

Combining District). Mono Basin is an important destination for photographers, and highly valued for its dark skies.

The *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project will be a new source of light and glare in this setting, and the new light sources will adversely impact nighttime dark sky conditions. Mitigation AES 5.12(c-2) will enable Mono County to apply outdoor lighting requirements that are specifically tailored to conditions on the Tioga project site. The required Outdoor Lighting Plan will take account of onsite elevations, project orientation to important view sites, the planned use of solar panels, the safety of future residents and site visitors, and the heightened scenic values associated with the region and this project site. The resulting plan will lessen the impact of new sources of light and glare to the maximum feasible extent, and will minimize the adverse project impacts on day and nighttime views in the project area.

Furthermore, the project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 6 will fully eliminate the indirect 'glow' of lighting.

A wide range of alternatives has been analyzed and it has been determined that several of the alternatives (No Project, Reduced Development Option) would have fewer impacts on scenic resources than the project as proposed. However, none of the alternatives would reduce impacts to less than significant levels. Given the high scenic value of the project setting, and the importance of dark night skies, the adverse project impacts on light, glare, and nighttime dark skies are considered to be significant and unavoidable.

ii. **Finding:** For all of the reasons cited above, no feasible design or mitigation measure has been identified that would reduce to less than significant levels the potentially significant adverse impacts on light, glare, and nighttime dark skies. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce project impacts on light and glare to less than significant levels. The potential for the project to adversely impact light and glare and dark night skies is therefore considered to be significant and unavoidable.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As required by Public Resources Code §21081(b) and CEQA Guideline §15093, the County of Mono has balanced the benefits associated with the proposed project against the unavoidable adverse impacts that would result. The County has included all feasible mitigation measures and Specific Plan implementation measures within the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3,* as proposed and including Alternative 6 as the new Preferred Alternative, is the most desirable and most feasible and most appropriate action at this time. The other alternatives (including the proposed project as shown in DSEIR Exhibit 3-3, Tioga Workforce Housing Project Plan and Site Context Map), while meritorious, are rejected as infeasible based on consideration of the relevant factors discussed in DSEIR §7 and in FSEIR Topical Response #3.

VIII.A <u>Significant Unavoidable Impacts.</u> Based on the information and analysis set forth in the FSEIR and summarized in Section III of these Findings, it has been determined that implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project would result in project-specific significant and unavoidable adverse impacts related to:

- HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption;
- BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant;

- PUBLIC SERVICES: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining;
- TRAFFIC: Deficient operation and excess delays associated with turning movements from eastbound SR120 onto northbound US 395 during peak season midday conditions (this significant impact would occur with or without the proposed housing project);
- AESTHETICS: Project impacts on scenic and visual resources and on light and glare

VIII.B. Benefits of the Tioga Inn Specific Plan Amendment #3, and Overriding Considerations. The County of Mono has independently reviewed the information in the FSEIR and the record of proceedings for the proposed *Tioga Inn Specific Plan Amendment #3 (Project) & Final Subsequent Environmental Impact Report (FSEIR)*. The County has also made a reasonable and good faith effort to eliminate or substantially lessen the impacts that would result from the proposed Project by including mitigation measures and specific plan implementation measures and actions that effectively mitigate potential environmental impacts to the greatest extent feasible.

Based on a review of the full record of proceedings, the Mono County Board of Supervisors has determined that the benefits of the Project outweigh its unavoidable significant effects. Each of the considerations identified below represents a sufficient basis to justify project approval, independent of the other considerations. The substantial evidence supporting the various benefits can be found in the preceding sections of these Findings of Fact, which are hereby incorporated by reference into this Section (VIII.B), and in the documents found in the Record of Proceedings as defined in Section IV. The Mono County Board of Supervisors finds that *Tioga Inn Specific Plan Amendment #3* will have the following specific economic, legal, social, technological, or other benefits:

THE PROJECT WILL PROVIDE NEEDED HOUSING: Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by this tourism sector (62% of total County employment, well above average[7]). As noted in the 2009 study of tourism in Mono County,[8] many of the tourism-based jobs are seasonal and part time, and vary widely by season. Employment at the Tioga hotel and restaurant will be highest in the summer season, when visitor numbers are at a peak. Employment opportunities on the project site will be reduced during the winter and shoulder season, and it is anticipated that Tioga workers will seek employment in other sectors during the off season. Seasonal workers in Mono County on average hold 1.4 jobs, and of the 37 existing employees at the Tioga site, 30% are employed by the ski industry during winter months. A cornerstone goal of the proposed housing project is to provide the flexibility for onsite workers to accommodate fluctuations in seasonal employment without the need for a seasonal change of housing.

Frequent changes in housing increase the isolation of working families, and reduce job security. Long commutes are a financial burden and diminish time with family. In contrast, the availability of stable housing is associated with positive impacts on individual and family health and well-being. The 2017 *Mono County Housing Needs Assessment*[9] identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The *Assessment* found that 50-100 units would be required to address current needs, and an additional 70 new units would be required to accommodate new housing demand from anticipated employment growth. Fully 44% of Mono Basin residents responding to the *Assessment* survey reported that friends or family lived with them due to a lack of housing. The project will therefore respond not only to the housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but could also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

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[7] The Bureau of Labor Statistics estimates total civilian employment in California at 19.5 million as of November 2019; travel and leisure represented an estimated 2.0 million (10.3%) of those jobs. BLS, *Economy at a Glance:* https://www.bls.gov/eag/eag.ca.htm.

[8] Mono County Department of Economic Development and Special Projects, *The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008,* January 2009. Prepared by Lauren Schlau Consulting.

[9] Mono County, *Housing Needs Assessment, prepared by BBC Economics:* https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf

The phasing plan in the Amendment ties the construction of housing units to the construction of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified in the Housing Needs Assessment. The Housing Needs Assessment identified this need without the proposed hotel.

The project population would be well within Mono County General Plan growth forecasts for this area. Even at the high end of the forecast range for onsite residents, and the low ('practical') end of the County's growth forecasts, the project population would represent 12.1% of the total adopted population increases that can be expected in Mono Basin through buildout. The General Plan growth forecasts were adopted less than 5 years ago, and the County's Land Use Element was developed with participation by the Mono Basin Regional Planning Advisory Committee (RPAC). The General Plan population forecasts for the Mono Basin are part of the project baseline (per the certified 2015 General Plan update EIR).

For the reasons set forth above, the Board of Supervisors finds that the housing benefits of the *Tioga Inn Specific Plan Amendment #3* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT ECONOMIC DEVELOPMENT: The currently approved uses in the Specific Plan support Mono County's primary economic drivers of tourism and outdoor recreation and are estimated to generate 187 new employees at build out. Because these estimated employees are generated by approved uses, the population may exist regardless of whether the Project is approved but regardless, even if the hotel and restaurant are not built, there is a current need for housing in the region that the project will help address. Without the Project, the burden of housing these employees will fall on the existing housing stock in the town of Lee Vining and surrounding communities which, as discussed above under housing, is likely not adequate to support this population.

The 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment. In addition to the availability of housing, the proximity of housing to employment has been identified as a crucial component of economic competitiveness.[10] Impacts of this mismatch include high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining. The project applicant is seeking to create housing opportunities on the project site as an essential step to secure the economic success of existing and future developments on the Tioga site and the region as a whole.

Regional economic development will be further supported by the addition of a third gas pump island designed to accommodate commercial vehicles as well as motorists on US 395 and SR 120. Freight improvements -- including the availability of conveniently located and adequately-sized fueling stations -- support economic development. Benefits include reduced transit times, improved reliability and reduced cost of shipments, improved opportunity for just-in-time deliveries, integration of markets and other benefits that support business growth and expansion.

For the reasons set forth above, the Board of Supervisors finds that the economic benefits of the *Tioga Inn Specific Plan Amendment #3* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT CONSERVATION: Multiple design and technological components have been integrated into the project design to promote long-term conservation. These include a subsurface irrigation system that will utilize treated wastewater from the package plant to meet half of onsite irrigation demand during the summer season, supporting the growth of newly planted native species and substantially reducing use of groundwater supplies. Electric vehicle charging

[10] Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness Through Partnership*. September 2000 https://www.jchs.harvard.edu/sites/default/files/mpill_woo-8.pdf

stations will be provided in the housing complex for use by the housing residents to reduce use of fossil fuels. Solar panels will be provided on all project rooftops facing southward to meet a substantial portion of project energy demands. A new onsite bus stop will be provided for ESTA to reduce personal automobile use by residents and by future hotel guests. Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category with fully 70% of the entire Tioga site designated for open space. Protection of area wildlife will be strengthened by new restrictions on unleashed pets and a new protected corridor along US 395.

For the reasons set forth above, the Board of Supervisors finds that the economic benefits of the *Tioga Inn Specific Plan Amendment #3* outweigh its environmental impacts.

THE PROJECT WILL HAVE SOCIAL BENEFITS: At each stage of the CEQA process, the project has been modified in accordance with comments received from responsible agencies and residents of the Mono Basin and beyond. In addition to the substantive design improvements associated with new Preferred Alternative 6, the project now incorporates a secondary emergency access (though not required by CalFire). Right-of-way will be reserved for a future trail leading from Vista Point Drive to the US 395/SR 120 junction as an initial link for future pedestrian connectivity to Lee Vining. A Phasing Plan has been developed that establishes a direct link between the number of housing units constructed and development of the commercial components and allows construction of the most visible units only if and when occupancy of the Phase 1 and 2 units reaches 80%. The onsite Day Care center will be staffed and available for use by residents of the Mono Basin as well as project residents, with a dedicated pathway between the Daycare facility and a new ESUSD bus stop to facilitate the ease and safety of student transportation while minimizing use of personal vehicles. In addition, the expanded uses support the deli which has become a popular social gathering place.

For the reasons set forth above, the Board of Supervisors finds that the economic benefits of the *Tioga Inn Specific Plan Amendment #3* outweigh its environmental impacts.

IX. CONCLUSIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Mono County Board of Supervisors finds that the unavoidable adverse environmental impacts associated with the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable impacts may result from implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, the Board of Supervisors finds that the project benefits and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the project, and having recognized and acknowledged all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*.

Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the impacts; and

3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

Exhibit B to Board of Supervisors Resolution R20-__

The Tioga Inn Specific Plan Amendment #3 and corresponding Tioga Community Housing Project Subsequent Final Environmental Impact Report (FSEIR) are available on the Mono County website. The links are provided below:

https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir

The document in the link above is broken down into the following sections for ease of viewing:

- Alternative 7-Hybrid Plan documents
- DSEIR & FSEIR consolidated: Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single "redline" version to facilitate final review.
- DSEIR & FSEIR Appendices
- DSEIR & FSEIR Exhibit 3.3
- DSEIR & FSEIR Exhibit 4.1
- DSEIR & FSEIR Exhibit 5.1-2
- DSEIR & FSEIR Exhibit 5.2-1
- DSEIR & FSEIR Exhibit 5.3-6
- DSEIR & FSEIR Exhibit 5.5-5
- DSEIR & FSEIR Exhibit 5.12-10
- DSEIR & FSEIR Exhibit 5.12-11
- DSEIR & FSEIR Exhibit 7.1
- Response to Supervisor Stump's Inquiry
- 1 FSEIR, sections 1-5
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- 3 Appendix A
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- 4 Appendix B, 2 of 3
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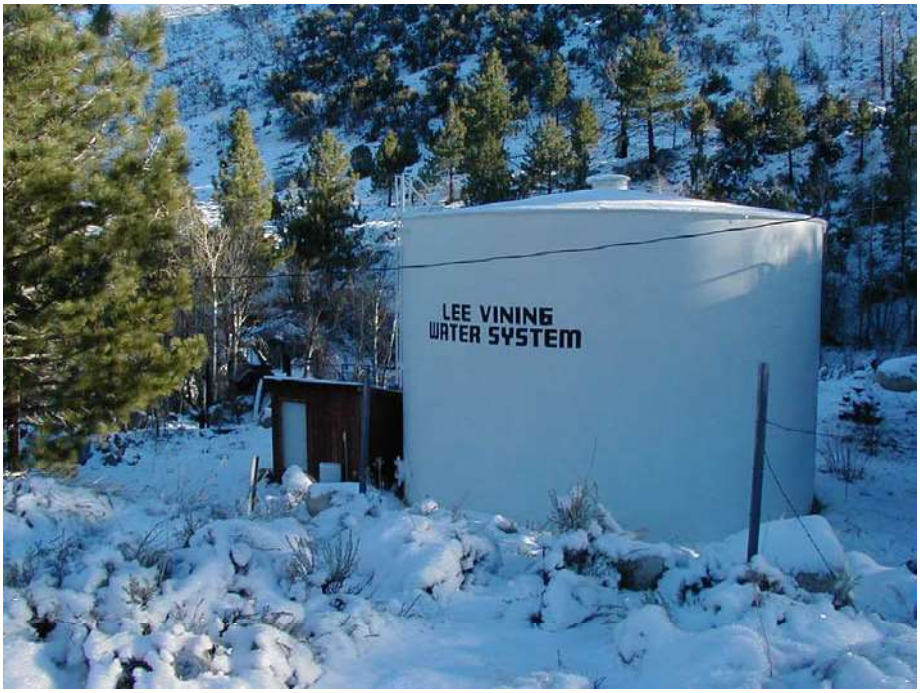
- 5 Appendix C
- 6 Appendix D
- 7 Appendix E
- Tioga Inn Specific Plan Amendment #3
- Complete Specific Plan & DSEIR document
- DSEIR Table of Contents
- DSEIR Chapters ONLY
- DSEIR Appendices ONLY
- Exhibit 3-3. Project Site Plan
- Exhibit 4-1. Site Context Map
- Exhibit 5.1-2. Conceptual Grading Plan
- Exhibit 5.2-1. Conceptual Drainage Plan
- Exhibit 5.3-6. Open Space Plan
- Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3

SURFACE WATER AND GROUNDWATER AVAILABILITY ASSESSMENT
LEE VINING AREA

MONO COUNTY, CALIFORNIA



PREPARED ON SEPTEMBER 27, 2006 FOR

MONO COUNTY PLANNING DEPARTMENT
MAMMOTH LAKES, CALIFORNIA

PREPARED BY

TEAM
ENGINEERING & MANAGEMENT, INC.
Bishop • Mammoth Lakes

TEAM
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760-872-1033 fax 760-872-2131

Mr. Scott Burns
Mono County Community Development Department
Planning Division
P.O. Box
Mammoth Lakes, CA 93546

September 27, 2006

RE: Surface Water and Groundwater Availability Assessment, Lee Vining Area, Mono County, California

Dear Mr. Burns:

TEAM Engineering & Management, Inc. (TEAM) is pleased to provide the attached "Surface Water and Groundwater Availability Assessment, Lee Vining Area, Mono County, California." Information provided in this report includes discussions of existing water resource management and conditions in the Lee Vining area, potential groundwater and surface water quality issues, and recommendations for future water resource management and associated water resource investigations for the area.

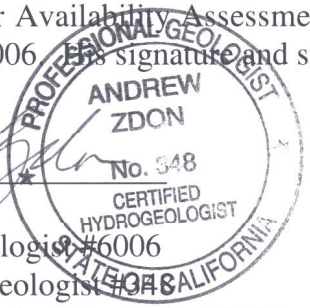
If you require additional information, please call us at your convenience.

Sincerely,
TEAM Engineering & Management, Inc.

Andrew Zdon, PG, CEG, CHG
Senior Hydrogeologist

cc: Mr. Greg Newbry, Mono County
Mr. Rick Kattleman

Andrew Zdon, California Professional Geologist, Certified Engineering Geologist and Certified Hydrogeologist, as an employee of TEAM Engineering & Management, Inc., with expertise in the investigation of water resources and hydrogeology, has reviewed the report entitled, "Surface Water and Groundwater Availability Assessment - Lee Vining Area, Mono County, California," dated September 27, 2006. His signature and stamp appear below:



Andrew Zdon
Professional Geologist #6006
Certified Hydrogeologist #548
Certified Engineering Geologist #1974
September 27, 2006

SURFACE WATER AND GROUNDWATER AVAILABILITY ASSESSMENT
LEE VINING AREA
MONO COUNTY, CALIFORNIA

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1.0 INTRODUCTION

This report summarizes the results of a surface water and groundwater availability assessment performed by TEAM Engineering & Management, Inc. (TEAM) for the Lee Vining area, Mono County, California. Surface water and groundwater are both considered in this report because both surface and groundwater are interconnected components of a single resource. Therefore, describing the conditions of both surface water and groundwater are key to understanding the water resources of the Lee Vining area.

This report is one of a series of watershed assessment reports designed to provide the Mono County Planning Department with key information to evaluate and identify future development issues in the outlying, but rapidly growing, areas of the county. Additionally, this report provides recommendations concerning future studies and water management issues. This report is consistent with published guidelines for groundwater investigation reports (California Board for Geologists and Geophysicists, 1998).

Lee Vining was identified by county staff as a community to be evaluated as part of this project. This work is being prepared for the Mono County Planning Department under a grant that the County received from the California State Water Resources Control Board (Agreement No. 03-008-556-0).

1.1 PURPOSE AND SCOPE

The purpose of this report is to provide an overview of the water resources (both quantity and quality) of the Lee Vining area. Additionally, this report address potential future water resource issues of concern for the area, and needs for additional data and analysis.

The work described above included the following key tasks:

- Literature Search and Review
- Surface Water Availability Assessment
- Groundwater Availability Assessment
- Report Preparation

The literature search and review included the evaluation of government technical reports (U.S. Geological Survey, California Department of Water Resources, Inyo National Forest), the California Regional Water Quality Control Board – Lahontan Region Basin Plan, California State Water Resources Board Geotracker system, precipitation data for regional precipitation stations, streamflow data for Lee Vining Creek, an environmental database search, and water rights information.

The surface water availability assessment includes a summarization of surface water conditions including stream flows, an evaluation of existing surface water usage versus availability, a review of surface water quality issues, a review of any regulatory issues associated with surface water usage, and qualitative analyses of potential areas for surface water development and associated potential impacts.

The groundwater availability assessment included the development of groundwater recharge estimates for Lee Vining area subwatersheds as represented in Mono County's existing geographic information system (GIS), evaluation of existing groundwater pumping and resulting groundwater availability, a review of groundwater quality issues, and qualitative analyses of potential groundwater development areas and potential impacts due to groundwater development.

1.2 LOCATION AND PHYSIOGRAPHIC SETTING

Lee Vining is located in central Mono County along U.S. Highway 395 (Figures 1 and 2). Access to the area is via the north-south U.S. Highway 395. The population of Lee Vining as of the year 2000 was 493.

The Lee Vining study area is bounded on the west by the crest of the Sierra Nevada, on the north by the County Park Road, on the east by Mono Lake and on the south by the crest of the glacial (moraine) deposits south of Lee Vining Creek. Elevations in the Lee Vining study area range from 13,053 feet above mean sea level (ft msl) at Mount Dana in the rugged, steep Sierra Nevada to the west, to approximately 6,380 ft msl at Mono Lake. The principal stream in the study area is Lee Vining Creek, although Dechambeau Creek to the north is also present in the study area. Additional streams present are generally ephemeral.

1.3 LAND USE

The principal land uses (not including open space / wild lands) in the Lee Vining area are residential, commercial and recreational. The Lee Vining commercial and residential areas are the most prominent areas of development, with water supplied from a spring in Lee Vining Canyon. In addition to the residential and commercial activities, there are also two schools, Mono County and Caltrans road maintenance facilities, parks, and the U.S. Forest Service Mono Basin Visitor Center. The Lee Vining Public Utilities District provides water and sewer service. Sewage in the scattered residential and commercial development along the west shore of Mono Lake north of Lee Vining is treated by individual septic systems, while water is provided by springs and wells.

1.4 WATER RESOURCES MANAGEMENT

The Lee Vining Public Utilities District manages groundwater usage in Lee Vining. Mono County conducts water-related activities such as issuing well permits and is responsible for numerous water-quality related activities through the county health department. Other community planning and environmental review processes are conducted through the community health department.

1.5 DATA SOURCES

Data used in this report were gathered by TEAM Engineering & Management, Inc. (TEAM) from TEAM's reference library, Mono County, the National Climate Data Center, U.S. Geological Survey, Los Angeles Department of Water & Power (LADWP), Inyo National Forest, State of California Department of Water Resources, California State Water Resources Control Board (SWRCB) Geotracker system, and Southern California Edison (SCE). Additionally, the Mono Lake Committee website contained numerous key documents that were used in the development of this report. Records of environmental concerns were based on a search of 41 environmental databases associated with hazardous wastes, leaking underground storage tanks, regulatory agency enforcement actions, and drinking water programs.

TEAM made multiple attempts to contact the Lee Vining Public Utilities District (LVPUD) to obtain district data and to visit their water gathering facilities. However, TEAM's phone messages to the LVPUD were not returned.

2.0 SURFACE WATER AVAILABILITY ASSESSMENT

2.1 GENERAL CONDITIONS

Surface water, which flows south and east of the community of Lee Vining, is from Lee Vining Creek and its tributaries. The surface water in Lee Vining creek originates primarily as precipitation and snowmelt from the adjacent Sierra Nevada. Several individual streams feed into Lee Vining Creek, and into the terminal basin of Mono Lake.

2.2 AVAILABLE RECORDS

Surface water information for this assessment was acquired primarily from the USGS streamflow database, with supplemental information from LADWP and SWRCB records. In addition, an environmental database search was conducted to identify potential impacts to water quality.

2.3 SURFACE WATER FLOW / RUNOFF

USGS streamflow data from gauging station #10287900 (Table 1) has streamflow data for Lee Vining Creek from the period of 1935 through 1979. The USGS data indicates an annual average flow of 66 cubic feet per second (cfs), with seasonal highs during the snowmelt months of May through August, when average monthly flow rates range from 119 cfs to 186 cfs. The base flow level of Lee Vining Creek, as indicated by monthly averages in October through March, is approximately 33-34 cfs.

LADWP flow data, as collected above their intake point, was available from October 1977 through September 2005 (Table 2). The average streamflow in Lee Vining Creek as measured by LADWP for the period of record is 67 cfs, varying from an average annual flow during the driest year on record (1990-1991) of 33 cfs to the average annual flow during the wettest year on record (1982-1983) of 126 cfs. Peak monthly average flow during June of 1983 was measured to be 354 cfs in Lee Vining Creek.

2.4 SURFACE WATER QUALITY

Available water quality data was limited for Lee Vining Creek and was not available from the USGS website or from contact with LADWP.

Lee Vining Creek is listed by the US Environmental Protection Agency as an “impaired water” on the 305(b) list during Assessment Unit Information Year 2002. The State and EPA Impairment Classifications are designated as “Flow Alterations” and “Sediment/Siltation.” Probable sources contributing to these impairments were listed as non-point source, water diversions, hydromodification, upstream impoundment (e.g. PL-566 NRCS structures), and flow alterations from water diversions. The length of Lee Vining Creek which was identified as impaired is approximately 9 miles.

This area of impairment is likely to be located in the lower extent of Lee Vining Creek from the point of major diversion by LADWP to Mono Lake. The upper reaches of Lee Vining Creek and its tributaries are generally of very good to excellent water quality.

2.5 SURFACE WATER USE

Surface water from Lee Vining Creek is currently used for water export, power production, irrigation, stockwatering, and domestic and recreational uses. Water use for the existing community of Lee Vining and from adjacent development is primarily from a spring source and from individual groundwater wells and springs. Surface water use is limited by existing water rights and current California Department of Health restrictions on use of surface water for drinking water sources.

2.5.1 In-Stream Requirements

On September 28, 1994, State Water Resource Control Board Decision 1631 determined specific in-stream flow rates which must be maintained in Lee Vining Creek. This decision was based on existing water rights and the recommendations of the California Department of Fish and Game to protect fish habitats between the LADWP diversion point and Mono Lake.

The instream flow requirements as determined by SWRCB Decision 1631 are summarized in Table 3. The minimum flow requirements are divided into two seasonal periods of April through September and October through March, and also by dry, normal and wet years based on average flows. For normal and wet years, requirements are also set for channel maintenance and flushing flows.

A normal year is defined as having projected runoff between 68.5% and 136.5% of average. During April through September, the minimum instream flow must be maintained at 54 cfs, with a flushing flow of 160 cfs for a minimum of 3 consecutive days during May, June, or July. During October through March, minimum instream flow must be maintained at 40 cfs or higher.

A dry year is defined as having projected runoff less that 68.5% of average. During April through September of dry years, the minimum instream flow must be maintained at 37 cfs. During October through March, minimum instream flow must be maintained at 25 cfs or higher. During dry years there is no channel-flushing requirement.

A wet year is defined as having projected runoff greater than 136.5% of average. During April through September of wet years, the minimum instream flow must be maintained at 54 cfs, with a flushing flow of 160 cfs for a minimum of 30 consecutive days during May, June, or July. During October through March, minimum instream flow must be maintained at 40 cfs or higher.

2.5.2 Existing Water Rights

Existing rights to diversion of surface water from Lee Vining Creeks and related streams, according to the SWRCB Division of Water Rights website, are summarized in Appendix A.

LADWP has a right to direct diversion of surface water from Lee Vining Creek of 200 cfs and storage of 70,200 acre-feet, specified for power production. Southern California Edison (SCE) owns the right to direct diversion from Lee Vining Creek of 90 cfs, also for power production.

The USFS holds several rights to direct diversion from Lee Vining Creek, adding up to a maximum diversion of approximately 5.8 cfs, not including rights to surface water of tributaries to Lee Vining Creek.

The Lee Vining PUD, although using water from spring sources, is listed on the water rights database as having a total right to surface water tributary to Lee Vining Creek of 5.57 cfs.

2.6 FUTURE DEVELOPMENT AND SURFACE WATER USE

As the existing water rights appropriate an amount in excess of the recorded flows of Lee Vining Creek in all but the maximum runoff during the wettest years on record, future surface water allocation is extremely limited.

In addition, the SWRCB has designated Lee Vining Creek as a "Fully Appropriated" water body. Therefore, no surface water is considered to be available for future development in the Lee Vining area.

3.0 GROUNDWATER AVAILABILITY ASSESSMENT

As part of this groundwater availability assessment, TEAM has prepared subwatershed-specific groundwater recharge estimates based on a commonly used methodology. It should be noted that these are estimates and conditions may vary. These should be considered upper-bound estimates of available groundwater, and that all of the estimated recharge may not be available for use. Further, this is an average annual recharge estimate, and conditions can vary significantly from year to year.

Assessments of groundwater availability commonly assume available groundwater being basically equivalent to either the subsurface outflow from a specific area, or a fixed, stable number that can be calculated or estimated in a variety of ways. This is the approach used by Applied Geotechnology for their 1987 study at Conway Ranch in the northwestern Mono Basin as reported (Inyo National Forest, 2001).

In that study, the safe yield was apparently assumed to equal the annual recharge. However, there can be inherent problems with that approach. By definition, safe yield is *"the amount of naturally occurring groundwater that can be economically and legally withdrawn from an aquifer on a sustained basis without impairing the native groundwater quality or creating an undesirable effect such as environmental damage"* (Fetter, 2001). Therefore, by simply equating the safe yield of an area to the amount of groundwater recharge (inflow) would ignore the impacts that could be caused to various aspects of groundwater outflow such as reductions in evapotranspiration (impacts to phreatophytic vegetation) or areally lowered water tables impacting nearby wells or springs.

For effective groundwater management, an assessment of available groundwater should be applicable to different areas along with overall site-specific values and local and regional changes through time, and not as a single number. As an example, the following shows the amount of available groundwater can be evaluated assuming a proposal for a specific project. The following text is based on that previously prepared by TEAM as part of a report for the Tri-Valley Groundwater Management District in eastern Mono County (MHA Environmental Consulting, 2001). Although this example was for another area in the county, it provides an excellent example of this approach to safe yield.

Assume that a new project production well is to be pumped at a rate of 500 gallons per minute (gpm). The proposed well could be located at two potential sites: one location is 100 feet from a domestic well, and the other is located 5,000 feet from the existing domestic well. For the purposes of this example, the amount of groundwater recharge that occurs is significantly in excess of 500 gpm, the depth of the existing domestic well is assumed to be 200 feet, the depth to water is assumed at 140 feet below ground surface, and the particular existing domestic well is assumed to be the only resource that may be affected by this project.

Drawdown analysis using the results of a well-planned and well-executed aquifer test on the new project well in the first hypothetical location indicates that approximately 65 feet of drawdown will occur in the area of the existing domestic well due to the new project well if placed 100 feet from the domestic well. This magnitude of drawdown would cause the domestic well to go dry,

which would be considered an infringement on the water rights of the owner of the existing well and a significant impact on beneficial uses. If on the other hand, the proposed project well were located 5,000 feet from the domestic well, and the expected drawdown at the domestic well in that circumstance was anticipated be one foot, there would not be an infringement or significant impact.

Based on this example, it is not prudent to categorically state a specific amount of groundwater is available for the new project. If the project well is 5,000 feet from the domestic well, there is available water in excess of the 500 gpm anticipated to be used. If the new project well is 100 feet from the domestic well, that water is not available because operation of that magnitude would cause a significant impact. The simple, single-value basin approach to defining the amount of available water cannot be supported, because the location of the facilities and timing of operation of new groundwater production can influence the significance of the potential impact and infringement as much as the total pumping rate for the entire area of interest.

Therefore, in the context of the Lee Vining area, the location of new wells must be considered in the context of the location of existing wells, wetlands, springs and phreatophytic vegetation. In addition, the time of operation must be considered. Groundwater management recommendations related to the discussion above for the Lee Vining area are provided in Section 5.0.

Two major environmental areas of concern exist related to future groundwater resource development in the Lee Vining area:

- Biological Resources including streams, wetlands, riparian areas and phreatophytic vegetation
- Land Use Resources including community development

For these reasons, future groundwater and surface water development will be an important issue in the Lee Vining area.

3.1 REGIONAL HYDROGEOLOGY

The Lee Vining area is at the eastern edge of the Sierra Nevada, along the boundary of the Sierra Nevada and Basin and Range geologic provinces. Generally, the Sierra Nevada is an uplifted and tilted block of Mesozoic-age igneous rocks with some older overlying sedimentary and metamorphic units. In the Lee Vining area, Tertiary and Quaternary-age volcanic rocks are also present and are associated with the Mono/Inyo Craters volcanic chain.

The Lee Vining area is within the Mono Valley Groundwater Basin, and within the South Lahontan Hydrologic Study Area (California Department of Water Resources, 2003). The Mono Valley is a 270-square mile basin with internal drainage.

3.2 HYDROGEOLOGIC UNITS

Earth materials present in the Lee Vining area include Recent-age soils; Quaternary-age colluvium, and alluvium; Quaternary-age glacial till; Quaternary and Tertiary-aged volcanic

rocks associated with the Mono Craters volcanic chain; and Paleozoic and Mesozoic-aged metamorphic and igneous rocks associated with the Sierra Nevada.

The Recent-age soils are present in the Lee Vining study area as surface deposits. Due to the size of the study area, a description of the soils throughout the Lee Vining area and areas extending upward into the mountains would result in a major discussion beyond the scope of this work. For the purposes of this report, the discussion of these soils is limited to the specific area of Lee Vining.

Soils present in the area along Lee Vining Creek are described as having a moderate permeability (approximately 0.6 to 2 inches per hour). A typical soil profile description for these soils along Lee Vining Creek would be from zero to ten inches – brown, very gravelly fine sandy loam, with soil pH of approximately 7.3. In the terrace areas (for example in the immediate vicinity of Lee Vining away from the creek) a typical soil profile would be from zero to five inches – light brownish gray and pale brown gravelly coarse sand; from five to 60 inches – light gray and white loamy sand and coarse sand. These soils would have a soil pH of approximately 5.7 to 8.7 (U.S.D.A. Forest Service, 1995).

Underlying the Recent-age soils in the area are Quaternary-age unconsolidated deposits (glacial till, colluvium and alluvium) resulting from erosion and deposition of earth materials from the Sierra Nevada. The glacial till consists of poorly-sorted, unconsolidated deposits resulting from glaciers, and are found in the project area at the base of the Sierra Nevada. Glacial till typically contains significant quantities of fine sediments and are not typically producers of large well yields. The colluvium consists of hillside-related deposits (such as talus slopes). The Quaternary-age alluvium consists of the remaining unconsolidated deposits that make up the basin fill. Generally, the alluvium comprises the most important aquifer material present in the area. The alluvium is interbedded with fine-grained lake sediments that increase in thickness and proportion toward Mono Lake (California Department of Water Resources, 2003).

Underlying the surficial deposits described above are the tertiary volcanic rocks and Paleozoic and Mesozoic-age metamorphic and igneous rocks, associated with the Mono Craters chain and Sierra Nevada, respectively. Groundwater flow in these rocks will be controlled by fractures within the rock. In areas of highly fractured rock, groundwater flow could be substantial. It is important to note that where faulted, zones of clayey fault gouge may be present along the fault trace. These zones of clayey fault gouge which will tend to inhibit groundwater flow across a fault. However, fractured rock parallel to a fault trace can be highly permeable. Generally, the fractured rock aquifer will yield considerably less water than the basin fill.

3.3 GEOLOGIC STRUCTURE

An understanding of the geologic structures present in the Lee Vining area is key to understanding the hydrogeology of the area. Sierra Nevada range-front faults run generally north-northwestward along the base of the Sierra Nevada. Principal among these is the Mono Lake Fault. This fault forms the range-front scarp of the Sierra Nevada in the study area. As is typical with faults of this type, subordinate parallel faults are likely to be present along its trace. The Mono Lake fault system places relatively impermeable bedrock units against the basin-fill

deposits. The ability for this fault, and other faults in the area, to inhibit groundwater flow is not known.

3.4 GROUNDWATER OCCURRENCE AND MOVEMENT

Water in the Lee Vining area will generally be found within the unconsolidated alluvial and fluvial sediments comprising the basin fill. Groundwater in the area is interpreted to move from the areas of recharge (for instance the Sierra Nevada) to areas of discharge (Mono Lake). This results in a hydraulic gradient that generally follows the land surface slope. Therefore, groundwater is assumed to move generally to the east beneath the Lee Vining study area.

Groundwater is generally near the land surface adjacent to Mono Lake, and can be as deep as 400 feet below ground surface on the alluvial fans. The shallow, unconfined aquifer(s) in the area are generally of lesser significance with respect to potential groundwater availability than the deeper confined and semi-confined aquifers. In the immediate area of Mono Lake, if groundwater levels were to be drawn down adjacent to the lake (for example due to high groundwater pumping rates), the intrusion of saline water from the lake could occur.

In the study area, groundwater levels will tend to remain above the level of Mono Lake given the lake's role as a sink in the basin.

3.5 HYDRAULIC PROPERTIES

TEAM was unable to locate any aquifer test data for the subject area during the completion of this study.

3.6 GROUNDWATER INFLOW

The following sections provide estimates of various components of groundwater inflow to the alluvial aquifer. It is followed in Section 3.7 by a description of groundwater outflow parameters for the Lee Vining area. There are significant assumptions based on scant data, particularly with respect to aquifer parameters, and variations in precipitation. Due to these uncertainties, and the many potential water-related issues in the Lee Vining area, further investigation into some of these components are recommended later in this report.

3.6.1 Groundwater Recharge from Precipitation

In order to evaluate future groundwater requirements versus availability, TEAM developed estimates of groundwater recharge for the study area. Groundwater recharge was estimated on a subwatershed-by-subwatershed basis as presented in Mono County's GIS.

The recharge estimates were derived using the Maxey-Eakin method, which estimates groundwater recharge by using precipitation versus recharge relationships, and assuming method-specific groundwater recharge as a percent of precipitation. The Maxey-Eakin method is a widely used groundwater recharge estimation technique within the Basin and Range geologic province (the study area is on the edge of the Basin and Range) and has been used in the Eastern

Sierra region in the Antelope Valley area of Mono County in a cooperative study by the Nevada Division of Water Resources and the U.S. Geological Survey (Glancy, 1971). The method has been used in as distant portions of the Basin and Range as the El Paso, Texas area (Hutchison, 2006). Additionally, the Maxey-Eakin method has been analyzed and evaluated to be a good predictor of recharge (Avon and Durbin, 1992 and 1994). The method computes recharge by:

- Estimating the volume of precipitation for several precipitation zones in the area of interest
- Reducing these volumes by a given percentage to account for evapotranspiration and surface water runoff that does not recharge groundwater
- Summing the resultant recharge volumes

The Maxey-Eakin Method was developed using a trial-and-error approach with regression techniques to evaluate the distribution and volume of precipitation that occurs in a groundwater basin, and balancing recharge with estimated groundwater discharge from the specific groundwater basin. The percentage of precipitation that recharges groundwater for each recharge zone (as described below) does not vary. The method was originally developed for groundwater basins in Nevada. As described in Avon and Durbin (1992), the Maxey-Eakin method is a direct relationship between precipitation and recharge, not elevation and recharge. Elevation is used only to estimate the volume of precipitation within each of the elevation zones. It follows that the method does not infer that groundwater recharge of a certain amount occurs geographically in each precipitation/elevation range. Rather, the recharge to groundwater will occur primarily in the valley fill from surface water runoff.

In order to evaluate precipitation versus elevation relationship, data was gathered from several precipitation monitoring stations (Table 4). A best-fit trend line was established for the data (Figure 4).

TEAM used Mono County's GIS to establish recharge zones by subwatershed and to calculate associated recharge zone areas. Based on the precipitation versus elevation plots, three Maxey-Eakin recharge zones were identified:

- The area above 7,100 ft msl in which 25% of precipitation is recharged to groundwater
- The area between 6,600 ft msl and 7,100 ft msl in which 15% of precipitation is recharged to groundwater
- The area between 6,200 ft msl (Mono Lake level) and 6,600 ft msl in which 7% of precipitation is recharged to groundwater

The Maxey-Eakin Method resulted in a total groundwater recharge to the Lee Vining study area of approximately 15,700 acre-feet per year (afy). The estimates are likely underestimated (environmentally conservative) as the Maxey-Eakin Method has been noted to underestimate groundwater recharge in areas of low surface runoff (Davisson and Rose, 2000). Additionally, the estimate is conservative given that a large proportion of groundwater recharge occurs as a result of the winter snowpack (a more constant recharge source) than is present in the areas for which the Maxey-Eakin Method was originally developed. Watershed-by-watershed recharge estimates are provided in Table 5.

3.6.2 Percolation From Septic Tanks

The Lee Vining Public Utilities District treats wastewater in Lee Vining. Percolation from septic tanks north of Lee Vining is from scattered residence and commercial entities and for the purposes of this study is considered insignificant. An increase in the number of individual septic systems could result in groundwater quality issues and reduced amounts of groundwater available for domestic use.

3.7 GROUNDWATER OUTFLOW

The following sections provide estimates of various components of groundwater outflow from the alluvial aquifer. As described above in Section 3.6, there are significant assumptions based on sometimes scant data, particularly with respect to aquifer parameters. Due to these uncertainties, further investigations into some of these components are recommended later in this report.

3.7.1 Groundwater Pumping

Domestic use is the principal use of pumped groundwater in the study area. That domestic groundwater pumping is generally from wells serving individual residences scattered along the west shore of Mono Lake, and south of Cemetery Road. The volume of groundwater pumped is likely to be small compared to the volume of water used from springs for domestic and municipal use in the study area.

3.7.2 Evapotranspiration

The areas of phreatophytes (groundwater-dependent vegetation) will be in zones of shallow groundwater, primarily where water is within approximately 15 feet of the ground surface. Within the study area, this is generally along the shoreline of Mono Lake, and in the immediate vicinity of streams and springs. Reconnaissance-level estimates of land area covered by phreatophytes in the study area have not been conducted and would need field checking. Recommendations for this work are provided in Section 5.0 to evaluate this key component of the groundwater balance for the Lee Vining area.

3.7.3 Seepage to Streams

The streams in the study area are generally “losing streams” in that water percolates from the stream channel to groundwater. Therefore, groundwater outflow to streams in the area (outside of the mountain areas) is anticipated to be negligible.

3.7.4 Springs

A key spring in the Lee Vining area is the spring used by the Lee Vining Public Utilities District to provide water to the community of Lee Vining. TEAM’s attempts to contact the Lee Vining Public Utilities District were unanswered. Therefore, spring flow data for this spring are unavailable. Other springs are present in the area but are not gauged. Data for spring flow in

the Lee Vining area should be gathered and/or field-checked to evaluate this key component of the water balance for the Lee Vining area.

3.7.5 Subsurface Outflow

Subsurface outflow of the Lee Vining study area will be as groundwater discharge to Mono Lake. This is likely the dominant groundwater outflow mechanism in the study area. However, due to a lack of aquifer test data and associated estimates of hydraulic characteristics, and lacking hydraulic gradient data, this component is not estimated. Estimates of subsurface outflow given the absence of these data would be speculative.

3.8 GROUNDWATER IN STORAGE

The volume of groundwater in storage within the basin fill of the Lee Vining study area is a function of the area of basin fill deposits, a selected depth, and specific yield (ratio of the volume of water that the aquifer will yield due to gravity to the aquifer's volume) of the basin fill. For the purposes of this report, the selected depth (200 feet) is the saturated thickness as described for Mono City (TEAM, 2005). A typical specific yield of 0.1 is assumed. The area of basin fill is assumed to be the sum of the acreage of the Lee Vining Canyon subwatershed below an elevation of 7,100 feet (2,590 acres). Based on the above assumptions, there is approximately 52,000 acre-feet (a-f) of groundwater in storage in the Lee Vining area.

The total groundwater in storage in the Mono Basin has been estimated at 3.4-million a-f (California Department of Water Resources, 2003). Therefore, the groundwater in storage beneath the Lee Vining study area accounts for approximately 1-2% of the total storage in the basin.

3.9 GROUNDWATER LEVELS AND DISCUSSION OF INFLOW AND OUTFLOW COMPONENTS

A summary of groundwater inflow and outflow components are not provided due to the absence of associated data for key components of the groundwater balance. The groundwater in storage is an important aspect of the groundwater system. Changes in storage are identified in the field by changes in groundwater levels. A fundamental groundwater equation, and the basis for evaluations of groundwater budgets (inflow vs. outflow estimates) is:

Inflow – Outflow = Change in Storage

When outflow exceeds inflow, there is a negative change in groundwater storage and groundwater levels can be expected to decline. When inflow exceeds outflow, the reverse is true. When the system is in equilibrium, water levels will generally remain relatively constant despite short-term fluctuations. Long-term water level declines for example are a clear indication that outflow has been exceeding inflow. It should also be noted that in many arid areas, the recovery of water levels due to groundwater being removed from storage can take much longer than the period to remove it depending on the volume removed from storage, precipitation trends, and the geology of the basin.

Taking this one step further, under predevelopment conditions, a groundwater system is in equilibrium, a condition where inflow equals outflow. Groundwater pumping causes a disruption in this equilibrium, and recharge amounts and patterns can be changed. More often in arid environments, natural discharge amounts and patterns are impacted. This can include the loss of phreatophytic vegetation and in areas where streams or springs are present, reductions in stream and spring flow. All pumped water must be supplied from one or more of the following:

- Decreases in groundwater storage
- Increased or induced recharge
- Decreased discharge either in the form of reduced subsurface outflow or decreases in natural forms of discharge such as evapotranspiration, spring flow, or river base flow

Regardless of the amount of water pumped, the system will undergo some drawdown in groundwater levels in pumping wells to induce the flow of water to these wells, which means some water is initially removed from storage. For most groundwater systems, the change in storage in response to pumping is a transient phenomenon that occurs as the system readjusts to the pumping stress. The relative combinations of changes in storage, increases in recharge, and decreases in natural discharges evolve with time.

The initial response to pumping is a decrease in storage. If the system can come to a new equilibrium (i.e. a combination of increased recharge or decreased natural discharge), the storage decreases will stop, and inflow will again equal outflow. Increases in recharge can include inducing stream recharge, increased infiltration of surface water that historically did not infiltrate due to high groundwater levels, and increases in subsurface inflows due to increased gradients. Decreases in discharge can include reduction in phreatophytic vegetation cover, reduction in spring flow, reduction in base flow to surface water, and reduction in subsurface outflow due to gradient changes. The amount of water "available" is therefore dependent on what these long-term changes are, and how these changes affect the environmental resources of the area.

3.10 CHEMICAL QUALITY

Based on water quality results posted on the California State Water Resources Control Board Geotracker system, water quality of groundwater based on water samples collected from the Lee Vining Public Utilities District system and from the Lee Vining Ranger Station is generally of excellent quality.

3.10.1 Potential Impacts to Groundwater Quality

The most significant potential cause of impacts to groundwater quality in Lee Vining are the presence of underground storage tank systems, and waste disposal / septic tanks. A drinking water source assessment (Mono County Health Department, 2002) indicates in its discussion regarding the vulnerability of the drinking water source (the Main Spring) that, "There have been no contaminants detected in the water supply, however the source is still considered vulnerable to activities located near the drinking water source." Further the source was considered most vulnerable to high density septic systems.

An environmental database search (Appendix C) identified the presence of a several facilities containing underground storage tanks used to store gasoline and waste oil (and possibly diesel). Underground storage tanks (including "orphan" or unpermitted underground storage tanks) and associated infrastructure such as dispensers and dispenser lines can be susceptible to fuel releases that can impact groundwater.

3.11 POTENTIAL FUTURE GROUNDWATER USE

The Mono Basin experienced significant population growth during and since the 1990's. As presented in the Mono County Master Environmental Assessment (Mono County, 2001), the region experienced a population increase of 23.9% during the period 1990 to 2000. Further, as described in the Mono County General Plan (Mono County Planning Department, 1993), there are concerns regarding the capacity of the existing Lee Vining water supply system to accommodate any future development beyond the existing level.

The Mono County General Plan indicates that buildout for the area (south Mono Basin) would consist of a maximum of 490 potential dwelling units for the Mono Basin South area (including Lee Vining). The makeup of these potential dwelling units according to the land use designations in the general Plan area for 23 residential units; with the remaining units being commercial (motels) (Mono County Planning Department, 1993).

Assuming these maximum buildout estimates, and the assumption of a typical water use per dwelling unit of 1.5 afy per unit; and that all water used is from groundwater; results in an annual groundwater usage of approximately 735 afy. Based on the groundwater recharge estimates provided, there appears to be ample groundwater available for the community. It should be noted that upgrades to the current spring water system may be needed or additional wells installed to meet future demands.

4.0 CONCLUSIONS

The following are general conclusions regarding this surface water and groundwater availability assessment of the Lee Vining area:

- Groundwater usage in the Lee Vining area is managed by the Lee Vining Public Utilities District
- The principal land uses are residential and commercial
- Data for this report were gathered from numerous county, state and federal sources

The following are general conclusions regarding surface water availability in the Lee Vining area:

- Surface water in the Lee Vining area originates primarily as precipitation and snowmelt from the adjacent Sierra Nevada.
- Existing surface water flow data are present for Lee Vining.
- SCE, LADWP, Inyo National Forest and the Lee Vining Public Utilities District hold water rights to Lee Vining Creek flow (including tributaries).
- Lee Vining uses spring flow as a primary water resource.
- The SWRCB has designated Lee Vining Creek as fully appropriated stream systems.
- As the Lee Vining Creek system is fully allocated, no water from this stream is anticipated to be available for future development.

The following are general conclusions regarding groundwater availability in the Lee Vining area:

- When evaluating future projects using groundwater, the simple single-value approach to evaluating the amount of water available cannot be supported.
- Water supplies for future projects should be evaluated in the context of the location of the groundwater source in relation to locations of nearby wells, wetlands, springs and phreatophytic vegetation.
- The alluvial basin fill is the key geologic unit in the Lee Vining area in which the groundwater resource is derived.
- Hydraulic properties derived from aquifer tests conducted on wells screened in the alluvial basin fill are absent.
- Inflow to the groundwater system is from precipitation including recharge from streamflow, and septic system effluent.
- Outflow from the groundwater system is from groundwater pumping, evapotranspiration, spring flow, and subsurface outflow to Mono Lake.
- There is approximately 52,000 acre-feet of groundwater in storage in the Lee Vining area.
- The water quality in the area is generally of excellent quality.
- The most significant potential cause of impacts to groundwater quality in the Lee Vining area are septic systems and potential petroleum hydrocarbon releases from underground storage tank systems.

- Although recharge estimates indicate sufficient groundwater for anticipated future development, groundwater availability should be based on the potential effects of groundwater development on surrounding wells, springs, streams, and phreatophytic vegetation.

5.0 RECOMMENDATIONS

5.1 KEY ISSUES TO BE EVALUATED

Future hydrogeologic investigations for new groundwater development and/or water management strategies should include evaluations of the following:

- Effects of future groundwater development on phreatophytic vegetation, etc.
- Potential well-interference issues particularly where domestic wells are present along the west shore of Mono Lake
- Potential water-quality issues including the presence of natural and introduced contaminants
- Placement of wells to avoid water quality issues resulting from septic systems and other potential areas of impacted groundwater

5.2 DATA COLLECTION

A key issue with respect to the water resources of the Lee Vining area and future development will be that future development will likely be primarily dependent on groundwater, which could lead to lowered groundwater levels. These potentially lowered groundwater levels could affect well performance, spring flow or phreatophytic vegetation.

Although at this time numerical modeling is not recommended, data collection in the form of regular groundwater level monitoring (for example a volunteer effort using private wells) and discharge monitoring should be conducted to develop baseline water level trends over time prior to additional development.

5.3 EVALUATION OF EVAPOTRANSPIRATION AND SPRING FLOW

An analysis of evapotranspiration and spring flow in the Lee Vining area should be conducted to enhance the understanding of the groundwater system with respect to these key components of the water balance. If quantitative estimations of reduced evapotranspiration are needed for future environmental analyses, numerical modeling may be required.

5.4 WELL-LOGGING

Descriptions of the earth materials present are among the most important data (along with well construction) on a well log. Further, in comparison to the cost of constructing a well, the cost for a trained geologist to log the drilling cuttings is relatively small. A licensed geologist should log all future community water supply wells and large-capacity wells.

5.5 AQUIFER TESTING FOR NEW WELLS

Future community water supply wells and other high-capacity wells should have an aquifer test required for the reasons described in Section 5.1.

5.6 WATER QUALITY ANALYSES

Hydrogeologic analyses for future development (residential subdivisions) should include analyses concerning nitrate loading in groundwater due to septic systems by the proposed project and in combination with existing development. Sampling for radionucleides should also be conducted.

5.7 PREPARATION OF A GROUNDWATER MANAGEMENT PLAN FOR THE LEE VINING AREA

A groundwater management plan should be developed for the Lee Vining area that provides the basis for groundwater management decisions in the area. As described in Groundwater Resources Association of California (Bachman, et. al., 2005), "A groundwater management plan is a document that provides the framework to implement a groundwater management strategy for the basin or a portion of a groundwater basin. It may be complicated or simple, long or short. As long as it is sound and reflects the goals and objectives of the people who live, work and hold interests in the basin, it will do the job."

Initially, the groundwater management plan should be relatively simple, but should contain the following elements:

- Political – describe the process by which the local community views groundwater management alternatives and priorities. The County and the Lee Vining Public Utilities District will play key roles in this element of a groundwater management plan. The groundwater management plan should also identify stakeholders in Mono City area, and describe how the plan will address their interests and rights.

- Legal – this portion of the groundwater management plan will address water rights. Groundwater and surface water rights should be addressed.

- Institutional – this portion of the groundwater management plan will concern governance of water management

- Technical – this portion of the plan should identify and provide a means to implement monitoring and proposed studies to enhance the understanding of the Lee Vining groundwater system.

- Economic – this portion of the plan should develop estimates of the costs of implementing a groundwater management plan, and identify, or develop a process to identify, sources of funding for implementing the plan

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7.0 CONDITIONS AND LIMITATIONS

This report has been prepared according to generally accepted standards of hydrogeologic practice in California at the time this report was prepared. Findings, conclusions, and recommendations contained in this report represent our professional opinion and are based, in part, on information developed by other corporations, governmental agencies, and organizations. The opinions presented are based on currently available information and developed according to accepted standards of hydrogeologic practice in California. Other than this, no warranty is implied or intended.

TABLES

TABLE 1
MONTHLY AND ANNUAL
MEAN STREAMFLOW DATA
Lee Vining Creek near Lee Vining, California
USGS Station #10287900

USGS 10287900 LEE VINING C NR LEE VINING CA

YEAR	Monthly Mean Streamflow (cfs)												Annual Mean
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Streamflow (cfs)
1934										22.6	25.1	31.4	
1935	22.1	15.5	32.8	55	109	232	128	95	67.5	42.3	20.9	22.3	**70.4**
1936	14.7	16.8	33.9	89.4	167	204	163	101	65.5	25.1	24.2	20.7	**77.3**
1937	34.5	29.5	33.6	44.7	147	235	123	85.8	55.6	30.4	16.6	44.3	**73.5**
1938	24.9	46.9	64	66.6	186	382	260	125	114	93.5	112	47.1	**127**
1939	18.3	20.4	27.2	60.3	110	75.4	54.4	63.3	40.2	22.8	28	36.1	**46.5**
1940	37.5	36.6	19	62	164	240	134	137	97.8	57.5	55.8	23.4	**88.7**
1941	26.9	18.2	27.6	80.5	183	277	190	107	40.8	26.4	32.3	33.7	**87.4**
1942	42.5	28.2	31.5	136	120	263	226	101	48.2	32.7	34.4	101	**97.4**
1943	119	71.5	30.6	92.3	208	248	193	86.5	46.2	36.2	76.6	104	**110**
1944	87.7	43.2	15.2	25	92	130	95	38.7	31.5	15.2	22.2	18	**51.2**
1945	35.4	38.7	27.4	41	126	214	188	81.4	42.3	31.1	30.6	44.2	**75.3**
1946	41.3	49.5	62.5	81.7	154	157	121	63.5	38.3	12.9	28	58.6	**72.5**
1947	35.9	34.8	30.5	45.4	136	96.2	43.4	25.2	15.6	19.3	27.8	26.5	**44.8**
1948	23.5	37.2	12.8	17.1	82	166	128	53.6	30.3	17.7	10.8	51.1	**52.6**
1949	36.9	37.7	13.3	46.3	104	118	39.6	14.5	13.9	8.44	9.24	9.59	**37.5**
1950	21.6	45.5	42.5	61.7	98.3	170	77.5	33.5	41	40.5	52.9	48.1	**61**
1951	23.1	40	60.7	82.7	127	210	116	39.8	39.9	38.8	44.1	38.3	**71.7**
1952	37.1	35.1	46.7	67.3	166	249	212	97.4	62.8	56.5	23.1	28.2	**90.3**
1953	46.4	31.9	21.4	30.5	54	168	180	42.3	40.8	20	9.04	11.4	**54.8**
1954	8.95	8.65	14.3	36.7	116	93.2	52.1	23.5	21.3	18.1	21.7	18.4	**36.2**
1955	15.4	14.6	16	17.9	74.5	135	60.2	47.3	42.2	31.7	30.4	33.6	**43.3**
1956	33.9	37.6	33.5	32.9	84	277	201	76.8	60.2	57.2	74.3	53.2	**85.1**
1957	34.9	34.3	44.4	23.2	73.2	207	90.1	36.6	22.4	31.5	23	22.5	**53.6**
1958	18.2	36.7	30.8	28.1	140	200	166	109	33	23.7	43.5	38.5	**72.5**
1959	36.3	39.7	31.9	54.2	71.2	112	54.3	30.8	27.4	18.7	16.1	24.1	**43**
1960	24.7	24	20	48.7	84.4	114	44.6	24.5	18.7	13.7	32.3	28.1	**39.8**
1961	19.5	15.9	14.7	34.2	66.1	121	45.7	34.2	23.2	34.7	28	20.9	**38.2**
1962	18.7	24.7	44.7	81.5	97.8	203	134	45.5	19.2	33.3	37	29.5	**64.1**
1963	27	39.6	30.7	33.1	96.2	218	170	53.1	33.2	23.5	40	36.3	**66.8**
1964	32.1	28.3	29.5	38.3	94.7	106	52.2	28.8	23.2	28.4	27.2	50.4	**45**
1965	40.5	55.7	54.5	50.6	105	192	173	108	49.1	50.9	40.5	39.1	**80.1**
1966	37.1	28.5	35.3	70.2	138	88.7	47.9	35.1	26.1	24.6	25.1	26.2	**48.7**
1967	25.8	28.1	39.7	30.7	116	270	297	103	72	52.5	42.9	34.3	**93.1**
1968	18.9	36.3	36.8	50.8	92.8	111	53.2	43	39.1	26.8	24	28.7	**46.7**
1969	31.8	29.8	42.9	65.4	232	344	242	131	70.5	57.6	43.2	30.2	**110**
1970	39.9	53.1	34.3	42.5	124	179	121	50.5	58.9	58.5	30.9	19.4	**67.7**
1971	38.2	28.1	30	37.3	91.9	190	138	77.2	47.1	34.7	37	31.5	**65.3**
1972	29.8	28.9	36.3	33	105	135	48.3	31.7	34.7	36	34.1	29.3	**48.5**
1973	32.7	28.3	60.4	57.7	193	207	89.4	46	33.4	33.5	39.4	35.1	**71.5**
1974	49.5	39.6	43.4	40.8	152	255	145	75.6	43.3	42.1	37.7	33.2	**79.9**
1975	42.8	31.3	28.5	34.3	127	247	125	47.1	47.6	30.8	25.3	19.7	**67.3**
1976	40.4	27.5	21.8	24.3	89.7	42.8	42.5	29.7	27.8	27.4	20.5	20	**34.6**
1977	20	16.7	16.2	24.6	26.5	74.6	25.8	21	13.8	20.5	17.7	16	**24.4**
1978	16.5	17.5	27.5	44.6	94.5	237	207	94.5	71.9	43.9	37.1	30.7	**77.1**
1979	38.8	32.6	27.5	35.4	139	173	80	41.5	34.4	35.1	36.5	29.9	**58.7**
	Jan	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**	**Annual average**
Average:	**33**	**33**	**33**	**50**	**119**	**186**	**124**	**63**	**43**	**34**	**34**	**34**	**66**

Note:
1) Gray cells indicate data not available. Also, no data available since 1979.
2) Final monthly and annual averages are a simple average of means and not statistically validated.

TABLE 2
MONTHLY AND ANNUAL MEAN STREAMFLOW DATA
Lee Vining Creek, Above Aqueduct Intake
LADWP Measuring Station #5008

Lee Vining Creek above intake:

YEAR	Monthly Mean Streamflow (cfs)												Annual Mean
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Streamflow (cfs)
2004-05	22	35	33	26	26	34	47	186	264	223	83	43	**85.2**
2003-04	27	33	33	27	31	47	63	100	115	64	33	24	**49.8**
2002-03	27	36	24	27	25	29	33	107	203	79	37	27	**54.5**
2001-02	29	34	27	24	27	30	59	103	158	75	34	23	**51.9**
2000-01	29	33	29	25	24	30	43	151	70	48	33	22	**44.8**
1999-00	31	36	30	31	32	32	53	135	171	77	45	30	**58.6**
1998-99	46	46	35	30	28	27	38	133	210	116	50	35	**66.2**
1997-98	42	33	26	34	37	45	59	71	237	303	108	66	**88.4**
1996-97	35	48	49	125	56	71	90	207	229	132	80	47	**97.4**
1995-96	44	46	50	48	58	64	62	144	238	155	61	35	**83.8**
1994-95	21	25	27	29	37	46	39	79	266	343	158	73	**95.3**
1993-94	33	39	38	39	37	35	48	79	86	35	20	17	**42.2**
1992-93	24	23	24	29	27	32	41	138	183	149	63	38	**64.3**
1991-92	20	28	23	27	27	31	48	84	49	33	23	19	**34.3**
1990-91	17	20	17	16	16	24	18	55	114	60	20	17	**32.8**
1989-90	29	25	22	35	44	29	38	53	54	42	21	16	**34.0**
1988-89	23	25	21	22	19	34	73	101	133	65	31	30	**48.1**
1987-88	23	26	22	22	21	26	41	75	82	44	28	27	**36.4**
1986-87	49	41	31	26	27	25	35	86	62	35	26	22	**38.8**
1985-86	44	43	37	38	42	58	86	174	325	185	94	53	**98.3**
1984-85	37	38	38	38	35	35	68	118	114	61	38	40	**55.0**
1983-84	60	64	72	60	52	51	61	174	211	183	107	71	**97.2**
1982-83	107	68	54	45	45	41	51	129	354	303	202	104	**125.3**
1981-82	30	33	32	31	37	40	63	162	274	222	162	130	**101.3**
1980-81	44	39	25	22	23	27	51	108	131	54	35	25	**48.7**
1979-80	35	36	30	37	37	51	65	127	234	254	117	62	**90.4**
1978-79	44	37	31	39	33	28	35	139	173	80	41	34	**59.5**
1977-78	20	18	16	17	18	28	44	94	237	207	94	72	**72.1**
													Annual average
Average:	**35**	**36**	**32**	**35**	**33**	**38**	**52**	**118**	**178**	**130**	**66**	**43**	**66**

Note:
1) Final monthly and annual averages are a simple average of means and not statistically validated.

TABLE 3
INSTREAM FLOW REQUIREMENTS
FOR LEE VINING CREEK
Per State Water Resources Control Board
Decision 1631 (Septmber 28, 1994)

Hydrologic condition	Dates	Minimum instream flow	Channel maintenance and flushing flow requirements
DRY			
(Projected runoff less than 68.5% of average)	April 1 through September 30	37 cfs	No requirement
	October 1 through March 31	25 cfs	
NORMAL			
(Projected runoff between 68.5% and 136.5% of average)	April 1 through September 30	54 cfs	160 cfs for a minimum of 3 consecutive days during May, June or July (1)
	October 1 through March 31	40 cfs	
WET			
(Projected runoff greater than 136.5% of average)	April 1 through September 30	54 cfs	160 cfs for a minimum of 30 consecutive days during May, June or July (1)
	October 1 through March 31	40 cfs	

(1) Ramping rate not to exceed 20% change during ascending flow and 15% during descending flows per 24 hours.

TABLE 4
SUMMARY OF PRECIPITATION DATA
LEE VINING AREA
Mono County, California

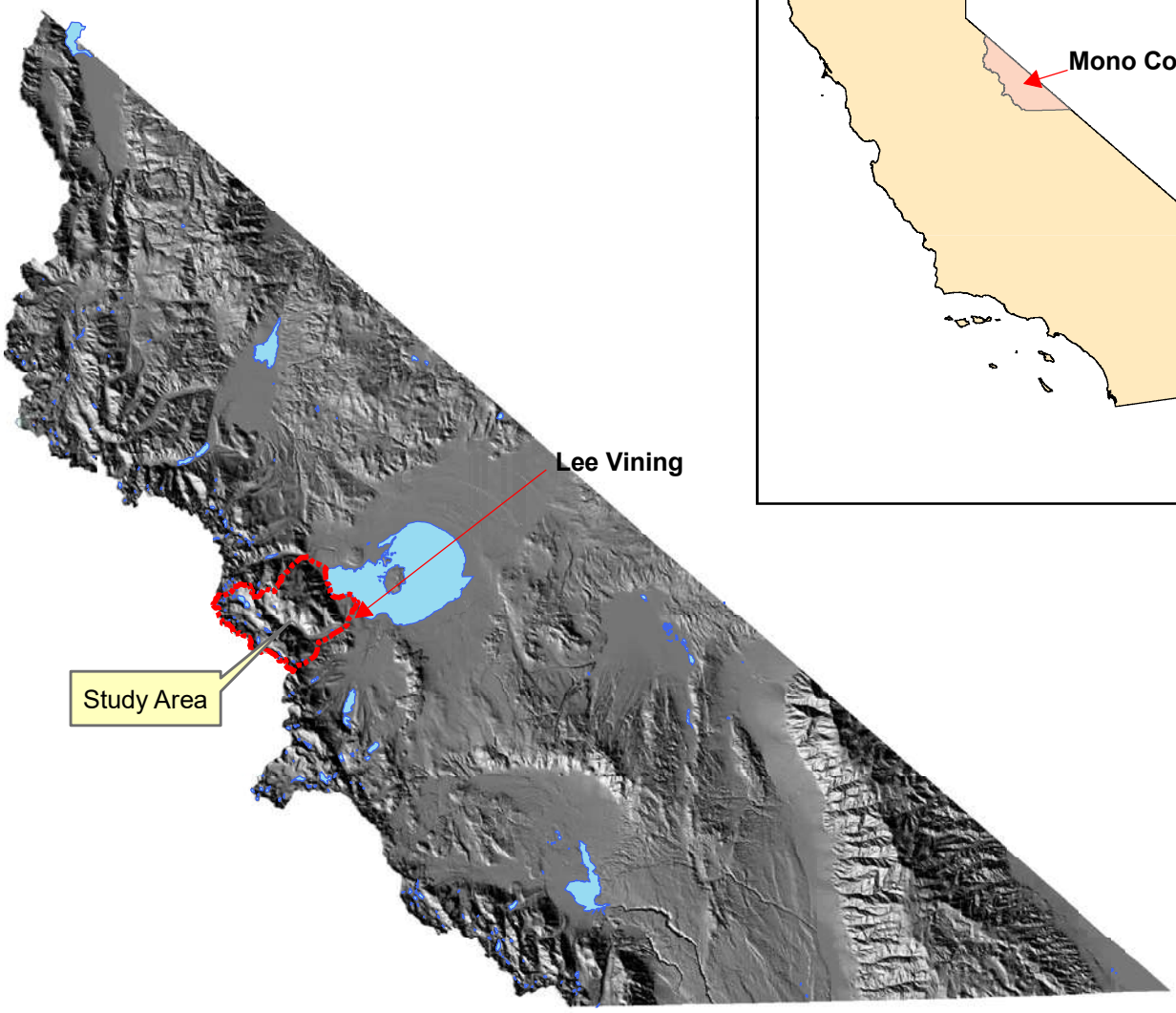
Station	Elevation (feet)	Period of Record	Complete Annual Records (Calender)	Average Annual Precipitation (inches)	Avg. Pct. Of Precipitation Occurring in May-Sept.
Bodie, Mono County, California	8370	1964-2005	1965-1977; 1983-1997;1999-2004	13.13	28
Bridgeport, Mono County, California	6470	1948-1950 1958-2005	1949; 1958-1981; 1983-1987; 1989-1998; 2000-2004	9.01	26
Daggett Pass, Douglas County, Nevada	7330	1948-2005	1992-1994;1996; 1999-2000	23.08	16
Hawthorne, Mineral County, Nevada	4330	1954-1955 1961-1965 1992-2005	1962-1964; 1993-1996; 1998-2000; 2002-2003	5.12	41
Hawthorne Airport, Mineral County, Nevada	4220	1948-1953 1957-1961 1966-1991	1949-1950; 1952-1953; 1958-1960; 1966-1972; 1975-1983; 1985-1990	4.85	39
Lee Vining, Mono County, California	6800	1988-2005	1989-1990; 1992; 1994-1996; 1998; 2000-2003	14.34	16
Mono Lake, Mono County, California	6450	1950-1988	1951-1987	14.08	18
Twin Lakes, Mono County, California	8000	1948-2000	1949-1963; 1965-1973; 1975-1996	49.6	12
Wellington R.S., Lyon County, Nevada	4840	1948-1973	1949-1951; 1953-1965; 1967-1972	9.29	31

TABLE 5
RECHARGE SUMMARY, LEE VINING AREA
Mono County, California

Subdrainage	Precipitation Range (inches)	Elevation Range (ft msl)	Acres	Pct. Recharge	Estimated Recharge (Acre-feet/Year)
Saddlebag Lake	8 in - 12 in	5,500 to 6,200	0	3	0
	12 in - 15 in	6,200 to 6,600	0	7	0
	15 in -20 in	6,600 to 7,100	0	15	0
	20+ in (1)	7,100 and above	10341	25	4309
Ellery Lake	8 in - 12 in	5,500 to 6,200	0	3	0
	12 in - 15 in	6,200 to 6,600	0	7	0
	15 in -20 in	6,600 to 7,100	0	15	0
	20+ in (1)	7,100 and above	5468	25	2278
Gibbs Canyon	8 in - 12 in	5,500 to 6,200	0	3	0
	12 in - 15 in	6,200 to 6,600	0	7	0
	15 in -20 in	6,600 to 7,100	0	15	0
	20+ in (1)	7,100 and above	9036	25	3765
Lee Vining Canyon	8 in - 12 in	5,500 to 6,200	0	3	0
	12 in - 15 in	6,200 to 6,600	1513	7	119
	15 in -20 in	6,600 to 7,100	1077	15	236
	20+ in (1)	7,100 and above	4790	25	1996
Dechambeau Creek	8 in - 12 in	5,500 to 6,200	0	3	0
	12 in - 15 in	6,200 to 6,600	757	7	60
	15 in -20 in	6,600 to 7,100	575	15	126
	20+ in	7,100 and above	6714	25	2798
Total Recharge			***40271***		***15687***

(1) Estimated precipitation for uppermost precipitation range estimated 20 inches based on methodology

FIGURES



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Scale: 1:1,000,000

FIGURE 1
GENERAL AREA MAP
LEE VINING

Mono County
Ground & Surface Water Assessment

Date created: 12/1/05
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TEAM
ENGINEERING & MANAGEMENT, INC.

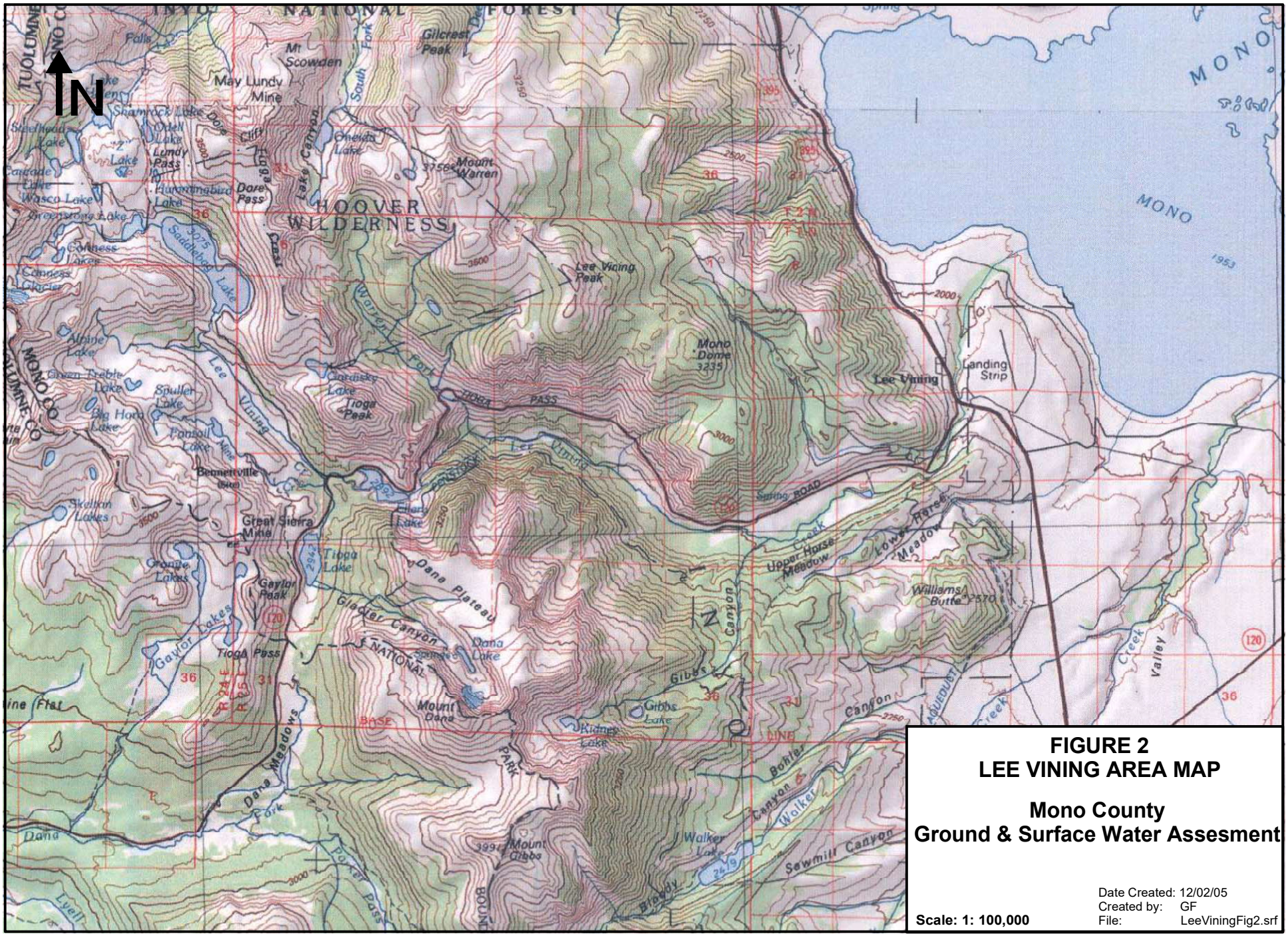

FIGURE 2
LEE VINING AREA MAP

Mono County
Ground & Surface Water Assesment

Scale: 1: 100,000

Date Created: 12/02/05
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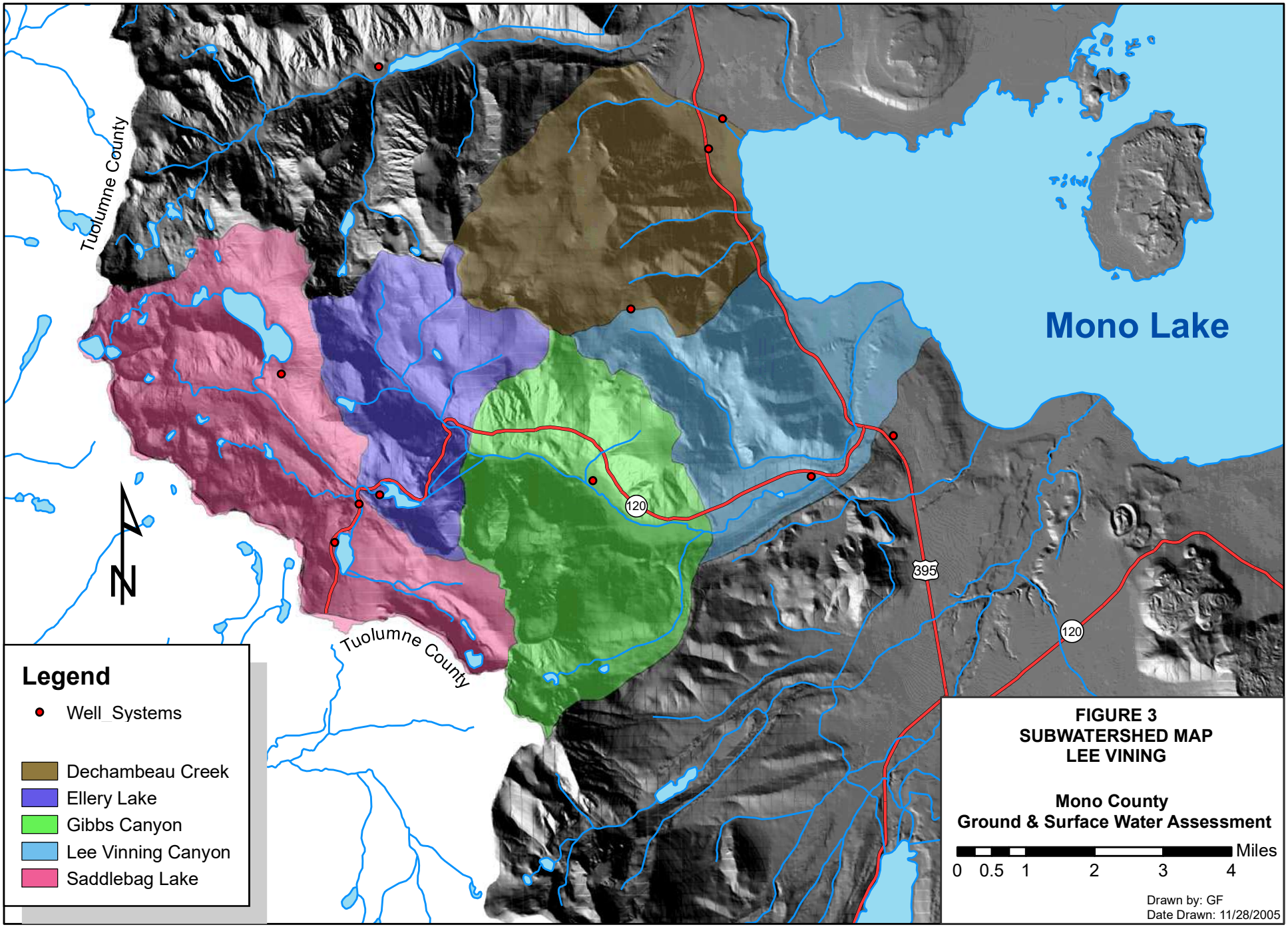

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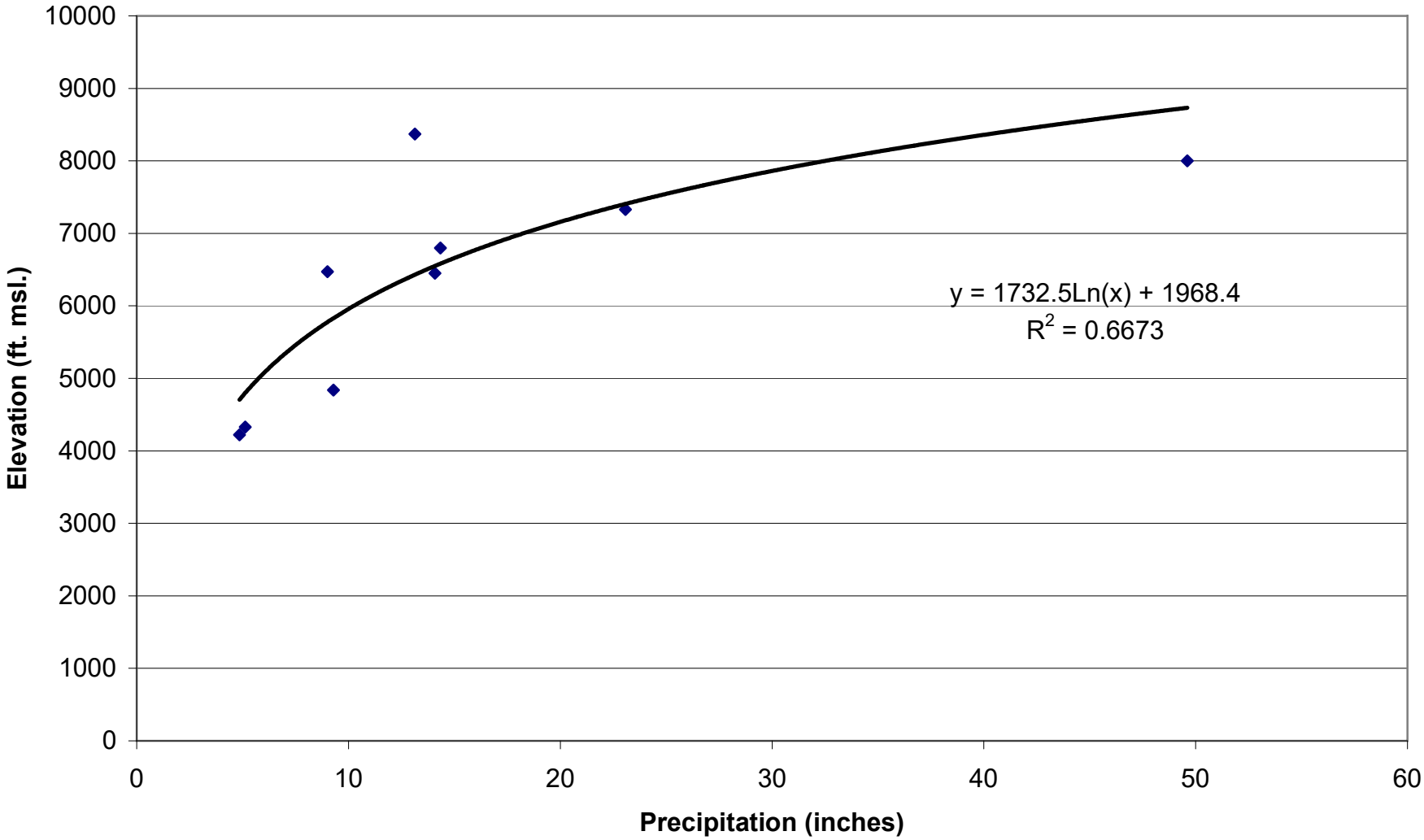
FIGURE 4
PRECIPITATION VS. ELEVATION
LEE VINING AREA
Mono County, California



APPENDIX A

WATER RIGHTS SUMMARY

APPENDIX A
Lee Vining Water Rights
Mono County Surface Water Assesment

Source	Tributary 1	Tributary 2	Application #	Owner	Direct Diversion Rate	Storage	Usage1	Usage2	Usage 3
Lee Vining Creek	Mono Lake		A000051	SCE	40 cfs	0	Power 1/1 -12/31		
Lee Vining Creek	Mono Lake		A008043	LADWP	200 cfs	70,200	Power 1/1 - 12/31		
Lee Vining Creek	Mono Lake		A019769	SWRCB		2500 ac-f	Recreational 0/0 - 0/0	Domestic 0/0 - 0/0	
Lee Vining Creek	Mono Lake		A026539B	SCE	50 cfs	498 ac-f	Power 1/1 - 12/31		
Lee Vining Creek	Mono Lake		F007808S	USFS (INF)	260 gal/day	0	Domestic 6/1 - 10/31		
Lee Vining Creek	Mono Lake		F010218S	USFS (INF)	5600 gal/day	0	Domestic 6/1 - 10/31		
Lee Vining Creek	Mono Lake		S001654	USFS (INF)	5 cfs	0	Irrigation 5/1 - 10/31	Stockwatering 5/1 - 10/31	
Lee Vining Creek	Mono Lake		S010220	USFS (INF)	0.8 cfs	0	Irrigation 4/1 - 10/31	Stockwatering 4/1-10/31	
UNSP (near LV Ck.)	Lee Vining Creek	Mono Lake	A009744	USFS (INF)	7500 gal/day	0	Recreational 1/1 -12/31	Domestic 1/1 -12/31	
UNSP (near LV Ck.)	Lee Vining Creek	Mono Lake	A014414	LV PUD	0.5 cfs	0	Municipal 1/1 -12/31		
UNSP (near LV Ck.)	Lee Vining Creek	Mono Lake	A019769X01	LV PUD	1.69 cfs	0	Municipal 1/1 - 12/31		
UNST	Lee Vining Creek	Mono Lake	A026537	SCE	30 cfs	1273 ac-f	Power 1/1 - 12/31		
Saddlebag Lake	Lee Vining Creek	Mono Lake	A026538	SCE	60 cfs	11098 ac-f	Power 1/1 - 12/31		
Saddlebag Lake	Lee Vining Creek	Mono Lake	F007805S	USFS (INF)	562 gal/day	0	Domestic 6/1 - 10/31		
Tioga Lake	Lee Vining Creek	Mono Lake	F007807S01	USFS (INF)	340 gal/day	0	Domestic 6/1 - 10/31		
UNST (near LV Ck.)	Lee Vining Creek	Mono Lake	F007809S	USFS (INF)	580 gal/day	0	Domestic 5/1 -10/31		
Saddlebag Lake	Lee Vining Creek	Mono Lake	F010216S	USFS (INF)	3619 gal/day	0	Domestic 6/1 -10/31		
Gibbs Canyon	Lee Vining Creek		S001657	LADWP	15 cfs	0	Irrigation 6/1 - 10/31	Stockwatering 6/1 - 10/31	
Gibbs Canyon	Lee Vining Creek		S001658	LADWP	8 cfs	0	Irrigation 6/1 - 9/30	Stockwatering 6/1 - 9/30	
Gibbs Canyon	Lee Vining Creek	Mono Lake	S010562	USFS (INF)	6 cfs	0	Irrigation 5/1 - 9/30	Domestic 5/1 - 9/30	
UNXX	Sadie Williams Creek	Lee Vining Creek	A009677 01	Dink Getty	0.036 cfs	0	Mining 1/1 -12/31	Domestic 1/1 -12/31	
UNSP	Sadie Williams Creek	Lee Vining Creek	A009677 02	Dink Getty	0.036 cfs	0	Mining 1/1 -12/31	Domestic 1/1 -12/31	
Bushati Spring	UNST	Lee Vining Creek	A019769X01	LV PUD	1.69 cfs	0	Municipal 1/1 - 12/31		
Glacier Canyon	Tioga Lake	Lee Vining Creek	S007783	SCE		1386 ac-f	Industrial 1/1 - 12/31	Domestic 1/1-12/31	
Lee Vining Creek Underflow	Mono Lake		A019769X01	LV PUD	1.69 cfs	0	Municipal 1/1 - 12/31		
Lee Vining Creek Underflow	Mono Lake		A019769X02	USFS	0.116 cfs	0	Domestic 1/1 - 12/31		
De Chambeau Creek	Mono Lake		S001652	LADWP	2.0 cfs	0	Irrigation 5/1 -9/30		
Simis Spring	Dechambeau Creek	Mono Lake	S010774	Simis	0.223 cfs	0	Domestic 3/1-11/30		

(1) All data collected from Water Rights Information Management System State Water Resources Control Board Division Of Water Rights Website. The data in this database is only current to Jan 1,2000 Water right actions subsequent to that date are not reflected in the database.

APPENDIX B

ENVIRONMENTAL DATABASE SEARCH

ENVIRONMENTAL RECORD SEARCH

for the site

LEE VINING, CA

performed for

TEAM ENGINEERING & MANAGEMENT

09-02-2005

444 S CEDROS AVE, SUITE 200 SOLANA BEACH CA 92075 858 793-0641 www.bblenv.com

BBL ENVIRONMENTAL INFORMATION

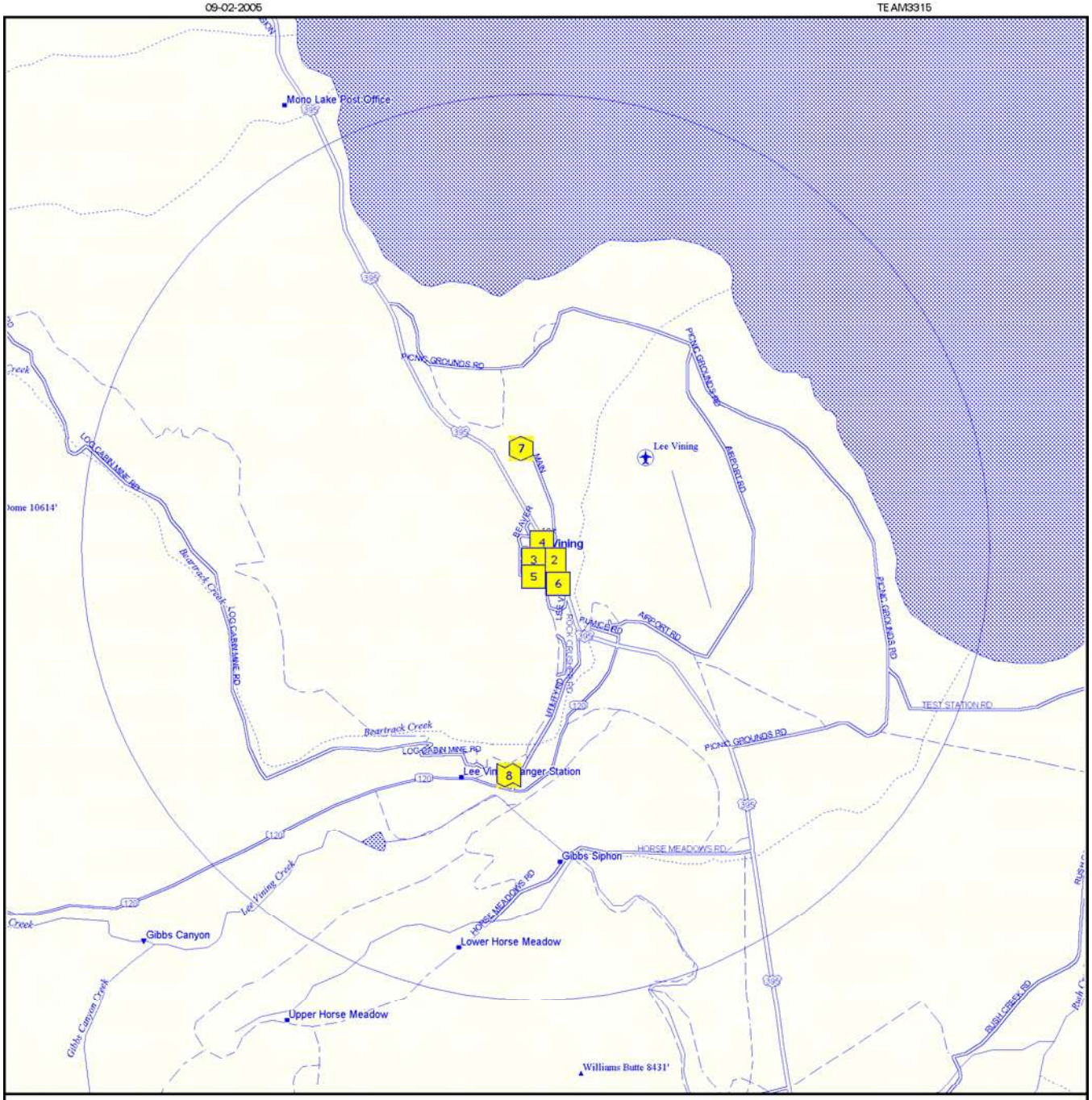
INTRODUCTION

This document, prepared on the request of TEAM ENGINEERING & MANAGEMENT, reports the findings of BBL's investigation of environmental concerns in the vicinity of Lee Vining, CA. It is divided in the following segments:

- **Map** - showing the location of the identified sites relative to the subject site.
- **Topographic** Map - showing the surrounding area of the subject site.
- **Summary** - listing the identified sites by street names.
- **Final Report** - describing the sources investigated and the resulting findings:

Environmental Concerns	Page	Search Dist	Site	< 1/8	1/8-1/4	1/4-1/2	1/2-1/1	area	unkwn	total
National Priority List	1	1 mile								
CERCLIS	1	1 mile								
NFRAP	1	1 mile								
Federal Facilities	2	1 mile								
Emergency Response Notification System	2	1 mile								
Hazardous Material Incident Report System	2	1 mile								
Site Enforcement Tracking System	2	1 mile								
Enforcement Docket (DOCKET/CDETS)	3	1 mile								
C-Docket	3	1 mile								
RCRA Violators List	3	1 mile								
RCRA - TSD Facilities	3	1 mile								
Federal Enforcement Dockets	3	1 mile								
Annual Work Plan	4	1 mile								
CALSITES	4	1 mile								
Voluntary Cleanup Program	5	1 mile								
Properties Needing Further Evaluation	5	1 mile								
Referred Unconfirmed Properties	5	1 mile							2	2
CALSITES - No Further Action	6	1 mile							1	1
Cortese	6	1 mile								
Leaking Underground Storage Tanks	7	1 mile							2	2
Solid Waste Information System	7	1 mile					1			1
Well Investigation Program	8	1 mile								
Drinking Water Program	8	1 mile					1			1
School Property Evaluation Program	8	1 mile								
Toxic Releases	9	1 mile								
Toxic Pits	9	1 mile								
Solid Waste Assessment Test - Regional	9	1 mile								
Environmental Concern References							2		5	7
Environmental Concern Sites							2		4	6
Operating Permits										
RCRA Generators	10	1 mile		1					5	6
SARA Title III,section 313 (TRIS)	11	1 mile								
MILS Mineral Industry Location System	11	1 mile								
Nuclear Regulatory Commission Licensees	12	1 mile								
PCB Waste Handlers Database	12	1 mile								
Permit Compliance System (PCS)	12	1 mile								
AIRS Facility System (AFS)	12	1 mile								
Section Seven Tracking System	12	1 mile								
FIFRA/TSCA tracking system	13	1 mile								
Federal Facilities Information System (FFIS)	13	1 mile								
Chemicals in Commerce Information System	13	1 mile								
FINDS EPA Facility Index System	13	1 mile							1	1
Hazardous Waste Information System	13	1 mile		2					4	6
Underground Storage Tanks	15	1 mile		3					6	9
Operating Permits References				6					16	22
Operating Permits Sites				5					12	17
Total References				**6**			**2**		**21**	**29**
Total Sites				**5**			**2**		**16**	**23**

* The classification by distance takes into consideration physical property sizes by assuming a standard size.



.6 inches to 1/2 mile (the circles do not include any buffer zone)

- ENVIRONMENTAL CONCERNS - HIGH PRIORITY
- ENVIRONMENTAL CONCERNS
- ENVIRONMENTAL CONCERNS - WITH A 'NO FURTHER ACTION' STATUS'
- OPERATING PERMITS ONLY
- WATER WELLS

APPROXIMATE LOCATION OF IDENTIFIED SITES IN THE VICINITY OF SUBJECT SITE
AT LEE VINING,

2.	UNOCAL BULK PLANT #0351		HWY 395 & MAIN ST
3.	BETTY J. LAMBERT	9	LEE VINING AVE
4.	94739		HWY 395 & 1ST
5.	LEE VINING ELEMENTARY SCHOOL	270	LEE VINING AVE
6.	CONTEL LEE VINING CO		3RD ST & HWY 395
7.	LEE VINING LANDFILL		END OF MAIN ST, LEE VINING, CA
8.	LEE VINING RANGER STATION/		WELL 01

UNKNOWN LOCATIONS

	INYO NATIONAL FOREST MONO LAKE		BOX 10 HWY 120
	USDA FS MONO LAKE RANGER DISTR		HWY 120, W 1 1/2 MILES W
	TIOGA PASS RESORT	85	HWY 120
	USDA FS MONO LAKE RANGER DISTR		HWY 120 WEST
	CALTRANS DISTRICT 09		HWY 395
	CHANNEL UNION 76		HWY 395 S
	W.G. YONGUE		LEE VINING AVE
	FOREST SERVICE		LEE VINING RANGER STATION
	CHEVRON USA INC LEE VINING BUL	1/10	MI N HWY 395
	CONSTRUCTION SPECIALTY		MONO LAKE DR
	C. MEREDITH		PO BOX 220
	LEE VINING CHEVRON MINI MARKET		PO BOX 290
	SITE ID 060510005		SMS-HWY 395, LEE VINING
	SOUTHERN CALIFORNIA EDISON		STAR RTE 3 HWY 395

ENVIRONMENTAL RECORD SEARCH

SUMMARY

; *ADDRESS* *CITY* *LOCATION* *SOU-RCE* *STA-TUS* *PA GE* *MAP LOC* *DIR*

;

KNOWN ENVIRONMENTAL CONCERNS, WITHIN 1/2 - 3/4 MILE OF THE SUBJECT SITE

	END OF MAIN ST, LEE VINING, CA	LEE VINING	LEE VINING LANDFILL	SWIS		7	**7**	N

KNOWN ENVIRONMENTAL CONCERNS, WITHIN 3/4 - 1 MILE OF THE SUBJECT SITE

	WELL 01	01N/26E-17R01 M	LEE VINING RANGER STATION/	WQ	AR	8	**8**	S

SITES WITH UNKNOWN OR NON-SPECIFIC LOCATION

	HWY 120, SE OF LEE VINING	LEE VINING	PUMICE VALLEY RUSH CREEK LANDF	RF	REFRW	5		
85	HWY 120	LEE VINING	TIOGA PASS RESORT	LUST	9	7		
	HWY 395	LEE VINING	MONO COUNTY ROAD DEPT YARD	RF	REFOA	6		
	HWY 395, 1/4 MILE EAST	LEE VINING	MONO COUNTY SKID PAN TRACK	RF	REFRC	6		
	HWY 395	LEE VINING	CALTRANS MAINTENANCE STATION	CS-nfa	NFA	6		
	HWY 395 S	LEE VINING	CHANNEL UNION 76	LUST	9	7		

–

; *ADDRESS* *CITY* *LOCATION* *SOURCE* *STATUS* *PAGE* *MAP LOC* *DIR*

;

OPERATING PERMITS ONLY, WITHIN 1/4 MILE OF THE SUBJECT SITE

	HWY 395 & MAIN ST	LEE VINING	UNOCAL BULK PLANT #0351	HWIS		15	**2**	E
			CHANNEL UNION 76, INC	HWIS		15		
9	LEE VINING AVE	LEE VINING	BETTY J. LAMBERT	UST	8798I	17	**3**	W
	HWY 395 & 1ST	LEE VINING	94739	UST	8798A	17	**4**	N
270	LEE VINING AVE	LEE VINING	LEE VINING ELEMENTARY SCHOOL	UST	1998I	17	**5**	SW
	3RD ST & HWY 395	LEE VINING	CONTEL LEE VINING CO	HWIS		14	**6**	SE
			CONTEL LEE VINING CO	RCRA		10		

SITES WITH UNKNOWN OR NON-SPECIFIC LOCATION

	BOX 10 HWY 120	LEE VINING	INYO NATIONAL FOREST MONO LAKE	HWIS		14
	HWY 120, W 1 1/2 MI W	LEE VINING	USDA FS MONO LAKE RANGER DISTR	RCRA		10
	HWY 120	LEE VINING	POOLE HYDRO PLANT	UST	87	16
	HWY 120, LEE VINING CANYON	LEE VINING	US FOREST SERVICE	HWIS		14
	HWY 120	LEE VINING	POOLE HYDRO PLANT	UST	9598I	16
	HWY 120, W 1 1/2 MILES W	LEE VINING	USDA FS MONO LAKE RANGER DISTR	RCRA	S	10
			MONO LAKE RANGER DISTRICT	HWIS		14
	HWY 120 WEST	LEE VINING	USDA FS MONO LAKE RANGER DISTR	RCRA	S	11
	HWY 395	LEE VINING	CALTRANS DISTRICT 09	RCRA	L	11
			MIKES AUTO & TRUCK REPAIR	UST	93	16
			AUGIE'S EXXON SERVICE	UST	93	16
			LEE VINING	UST	8798A	16
			CHEVRON USA INC LEE VINING BUL	HWIS		14
			CALTRANS DISTRICT 09	HWIS		14
			LEE VINING MAINTENANCE YARD	UST	8798A	16
			US FOREST SERVICE	HWIS		15
	HWY 395, 1/4 MI S OF LEE VININ	LEE VINING	U.S. PUMICE CO. MILL SITE	UST	8798I	16
	HWY 395	LEE VINING	MONO COUNTY ROAD DEPT	HWIS		15
	HWY 395, AT HWY 158	LEE VINING	CAIN RANCH	UST	1995I	17
	HWY 395, SW SIDE	LEE VINING	AUGIE'S EXXON SERVICE	UST	8798I	17
	LEE VINING AVE	LEE VINING	W.G. YONGUE	UST	8798I	17
	LEE VINING RANGER STATION	LEE VINING	FOREST SERVICE	HWIS		15
1/10	MI N HWY 395	LEE VINING	CHEVRON USA INC LEE VINING BUL	RCRA		11
			CHEVRON USA INC LEE VINING BUL	RCRA	N	11
	MONO LAKE DR	LEE VINING	CONSTRUCTION SPECIALTY	UST		17
			CONSTRUCTION SPECIALTY	UST	2005	18
	PO BOX 220	LEE VINING	C. MEREDITH	UST	8798A	18
	PO BOX 290	LEE VINING	LEE VINING CHEVRON MINI MARKET	UST		18
			LEE VINING CHEVRON MINI MARKET	UST	2005	18
			LEE VINING CHEVRON MINI MARKET	UST	99	18
	SMS-HWY 395, LEE VINING	LEE VINING	SITE ID 060510005	FN		13
	STAR RTE 3 HWY 395	LEE VINING	SOUTHERN CALIFORNIA EDISON	RCRA	N	11

–

REFERENCED SOURCES

Date: 09-02-2005

Job: TEAM3315

NPL	NATIONAL PRIORITY LIST (09/15/04)					
CERCLA	CERCLIS (09/15/04)					
NFRAP	NFRAP (09/15/04)					
FedFac	FEDERAL FACILITIES (09/15/04)					
ERNS	EMERGENCY RESPONSE NOTIFICATION SYSTEM					
HM	HAZARDOUS MATERIAL INCIDENT REPORT SYSTEM (2003)					
SETS	SITE ENFORCEMENT TRACKING SYSTEM (10/12/03)					
CDETS	ENFORCEMENT DOCKET (DOCKET/CDETS) (09/04)					
CD	C-DOCKET (09/04)					
RV	RCRA VIOLATORS LIST (09/04)					
TSD	RCRA - TSD FACILITIES (09/04)					
	I	Incinerator	D	Land Disposal	T	Storage/Treatment
FD	FEDERAL ENFORCEMENT DOCKETS					
AnnWrk	ANNUAL WORK PLAN (10/27/03)					
	BKLG	Backlog	DLST	Delisted from the AWP	AWP	Active AWP site
	REFRW	Referred to the RWQB	COM	Certified, maint mode	REFRC	Referred to RCRA
	CERT	Certified after remediation				
CalSite	CALSITES (10/27/03)					
VC	VOLUNTARY CLEANUP PROGRAM (10/27/03)					
FE	PROPERTIES NEEDING FURTHER EVALUATION (10/27/03)					
RF	REFERRED UNCONFIRMED PROPERTIES (10/27/03)					
CS-nfa	CALSITES - NO FURTHER ACTION (10/27/03)					
CS	CORTESE (10/03)					
LUST	LEAKING UNDERGROUND STORAGE TANKS (11/03)					
	0	No action	3B	Prel site assmnt underway	7	Remedial action underway
	1	Leak being confirmed	5C	Pollution characterization	8	Post remedial action monitoring
	3A	Site workplan submitted	5R	Remediation plan	9	Case closed
SWIS	SOLID WASTE INFORMATION SYSTEM (11/03)					
WIP	WELL INVESTIGATION PROGRAM					
WQ	DRINKING WATER PROGRAM					
SC	SCHOOL PROPERTY EVALUATION PROGRAM (10/27/03)					
NT	TOXIC RELEASES					
TP	TOXIC PITS (01/03)					
SR	SOLID WASTE ASSESSMENT TEST - REGIONAL (01/03)					
RCRA	RCRA GENERATORS (09/04)					
	L	Large Generator	T	Transporter	S	Small Generator
SARA	SARA TITLE III,SECTION 313 (TRIS) (2003)					
MI	MILS MINERAL INDUSTRY LOCATION SYSTEM					
Nucl	NUCLEAR REGULATORY COMMISSION LICENSEES (09/04)					
PCB	PCB WASTE HANDLERS DATABASE (09/04)					
PCS	PERMIT COMPLIANCE SYSTEM (PCS) (09/04)					
AFS	AIRS FACILITY SYSTEM (AFS) (09/04)					
PE	SECTION SEVEN TRACKING SYSTEM (09/04)					
FIFRA	FIFRA/TSCA TRACKING SYSTEM (09/04)					
FIFS	FEDERAL FACILITIES INFORMATION SYSTEM (FFIS) (09/04)					
CICIS	CHEMICALS IN COMMERCE INFORMATION SYSTEM (09/04)					
FN	FINDS EPA FACILITY INDEX SYSTEM (09/04)					
HWIS	HAZARDOUS WASTE INFORMATION SYSTEM (1984-2003)					
UST	UNDERGROUND STORAGE TANKS					

INTRODUCTION

BBL has used its best effort but makes no claims as to the completeness or accuracy of the referenced government sources or the completeness of the search. Our records are frequently updated but only as current as their publishing date and may not represent the entire field of known or potential hazardous waste or contaminated sites. To ensure complete coverage of the subject property and surrounding area, sites may be included in the list if there is any doubt as to the location because of discrepancies in map location, zip code, address, or other information in our sources. For additional information call 858 793-0641.

In accordance with ASTM E-1527-00, the following government sources have been searched for sites at the street address, unless otherwise stated, of the subject location.

FEDERAL SOURCES

NPL National Priority List

EPA has prioritized sites with significant risk to human health and the environment. These sites receive remedial funding under the Comprehensive Environmental Response Conservation and Liability Act (CERCLA).

No listings within 2 mile radius of the subject site.

CERCLIS Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS is a database used by the EPA to track activities conducted under the Comprehensive Environmental Response and Liability Act CERCLA (1980) and the amendment the Superfund Amendments and Reauthorization Act SARA (1986).

Sites to be included are identified primarily by the reporting requirements of hazardous substances Treatment, Storage and Disposal (TSD) facilities and releases larger than specific Reportable Quantities (RQ), established by EPA.

Using the National Oil and hazardous Substance Pollution Contingency Plan(National Contingency Plan) the EPA set priorities for cleanup.

The EPA rates National Contingency Plan sites according to a quantitative Hazard Ranking System (HRS) based on the potential health risk via any one or more pathways: groundwater, surface water, air, direct contact, and fire/explosion.

The EPA and state agencies seek to identify potentially responsible parties(PRP) and ultimately Responsible Parties (RP) who can be required to finance cleanup activities, either directly or through reimbursement of federal Superfund expenditures.

No listings within 2 mile radius of the subject site.

NFRAP No Further Remedial Action Planned sites (CERCLIS)

As of February 1995, CERCLIS sites designated 'No Further Remedial Action Planned' NFRAP have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the site being placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.

EPA has removed these NFRAP sites from CERCLIS to lift unintended barriers to the redevelopment of these properties. This policy change is part of EPA's Brownfields Redevelopment Program to help cities, states, private investors and affected citizens promote economic redevelopment of unproductive urban sites.

No listings within 2 mile radius of the subject site.

FEDFAC Federal Facilities

As part of the CERCLA program, federal facilities with known or suspected environmental problems, the Federal Facilities Hazardous Waste Compliance Docket is tracked separately to comply with a Federal Court order.

No listings within 2 mile radius of the subject site.

ERNS Emergency Response Notification System

The ERNS is a national computer database used to store information on unauthorized releases of oil and hazardous substances. The program is a cooperative effort of the Environmental Protection Agency, the Department of Transportation Research and Special Program Administration's John Volpe National Transportation System Center and the National Response Center.

There are primarily five Federal statutes that require release reporting the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) section 103; the Superfund Amendments and Reauthorization Act (SARA) Title III Section 304; the Clean Water Act of 1972(CWA) section 311(b)(3); and the Hazardous Material Transportation Act of 1974(HMTA section 1808(b).

No listings within 2 mile radius of the subject site.

HMIRS Hazardous Material Incident Report System

The Hazardous Material Report Incident Report Subsystem HMIRS of the Research and Special Programs Administration (RSPA) Hazardous Material Information System was established in 1971 to fulfill the requirements of the Federal hazardous material transportation law. Part 171 of Title 49, Code of Federal Regulations (49 CFR) contains the incident reporting requirements of carriers of hazardous materials. An unintentional release of hazardous materials meeting the criteria set forth in Section 171.16, 49 CFR, must be reported on DOT Form 5800.1. The data from the reports received are subsequently entered in the HAZMAT database.

No listings within 2 mile radius of the subject site.

SETS Site Enforcement Tracking System (SETS)

When expanding Superfund monies at a CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) Site, EPA must conduct a search to identify parties with potential financial responsibility for

remediation of uncontrolled hazardous waste sites. EPA regional Superfund Waste Management Staff issue a notice letter to the potentially responsible party (PRP). The status field contains the EPA ID number and name of the site where the actual pollution occurred.

No listings within 2 mile radius of the subject site.

DO Enforcement Docket System (DOCKET)/Consent Decree Tracking System (CDETS)

DOCKET tracks civil judicial cases against environmental polluters, while CDETS processes court settlements, called consent decrees.

No listings within 2 mile radius of the subject site.

CD Criminal Docket System (C-DOCKET)

The Criminal Docket System is a comprehensive automated system for tracking criminal enforcement actions. C-Docket handles data for all environmental statues and tracks enforcement actions from the initial stages of investigations through conclusion.

No listings within 2 mile radius of the subject site.

RCRA RCRA Violators List (CORRACTS)

The Resource Conservation and Recovery Act of 1976 provides for "cradle to grave" regulation of hazardous wastes. RCRA requires regulation of hazardous waste generators, transporters, and storage/treatment/disposal sites. Evaluation to potential violations, ranging from manifest requirements to hazardous waste discharges, is typically conducted by the US EPA. This database is also known as Corrective Action Report (CORRACTS)

If enforcement is required, it is typically delegated to a state agency.

No listings within 2 mile radius of the subject site.

RCRA-D Resource Conservation and Recovery Information System - Treatment, Storage & Disposal

The Environmental Protection Agency regulates the treatment, storage and disposal of hazardous material through the Resource Conservation and Recovery Act (RCRA). All hazardous waste TSD facilities are required to notify EPA of their existence by submitting the Federal Notification of Regulated Waste Activity Form (EPA Form 8700-12) or a state equivalent form as well as part A (EPA form 8700-23) and Part B of their Hazardous Waste Permit Application.

Status Codes:	I	Incinerator
	T	Storage/Treatment facility other than Incinerator
	D	Land Disposal Facility

No listings within 2 mile radius of the subject site.

FD Federal Enforcement Dockets

The US EPA, Office of Enforcement, maintains a list of sites under enforcement by the US EPA.

No listings within 2 mile radius of the subject site.

CALIFORNIA STATE SOURCES

AW Annual Work Plan (previously known as Bond Expenditure Plan)

The California Health and Safety code, as amended by AB 129, requires the California Environmental Protection Agency to develop a site-specific expenditure plan as the basis for an appropriation of California Hazardous Substance Cleanup Bond Act of 1984 funds.

The Agency is also required to update the report annually and report any significant adjustments to the Legislature on an ongoing basis. The plan identifies California hazardous waste sites targeted for cleanup by responsible parties, the California and the Federal Environmental Protection Agency over the next five years.

Status Codes:	BKLG	Backlog, Potential Annual Work Plan Site
	AWP	Active Annual Work Plan site
	COM	Certified, but still in Operation & Maintenance mode
	CERT	Certified after remediation
	DLST	Delisted from the AWP
	REFRC	Former AWP site referred to RCRA
	REFRW	Former AWP site referred to the Regional Water Quality Board

No listings within 2 mile radius of the subject site.

CALS CALSITES

The Historical Abandoned Site Survey Program identified certain potential hazardous waste sites. The identification of these sites were generally not made via sampling and site characterization, they were made as a result of file searches and windshield surveys. Some of the sites may have had a site inspection with sampling.

The information has been compiled into this database by the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) in accordance with Section 25359.6 of the California Health and Safety Code.

This database was previously known as The Abandoned Sites Program Information System ASPIS.

Status Codes:	PEARL	Preliminary Endangerment Assessment Required,Low priority
	PEARM	Preliminary Endangerment Assessment Required,Medium priority
	PEARH	Preliminary Endangerment Assessment Required,High priortiy
	SSR	Site Screening Required
	HRR	Hazard Ranking Required
	PRPR	Potential Responsible Party Search Required
	EPA	EPA is the lead agency
	RCRA	Mitigated under the RCRA permitting program
	RWQCB	Mitigated under the lead of the Regional Water Quality Boar
	CNTY	County lead
	OAL	Other Agency lead

No listings within 2 mile radius of the subject site.

VCP Voluntary Cleanup Program

This category contains low threat level properties with either confirmed or unconfirmed releases and the project proponents have requested that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSC's costs.

Status Codes:	VCP	Property with either confirmed or unconfirmed releases and project proponents have requested that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSCs costs.
	VCOMP - The scope of work in the VCP Agreement has been completed.	
	PEAP	Preliminary Endangerment Assessment in Progress.
	NFA	No Further Action Required
	VTERM	VCP agreement Terminated was terminated prior to the completion of the scope of work in the agreement.
	BZHW	Border Zone/Hazardous Waste Properties chapter 6.5 of the Health and Safety Code, commencing with section 25220.
	COM	Certified, but still in Operation & Maintenance mode
	CERT	Certified after remediation
	HWDLU	Hazardous Waste Disposal Land Use with a voluntary deed restrictions.
	NA	CalMortgage Properties. DTSC is conducting a Phase I Assessment

No listings within 2 mile radius of the subject site.

FE Properties Needing Further Evaluation

This category of The Site Mitigation and Brownfields Reuse Program Database (SMBRPD), contains properties that are suspected of being contaminated. These are unconfirmed contaminated properties that need to be assessed using the PEA process.

Status Codes:	PEAP	Preliminary Endangerment Assessment (PEA) in Progress
	PEAR	Preliminary Endangerment Assessment (PEA) is Required
	RR	Removal Action Required

No listings within 2 mile radius of the subject site.

REF Referred Unconfirmed Properties

This category of The Site Mitigation and Brownfields Reuse Program Database (SMBRPD), contains properties where contamination has not been confirmed and which were determined as not requiring direct DTSC Site Mitigation Program action or oversight. Accordingly, these sites have been referred to another state or local regulatory agency.

Status Codes:	REFRW	Referred to Regional Water Quality Control Board
	REFRC	Referred to DTSC's Hazardous Waste Program (RCRA).
	REFOA	Referred to other agencies.

This list has been researched within 2 mile radius of the subject site.

Site: PUMICE VALLEY RUSH CREEK LANDF
Address: HWY 120, SE OF LEE VINING
City: LEE VINING
Status: REFRW - Referred to the Regional Water Quality Board

26490010 122989 ELECTRIC, GAS & SANITARY SERVICES

Site: MONO COUNTY ROAD DEPT YARD
Address: HWY 395
City: LEE VINING
Status: REFOA - Referred to other agency

26160004 111694 HEAVY CONSTRUCTION, EXCEPT BUILDING

Site: MONO COUNTY SKID PAN TRACK
Address: HWY 395, 1/4 MILE EAST
City: LEE VINING
Status: REFRC - Referred to the HWIS program

26160006 062393 HEAVY CONSTRUCTION, EXCEPT BUILDING

CALS CALSITES - No Further Action

This section includes the sites on the Calsite list, which have been flagged for no further action by the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) in accordance with Section 25359.6 of the California Health and Safety Code.

Status Codes:	NFA	No Further Action for DTSC
	RED	Closed Case marked for removal from list

This list has been researched within 2 mile radius of the subject site.

Site: CALTRANS MAINTENANCE STATION
Address: HWY 395
City: LEE VINING
Status:

id: 2616000112291989 16 0 0 0 0

FACILITY IDENTIFIED DHS/TSCP/RSCP DRIVEBY INSPECTION FACILITY DRIVE-SITE SCREENING DONE POTENTIAL ONSITE DISPOSAL (12/29/89)
BY TYPICAL MAINTENANCE YARD (10/20/88)

CORTESE State of California Office of Planning and Research

This database is a consolidation of information from various sources. It is maintained by the State Office of Planning and Research and lists potential and confirmed hazardous waste or substances sites.

Facilities that have been reported elsewhere in this report will not be included in the listing below.

Status Codes:	WRCBT	Tank leaks. Compiled by Water Resource Control Board
	DHS1	Abandoned hazardous waste site. Compiled by Toxic Substance Control Div. of DHS
	DHS2	Contaminated public water drinking wells serving less than 200 connections. Compiled by Env. Health Div. of DHS
	DHS3	Contaminated public water drinking wells serving more than 200 connections
	DHS5	Sites pursuant to section 25356 of the Health and Safety Code (see BEP)
	CWMB	Solid waste disposal sites with known migration of hazardous waste

No listings within 2 mile radius of the subject site.

LUST Leaking Underground Storage Tanks - California State

The Leaking Underground Storage Tanks Information System is maintained by the State Water Resource Board pursuant to Section 25295 of the Health and Safety Code.

Status Codes:	0	No action
	1	Leak being confirmed
	3A	Prel site assessment workplan submitted
	3B	Prel site assessment underway
	5C	Pollution characterization
	5R	Remediation plan
	7	Remedial action underway
	8	Post remedial action monitoring
	9	Case closed
	P	Case purged from agency list

This list has been researched within 2 mile radius of the subject site.

Site: TIOGA PASS RESORT
Address: 85 HWY 120
City: LEE VINING
Status: 9 - Case Closed.

A release, caused by overfilling, of Gasoline was reported. It was discovered by nuisance conditions. Surface water is impacted. The case, 05100042, is managed by a Local agency.

- The leak was confirmed on 09/15/98.
- Preliminary Site Assessment was started on 09/15/98.

MTBE WAS DETECED FROM SURFACE WATER. THIS IS A ASTSITE WITH UNDERGROUND PIPING. PIPE IS THE PROBLEM RESULTED LEAKING. UPGRADE PIPING SYSTEM ON 10/18/99. NEED ADDITIONAL SAMPLING ON SPRING 2000.

Site: CHANNEL UNION 76
Address: HWY 395 S
City: LEE VINING
Status: 9 - Case Closed.

A release of Gasoline was reported on 04/18/94. It was discovered during tank closure. The case, 05100021, is managed by a Local agency, and was last reviewed on 06/15/94.

- The case was closed 06/03/96.

SWIS Solid Waste Information System

As legislated under the Solid Waste Management and Resource Recovery Act of 1972, the California Waste Management Board maintains lists of certain facilities, i.e. Active solid waste disposal sites, Inactive or Closed solid waste disposal sites and Transfer facilities.

This list has been researched within 2 mile radius of the subject site.

Site: LEE VINING LANDFILL
Address: END OF MAIN ST, LEE VINING, CA
City: LEE VINING

Map Loc: 7 - about .5600000000000001 mile N of the subject
Status:
id: 26-CR-0001

Unit: 01
Activity: SOLID WASTE DISPOSAL SITE
Status: CLOSED (Operational)
PRE-REGULATIONS (Regulatory)
Inspection: ANNUAL
Closure: 7/1/73 ESTIMATED
Operator: COUNTY OF MONO
BOX 457
BRIDGEPORT CA
619-9325252
Owner: US FOREST SVC-INYO, BISHOP
873 N MAIN ST
BISHOP CA
619-8732400

WIP Well Investigation Program

The Well Investigation Program (AB1803) identifies groundwater that is already contaminated and empowers the California Department of Health Services and local health officers to order ongoing monitoring programs. The focus of this program is to monitor and protect drinking water.

No listings within 2 mile radius of the subject site.

WQ Drinking Water Program

The California Health and Safety Code section 116275-116300 stipulates that it is the intent of the Legislature to improve laws governing drinking water quality to improve upon the minimum requirements of the federal Safe Drinking Water Act Amendments of 1986, to establish primary drinking water standards that are at least as stringent as those established under the federal Safe Drinking Water Act, and to establish a program under this chapter that is more protective of public health than the minimum federal requirements.

In order to provide for the orderly and efficient delivery of safe drinking water the State Department of Health Services collect information on the quality of public drinking water wells under the California Drinking Program.

Below, the latest and maximum analysis of contaminants are reported (only positive reading are included). MCL is the Maximum Contaminant Level or enforceable drinking water standard. RPHL is the Recommended Public Health Level. Additional information is available upon request.

This list has been researched within 2 mile radius of the subject site.

Owner: LEE VINING RANGER STATION/
Well: WELL 01
WellNo: 01N/26E-17R01 M
Map Loc: 8 - about 1.13 mile S of the subject
Status: AR - Active Raw (sampled before treatment)

SCH School Property Evaluation Program Properties

This category of The Site Mitigation and Brownfields Reuse Program Database (SMBRPD) contains proposed and existing school sites that are being evaluated by DTSC for possible hazardous materials contamination. In some cases, these properties may be listed in the CalSites category depending on the level of threat to public health and safety or the environment they pose.

Status Codes:	VCP	Active school property where DTSC has entered into a VCP Agreement.
	PEAR	Preliminary Endangerment Assessment (PEA) required.
	PEAP	Preliminary Endangerment Assessment (PEA) in Progress
	VCOMP	The scope of work in the VCP Agreement has been completed.
	NA	No Action - potential school property where a Phase I has been completed.
	NFA	The property does not pose a problem to the public health or the environment.
	CERT	The potential school property was previously identified as a confirmed release site and it has been subsequently certified by DTSC as having been remediated satisfactorily under DTSC oversight.

No listings within 2 mile radius of the subject site.

REGIONAL SOURCES

NT Toxic Releases

The California Regional Water Quality Control Boards or local Department of Health Services keeps track of toxic releases to the environment. These lists are known as Unauthorized Releases, Spill, Leaks, Investigations and Cleanups (SLIC), Non-Tank Releases, Toxics List or similar, depending on the local agency.

No listings within 2 mile radius of the subject site.

TPC Toxic Pits

The Toxic Pits Clean-Up Act (Katz Bill) places strict limitations on the discharge of liquid hazardous wastes into surface impoundment, toxic ponds, pits and lagoons. Regional Water Quality Control Boards are required to inspect all surface impoundment annually, in addition, every facility was required to file a Hydrogeological Assessment Report. Recent legislation allows the Department of Health Services to exempt facilities that closed on or before December 31, 1985, if a showing is made that no significant environmental risk remains (AB1046).

Special exemption provisions have been created for surface impoundment that receive mining wastes.

No listings within 2 mile radius of the subject site.

SWAT(R) Solid Waste Assessment Test - Regional

This program, provided for under the Calderon legislation (Section 13273 of the Water Code), requires that disposal sites with more than 50,000 cubic yards of waste provide sufficient information to the regional water quality control board to determine whether or not the site has discharged hazardous substances which will impact the environment.

Site operators are required to file Solid Waste Assessment Test reports on a staggered basis. Operators of the 150 highest ranking (Rank 1) sites were required to submit Solid Waste Assessment Tests by July 1, 1987, Rank 2 in 1988 and so on.

Operators submit water quality tests to the Regional Water Quality Control Board, describing surface and groundwater quality and supply; and the geology within 1 mile of the site. Air quality tests are submitted to the local Air Quality Management District or Air Pollution Control District.

This program is currently not funded and thus not updated.

Status Codes: Facilities or sites are ranked within each region on a scale 1-15 according to priority.

No listings within 2 mile radius of the subject site.

OPERATING PERMITS

Various agencies issue operating permits or regulate the handling, movements, storage and disposal of hazardous materials and require mandatory reporting. The inclusion in this section does not imply that an environmental problem exists presently or has in the past.

RCRA-G Resource Conservation and Recovery Information System - Generators

The Environmental Protection Agency regulates generators of hazardous material through the Resource Conservation and Recovery Act (RCRA). All hazardous waste generators are required to notify EPA of their existence by submitting the Federal Notification of Regulated Waste Activity Form (EPA Form 8700-12) or a state equivalent form. The notification form provides basic identification information and specific waste activities.

Status Codes: L - Generators who generate at least 1000 kg/mo of non-acutely hazardous waste (or 1 kg/mo of acutely hazardous waste).
S - Generators who generate 100 kg/mo but less than 1000 kg/mo of non-acutely haz waste.
T - Transporter.

This list has been researched within 2 mile radius of the subject site.

Site: CONTEL LEE VINING CO
Address: 3RD ST & HWY 395
City: LEE VINING
Map Loc: 6 - about .16 mile SE of the subject
Status:

Permit id#: CAD981437668

Site: USDA FS MONO LAKE RANGER DISTR
Address: HWY 120, W 1 1/2 MILES W
City: LEE VINING
Status: S - Small Generator

Permit id#: CA2122390535

Site: USDA FS MONO LAKE RANGER DISTR
Address: HWY 120, W 1 1/2 MI W
City: LEE VINING
Status:

Permit id#: CA2122390535

Site: USDA FS MONO LAKE RANGER DISTR
Address: HWY 120 WEST
City: LEE VINING
Status: S - Small Generator

Permit id#: CA2122390535

Site: CALTRANS DISTRICT 09
Address: HWY 395
City: LEE VINING
Status: L - Large Generator

Permit id#: CAD982040305

Site: CHEVRON USA INC LEE VINING BUL
Address: 1/10 MI N HWY 395
City: LEE VINING
Status:

Permit id#: CAT000614727

Site: CHEVRON USA INC LEE VINING BUL
Address: 1/10 MI N HWY 395
City: LEE VINING
Status: N

Permit id#: CAT000614727

Site: SOUTHERN CALIFORNIA EDISON
Address: STAR RTE 3 HWY 395
City: LEE VINING
Status: N

Permit id#: CAD981682933

Activities at this facility include:
Electric Power Generation, Transmission and Distributi

SARA SARA Title III,section 313 (TRIS)

Title III of the Superfund Amendments and Reauthorization Act,Section 313, also known as Emergency Planning and Community Right-to-Know Act of 1986 requires owners or operators of facilities with more than 10 employees and are listed under Standard Industrial Classification(SIC) Codes 20 through 39 to report the manufacturing, processing or use of more than a threshold of certain chemical or chemical categories listed under section 313. This data base is also known as Toxic Release Information System (TRIS).

Below summary information for the last five year period is reported grouping the releases into air, water, underground injection, land, public offsite treatment (potw) and transportation offsite.

No listings within 2 mile radius of the subject site.

MILS Mineral Industry Location System

The U.S. Bureau of Mines maintains the Minerals Availability System/Mineral Industry Location System (MAS/MILS) database.

The MILS part covers more over 200,000 mineral occurrences, deposits, mines and processing plants in the United States. The information is used to support government agencies which have land-use planning responsibilities. These agencies look to the Bureau of Mines both for mineral resource assessments and for help identifying and remediating inactive and abandoned mine hazards.

No listings within 2 mile radius of the subject site.

NC Nuclear Regulatory Commission Licensees

The Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards has been mandated (10 CFR Ch 1.42) to protect the public health and safety, the common defense and security, and the environment by licensing, inspection, and environmental impact assessment for all nuclear facilities and activities, and for the import and export of special nuclear material.

No listings within 2 mile radius of the subject site.

PCB PCB Waste Handlers Database

The U.S. Environmental Protection Agency tracks generators, transporters, commercial stores and/or brokers and disposers of PCB's in accordance with the Toxic Substance Control Act.

No listings within 2 mile radius of the subject site.

PCS Permit Compliance System

PCS is a database which contains data on National Pollutant Discharge Elimination System (NPDES) permit holding facilities. PCS was developed by The U.S. Environmental Protection Agency to meet the information needs of the NPDES program under the Clean Water Act. PCS tracks permit, compliance, and enforcement states of NPDES facilities.

No listings within 2 mile radius of the subject site.

AFS AIRS Facility System

AFS contains emissions and compliance data on air pollution point sources tracked by the U.S. EPA and state and local environmental regulatory agencies. There are seven "criteria pollutants" for which data must be reported to EPA and stored in AIRS: PM10 (particulate matters less than 10 microns in size), carbon monoxide, sulfur dioxide, nitrogen dioxide, lead, reactive volatile organic compounds (VOC), and ozone.

AFS replaces the former Compliance Data System (CDS), the National Emission Data System (NEDS), and the Storage and Retrieval of Aeromatic Data (SAROAD).

No listings within 2 mile radius of the subject site.

PE Section Seven Tracking System (SSTS)

SSTS evolved from the FIFRA and TSCA Enforcement System (FATES). SSTS tracks the registration of all pesticide producing establishments and tracks annually the types and amounts of pesticides, active ingredients, and devices that are produced, sold or distributed each year.

No listings within 2 mile radius of the subject site.

FIFRA FIFRA/TSCA Tracking System/ National Compliance Database (FTTS/NCDB)

NCDB supports implementation of the Federal Insecticide, Fungicide and Rodenticide Control Act (FIFRA) and the Toxic Substance Control Act (TSCA).

No listings within 2 mile radius of the subject site.

FFIS Federal Facilities Information System (FFIS)

Federal Facilities Information System (FFIS) contains a list of all Treatment Storage and Disposal Facilities (TSDs) owned and operated by federal agencies.

No listings within 2 mile radius of the subject site.

CICIS Chemicals in Commerce Information System (CICIS)

Chemicals in Commerce Information System contains an inventory of chemicals manufactured in commerce or imported for Toxic Substances Control Act regulated commercial purposes. CICIS allows EPA to maintain a comprehensive listing of over 70,000 chemical substances that are manufactured or imported and are regulated under TSCA.

No listings within 2 mile radius of the subject site.

FINDS FINDS EPA Facility Index System

The U.S. Environmental Protection Agency maintains an index system of all facilities which are regulated or have been assigned an identification number for other purposes.

Facilities that have been reported elsewhere in this report will not be included in the listing below.

This list has been researched within 2 mile radius of the subject site.

Site: SITE ID 060510005
Address: SMS-HWY 395, LEE VINING
City: LEE VINING
Status:
Permit id#: 000012187618

HWIS Hazardous Waste Information System

The Department of Toxic Substance Control, California Environmental Protection Agency, maintains a a data base keeping track of the movement and disposal of hazardous waste. The data is used to support the Tanner legislation, AB 2948.

Status Codes: EPA Facility Permit Number

CAL - State permanent number
CAC - State provisional or emergency number
CAH - State prov or perm number for household hazardous waste collections
CAI - State permanent number for exotic pest detection
CAS - State permanent number issued by county for emergency response
CAE - State prov number for hazardous waste removal caused by natural disasters
CAX - State permanent or provisional number issued prior to 1987. No longer used.
CLU - State permanent number issued by county for clandestine lab cleanup
CAR - Federal permanent number
CA - Federal permanent number
CAD - Federal permanent or provisional number. State provisional before 1988.
CAT - Federal permanent number
CAP - Federal provisional or emergency number

This list has been researched within 2 mile radius of the subject site.

Site: CONTEL LEE VINING CO
Address: 3RD ST & HWY 395
City: LEE VINING
Map Loc: 6 - about .16 mile SE of the subject
Status: EPA ID#: CAD981437668

Site: INYO NATIONAL FOREST MONO LAKE
Address: BOX 10 HWY 120
City: LEE VINING
Status: EPA ID#: CAX000059675

Site: MONO LAKE RANGER DISTRICT
Address: HWY 120, W 1 1/2 MILES W
City: LEE VINING
Status: EPA ID#: CA2122390535

Site: US FOREST SERVICE
Address: HWY 120, LEE VINING CANYON
City: LEE VINING
Status: EPA ID#: CAL930124406

Site: CHEVRON USA INC LEE VINING BUL
Address: HWY 395
City: LEE VINING
Status: EPA ID#: CAT000614727

Site: CALTRANS DISTRICT 09
Address: HWY 395
City: LEE VINING
Status: EPA ID#: CAD982040305

Inorganics:
Alkaline solution without metals (PH >12.5)(89: .2 ton)
Organics:
Waste oil and mixed oil(91: .36 ton)

Site: US FOREST SERVICE
Address: HWY 395
City: LEE VINING
Status: EPA ID#: CAL930124406

Site: MONO COUNTY ROAD DEPT
Address: HWY 395
City: LEE VINING
Status: EPA ID#: CAL000074037

Site: UNOCAL BULK PLANT #0351
Address: HWY 395 & MAIN ST
City: LEE VINING
Map Loc: 2 - about .06 mile E of the subject
Status: EPA ID#: CAL000020911

Site: CHANNEL UNION 76, INC
Address: HWY 395 & MAIN ST
City: LEE VINNING
Map Loc: 2 - about .06 mile E of the subject
Status: EPA ID#: CAL000107818

Site: FOREST SERVICE
Address: LEE VINING RANGER STATION
City: LEE VINING
Status: EPA ID#: CAC000591616

UST Permitted Underground Storage Tanks - State Water Quality Control Board

The Corteses Bill (AB2013), enacted in 1983, required registration of all underground storage tanks (UST) with the State Water Quality Control Board by July 1, 1984. About 176,000 tanks and surface impounds were registered between 1984 and 1987. An amendment (AB 1413) was passed in 1987, effectively removing the State Board from the registration process starting January 1, 1988. The data reflects the information collected by the state between 1984 and 1987 as well as recent time and includes all tanks and surface impounds in use or closed after 1974.

Home and farm heating fuel tanks with capacities of 1,100 gallons or less and "structures such as sumps, separators, storm drains, catch basins, oil field gathering lines, refinery pipelines, lagoons, evaporation ponds, well cellars, separation sumps, lined and unlined pits, sumps and lagoons" except those defined as UST under

HSWA or may be regulated to protect water quality under the Porter-Cologne Water Quality Control Act are excluded.

This list has been researched within 2 mile radius of the subject site.

Site: POOLE HYDRO PLANT
Address: HWY 120
City: LEE VINING
Status: 00000067436 (1987)

Activity: OILWELL SERVICING
tank
tank
10000 gallon tank (waste oil)
8000 gallon tank (waste oil)
5000 gallon tank (unleaded)
5000 gallon tank (unleaded)

Site: POOLE HYDRO PLANT
Address: HWY 120
City: LEE VINING
Status: 00000066304 (199598I)

Site: MIKES AUTO & TRUCK REPAIR
Address: HWY 395
City: LEE VINING
Status: 26000026519 (1993)

Site: AUGIE'S EXXON SERVICE
Address: HWY 395
City: LEE VINING
Status: 26000101461 (1993)

Site: LEE VINING
Address: HWY 395
City: LEE VINING
Status: 00000066346 (198798A)

Activity: ELECTRIC UTILITY
1000 gallon, single-walled, unlined, carbon steel tank , installed in 1964
single-walled, unlined, carbon steel tank (regular), installed in 1964
single-walled, unlined, carbon steel tank (waste oil)

Site: LEE VINING MAINTENANCE YARD
Address: HWY 395
City: LEE VINING
Status: 00000046760 (198798A)

Activity: COUNTY ROAD MAINTEN
5000 gallon, carbon steel tank (unleaded)
550 gallon, carbon steel tank (regular)
550 gallon, carbon steel tank (waste oil)

Site: U.S. PUMICE CO. MILL SITE
Address: HWY 395, 1/4 MI S OF LEE VINING
City: LEE VINING
Status: 00000002100 (198798I)

Activity: MINING
10000 gallon, single-walled, unlined, carbon steel tank (waste oil), installed in 1976

Site: CAIN RANCH
Address: HWY 395, AT HWY 158
City: LEE VINING
Status: 00064799 (191995I)

Site: AUGIE'S EXXON SERVICE
Address: HWY 395, SW SIDE
City: LEE VINING
Status: 00000046127 (198798I)

Activity: GAS STATION
8000 gallon, single-walled, unlined, carbon steel tank (unleaded), installed in 1968
8000 gallon, single-walled, unlined, carbon steel tank (regular), installed in 1968
4000 gallon, single-walled, unlined, carbon steel tank (waste oil), installed in 1976

Site: 94739
Address: HWY 395 & 1ST
City: LEE VINING
Map Loc: 4 - about 7.000000000000001D-02 mile N of the subject
Status: 00000062667 (198798A)

Activity: GAS STATION
10000 gallon, single-walled, unlined, carbon steel tank , installed in 1967
10000 gallon, single-walled, unlined, carbon steel tank , installed in 1967
5000 gallon, single-walled, unlined, carbon steel tank , installed in 1967
1000 gallon, single-walled, unlined, carbon steel tank , installed in 1967

Site: W.G. YONGUE
Address: LEE VINING AVE
City: LEE VINING
Status: 00000065183 (198798I)

500 gallon, unlined tank (regular), installed in 1979

Site: BETTY J. LAMBERT
Address: 9 LEE VINING AVE
City: LEE VINING
Map Loc: 3 - about 7.000000000000001D-02 mile W of the subject
Status: 00000004474 (198798I)

550 gallon, single-walled, carbon steel tank (regular), installed in 1976

Site: LEE VINING ELEMENTARY SCHOOL
Address: 270 LEE VINING AVE
City: LEE VINING
Map Loc: 5 - about .12 mile SW of the subject
Status: (191998I)

Site: CONSTRUCTION SPECIALTY
Address: MONO LAKE DR
City: LEE VINING
Status: FA0000827 (19)

Site: CONSTRUCTION SPECIALTY
Address: MONO LAKE DR
City: LEE VINING
Status: 26000000827 (192005)

Site: C. MEREDITH
Address: PO BOX 220
City: LEE VINING
Status: 00000057960 (198798A)

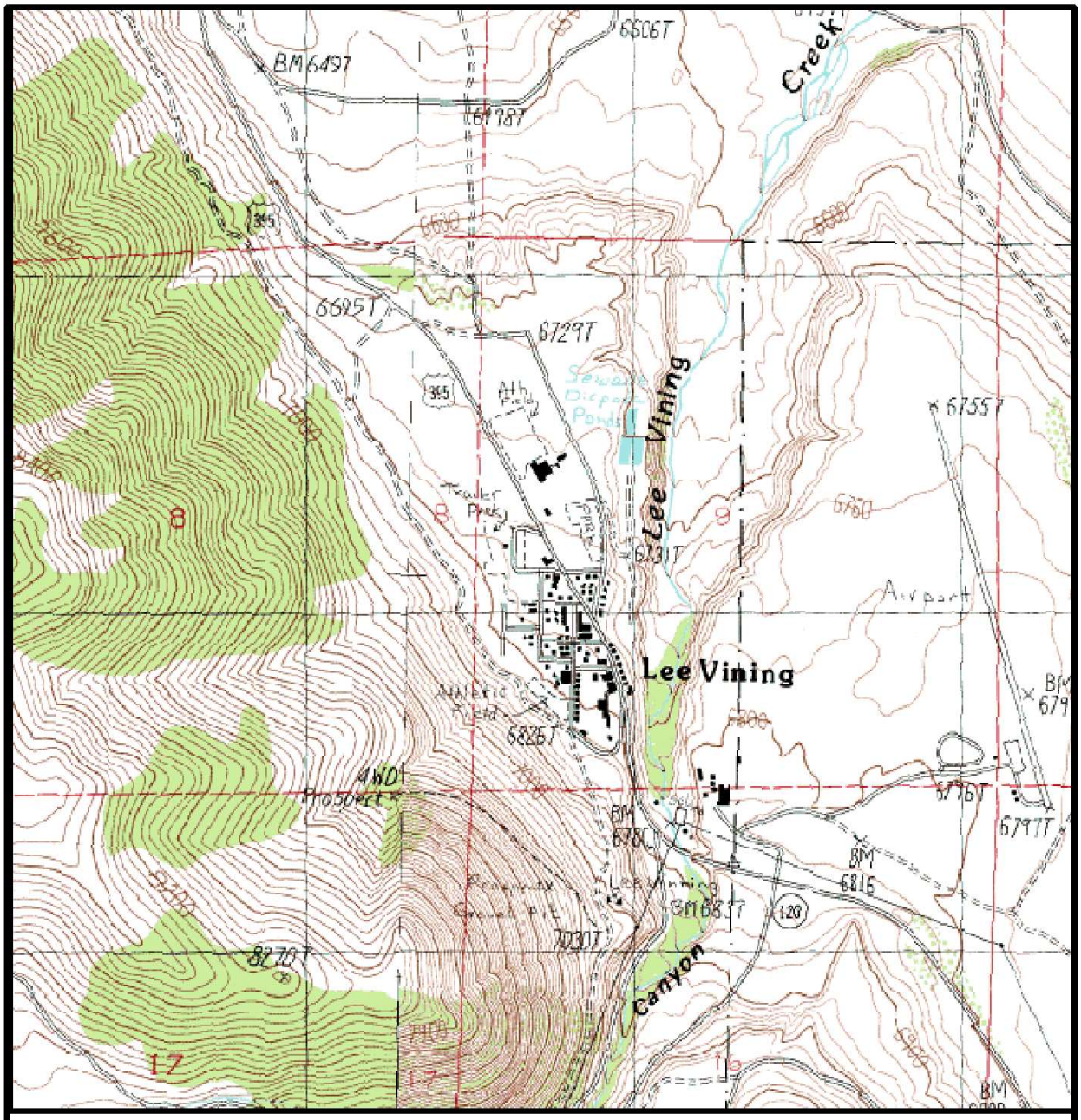
Activity: FARM
550 gallon, single-walled, carbon steel tank (regular), installed in 1981

Site: LEE VINING CHEVRON MINI MARKET
Address: PO BOX 290
City: LEE VINING
Status: FA0000111 (19)

Site: LEE VINING CHEVRON MINI MARKET
Address: PO BOX 290
City: LEE VINING
Status: 26000000111 (192005)

Site: LEE VINING CHEVRON MINI MARKET
Address: PO BOX 290
City: LEE VINING
Status: 3 (1999)

–



Longitude: -119° 7' 9.7"
Latitude: 37° 57' 27.5"

UTM Easting: 313803 meters
UTM Northing: 4203028 meters
UTM Zone: NAD 11

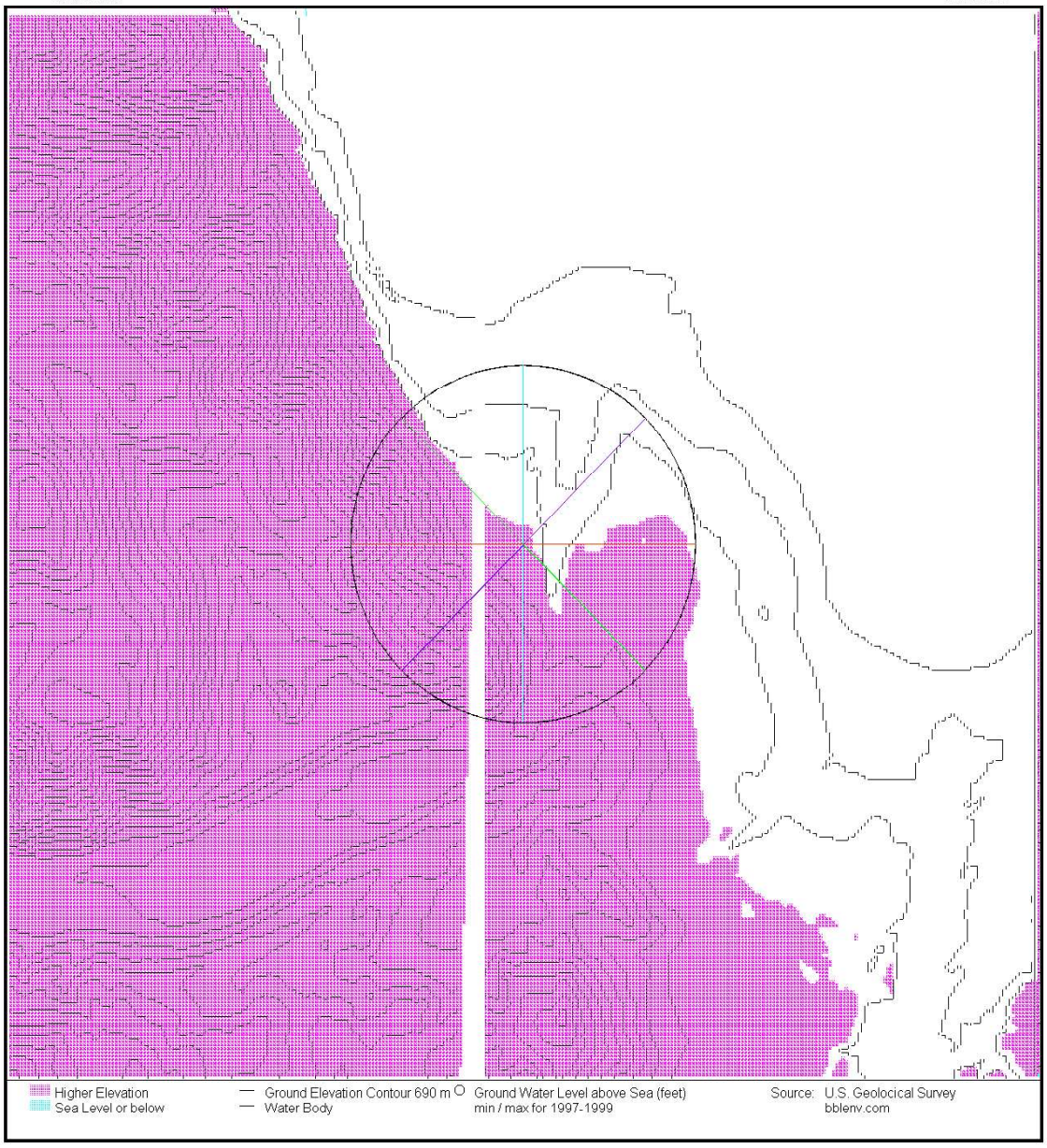
County: MONO

AREA RADON ESTIMATES
MONO County (2 sites tested)
<2 pCi/L 50.0%
2-4 pCi/L 50.0 %
4-8 pCi/L 0.0 %
8-20 pCi/L 0.0 %
20 > pCi/L 0.0%

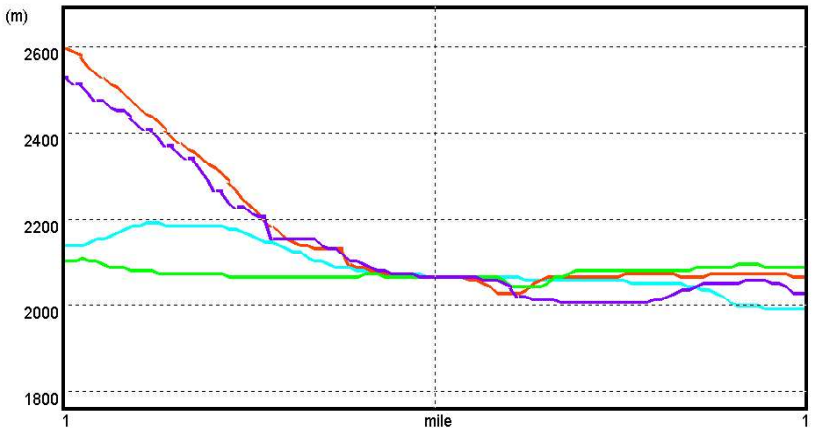
Scale: 1.6 inches to 1/2 mile
UTM North is straight up

Source: U.S. Dept of Interior, Geological Survey
LEE VINING [CA] 1994

TOPOGRAPHIC MAP OF THE VICINITY OF THE SUBJECT SITE LOCATED AT LEE VINING,



Elevation Contour overview map (6*6 mile)



Elevation Profiles (±1 mile)

CONTOUR DATA IN THE VICINITY OF THE SUBJECT SITE LOCATED AT
LEE VINING,

Scale: 1 inch to 528 feet

UTM North is straight up

Longitude: -119° 7' 9.7"
Latitude: 37° 57' 27.5"

UTM Easting: 313803 meters
UTM Northing: 4203028 meters
UTM Zone: NAD 11

County: MONO

Project:
Quadrangle:
Date: 8/3/1999
Film Type: Black & White

Source: U.S. Dept of Interior, Geological Survey

AERIAL PHOTOGRAPH OF THE VICINITY OF THE SUBJECT SITE LOCATED AT
LEE VINING,

ANALYSIS OF ALTERNATIVE #7 – HYBRID PLAN & ERRATA TO UPDATE THE FSEIR/DSEIR ASSESSMENT OF IMPACTS ON AESTHETIC RESOURCES AND OTHER ENVIRONMENTAL ISSUES ASSOCIATED WITH NEW ALTERNATIVE #7-HYBRID PLAN

INTRODUCTION

At the June 29-30, 2020, public hearing, a number of project modifications were offered to resolve key issues of concern. The Board of Supervisors directed additional staff work regarding project modifications, including development of a new alternative that incorporates elements of the Cluster Plan Alternative and Alternative 6, as discussed in the Draft and Final Subsequent EIRs. This effort resulted in preparation of a new Alternative #7-Hybrid Plan and this document updates the FSEIR/DSEIR with an analysis of impacts on aesthetic resources and other environmental factors associated with this alternative.

The new Alternative #7 is discussed below in two sections. Section I assesses Alternative #7 in terms of potential impacts on a scenic vista or scenic resources in a state scenic highway, as well as potential to degrade the existing visual character or quality of public views of the site and surroundings. Section 1 also corrects the FSEIR/DSEIR visual impacts analysis of Alternative #6 and analyzes whether Alternative #7 would reduce impacts on aesthetic resources to less than significant levels compared to the corrected analysis of Alternative #6, which was previously defined as the preferred alternative. In sum, the revised assessment provided in Section 1 below does conclude that Alternative #7-Hybrid Plan would reduce project impacts on aesthetic resources (but not on light and glare) to less than significant levels.

Section 2 briefly assesses Alternative #7-Hybrid Plan in terms of potential impacts on all other environmental factors to ascertain whether the new Hybrid Plan would have impacts that were not previously analyzed or would be more severe than previously analyzed. In sum, the assessment provided in Section 2 below concludes that Alternative #7-Hybrid Plan would not have new impacts or impacts that are more severe than analyzed for the original project proposal or Alternative #6.

SECTION 1 REVIEW OF ALTERNATIVE 6 AND ALTERNATIVE #7-HYBRID PLAN IMPACTS ON AESTHETIC RESOURCES

Revised Determinations regarding Aesthetic Impacts of Alternative #6

The Final Subsequent EIR/Updated Draft Subsequent EIR (FSEIR/DSEIR) dated June 2020 presented information and conclusions about the visual impact of Alternative #6 that have been determined to be incomplete. In particular, the June FSEIR/DSEIR presented inaccurate conclusions that plan revisions associated with Alternative #6 would limit offsite views from Navy and South Tufa beaches to the upper story of the five westernmost two-story buildings with no offsite exposure of the easternmost single-story structures.

The project engineers subsequently determined that the original Alternative #6 sight line studies were incorrectly scaled, resulting in a vertical distortion that led to the incorrect conclusions above. Once the distortion was corrected, the project engineers concluded that approximately 6-8 feet (6 feet of roofing and up to 2 feet of siding) of virtually all of the one-story structures on the easternmost row in Alternative 6 would have been visible from South Tufa Beach and Navy Beach. The project engineers noted, and it is herein acknowledged, that the sight line studies are subject to margins of error associated with the distance studied (roughly five miles) and digital elevation models used to map the sight lines and visibility cones. This margin of error also applies to the sight line and visibility cones prepared for Alternative #7-Hybrid Plan.

The earlier discussion stated that offsite views of the easternmost 1-story structures would be limited to 1' of exposed roofline that would be visible from US 395.' There has been no change in the earlier conclusions regarding visibility of structures (including the lower easternmost row of structures) from US 395.

In comparison with the description of Alternative #6 presented in the June FSEIR/DSEIR, the corrected conclusions regarding Alternative #6 could arguably represent "a substantial increase in the severity of an environmental impact" (on aesthetics). However, Alternative #6 included "generous landscaping" that was not explicitly defined and, where applied as described below in Alternative #7-Hybrid Plan Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan), the increased visual impact from the corrected analysis is mitigated to a less than significant level. The easternmost one-story structures are the same height and have the same visibility in both Alternative #6 and Alternative #7-Hybrid Plan. Exhibit 5 below visually depicts how landscaping screens the visible portion of these one-story structures from South Tufa and Navy beaches. In combination with lowering the grading line by an average of two feet to lower the profile of the units, the nearly five miles of distance to the viewpoints, and requirements for dark colors and non-reflective materials, the screening landscaping mitigates to a less-than-significant-level the additional aesthetic impact of Alternative #6 . When the landscaping trees grow to at least 15' tall, they will also screen the westernmost two-story structures and mitigate any window glare, reducing the visual impact of these structures to less than significant levels.

Accordingly, discussion in this FSEIR/DSEIR §12 is modified to incorporate a description of new Alternative #7-Hybrid Plan, analyze the environmental impacts associated with new Alternative #7-Hybrid Plan, and revise statements concerning previous Alternative 6 to correct the prior inaccuracy.

ALTERNATIVE #7-HYBRID PLAN DESCRIPTION

The Alternative #7-Hybrid Plan includes a mixture of multi-unit buildings, individual cabin units, and one 4-bedroom Manager's Unit within two designated construction footprints (i.e., the rectangles shown in Exhibit 1). As in Alternative 6, the grading line is lowered to more fully "sink" the structures into the hillside and reduce the profile. The final configuration, size, form (i.e., cabins or multi-unit), and orientation of housing units and structures within the designated rectangles may change. However, in order to be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria outlined below in new Mitigation Measure AES 5.12(a,b) (Design Criteria):

Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

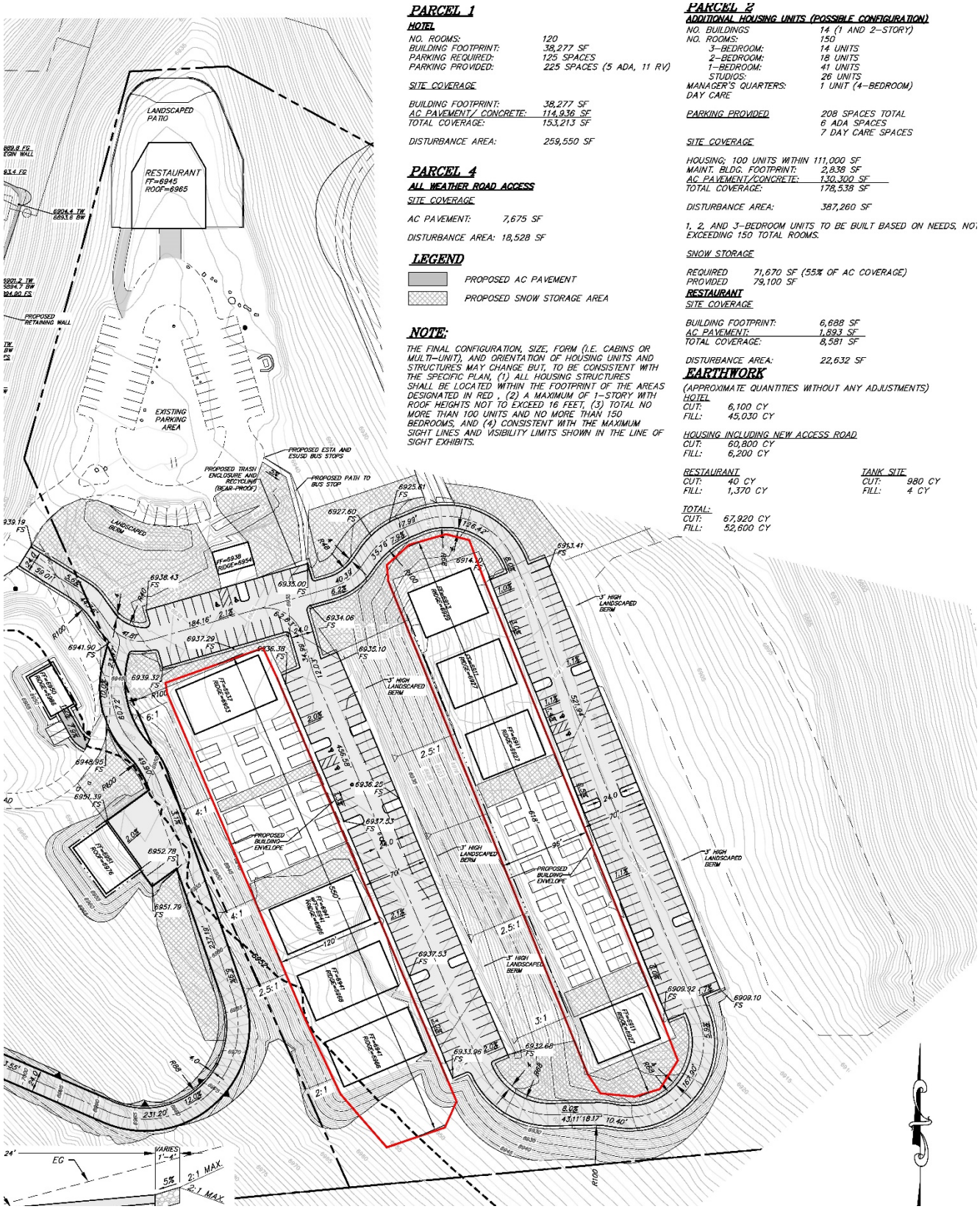
1. **LIMITS OF CONSTRUCTION:** All Community Housing residential structures, whether multi-unit or cabin units, must be located within the footprint of the rectangles as designated in Exhibit 1.
2. **MAXIMUM HEIGHTS:** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
3. **NUMBER OF UNITS AND BEDROOMS:** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units, and the residential units shall not contain more than 150 bedrooms, including the Manager's Unit.
4. **SCREENING LANDSCAPING:** As in the Cluster Alternative and Alternative 6 (see FESIR Topical Response 1), generous landscaping will further soften visible horizontal rooflines (similar to the hilltop residential units). Screening landscape trees within the Community Housing project shall be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan), (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and (c) the Plant Palette outlined in Specific Plan Table 4-13.
5. **VISIBILITY OF RESIDENTIAL UNITS AND STRUCTURES:** Visibility of all structures and units within the Community Housing complex shall be consistent with the Alternative 7-Hybrid Plan visibility analysis in the FSEIR.

The mitigation measure requiring screening trees in criteria **#4** above is as follows:

> **Mitigation Measure AES 5.12(a,b-2) (Screening Tree Plan):** A formal screening tree landscape plan shall be prepared by a restoration specialist approved by the County. The plan will provide specific requirements including (a) the number, size, location and timing of initial plantings of Jeffrey pine, quaking aspen, and other fast-growing native and non-invasive tree species, with consideration of the requirements for and availability of irrigation and consistent with both the Conceptual Landscaping standards outlined in Specific Plan Table 4-12, and the Plant Palette outlined in Specific Plan Table 4-13, (b) acceptable nursery or other sources for obtaining seedlings and plantings of all species to be used on the site, and (c) monitoring of tree health, screening efficacy and replacement requirements for the first 5-years of growth. The restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of the providing at minimum the number of trees shown on the "Alt 7 Conceptual Tree Planting Plan." If monitoring after the fifth year indicates that the standard has not been met, additional planting will be added and annual monitoring will continue every year until the screening goal has been met. The plan shall be submitted to Mono County Community Development Department for review and approval prior to planting, and within six months of ground-disturbing construction activities.

The timing of the mitigation measure requiring screening trees was developed based on the professional expertise of the project biologist/botanist. In practice, determining the exact condition of ground disturbance for landscaping prior to grading is impractical and an attempt will likely result in revisions to any approved landscaping plans once the machinery leaves the site. To provide for effectiveness and efficiency, the final determination of placement and number of trees is established through the landscaping plan that is designed based on the actual ground disturbance that occurs, but shall provide at minimum the number of trees shown in "Alt 7 Conceptual Tree Planting Plan."

Exhibits 3 and 4 show the sight lines and cones of visibility from Navy Beach and South Tufa Beach to the Tioga Housing Complex. Exhibit 3 depicts the landscaping tree elements (shown in Exhibit 2) that would be planted to screen offsite views of the proposed housing project, and Exhibit 4 provides the same sight lines and visibility cones but without showing landscaping. Exhibit 5 provides two sets of enlarged views of the proposed (16' maximum height) housing units and the existing (19' maximum height) hilltop housing units. For each set, the upper drawing shows sight lines without landscaping, and the lower drawing shows sight lines with landscaping in place (also shown, in the lower drawing of the lower set, is the enlarged sight line to the existing housing). In both cases, landscaping is placed to block direct views of housing structures.



PARCEL 1

HOTEL

NO. ROOMS:	120
BUILDING FOOTPRINT:	38,277 SF
PARKING REQUIRED:	125 SPACES
PARKING PROVIDED:	225 SPACES (5 ADA, 11 RV)

SITE COVERAGE

BUILDING FOOTPRINT:	38,277 SF
AC PAVEMENT / CONCRETE:	114,936 SF
TOTAL COVERAGE:	153,213 SF
DISTURBANCE AREA:	259,550 SF

PARCEL 4

ALL WEATHER ROAD ACCESS

SITE COVERAGE

AC PAVEMENT:	7,675 SF
DISTURBANCE AREA:	18,528 SF

LEGEND

PROPOSED AC PAVEMENT

PROPOSED SNOW STORAGE AREA

NOTE:

THE FINAL CONFIGURATION, SIZE, FORM (I.E. CABINS OR MULTI-UNIT), AND ORIENTATION OF HOUSING UNITS AND STRUCTURES MAY CHANGE BUT, TO BE CONSISTENT WITH THE SPECIFIC PLAN, (1) ALL HOUSING STRUCTURES SHALL BE LOCATED WITHIN THE FOOTPRINT OF THE AREAS DESIGNATED IN RED , (2) A MAXIMUM OF 1-STORY WITH ROOF HEIGHTS NOT TO EXCEED 16 FEET, (3) TOTAL NO MORE THAN 100 UNITS AND NO MORE THAN 150 BEDROOMS, AND (4) CONSISTENT WITH THE MAXIMUM SIGHT LINES AND VISIBILITY LIMITS SHOWN IN THE LINE OF SIGHT EXHIBITS.

PARCEL 2

ADDITIONAL HOUSING UNITS (POSSIBLE CONFIGURATION)

NO. BUILDINGS	14 (1 AND 2-STORY)
NO. ROOMS:	150
3-BEDROOM:	14 UNITS
2-BEDROOM:	18 UNITS
1-BEDROOM:	41 UNITS
STUDIOS:	26 UNITS
MANAGER'S QUARTERS:	1 UNIT (4-BEDROOM)
DAY CARE	
PARKING PROVIDED	208 SPACES TOTAL
	6 ADA SPACES
	7 DAY CARE SPACES

SITE COVERAGE

HOUSING; 100 UNITS WITHIN	111,000 SF
MAINT. BLDG. FOOTPRINT:	2,838 SF
AC PAVEMENT/CONCRETE:	130,300 SF
TOTAL COVERAGE:	178,538 SF
DISTURBANCE AREA:	387,260 SF

1, 2, AND 3-BEDROOM UNITS TO BE BUILT BASED ON NEEDS, NOT EXCEEDING 150 TOTAL ROOMS.

SNOW STORAGE

REQUIRED	71,670 SF (55% OF AC COVERAGE)
PROVIDED	79,100 SF

RESTAURANT

SITE COVERAGE

BUILDING FOOTPRINT:	6,688 SF
AC PAVEMENT:	1,893 SF
TOTAL COVERAGE:	8,581 SF
DISTURBANCE AREA:	22,632 SF

EARTHWORK

(APPROXIMATE QUANTITIES WITHOUT ANY ADJUSTMENTS)

HOTEL

CUT:	6,100 CY
FILL:	45,030 CY

HOUSING INCLUDING NEW ACCESS ROAD

CUT:	60,800 CY
FILL:	6,200 CY

RESTAURANT		TANK SITE	
CUT:	40 CY	CUT:	980 CY
FILL:	1,370 CY	FILL:	4 CY

TOTAL:

CUT:	67,920 CY
FILL:	52,600 CY

EXHIBIT 1. Concept Plan for Alternative #7-Hybrid Plan

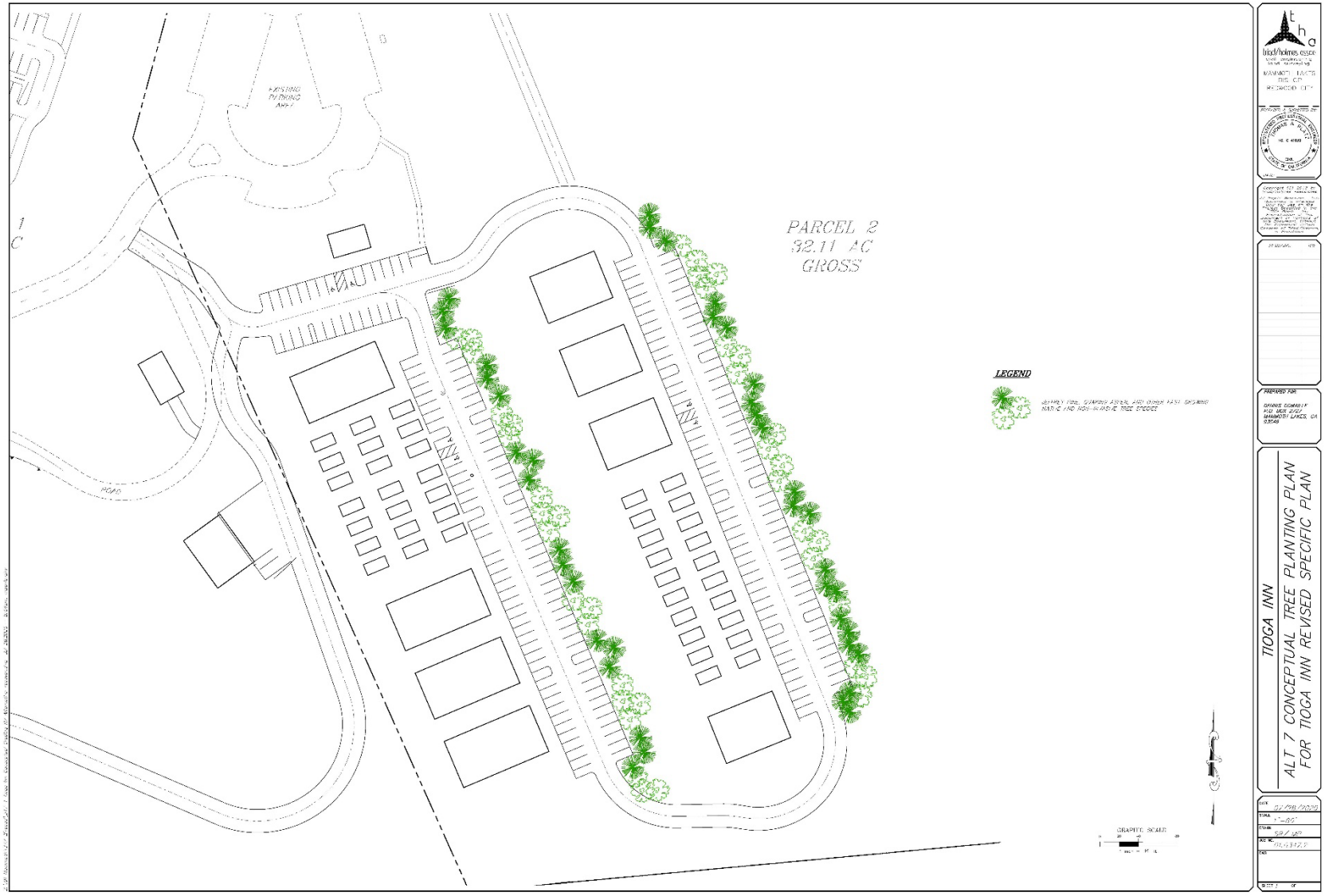


EXHIBIT 2. Alternative #7-Hybrid Plan Screening Trees

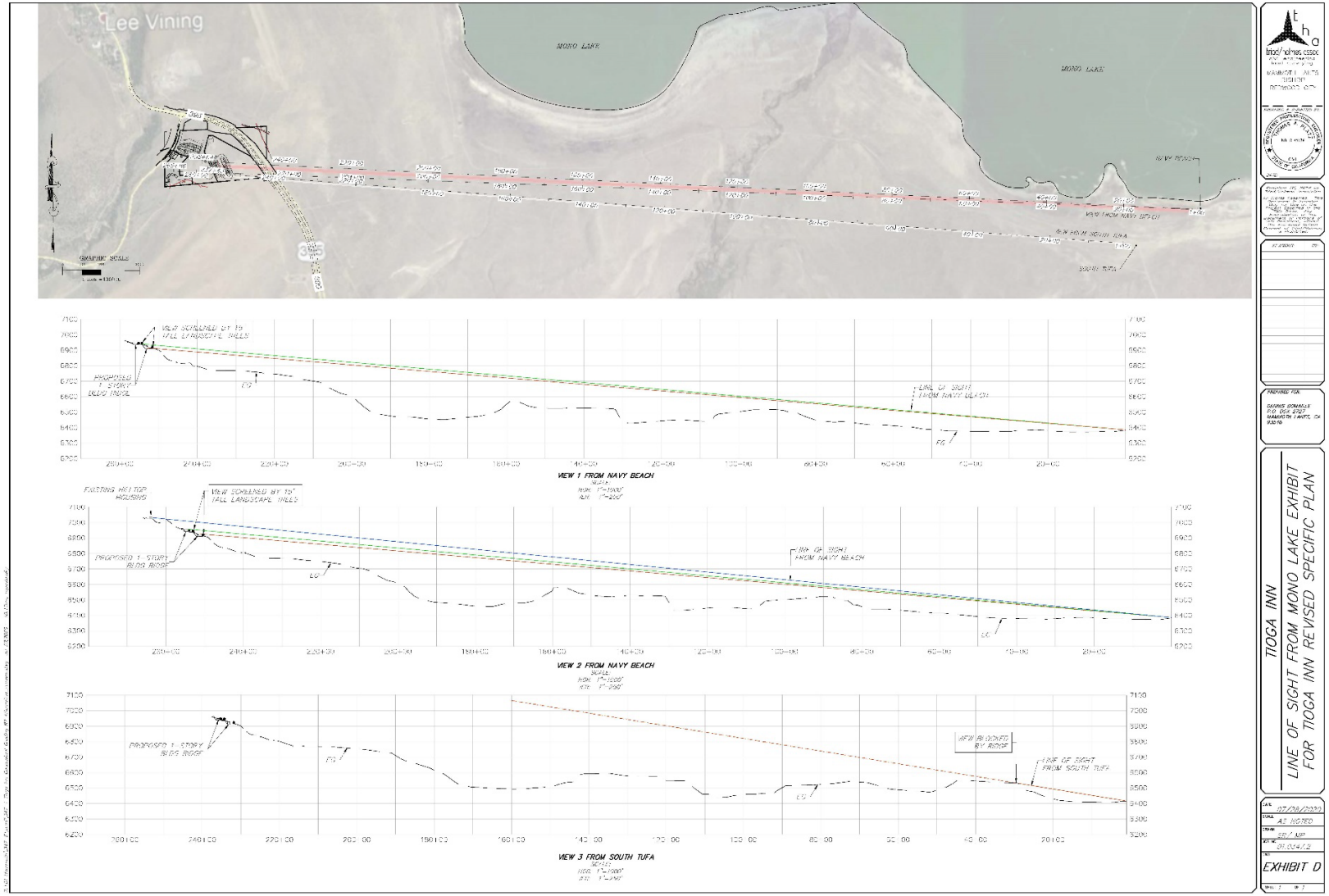


EXHIBIT 3. Alternative #7-Hybrid Plan - Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot

(South Tufa Beach is essentially on the Line of Sight to Navy Beach and the visual impact is considered similar from both locations.)

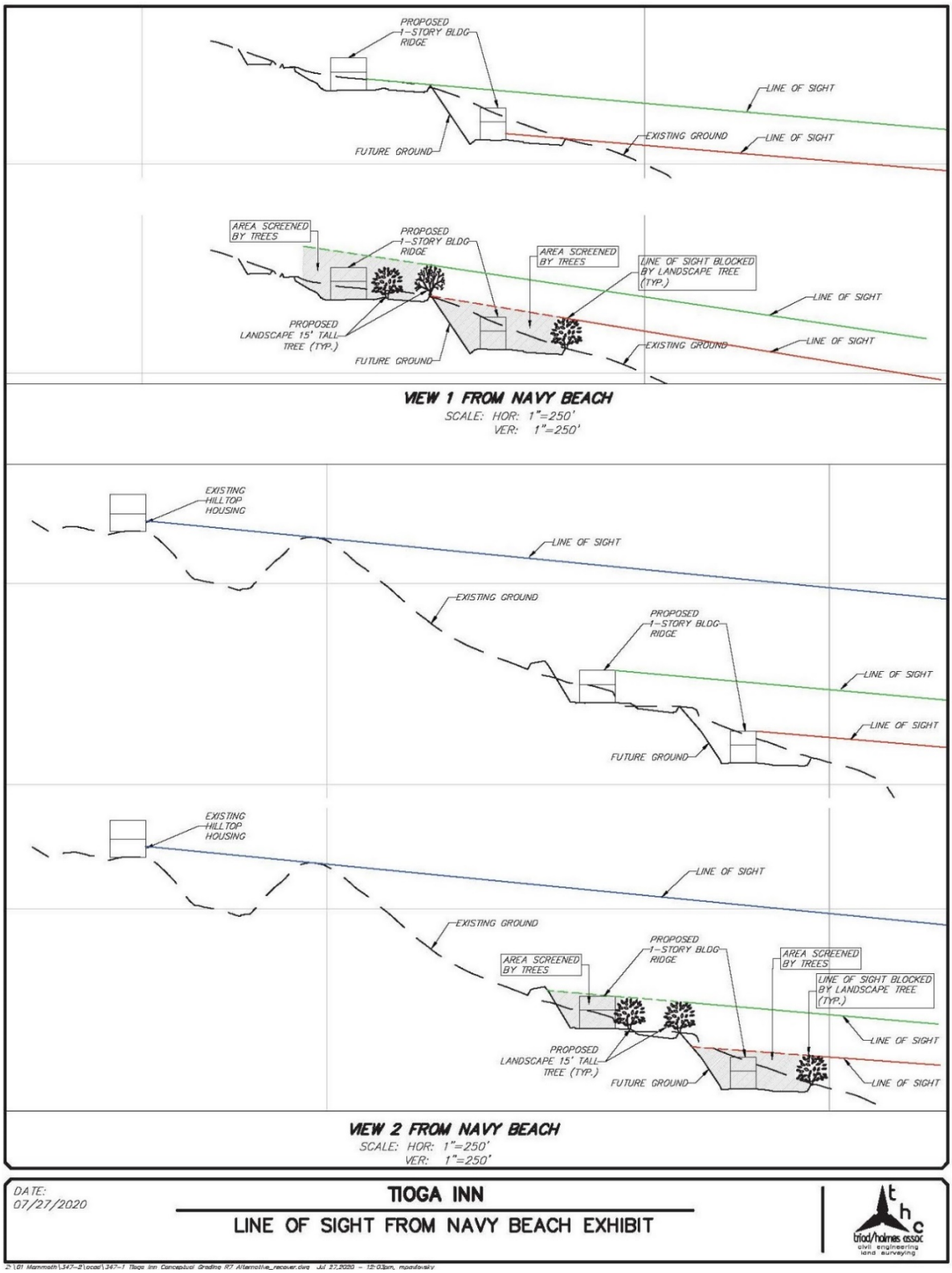


EXHIBIT 4. Detailed View of Alternative #7-Hybrid Plan Visibility Cones from Navy Beach

(South Tufa Beach is essentially on the Line of Sight to Navy Beach and the visual impact is considered similar from both locations.)

Rather than provide schematics or visual renderings, the effectiveness of the proposed design and landscape features are better analyzed by viewing similar existing development on the site, specifically the existing hilltop housing, from various locations. The line of sight diagram (Exhibit 5) shows that the existing hilltop housing units are slightly more visible than the proposed units will be, primarily because the existing units are taller than the proposed units. Exhibit 6 below is a photograph of the existing hilltop housing units, taken from the junction of SR 120/US 395. The distance between camera and hilltop housing at this location is 1,600 feet (about 1/3 mile). The view shows one single-family home that is not screened by trees, but for which visibility is minimized by the background ridge, by the green wall paint and muted-tone roof materials, and by nearby trees that rise above the rooftop of the exposed home.

EXHIBIT 6. Photograph of Existing Hilltop Housing from US 395/SR 120 Junction

Exhibit 7 below is a photograph of the project site taken from the water's edge at South Tufa Beach to simulate visibility of the existing hilltop housing (circled area) with the naked eye. The distance between camera and hilltop housing at this location is about 24,000 feet (about 4.7 miles). The hilltop housing is indistinguishable in this photograph from the surrounding landscape due primarily to distance and also to landscaping trees that screen and soften views of the existing homes.

EXHIBIT 7. Photograph of Existing Hilltop Housing from South Tufa (without magnification)

Exhibit 8 below shows the hilltop housing (circled) through a powerful 400 mm telephoto lens, taken by film & photography media professional Dan McConnell, again from the water's edge at South Tufa. Even with the telephoto lens, the existing housing is virtually indistinguishable from the surrounding landscape as a result of distance, background, color of structures, and screening landscape elements. Windows do not appear to be visible. The photo was taken in the early spring and so the landscaping trees (primarily quaking aspen) have not yet leafed out, which would provide additional screening. The proposed screening will be improved over this existing site through thicker plantings and interspersal of evergreen trees (Jeffrey pine).

EXHIBIT 8. Photograph of Existing Hilltop Housing from South Tufa (400 mm lens magnification)

As shown above in Exhibit 2, the landscaping elements would include Jeffrey pine, quaking aspen, and other quick-growing native or non-invasive trees. As described in Mitigation Measure 5.12(a,b-2) (Screening Tree Plan), the landscaping plan would be prepared by a restoration specialist and would be subject to a number of requirements for the first five years of growth. The combined effects of distance, backdrop, revised 1-story design, and screening landscape elements are expected to substantially reduce visibility of the proposed project elements from offsite locations compared to any design with two stories, including Alternative #6 and the Cluster Design.

WINDOW GLARE

The design of the Hybrid Plan is expected to eliminate views of residential windows from Navy Beach, South Tufa Beach and US 395. Maximum exposure of all residential structures and units from these locations is estimated at no more than the upper 8-feet of any residential unit, including 6-feet of roofing and up to 2-feet of wall space directly below the eaves of exposed roofs. These estimates are subject to margins of error due to the very long sight line distance and inherent error in digital elevation models used to map the topography in Exhibits 6, 7 and 8. If the margin of error results in offsite views of residential windows, the landscape screening would minimize the potential for glare to be reflected.

AESTHETIC IMPACTS ASSOCIATED WITH NEW ALTERNATIVE #7-HYBRID PLAN

Visual impacts of the project proposal were assessed using Caltrans Scenic Highway Visual Impact Assessment (VIA) System, developed to assess potential impacts to the visual environment associated with projects along designated scenic highways.[1] The VIA has been updated below to assess visual impacts of proposed Alternative #7-Hybrid Plan. VIA responses are based on a point system in which a higher number signifies a greater impact.

UPDATED Caltrans Visual Impact Assessment Questionnaire and Responses for Tioga Specific Plan Amendment #3, Alternative #7-Hybrid Plan			
ITEM	**VISUAL DIMENSION**	**RESPONSE**	**EXPLANATION AND DISCUSSION**
CHANGE TO VISUAL ENVIRONMENT			
1	***Will the project result in a noticeable change in the physical characteristics of the existing environment?*** Consider all project components and construction impacts - both permanent and temporary, including landform changes, structures, noise barriers, vegetation removal, railing, signage, and contractor activities.	*High (3 pts)* *Moderate (2 pts)* *Low (1 pt)* **MODERATE = 2**	Most currently proposed project elements will not be visible from offsite, including the third gas pump island, the new propane tank, the road realignments, the parcel and open space boundary changes, and the new wastewater treatment and subsurface irrigation system. Two elements (the community housing and the new water storage tank) will be visible. The water tank will replace an existing tank of the same size. Both the old and new tanks are at about the same elevation and both would include screening elements, but the existing tank is located about 150' closer to SR 120 than the new tank is proposed to be. The new location sits behind the cell tower (which already has visible equipment), and has less landscaping at present, than the current location. For this reason, the visual impact of the proposed new tank is expected to be somewhat greater than the overall visual impact of the existing tank (which will be demolished) until the new landscaping reaches maturity. Landscaping will be planted before the tank is constructed in order to enhance screening efficacy. A key change associated with the Alternative #7-Hybrid Plan is that all housing structures and units will be of single-story design and construction, with a maximum height of 16-feet. Portions of the Community Housing will still be visible from certain vantage points. With the placement of screening Jeffrey Pine and Quaking Aspen trees in the locations specified in Exhibit 2, direct views of structures in the upper and lower row of housing would be blocked in a manner similar to the screening provided by trees around the existing hilltop housing; the screening would also block daytime views of windows on the lower row of structures, and filter nighttime views of window lighting. Views would be further muted by use of the modified design palette, which requires that all roofs be constructed of

[1] Note that Caltrans is considering an update to the VIA process based on new FHWA guidance. Existing VIA instructions remain in use at the time of this impact assessment, and are used herein.

			materials with a dull finish and dark muted colors. Additional muting of the visual impact would be provided by bitterbrush-dominant sage scrub landscaping of the southeastern-facing slope. The applicant proposes to install solar panels on all structures with south-facing roofs. South-facing roofs would not be visible from Lee Vining or Lee Vining Canyon, or from the north and east and west view sites on Mono Lake. The solar panels would be perpendicular to viewpoints on the south shore of Mono Lake (South Tufa Beach, Panum Crater and other sites); visibility from these locations would be very limited. Solar panels (and associated light and glare) may be visible from US 395 south of the project site (in the vicinity of Picnic Grounds Road), but would be located at an offset angle and not visually prominent. Additionally, under the California Solar Rights Act, local governments are limited to those standards and regulations necessary to ensure the solar energy system will not have a specific, adverse impact upon the public health or safety (GC §65850.5.b.). Light exposure from the third gas pump island would be visible from portions of Lee Vining and the 'glow' from lights in the community housing village would be noticeable from US 395 south of the site, and from Mono Basin locations to the east. These potentially significant light sources would be reduced, but not to less than significant levels, through mandatory compliance with requirements of the Dark Sky Ordinance and Scenic Combining District, as discussed more fully under Impact §5.12(c). Additional requirements have been added to the Lighting Plan mitigation measure (AES 5.12(c-2)) limiting the total lumens and requiring warmer lighting temperatures. Overall, the housing is anticipated to cause a moderate change in the physical characteristics of the existing environment.
2	***Will the project complement or contrast with visual character desired by the community?*** Evaluate the scale and extent of project features compared to that of the surrounding community. Would the project give an urban appearance to a rural or suburban Community? Would the change likely be viewed by the public as positive or negative?	*Low compatibility (3 pts)* *Mod. Compatibility (2 pts)* *Hi Compatibility (1pt)* **MODERATE COMPATIBILITY = 2**	The proposed project elements will uniformly complement existing improvements on the project site, and the proposed project features will not substantively change the rural appearance of the site or environs. However, the changes may be viewed by the public as negative since they will occur in tandem with project elements that were approved in 1993 (with a statement of overriding considerations for significant adverse and unavoidable impacts on visual resources) but have not yet been constructed. This cumulative impact is also recognized in the response to Question 5. Overall, the housing is anticipated to result in a moderate level of contrast with the visual character desired by the community.
	What level of local concern is there for the	*Hi Concern (3 pts)* *Moderate (2 pts)* *Low (1 pt)*	Significant concern has been expressed about the appearance and intensity of the proposed development, including the number and layout and scale of units, and the size of the

3	***types of project features (e.g., housing, infrastructure improvements, 3rd gas pump island) and construction impacts that are proposed?*** Certain project improvements can be of special interest to local citizens, causing a heightened level of public concern, & requiring a more focused analysis.	*Negligible (0)* **LOW = 1**	population that would be housed. However, in comments on the Notice of EIR Preparation, the community generally expressed support for the type of development (i.e., community housing) and for the ancillary conservation features (subsurface irrigation, solar). Because these types of features are supported, the project scored low for this category. However, the significant concerns expressed over the intensity and size of the project are reflected in the scoring of #6 below, and the concern over previously approved project components are considered separately in cumulative impacts (#5 below).
4	***Will the project require redesign or realignment to minimize adverse change or will mitigation, such as landscape or architectural treatment, likely be necessary?*** Consider the type of changes caused by the project: can undesirable views be screened or will desirable views be permanently obscured so redesign should be considered?	*Need Redesign (3)* *Extensive Mitigation (2)* *Mitigation Likely (1)* *No changes (0)* **NO CHANGES = 0**	Project landscaping and design have been developed along with the EIR impact assessments in order to incorporate features that avoid or minimize adverse effects. The proposed subsurface irrigation system was developed to provide a nonpotable source of irrigation supply for landscaping and habitat plantings. The use of solar panels on south-facing roofing slopes as well as the new propane tank were proposed to offset new energy demands from the community housing component. All units in Alternative #7-Hybrid Plan are of single story design with a maximum height of 16', and the grading plan for new Alternative #7-Hybrid Plan incorporates additional excavation to further lower pad elevations (and thus further minimize housing visibility) from surrounding viewpoints. Substantial additional provisions have been incorporated for screening landscaping elements. New Mitigation Measure AES 5.12(a, b-2) requires that a screening tree landscape plan be prepared by a restoration specialist with requirements that must be met. In addition, a Specific Plan implementation measure 3a(1) requires the revegetation of temporarily disturbed areas and mitigates project impacts associated with the loss of open space acreage. Among other provisions, the measure would require use of native or native-compatible species, including use of bitterbrush as a dominant component of the plant palette. The bitterbrush plantings will further soften views of the project from South Tufa and other key locations in the Mono Basin, and will offset prior (unrelated) sage scrub habitat losses from fire.
5.	***Will this project, seen collectively with other projects, result in cumulative impacts in overall visual quality or character?*** Identify any area projects (Caltrans & local) that have been	*Cumulative Impacts likely in 0-5 years (3)* *Cum imp likely 6-10 yrs (2)* *Cum Imp unlikely (1)* **CUMULATIVE**	The Tioga Inn Specific Plan was originally approved in 1993; the Specific Plan was subsequently amended in 1995 and 1997, and a Director Review was approved in 2012 for the onsite Deli. All existing uses on the property (the gas station, the convenience store and deli, the hilltop residential housing and water storage tank) were part of these earlier approvals. Also included in the 1993 approvals were a 120-room hotel and a full-service restaurant on the promontory overlooking Mono Lake. The hotel and restaurant have not yet been

	constructed in recent years and those planned for future construction. The window of time and the extent of area applicable to possible cumulative impacts should be based on a reasonable anticipation of the viewing public's perception.	**IMPACTS LIKELY WITHIN 0-5 YEARS = 3**	developed. The new 150-bedroom housing proposal will provide living space for future employees of the hotel and full-service restaurant; these elements were approved in 1993 (with a Statement of Overriding Considerations for significant adverse and unavoidable impacts on visual resources) but have not yet been constructed. If approved, the Hotel, Full-Service restaurant and community housing will likely all be constructed within the next 5 years. Cumulative impacts on visual resources will be significant and are considered LIKELY to occur within the next 5 years.
VIEWER SENSITIVITY			
6.	***What is the potential that the project proposal will be controversial within the community, or opposed by any organized group?*** This can be researched by talking with Caltrans, local agency management and staff familiar with the community's sentiments as evidenced by past projects and current information.	*Hi Potential (3)* *Moderate Potential (2)* *Low Potential (1)* *No Potential (0)* **HIGH POTENTIAL = 3**	NOP comments received from the community indicate general support for the concept of community housing, but significant concerns about the proposed number of housing units and the potential burden those future residents may place on utilities and public and private service providers in the small community of Lee Vining. Although the project incorporates numerous elements suggested in the NOP and DSEIR comment letters, as well as later public hearings, the concerns regarding local impacts may remain and the potential for controversy within the community is considered to be high.
7.	***How sensitive are potential viewer-groups likely to be regarding visible changes proposed by the project?*** Consider the number of viewers in each group, probable viewer expectations, activities, viewing duration and orientation. This information may be scoped by applying professional judgment and using information from Caltrans, local agencies &	*Hi Sensitivity (3)* *Mod. Sensitivity (2)* *Low Sensitivity (1)* **MODERATE SENSITIVITY = 2**	The project site is located in the heart of a region with varied scenic resources of the highest quality. Important viewer groups include local residents and tourists/visitors. Local residents are a small but important viewer group with year-round exposure to onsite uses. The local economy is primarily driven by tourism which is the other primary viewer group. Most tourists come from within California,[2] and roughly 98% of all VISA expenditures occur in the 5-month period from late May through late October. A total of about 281,400 VISA cardholder tourists were recorded to have visited Mono County during 2016, compared with a total county population of about 14,000 residents, 400 of which live in the Mono Basin. Residents of Lee Vining are likely to be highly sensitive to visible changes associated with the project; however, in recent meetings it has been acknowledged that no window

[2] Information provided by Mono County Dept. of Economic Development (*VISA Tourism Spending Data, Mono Co. 2016; Domestic, International and total)* indicates that domestic tourism accounted for about 90% of all 2016 VISA spending in Mono County, and also that domestic spending is growing at a faster rate than international spending (17.7% v. 5.5% year-to-year growth). Visitors from the larger Los Angeles area represent the largest group by VISA expenditures (about one-third of the total); California residents account for about two-thirds of total.

	community representatives familiar with community sentiments and concerns.		visibility and landscaping to screen visible elements make significant progress toward addressing concerns. Due to distance, tourists are likely to have a low level of sensitivity to the visible changes of proposed elements. Caltrans indicated in its comments on the DSEIR that "*the project's scenic impacts may be overestimated considering the project's scale within the rather vast viewshed. The project is at the fringe of the Lee Vining community (an area omitted from Scenic Highway designation) and is subject to County requirements (including Scenic Combining District Regulations). The County and consultant might want to revisit this section.*" In whole, the sensitivity of viewer groups is considered to be moderate.
8.	***To what degree does the project's aesthetic approach appear to be consistent with applicable laws, ordinances, regulations, policies or standards?*** These documents are critical in understanding the importance communities place on aesthetic issues; the information can be obtained through the local planning department and/or online at the California Land Use Planning Network	*Low Consistency (3)* *Mod. Consistency (2)* *Hi Consistency (1)* **HI CONSISTENCY = 1 PT**	The Tioga Specific Plan (as adopted, and with proposed changes) represents the primary framework governing regulations, policies and standards for the Tioga project. All Specific Plan policies and implementation measures pertaining directly to visual quality are contained under Goal 3 (reduce the project's visual intrusiveness). These include policies to minimize site disturbance, maximize use of indigenous species, use of introduced landscaping that will best screen project elements, ensure ongoing care and maintenance of introduced landscaping, provide landscaped areas for picnicking and walking and relaxation, ensure a visually attractive development, and strive to reduce glare. The Goal 3 implementation measures and policies remain as originally proposed except that landscaping plans are proposed to be updated to strengthen native habitat value, and the implementation measure for reducing glare is proposed to be replaced by compliance with Scenic Combining Element and Dark Sky Ordinance requirements. For these reasons, the project is considered to have a high degree of consistency with applicable aesthetic standards.
9.	***Are permits going to be required by outside regulatory agencies (i.e., Federal, State, or local)?*** Permit requirements can have an unintended consequence on the visual environment. Anticipated permits, as well as specific permit requirements - which are defined by the permitted, may be determined by talking with the project Environmental Planner & Project Engineer.	*Yes (3 pts)* *Maybe (2 pts)* *No (1 pt)* **YES = 3 PTS.**	Permits will be required from numerous agencies including LRWQCB, Caltrans, CDFW, CalFire, Mono County Environmental Health Dept., and Lee Vining Fire Protection District. Permitting may result in conditions of approval that conflict with Specific Plan standards for the visual environment. The response to this question is therefore 'yes.'

10.	***Will the project sponsor or public benefit from a more detailed visual analysis to help reach consensus on a course of action to address potential visual impacts?*** Consider the proposed project features, possible visual impacts, and probable mitigation recommendations.	***Yes (3 pts)*** ***Maybe (2 pts)*** ***No (1 pt)*** **NO = 1 PT**	Comments on previous alternatives, including Alternative 6, suggested a more detailed analysis of visuals, which was provided in Alternative #7-Hybrid Plan through both the refined line of sight diagrams and comparison to the visibility of existing built structures on site. Further schematic renderings are not likely to represent visual impacts better than structures currently existing on the ground that have similar visibility to the proposed alternative.
TOTAL SCORE: 18			

SCORING CRITERIA:

6-9 POINTS: No noticeable visual changes to the environment are proposed and no further analysis is required. Print out a copy of this completed questionnaire for your project file or Preliminary Environmental Study (PES).

10-14 POINTS: Negligible visual changes to the environment are proposed. A brief Memorandum addressing visual issues providing a rationale why a technical study is not required.

15-19 POINTS: Noticeable visual changes are proposed. An abbreviated VIA is appropriate in this case. The assessment would briefly describe project features, impacts and any avoidance and minimization measures. Visual simulations would be optional. See the Direction for using and accessing the Minor VIA Annotated Outline.

20-24 POINTS: Noticeable visual changes to the environment are proposed. A fully developed VIA is appropriate. This technical study will likely receive public review. See Directions for using and accessing the Moderate VIA Annotated Outline.

25-30 POINTS: Noticeable visual changes to the environment are proposed. A fully developed VIA is appropriate that includes photo simulations. It is appropriate to alert the Project Development Team to the potential for highly adverse impacts and to consider project alternatives to avoid those impacts. See Directions for the Advanced/Complex VIA Annotated Outline.

The updated scoring and considerations outlined above in Table 5.12-3 reflect changes associated with new Alternative #7-Hybrid Plan as well as additional information gained through the public comment process. The retroactive scoring does not change the impact conclusion as visual simulations are provided and the public has an opportunity to review and comment before the Board of Supervisors. In light of the considerations reviewed above, it is concluded that the modifications associated with new Alternative #7-Hybrid Plan would reduce aesthetic resource impacts from the visibility of the structures to less than significant levels. Impacts on light and glare would remain significant and adverse. The two foremost factors underlying the determination that aesthetic impacts from visibility of the structures would now be less than significant include the requirement that all structures in the housing complex be of single-story construction with a maximum roof height of 16,' and the increased number and placement of screening aspen and pine trees with the specific intent to block offsite views of walls, windows and roofs. The lowering of the grading line, required dark colors and non-reflective materials, and distance also contribute to reducing impacts from the visibility of the structures to less than significant levels.

SECTION 2 REVIEW OF ALTERNATIVE #7-HYBRID PLAN IN TERMS OF OTHER ENVIRONMENTAL IMPACTS

Overview. This section 2 briefly assesses Alternative #7-Hybrid Plan in terms of potential impacts on all other environmental factors to ascertain whether the new Hybrid Plan would have impacts that were not previously analyzed or would be more severe than previously analyzed. In sum, the assessment provided below concludes that Alternative #7-Hybrid Plan would not have new impacts or impacts that are more severe than analyzed for the original project proposal or Alternative 6.

Geology and Soils. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding seismic risk, potential for erosion, risk of liquefaction and landslide, soil suitability for the proposed waste treatment system, or mineral resources.

Hydrology. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR regarding water quality objectives, wastewater treatment requirements, water supply availability, erosion risk, flood hazards, hazards associated with dam failure, or potential for exposure to seiche, tsunami or mudflows.

Biology. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential impacts on sensitive species, riparian resources, wetlands, wildlife movement, compliance with local policies and ordinances, or habitat conservation planning.

Cultural Resources. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential impacts on prehistoric or historic resources, paleontological resources, or impacts to human remains.

Land Use and Planning. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential to divide an established community, or conflict with an applicable land use plan or policy, or impact recreational facilities or open space areas.

Population and Housing. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential to induce substantial unplanned population growth, or displace substantial numbers of people or housing. Impact determinations and mitigation measures for Alternative #7-Hybrid Plan are as stated in FSEIR/DSEIR §5.6.

Health, Safety and Hazards. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential to cause a release of hazardous materials or impact hazardous materials sites, or cause or be impacted by airport hazards, or interfere with emergency response, or worsen wildland fire risks, or cause or be impacted by avalanche, landslide, storms, rockfall or volcanic activity.

Public Services and Utilities. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding potential to impact services provided by school or other service districts, result in wasteful or inefficient use of energy, or be served by a landfill with insufficient capacity.

Traffic and Circulation. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR/DSEIR regarding regulatory compliance, vehicle miles travelled, air traffic patterns and safety, or design hazards.

Air Quality and Greenhouse Gases. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR regarding criteria pollutants and compliance with air quality standards, potential to generate objectionable odors, or potential to cause GHG emissions in conflict with adopted GHG reduction plans.

Noise. Alternative #7-Hybrid Plan would not alter information and/or conclusions presented in the FSEIR regarding potential exposure to excessive noise levels, or excessive airport noise, or exposure to groundborne vibration or noise.

CONCLUSIONS

Alternative #6: The lowering of the grading line, required dark colors and non-reflective materials, and distance combined with the landscaping applied as described in Alternative #7-Hybrid Plan largely screens the visible portion of the easternmost one-story structures from South Tufa and Navy beaches, thus mitigating the additional impact of Alternative #6 that was not disclosed to a less than significant level. The landscaping plan also screens the westernmost two-story structures and mitigates window glare, reducing the visual impact of these structures to less than significant levels.

Alternative #7-Hybrid Plan: The modifications associated with Alternative #7-Hybrid Plan would reduce impacts from the visibility of the structures on aesthetic resources to less than significant levels. Impacts on light and glare would remain significant and adverse. The three foremost factors underlying the determination that aesthetic impacts from visibility of the structures would be less than significant include the provisions of new Mitigation Measure AES 5.12(a,b-1), which requires that all structures in the housing complex be of single-story construction with a maximum roof height of 16', and the requirements of Mitigation Measure 5.12(a,b-2) which mandates preparation of a formal tree screening landscaping plan with criteria and performance measures intended to block offsite views of project structures. The lowering of the grading line, required dark colors and non-reflective materials, and the long distance also contribute to reducing impacts from the visibility of the structures to less than significant levels. No other new impacts or impacts that are more severe than analyzed for the original project proposal or Alternative #6 are identified.

SUPPLEMENTAL INFORMATION REQUESTED BY THE MONO COUNTY BOARD OF SUPERVISORS

TIOGA COMMUNITY HOUSING PROJECT

At the June 29-30, 2020, public hearing, a number of project modifications were offered to resolve key issues of concern and the Board of Supervisors directed additional staff work to develop those concepts. Listed below are the remaining issues to be resolved, and a reference to the attachment that offers additional information and modifications to address them. Also listed are the tables and exhibits provided in this document.

ISSUE	REFERENCE
GRADING AS PART OF PHASE 1	ATTACHMENT A
EVACUATION ROUTE ONTO SR 120	ATTACHMENT B
EVACUATION ROUTE ONTO US 395	ATTACHMENT C
PROPANE TANK USE and LOCATION	ATTACHMENT D
CONNECTIVITY TRAIL	ATTACHMENT E
LVFPD	ATTACHMENT F
AFFORDABLE HOUSING	ATTACHMENT G

ATTACHMENT A

GRADING AS PART OF PHASE 1

GRADING OF ALL HOUSING PHASES AS PART OF PHASE 1

The applicant proposes to complete all grading for the Community Housing Project during Phase I of housing construction. Grading of the housing area in one phase, at the beginning of construction, would have the following benefits as stated at the June 29-30 public hearing:

1. **Utilities:** Comprehensive grading would allow installation of all roads and subsurface utilities at one time, avoiding earthwork to install roads and utilities in later phases, and facilitating residents' access to infrastructure (roads, lights, parking, water and power) through all development phases.
2. **Landscaping:** Comprehensive grading during Phase 1 would allow berms and screening landscape to be installed at the earliest development stage. The longer growth period would optimize the maturity of planted materials and more effectively screen offsite views during later phases of development.
3. **Dust and Noise:** Completion of grading prior to occupancy of the housing units would avoid exposure of residents to the dust and noise associated with multiple earthwork phases.
4. **Safety of Residents:** Completion of grading prior to occupancy of the housing units would avoid the potential safety hazards associated with the use of heavy equipment for construction in close proximity to children and pets.
5. **Fire Safety:** Completion of all project grading during Phase 1 would ensure that Fire Safe egress improvements are completed up-front.

The downsides of completing all grading in Phase I are as follows: 1) If the other phases are never built, asphalt that is installed but not driven on deteriorates and fails much faster than normal; however, that failure would not be an aesthetic impact as the asphalt would not be visible from US 395, South Tufa Beach or Navy Beach; and 2) Short-term visual impacts while the Revegetation Plan described in the FSEIR is implemented on graded areas left fallow. Mono County Public Works notes some components of the work may be reasonably phased. If phased grading is desired to minimize visual impacts and address the uncertainty that future phases will be built, the staff recommendation is to require the grading permit for each phase only provide for the minimum amount of grading needed for that phase and for infrastructure that must reasonably be installed, and be subject to the approval of the Public Works Director or County Engineer.

ATTACHMENT C

EMERGENCY ROUTE ONTO SR 120

GIBBS SIPHON EVACUATION ROUTE ONTO SR 120

As requested by the Board of Supervisors, the base map boundaries for the southwestern-most portion of Parcel 4 (Tioga Hilltop Housing parcel) have been expanded to show the new Gibbs Siphon emergency evacuation route onto SR 120 as described in the FSEIR.

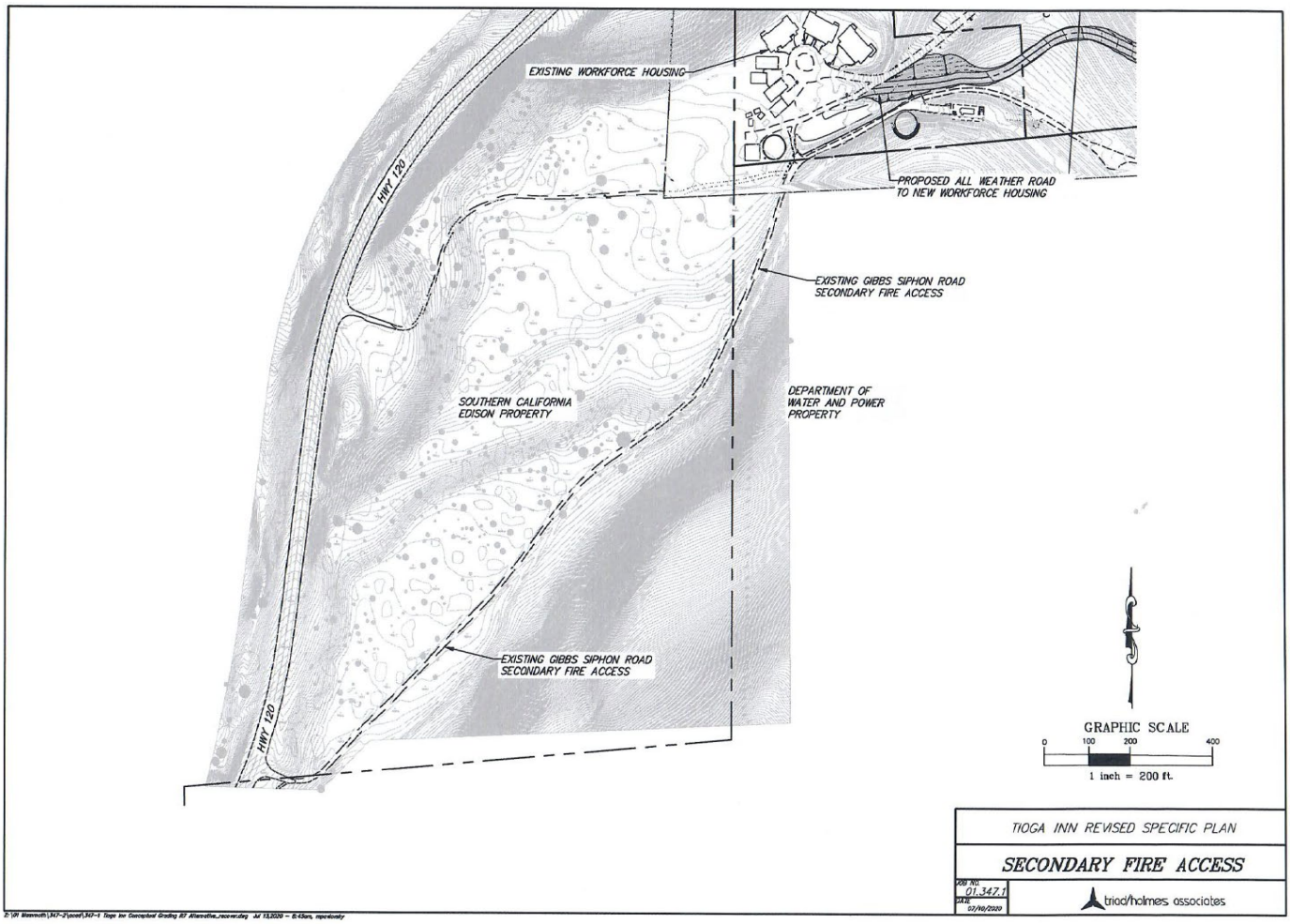


EXHIBIT 9. Gibbs Siphon Emergency Access Road Alignment Map

The project applicant initiated the process to acquire the Gibbs Siphon easement from SCE in 2016 and it is his understanding that the process is now nearing completion. As stated at the June 29-30, 2020, public hearing, Mitigation Measure SFTY 5.7(e-3) has been prepared to outline maintenance requirements for this emergency access route, and to stipulate that community housing building permits shall not be issued until the easement acquisition has been finalized.

> ***NEW Mitigation Measure SFTY 5.7(e-3) (EMERGENCY ACCESS TO SR 120):*** *The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, and shall be bladed annually to maintain full easement width, to be recorded prior to issuance of project building permits.*

ATTACHMENT D

EMERGENCY ROUTE ONTO US 395

EVACUATION ROUTE ONTO US 395

As stated in the FSEIR, the project not only meets CalFire fire safety requirements with one access road but exceeds fire safe requirements by providing a secondary emergency route via the Gibbs Siphon Road. The FSEIR also stated that "Caltrans advised the applicant not to pursue a secondary access onto US 395 due to complex road geometrics in the project vicinity." However, the Board requested Caltrans be contacted again to further investigate whether an emergency access road to US 395 may be possible. Mono County Community Development Director Wendy Sugimura spoke with Caltrans District 9 Director Ryan Dermody on July 8 and 10, 2020, and he indicated that an emergency access from the Tioga site onto US 395 may be feasible.

In further discussions, the Lee Vining Fire Protection District (LVFPD) stated it would need a fully functional evacuation route, designed to allow residents and guests to escape the site at the same time that LVFPD equipment and crew are using the route to gain access to the site.

Because no fire safe standard or identified CEQA impact requires an emergency access road to US 395, the County has no nexus to require provision of this road as part of the Specific Plan (see CEQA §15126.4(a)(4)(A)). However, the Lee Vining Fire Protection District must issue a will-serve letter to the project at the building permit stage. The District could therefore determine on the basis of its authority and regulations that the access road is required in order to issue the will-serve letter.

To allow for this possibility, the following language is suggested for addition to the Specific Plan:

> ***New Implementation measure 2b(7):*** *If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan shall allow for the road and is hereby modified to state "other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395."*

ATTACHMENT E

PROPANE TANK USE AND LOCATION

PROPANE TANK

As shown in the original Site Concept Plan and in Alternative 6, the proposed 30,000-gallon propane tank was located adjacent to the proposed maintenance storage building, separated from the nearest residential units by approximately 60-feet. In response to concerns raised by the Board, the propane tank has been relocated onto the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards outlined in Specific Plan Table 4-12, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways. The approved Tioga Inn Specific Plan designates the eastern sub-parcel as "Open Space-Facilities," which includes a propane tank among the allowed uses.[1] The tank will be used to serve onsite propane demands only. A separate Specific Plan amendment will be sought in the event that commercial use of the propane tank is proposed at a future date.

[1] Tioga Inn Specific Plan Implementation Measure 1h(1).

ATTACHMENT F

CONNECTIVITY TRAIL

TRAIL CONNECTIVITY

The FSEIR concluded that establishment of an at-grade trail connection between the project site and Lee Vining would be infeasible due to the fact that (a) such trail would ultimately expose pedestrians to potential hazards associated with high speed vehicles and limited line of sight distances as they cross Highway 120 to access the trail, (b) the connection would require action by other parties over whom the County and the property owner lack legal control (i.e.., SCE and Caltrans), and other factors. However, since the Planning Commission hearing on the project, staff from SCE and from Caltrans have indicated that their agencies may now be in a position to consider options for providing pedestrian and bicycle connectivity between the project site and Lee Vining.

A Zoom meeting with Caltrans and SCE[2] was held on July 7, 2020, to better characterize the agencies' ability to collaborate with Mono County on connectivity options. Caltrans staff affirmed that they can consider options (excluding at-grade options) for providing pedestrian/bicycle connectivity between the project site and Lee Vining.

SCE staff stated that it could not yet make a formal commitment to the connectivity trail effort, pending approval from several additional internal SCE departments, but did affirm that SCE considers the collaboration worth pursuing based on comments discussed during the meeting. It is worth noting that the formal acquisition of the Gibbs Siphon Road for emergency access has been ongoing for nearly four years and is not yet complete.

Because the trail is considered infeasible at this time and due to uncertainty of implementation, the potential environmental impacts of the recommended mitigation measure below are not included in the current FSEIR nor in the Statement of Overriding Considerations for the Project, which is provided for in CEQA §15126.4(a)(5).

Based on input from both Caltrans and SCE, Mono County staff has modified draft Mitigation Measure SVCS 5.8(a-4) (Connectivity), as shown below in a clean format (track changes not shown) for consideration by the Board of Supervisors:

> *MITIGATION SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control and which parties were unwilling to cooperate at the time, (e.g., SCE and Caltrans),;and for other reasons. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental impact. Since the Planning Commission hearing on the project, SCE and Caltrans have stated that their agencies can consider other options for providing pedestrian/bicycle connectivity between the project site and Lee Vining.*
>
> *Accordingly, the property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue options for a pedestrian/bicycle connection to Lee Vining which includes, but is not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the development, CEQA analysis, and construction of the trail project. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.*

[2] Caltrans' staff participants in the Zoom meeting included Gayle Rosander (District 9 External Project Liaison) and Mark Reistetter (District 9 Encroachment Permits Office); SCE was represented by Richard Fujikawa (SCE Transmission & Distribution/Acquisition).

ATTACHMENT G

RESPONSE TO LVFPD CONCERNS

LVFPD CONCERNS AND RESPONSES

Following the Board of Supervisors' hearing on June 29-30, staff requested an opportunity to speak with the Lee Vining Fire Protection District (LVFPD) Board of Directors about their concerns and needs to serve the Tioga Community Housing Project. LVFPD responded on July 6, 2020, with a written summary of concerns that served as a basis for the July 9, 2020, Zoom meeting with the LVFPD Board. The concerns and responses are summarized below in Table 2.

TABLE 1. LVFPD CONCERNS AND RESPONSES

LVFPD CONCERNS	MONO COUNTY RESPONSES
CONNECTIVITY BETWEEN TIOGA SITE AND LEE VINING	
1. Enhanced Traffic, Cyclist and Pedestrian Safety - The District feels strongly that clear and enforceable mitigations must be adopted to remove the significant adverse impacts to pedestrian, cyclist safety and to mitigate vehicle hazards at the Hwy 120/395 intersection. The two main components of protecting public safety as discussed would be: a. Off-highway pedestrian and cyclist connection to town - Language should be included in the project document to assure the public that a trail to town will be built prior to or concurrent with project initiation and detail how this mitigation will be structured to assure connectivity project costs will be borne by the proponent through bonding and/or concrete fair share commitments. b. Traffic calming - What actions can be included in the project document to assure the public that meaningful measures to enhance traffic safety at project ingress and egress, as well as the Hwy 120/395 intersection, will be required and implemented by the project proponent?	Unfortunately, and as discussed above in Attachment F: Connectivity Trail, the County lacks the legal authority to ensure that these measures will be carried out. For discussion of the 120/395 intersection, please see the Aug. 6, 2020, staff report which reaffirmed that no feasible mitigation measure exists.
TRAFFIC IMPROVEMENTS AT SR 120/US 395	
What actions can be included in the project document to assure the public that meaningful measures to enhance traffic safety at project ingress and egress, as well as the Hwy 120/395 intersection, will be required and implemented by the project proponent?	As cited in the FSEIR, the proposed project includes improvements to the Vista Point entry configuration, and Caltrans confirmed in its DSEIR comment letter that they are currently considering solutions for heavy traffic volumes and overflow parking on the SR 120 apron located east and west of the Vista Point entry. Caltrans recognizes that these uses can block intersection sight distance. With respect to the SR 120/US 395 intersection, the sole impact identified in the FSEIR is congestion (only during the peak season months) that would occur with or without the proposed project. No safety impact has been identified. The intersection is under Caltrans jurisdiction – please see the Aug. 6, 2020, staff report for reaffirmation of Caltrans'

	position. As an added note, the County's adopted Regional Transportation Plan does not contain specific language related to the SR 120/US 395 intersection, and the intersection has not been raised under any safety or other considerations or Local Transportation Commission project programming efforts.
PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD	
1. LVFPD believes that costs of plan review for fire code compliance should not be passed on to the District as currently proposed. Our limited budget should not be taxed for this project. We would like to see language in the project document that assures our District will be insulated from any and all project-required plan design review fees and ongoing compliance reviews.	The FSEIR, supplemental response to Supervisor Fred Stump, and June 29-30, 2020, public hearing presentation noted an option for Mono County to complete the building plan check and building inspections at no cost to the Fire District. This option assumes the County completes the plan check and inspections as part of typical building permit services. The County would not cover costs outside of the building/grading permit process and that may be imposed under the sole authority of the Fire District, such as an emergency access road to US 395, but could cover the cost to issue a grading permit and inspect the construction of the road. With respect to development impact fees (DIF), the County stated at the June 29-30, 2020, public hearing that special districts are typically billed for consultant costs to update a DIF study, but staff time through the County Counsel's office to provide legal services and assist with legal aspects of DIF imposition is provided free of cost. In the current project, however, the applicant has agreed to fund the DIF study up front, provided the amount is credited toward the eventual DIF that would become due when he builds the project. Prefunding of the DIF update is a solid step that would enable LVFPD to move quickly with the update.
2. While the document currently contains an estimate of Fire Mitigation Fees potentially due to the District at full project build out, it would help inform this discussion to see those fees calculated in step with the project's final proposed phasing.	The FSEIR and supplemental response to Supervisor Fred Stump stated that the LVFPD would receive fire mitigation fees at the current rate of $0.50/square foot and the proposed project is approximately 75,000 square feet, plus additional fees would be assessed for the hotel and restaurant elements. The math calculation results in total fees for the proposed housing project (only) of about $37,500. The exact amount to be billed at each phase depends on the size of the proposed units. However, based on rough percentages, Phase I is about 30% of full build out and would therefore result in 30% of total DIF (~$11,250). Phase 2 is about 40% of the project (~$15,000 in DIF), and Phase 3 is about 30% of the project (~$11,250 in DIF). However, fees may change if the DIF study is prefunded and the new DIF is in place prior to final permits.
3. Additionally, it would help us understand the project's potential financial input to the District from annual property tax assessments tied to project phasing. Basically, what funds would actually be coming to the District.	Mono County Treasurer-Tax Collector Gerald Frank calculated that LVFPD would receive about $250/year from property taxes at full project buildout of the Tioga Specific Plan (all uses).
PROJECT-RELATED CAPACITY IMPACTS ON LVFPD	

1. Following the direction of Supervisor Stump's discussion from the June 30 hearing, we acknowledge the difficulty of the project providing assurance to offset impacts on volunteer capacity, and also welcome the suggestion of an annual mitigation fee to support infrastructure, training, equipment and professional help to enhance our District's limited capacity. Our District has never served a project of this size and complexity. Moving forward we will require outside assistance to help us understand how we can best build our own capacity to meet the needs of the project while sustaining current service levels across the District.	As stated in the FSEIR, the proposed Tioga project is a maximum of 100 new residential units. The 2019 County Housing Element estimated about 185 housing units in the Mono Basin as a whole. While the project significantly increases the number of new units, the complexity and size of the individual units is comparable to the existing housing units currently being served. If a certain type of construction or spacing is of concern to the District in terms of structural complexity, the District should make their concern known and appropriate conditions could be considered for the Specific Plan. The concern appears to be related to the commercial components of the project (e.g., hotel and restaurant), which are not part of the project and cannot legally be addressed through this process. However, the previously proposed Specific Plan implementation measure of developing an evacuation plan, which could be modified to a fire plan to be more general, is intended to help address this concern. As discussed at the June 29-30, 2020, public hearing, one or more formal incentives for onsite residents to serve as volunteer firefighters could be incorporated. For example, volunteers could be given priority for available housing or the project could be required to provide a certain number of volunteers. Additional suggestions for building capacity would be welcomed. It should be added that any existing lack of capacity experienced by LVFPD is not attributable to the proposed community housing project; the proposed project may be held responsible only for its incremental increase to impacts.
PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD	
2. We have initiated a search for an independent consultant who can provide analysis of the District's needs in lieu of a spectrum of Project build-out possibilities from phased housing to final hotel and restaurant completion. We request that these costs be covered by the proponent.	Mono County cannot legally require the applicant to cover costs under the current proposal for actions related to the previously approved components. However, a timely update to the District's DIF fee structure would enable LVFPD to receive impact fees for all unbuilt Specific Plan components, including the previously approved uses that are not a part of the current project. Since equipment expenses qualify as 'capital costs,' they would be covered by the DIF fees.
FIRE SAFETY ACCESS	
The District is encouraged that plans are proceeding to guarantee emergency access as part of the project. Given the increasingly extreme fire behavior recently experienced in CA and Mono County, having reliable fire access is essential to the safety of residents and guests at project site. We look forward to evaluating a final set of plans with route details (including an annual maintenance plan) before the next Special Board of Supervisors Meeting.	Please see ATTACHMENT C for discussion of the emergency access road onto SR 120 that will be provided. With respect to fire access onto US 395, please see the discussion provided in Attachment D.

ATTACHMENT H

AFFORDABLE HOUSING

AFFORDABLE HOUSING

As stated in the FSEIR, the 2017 Mono County Housing Needs Assessment estimates 50-100 rental units are needed in the unincorporated county to meet current demand and 70 new units are needed for future housing demand from employment growth. The total projected demand is therefore 120-170 new housing units in the unincorporated area by 2022. The Assessment identified future housing needs as "largely determined by employment growth," does not break down the number of units attributable to each community, and does not explicitly state affordability levels for these units. The Tioga Inn project would be providing housing units in response to employment growth, and the calculation of needed housing units based on estimated employment was provided in the June 29-30, 2020, public hearing staff report. As a reminder, the project may only be held responsible for its incremental increase to an impact and not for the existing condition.

While affordable housing is certainly preferable, state-level housing policy and laws often do not distinguish between income-restricted housing and the provision of new market rate units as an increase in general housing supply is considered part of the solution.

In response, the applicant indicates that he intends to comply fully with the County's adopted Housing Mitigation Ordinance and also intends to meet the affordability requirements associated with any grant funding that is available to assist in meeting project development costs. To preserve flexibility in complying with potential grant eligibility requirements, there are no plans at this time to identify additional deed-restricted units on the project site.

Mono County
Community Development

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Date: July 22, 2020

To: The Sheet

From: Michael Draper, Mono County Community Development

Re: Legal Notice for the **July 25** issue

Billing: Melissa Bell, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will hold a Special meeting to conduct a Public Hearing on **August 6, 2020,** with remote videoconferencing at https://zoom.us/join (meeting ID: 984-7833-3904), or teleconference at (669) 900-6833 and enter Webinar ID 984-7833-3904, to consider the following: **10:05 a.m. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT.** The public hearing is intended to solicit public comment on new project information, including a new one-story site plan (Alternative #7), grading, evacuation routes to SR 120 and US 395, propane tank use and location, connectivity trail, roundabout at US 395/SR 120 junction, protection of stockpiled soils, fire district concerns, shuttle service, and hydrology. Please limit public comments to this set of new information; previous comments submitted remain a part of the record for consideration. A public hearing was previously held on June 29, 2020, to consider the Tioga Inn Specific Plan located on four parcels (APN 021-080-014, -025, -026 & -027) at 22, 133, and 254 Vista Point Road and proposing up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. A Subsequent Environmental Impact Report is proposed for the project. On April 16, 2020, the Mono County Planning Commission approved Resolution 20-01 recommending approval of the project to the Board of Supervisors with modifications including prohibition of accent uplighting, the addition of a phasing plan, the addition of a shuttle service between the project site and town, signage to not feed wildlife, and addition of a survey for active fox dens. Project documents are available at https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing cddcomments@mono.ca.gov or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Written comments must be received by 10:00 a.m. on August 6.** Written comments will not be read into the record but will be transmitted to the Board prior to deliberation. If you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in testimony delivered to the Community Development Department at, or prior to, the public hearing.

###