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***SUBSEQUENT ENVIRONMENTAL  
IMPACT REPORT AND SPECIFIC PLAN  
FOR THE TIOGA COMMUNITY HOUSING PROJECT***  
(Formerly the "Tioga Workforce Housing Project")

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**FINAL SUBSEQUENT EIR/  
UPDATED DRAFT SUBSEQUENT EIR**  
**SCH #199012113**

**Prepared for:**



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**TIOGA WORKFORCE HOUSING  
UPDATED FINAL/DRAFT SUBSEQUENT EIR**



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**TIOGA WORKFORCE HOUSING  
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**TIOGA WORKFORCE HOUSING  
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## **SECTION 7.0 – ALTERNATIVES**

7.1	<u>Cluster Alternative Design Plan.....</u>	<u>7-7</u>
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## TIOGA WORKFORCE HOUSING DRAFT SUBSEQUENT EIR



### ACRONYMS & ABBREVIATIONS<sup>1</sup>

#### A

AAQS	Ambient Air Quality Standards
ADA	Americans with Disabilities Act
ADC	Alternative Daily Cover (for landfills)
ADT	Average Daily Traffic
AF/AFY	Acre-feet; acre-feet per year
ALS	Advance Life Support
ALUC	Airport Land Use Commission
ALUP	Airport Land Use Plan
AQMP	Air Quality Management Plan
ARB	California Air Resources Board (also referred to as 'CARB')
ARP	California Accidental Release Program
AST	Above-Ground Storage Tanks
ATP	Active Transportation Program

#### B

BACM	Best Available Control Measures
Basin Plan	<i>Water Quality Control Plan</i> prepared by the Calif. Water Quality Control Board
BFE	Base Flood Elevation
BGS	Below Ground Surface
Bi-State DPS	Bi-State Distinct Population Unit of the Greater Sage Grouse
BLM	Bureau of Land Management
BLS	Basic Life Support
BMP	Best Management Practices
BOD	Biological Oxygen Demand
BOP	Battery, Oil and Paint (a waste recycling term)
BTA	Bicycle Transportation Account
BTP	Bicycle Transportation Plan

#### C

CAA	Clean Air Act
CalEPA	California Environmental Protection Agency
CalARP/RMP	California Accidental Release Prevention and Risk Management
CALFIRE	California Dept. of Forestry and Fire Protection
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAO	Cleanup and Abatement Order
CASP	California Aviation System Plan
CBSC	California Building Standards Code (also referred to as 'CBC')
CCPI	Cooperative Conservation Partnership Initiative
CCR	California Code of Regulations
CC&R	Homeowner Covenants, Conditions and Restrictions

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<sup>1</sup> The reader is also referred to 'Key Terms' as defined for individual EIR sections where applicable.

CDD	Community Development Department (Mono County)
CDF	California Department of Forestry
CDFWA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife (formerly Fish and Game)
CDO	Cease and Desist Order
CDOC	California Department of Conservation
CDP	Census Designated Place
CEC	California Energy Commission
CEPEC	California Earthquake Prediction Evaluation Council
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
cfs	Cubic feet per second
CFR	Code of Federal Regulations
CGC	California Government Code
CGS	California Geological Survey
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CIWMA	California Integrated Waste Management Act
CIWMB	California Integrated Waste Management Board
CNDDDB	California Natural Diversity Data Base
CNPS	California Native Plant Society
CO	Carbon Monoxide
COD	Chemical Oxygen Demand
CO <sub>2</sub> e	Carbon dioxide equivalent
COG	Council of Governments
CPH	Chains per hour, a measure of the rate of fire spread (1 chain is equal to 66 feet)
CRHR	California Register of Historic Places
CRV	California Redemption Value
CS	Service Commercial, a land use designation
CSA	Community Service Area
CSP	Conservation Stewardship Program
CTC	California Transportation Commission
CTR	California Toxics Rule
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CURES	Coalition for Unified Recreation in the Eastern Sierra
CWA	Clean Water Act of 1972
CWPP	Mono County Community Wildfire Protection Plan

## D

DBH	Diameter at breast height (tree diameter)
DFG	California Department of Fish and Game
DHS	California Department of Health Services
DMG	California Division of Mines and Geology
DOF	California Department of Finance
DOT	U. S. Department of Transportation
DPH	Mono County Department of Public Health
DPS/DPU	Distinct Population Segment/Distinct Population Unit
DTSC	California Department of Toxic Substances Control

## E

ECSZ	Eastern California Shear Zone
ECTPP	Eastern California Transportation Planning Partnership
EIR	Environmental Impact Report



EIS	Environmental Impact Statement, prepared for projects subject to the National Environmental Policy Act
EMS	Emergency Medical Services
EMT	Emergency Medical Technician
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
EQUIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
ESLT	Eastern Sierra Land Trust
ESRFSC	Eastern Sierra Regional Fire Safe Council
ESTA	Eastern Sierra Transit Authority

## F

FAA/FAR	Federal Aviation Administration; Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSZ	Fire hazard severity zone
FWHA	Federal Highway Administration
FLPMA	Federal Land Policy and Management Act
FPD	Fire Protection District
FPPA	Farmland Protection Policy Act
Fps	Feet per second
FRA	Federal Railroad Administration
FRI	Fire return interval
FRAP	Forest Resource Assessment Program
FRPP	Farm and Ranch Lands Protection Program
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program

## G

'g'	Gravitational acceleration rate
GBVAB	Great Basin Valleys Air Basin ('Great Basin')
GBUAPCD	Great Basin Unified Air Pollution Control District
GPD	Gallons per day
GPLUE	General Plan Land Use Element
GRP	Grazing Reserve Program
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan

## H

HA	Hydrologic Area, used in the LRWQCB <i>Basin Plan</i>
HCP	Habitat Conservation Plan
HHWE	Household Waste Element
HOA	Homeowners' Association
HSC	Health and Safety Code of California
HU	Hydrologic Unit, used in the LRWQCB <i>Basin Plan</i>
HWME	Hazardous Waste Management Element

## I

ICLEI	Local governments for sustainability
IIP	Caltrans' Interregional Improvement Program
INF	Inyo National Forest

	IPM	Integrated Pest Management
	ISO	Insurance Service Office (insurance credit rating)
	IRWMP	Integrated Regional Water Management Plan
	ITIP	Interregional Transportation Improvement Program
J	IWMP	Integrated Waste Management Plan
	JESD	Round Valley Joint Elementary School District
	JLCAC	June Lake Citizens Advisory Committee
L	LADWP	Los Angeles Department of Water and Power
	LAFCO	Local Agency Formation Commission
	LCMMP	Land Cover Mapping and Monitoring Project
	LED	Light Emitting Diode
	LEED	Leadership in Energy and Environmental Design
	LFG	Landfill Gas
	LGOP	Local Government Operations Protocol
	LID	Low Impact Development
	LOS	Level of Service
	LRA	Local Responsible Area
	LRWQCB	California Water Quality Control Board-Lahontan Region
	LTC	Local Transportation Commission
M	MAD	Mosquito Abatement District
	MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century
	MCL	Maximum Contaminant Levels
	MCMWTC	Marine Corps Mountain Warfare Training Center (in Sonora Pass)
	MEA	Master Environmental Assessment
	MPO	Metropolitan Planning Organization
	MRZ	Mineral Resource Zone (formerly 'MRA' – Mineral Resource Area)
	MSL	Mean Sea Level
	MTCO <sub>2</sub> e	Metric tons of carbon equivalent emissions
	µg/m <sup>3</sup>	Micrograms per cubic meter of air
N	NAAQS	National Ambient Air Quality Standards
	NDFE	Non-Disposal Facility Element
	NIMS	National Incident Management System
	NFIP	National Flood Insurance Program
	NFWF	National Fish and Wildlife Foundation
	NOP	Notice of EIR Preparation
	NOx	Nitrogen Oxides
	NHP	Natural Habitat Protection, a land use designation
	NPDES	National Pollution Discharge Elimination System
	NRCS	Natural Resources Conservation Service
	NTR	National Toxics Rule
	NVUM	National Visitor Use Monitoring
O	OES	Office of Emergency Services
	OHV	Off-Highway Vehicles

<b>OHWM</b>	Ordinary High Water Mark
<b>OPR</b>	California Governor's Office of Planning and Research
<b>OSHA</b>	Occupational Safety and Health Act

## P

<b>PCB</b>	Polychlorinated biphenyls
<b>PFPD</b>	Paradise Fire Protection District
<b>PM</b>	Particulate Matter; PM <sub>10</sub> is particulates no more than 10 microns in diameter, and PM <sub>2.5</sub> , is very fine particulates measuring no more than 2.5 microns in diameter
<b>POU</b>	Publicly-owned Utility
<b>PPM</b>	Parts per Million
<b>PRC</b>	Public Resources Code
<b>PUC</b>	Public Utilities Commission, Public Utilities Code
<b>PUD</b>	Public Utilities District

## R

<b>RCD</b>	Resource Conservation District
<b>RCRA</b>	Resource Conservation and Recovery Act of 1976
<b>RE</b>	Resource Extraction, a land use designation
<b>REP</b>	Resource Efficiency Plan
<b>RFA</b>	Recreation Facility Analysis
<b>RMH</b>	Rural Mobile home, a land use designation
<b>RPAC</b>	Regional Planning Advisory Committee
<b>RTP</b>	Regional Transportation Plan
<b>RWQCB</b>	Regional Water Quality Control Board-Lahontan

## S

<b>SAFETEA-LU</b>	Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users
<b>SARA</b>	Superfund Amendments and Reauthorization Act of 1986
<b>SCE</b>	Southern California Edison
<b>SCS</b>	Sustainable Communities Strategy
<b>SDC</b>	Seismic Design Criteria set by Caltrans
<b>SDWA</b>	Safe Drinking Water Act
<b>Semi-clustered</b>	Sort of clustered
<b>SEMS</b>	Standard Emergency Management System
<b>SFHA</b>	Special Flood Hazard Areas
<b>SGMA</b>	Sustainable Groundwater Management Act of 2014
<b>SHMP</b>	State Multi-Hazard Mitigation Plan
<b>SHPO</b>	State Historic Preservation Office
<b>SIP</b>	State Implementation Plan
<b>SJVAPCD</b>	San Joaquin Valley Air Pollution Control District
<b>SMARA</b>	Surface Mining and Reclamation Act
<b>SMGB</b>	State Mining and Geology Board
<b>SNC</b>	Sierra Nevada Conservancy
<b>SNARL</b>	Sierra Nevada Aquatic Research Laboratory
<b>SOx</b>	Sulfur oxides
<b>SOP</b>	Standard Operating Procedure
<b>SR</b>	State Route
<b>SRA</b>	State Responsibility Area (a high fire hazard zone)
<b>SRRE</b>	Source Reduction and Recycling Act
<b>S RTP</b>	Short Range Transit Plan
<b>SSRE</b>	Solid Waste Recover Element
<b>STIP</b>	State Transportation Improvement Program
<b>SWE</b>	Snow Water Equivalent
<b>SWL</b>	Static Water Level

<b>SWQCB</b>	California Water Quality Control Board
<b>SWPPP</b>	Stormwater Pollution Prevention Plan

## T

<b>T</b>	A measure of soil transmissivity
<b>TCP</b>	Timber Conversion Permit
<b>TDA</b>	California Transportation Development Act
<b>TDM</b>	Transportation Demand Management
<b>TDS</b>	Total Dissolved Solids
<b>THP</b>	Timber Harvest Plan
<b>TMDL</b>	Total Maximum Daily Load
<b>TOC</b>	Total Organic Carbon
<b>TOML</b>	Town of Mammoth Lakes
<b>TPZ</b>	Timberland Production Zones
<b>TRI</b>	Toxic Release Inventory
<b>TSCA</b>	Toxic Substances Control Act
<b>TSD</b>	Commercial Treatment Storage Disposal

## U

<b>UCCE</b>	University of California Cooperative Extension
<b>USACE</b>	U.S. Army Corps of Engineers
<b>USDA</b>	United States Department of Agriculture
<b>USFS</b>	United States Forest Service
<b>USFWS</b>	United States Fish and Wildlife Service
<b>USGCRP</b>	U.S. Global Change Research Program
<b>USGS</b>	United States Geological Survey
<b>UST</b>	Underground Storage Tank
<b>UWMP</b>	Urban Water Management Plan

## V

<b>VHFHSZ</b>	Very high fire hazard severity zones
<b>VMT</b>	Vehicle Miles Travelled
<b>VOC</b>	Volatile organic compounds

## W

<b>WDR</b>	Waste Discharge Requirements
<b>WHIP</b>	Wildlife Habitat Incentives Program
<b>WRP</b>	Wetland Reserve Program
<b>WUI</b>	Wildland Urban Interface
<b>WWTP</b>	Wastewater Treatment Plant

## X

<b>X</b>	Unknown Quantity
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## Y

<b>YARTS</b>	Yosemite Area Regional Transit System
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## Z

<b>ZOB</b>	Zone of Benefit, a LAFCO designation for areas served by a county service district.
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## TIOGA COMMUNITYWORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 1.0 INTRODUCTION

#### 1.0 INTRODUCTION TO THE REVISED FINAL/DRAFT SUBSEQUENT EIR

This document is a consolidation of the Tioga Inn Workforce Housing Project Draft Subsequent EIR (DSEIR), as modified by changes incorporated into the Tioga Community Housing Final Subsequent EIR (FSEIR). All substantive modifications are shown in 'Track Changes.' The consolidation of the DSEIR with changes incorporated through the FSEIR is in conformance with CEQA Guidelines §15088(d) (Evaluation of and Response to Comments) which states: "The response to comments may take the form of a revision to the draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either: (a1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments." The consolidated text will also facilitate future use of project information by the Lead Agency and other entities.

The original publication of the FSEIR and DSEIR documents, including public comments, are available online at: <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling the Mono County Community Development Department at (760) 924-1800.

The documentation for the Planning Commission meeting on April 16, 2020, is available at: <https://monocounty.ca.gov/planning-commission/page/planning-commission-special-meeting-8> or by calling the Mono County Community Development Department at (760) 924-1800.

#### 1.1 BASIS FOR AND PURPOSES OF THE SPECIFIC PLAN AND SUBSEQUENT EIR

The County of Mono, as Lead Agency, has determined that proposed amendments to the 1993 Tioga Inn Specific Plan constitute a 'project' subject to CEQA as defined in the CEQA Guidelines §15060, and require the preparation of a Subsequent EIR consistent with the requirements of CEQA §15162. CEQA §15162 states that '(a) When an EIR has been certified...for a project, no subsequent EIR shall be prepared...unless the lead agency determines...one or more of the following: (1) substantial changes are proposed in the project which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes [occur regarding project circumstances] which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known...at the time of the previous EIR...shows...(A) one or more significant effects not discussed in the previous EIR..., (B) significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the...measure or alternative, or (D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects, but the project proponents decline to adopt the...measure or alternative; (b) If changes to a project or its circumstances or new information becomes available...the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent Negative Declaration, an addendum, or no further documentation.

*(c) Once a project has been approved, the lead agency's role in project approval is completed unless further discretionary approval on that project is required... (d) A subsequent EIR...shall be given the same notice and public review [as a Draft EIR]...."*

In compliance with CEQA, this Consolidated Draft Subsequent EIR/Final Subsequent EIR ('DSEIR/FSEIR') focuses on (1) substantial changes in the proposed project that may involve new significant effects or substantially more severe environmental effects than were previously analyzed in the 1993 Tioga Inn Final EIR, (2) changes in the project circumstances that may involve new significant effects or substantially more severe environmental effects than were previously analyzed in the 1993 Tioga Inn Final EIR, (3) new information that was not and could not have been known in 1993 that shows one or more new significant environmental effects, or effects that are substantially more severe, or feasible alternatives and mitigations that were previously judged infeasible, or feasible alternatives and mitigations that would substantially reduce one or more significant effects, and (4) changes in the project and/or environmental information, as described in the Draft SEIR, that were made as part of the Final SEIR. This Subsequent EIR does not consider or analyze previously approved project elements (including the 120-room hotel and the full-service promontory restaurant) that have not changed since the 1993 approvals were granted. A detailed description of the scope of the current Subsequent EIR is provided in EIR §3.0 (Project Description).

## 1.2 CEQA REVIEW PROCESS

### 1.2.1 Where to obtain a copy of the Draft EIR

Public review and comment is an essential part of the CEQA process. Lead Agencies are encouraged to provide opportunities for public involvement, and required to make environmental information available for public review and comment (CEQA §15201). ~~Theis~~ Draft Subsequent EIR ~~wasis-being~~ circulated for review and comment to the public and other interested parties, agencies, and organizations for a 60+-day review and comment period (described in §1.2.2 below), which is the maximum time allowed by law. To afford the widest possible review, the Draft Subsequent EIR ~~was has-been~~ made available for review in a number of locations:

- A copy of the Draft SEIR (with all attachments and exhibits) ~~wasis~~ electronically available on the Mono County website: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
- A printed copy of the Draft SEIR ~~waswill-be~~ kept on file for public review at the Mono County Community Development offices in Mammoth Lakes (437 Old Mammoth Rd., Suite P, Minaret Village Mall, Mammoth Lakes) and another printed copy ~~waswill made-be~~ available in Bridgeport (74 School St, Bridgeport, CA 93517).
- Printed copies of the Draft SEIR ~~werewill-be~~ available at the June Lake and Lee Vining public libraries.
- Printed copies ~~were also available for may-be~~ purchased at Mono County offices in Mammoth & Bridgeport for the cost of reproduction.

### 1.2.2 Draft EIR Review Period Dates

The 60+-day Draft EIR review period began on Friday, 14 June 2019 and was scheduled to end on 13 August 2019, and was further extended in response to public requests to 21 August 2019, ends on Tuesday, 21 August 2019. Due to the timeframe for completing the CEQA review process, the County cannot accept comments that are received after the closing date. → PLEASE ensure that your comments are received no later than 5:00 p.m. on 13 August 2019

### 1.2.3 Where to Submit Comments on the Draft EIR

The County invites and encourages your comments on this Draft EIR. Comments may be submitted by email, U.S. mail, hand delivery or fax to the following:

**TO SUBMIT COMMENTS BY MAIL:**  
Mono County Community Development Department  
PO Box 347 ♦ Mammoth Lakes, CA 93546  
**TO HAND-DELIVER COMMENTS:**

Mono County Community Development Department  
437 Old Mammoth Rd.  
Minaret Village Mall, Suite P, Mammoth Lakes

**TO SEND COMMENTS VIA EMAIL:**

Michael Draper ([mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov))  
760-924-1805

**TO SEND COMMENTS VIA FAX:**

Mono County Community Development Dept.  
760-924-1801

#### 1.2.4 Public Meeting during the Draft SEIR Review Period

A public workshop and meeting to discuss this project ~~was~~ will be held on 20 June 2019, during the Mono County Planning Commission Meeting. The Planning Commission meeting will start at 10:00 am, and will be held in the Town/County Conference Room at 437 Old Mammoth Road, Suite 220, in Mammoth Lakes. Please check for additional meeting details on the County's website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>

[A second public meeting, at the request of the community, was held on July 30, 2019, at the Lee Vining Community Center at 6:30 pm.](#)

#### 1.2.5 Response to Comments [on the DSEIR](#)

The Draft EIR public and agency review and comment period has a number of specific goals and purposes. As stated in CEQA §15200, the public review period enables reviewing agencies and citizens to:

- Share expertise and information
- Discover public concerns and
- Disclose responsible and trustee agency analyses
- Solicit counter proposals and alternatives
- Detect omissions of relevant information
- Check for the accuracy of data and conclusions

The public review and comment period for this *Draft Subsequent EIR on the Proposed Tioga Workforce Housing Project* is intended to achieve all of the above purposes. In reviewing the draft EIR, CEQA §15204(a) advises agencies and individuals to focus on the sufficiency of the EIR in identifying and analyzing possible impacts and ways in which significant effects might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that are feasible and could better avoid or mitigate adverse effects. Whenever possible, reviewers are asked to provide data and reference materials and to explain the basis for their comments.

At the close of the 60-day public review period, the County ~~will~~ compiled the Final Subsequent EIR, [which is presented in DSEIR/FSEIR §13](#). The Final EIR ~~will~~ consists of a copy of all comments received, a list of all persons and organizations and agencies that submitted comments, a copy of the Draft Subsequent EIR, and responses prepared by the County to address all significant environmental issues raised in the review and comment process. The Final EIR may include other information added by the Lead Agency.

The Final EIR ~~was~~ will first be submitted for review by the Planning Commission [on 16 April 2020](#). [During the meeting, the Planning Commissioners](#) ~~which will~~ formulated recommendations for consideration by the Mono County Board of Supervisors. The Final EIR ~~was~~ will then be subsequently forwarded for consideration by the Board of Supervisors. The Board of Supervisors will determine whether to certify the Final Subsequent EIR as adequate, based on several key elements:

- Determination whether the Final SEIR has been completed in compliance with CEQA,
- Verification that Board members have fully reviewed and considered information contained in the Final SEIR,
- Affirmation that the Final EIR reflects the independent judgment and analysis of the County.

Following EIR certification, the Board of Supervisors will consider whether to approve the project. If the EIR has identified one or more significant and unavoidable adverse impacts, the Board shall be required to make one or more written findings for each of the significant effects. The written findings will indicate, for each significant effect, whether: a) changes have been incorporated into the project to substantially lessen the adverse effect; b) such changes are the responsibility and jurisdiction of another public agency; or c) the changes are infeasible due to specific economic, legal, social, technological or other considerations; substantial evidence will be provided in support of each finding. At the same time, the Board will adopt a program for reporting on and monitoring the changes incorporated for the purpose of minimizing environmental effects, and will specify the location and custodian of the documents and other materials that constitute the record of proceedings upon which their decision is based.

If significant effects have been identified but not avoided or substantially lessened, the Board of Supervisors shall consider whether the project benefits outweigh the adverse environmental effects. The reasons supporting the Board's decision shall be specified in writing as a 'Statement of Overriding Considerations' that will be included with the record of project approval. At this point, the Board may determine whether to approve the proposed Tioga Inn Workforce Housing Project.

### 1.3 REGULATORY SETTING

Each EIR section contains a discussion of regulations at the federal, state and local level that may have a bearing on issues addressed in that section. Note that some of the programs discussed are not truly regulatory, but also include legislative and programmatic actions that may pertain to issues addressed in the section.

### 1.4 CEQA GUIDELINES AND DETERMINATION OF IMPACT SIGNIFICANCE

CEQA requires that environmental documents identify and focus on the *potentially significant* effects of a project proposal. A significant effect is one that may or will cause "a substantial or potentially substantial adverse change in any of the physical conditions within the area affected" by a project (CEQA Guidelines §15382). The determination of whether an impact is significant is based on a number of factors, including 1) criteria offered by the Lead Agency, responsible agencies or other entities, 2) criteria provided in the CEQA guidelines, and 3) evidence provided by factual materials and expert opinion (Guidelines §15064).

Where a lead agency provides thresholds of significance, CEQA requires that such thresholds be adopted by ordinance, resolution, rule or regulation, and developed through a public review process, and supported by substantial evidence (CEQA §15064.7). Mono County has not formally adopted thresholds of significance (some examples of thresholds are, however, listed in the Mono County General Plan). This EIR relies on thresholds established by the State Clearinghouse and provided in the Environmental Checklist Form<sup>1</sup> to reflect issues of concern identified through the Notice of EIR Preparation and public scoping meeting. Each section of the environmental analysis specifies the thresholds used to determine the significance of potential impacts.

During preparation of the Draft Subsequent EIR, the CEQA Statutes and Guidelines were updated by the California legislature; the updated statutes and guidelines became effective on 28 December 2018. Impact analyses contained in this Tioga Inn Workforce Housing Draft SEIR have been updated to reflect the new guidelines. In some instances, the updated Guidelines topics have relocated the sections within which topics are addressed; this DSEIR retains the original locations, with referrals where needed to point to the location of impact analyses.

Potential environmental impacts refer to issues identified in the NOP as well as issues raised by the County, the public, responsible and trustee agencies, and other entities. In this Draft SEIR, the focus is on potential adverse effects that are clearly produced by the proposed project and may cause a substantial change in environmental conditions in the project study area. The proposed amendment to the Tioga Inn Specific Plan does not meet the CEQA criteria for projects of Statewide, Regional or Areawide Significance, but will be transmitted to the State Clearinghouse as part of the *Draft Subsequent EIR* public review process.

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<sup>1</sup> 2004 CEQA Statutes & Guidelines, Appendix G, Environmental Checklist Form.



## 1.5 MITIGATION MONITORING AND REPORTING

All impacts and recommended mitigation measures are summarized in the Executive Summary (please see Table 2.1), and presented in detail as part of the Mitigation Monitoring and Reporting Program provided in [updated DSEIR/FS](#) EIR §10.

In addition to the mitigation measures contained in this EIR, the project would be subject to a wide range of California Building Standards, Code requirements, and standard conditions of approval required by the County or other agencies (for example, energy conservation measures required in Title 24, etc.). These mandatory requirements do not conform to the strict definition of a mitigation measure. Standard conditions and requirements are not generally incorporated as specific mitigation measures into this EIR.

## 1.6 AFFORDABLE HOUSING COMPLIANCE

The project is broadly compliant with the County's goal to plan for adequate sites and facilities to support future housing needs, and with all applicable<sup>2</sup> supporting policies as summarized below:

**Policy 1. Facilitate the provision of housing in unincorporated communities to meet local housing demand:** The project aims to provide affordable and proximate housing for all onsite employees (if desired), and for employees in other areas of the county if units remain available after the needs of onsite employees are met.

**Policy 2. Ensure that adequate infrastructure exists or will be provided to support future housing development:** Infrastructure for water, sanitation and power will be provided onsite sufficient to fully meet residents' needs.

**Policy 5. Plan for adequate sites and facilities to be available for housing all segments of the population:** Project housing will benefit seasonal workers and other potentially underserved individuals including large families, single-parent families, and lower-income families).

**Policy 7. Designate adequate sites for a variety of residential development in each community to help establish self-sufficient communities that balance job locations with housing; i.e., develop a sufficient year-round residential population in communities to support local schools, commercial services, and other services:** Although many existing and future uses may be closed during winter months (the deli and convenience store, the future hotel and full-service restaurant), the workforce housing village will remain open year-round and available for year-round occupancy by onsite employees and will include facilities (playground, space for indoor and outdoor day care services, laundry, storage, etc.) designed to facilitate a year-round residential population.

[The project is also compliant with the Mono County Housing Mitigation Ordinance \(HMO\), which became effective 10 February 2020. Please see FSEIR/DSEIR §5.5 \(Land Use\) and Mitigation Measure LU 5.5\(b-1\) \(HMO Compliance\) for additional discussion of project compliance with the HMO.](#)

## 1.7 NOTICE OF EIR PREPARATION

A Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse, trustee agencies, responsible agencies, the Lee Vining Regional Planning Advisory Committee and other interested parties on 17 October 2016. Distribution of the NOP initiated a 5-week period for agencies and the public to identify environmental issues that should be addressed in this Draft Subsequent EIR. During the NOP review period, a public scoping meeting was held at the Lee Vining Community Center inviting interested agencies, individuals, and organizations to discuss the range of issues, alternatives, and potential mitigation measures to be addressed in this Draft Subsequent EIR.

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<sup>2</sup> Note that 3 of the policies are not applicable to this project: #3-Identify sites including seasonal housing units on public lands, agency employee housing and under-utilized sites; #4-seek adequate sites through coordination with other public agencies, private concerns, nonprofit entities and tribal governments; and #6-Utilize a Regional Housing Authority or similar entity to develop, implement and manage housing programs in Mono County and the Eastern Sierra.

At the time of the public hearing and NOP release, the applicant was seeking approval of several project elements that were subsequently deleted from the application. Table 1-1 identifies project elements as they were approved in 1993, as they were described in the 2016 NOP, and as now proposed and analyzed in this Draft Subsequent EIR. Unless otherwise noted in the discussion below, all Specific Plan approvals (the 1993 Specific Plan, the Plan amendments of 1995 and 1997, and the Director Review of 2012) remain consistent with the earlier approvals. Most of the changes incorporated since 2016 were made in response to comments on the NOP and at the scoping meeting.

<b>Table 1-1. TIOGA INN SPECIFIC PLAN, PROPOSED MODIFICATIONS AND CHANGES SINCE 2016 NOP</b>			
<b>LAND USE</b>	<b>LAND USES APPROVED IN 1993 SPECIFIC PLAN</b>	<b>SPECIFIC PLAN CHANGES PROPOSED IN OCTOBER 2016</b>	<b>SPECIFIC PLAN CHANGES AS NOW PROPOSED</b>
<b>HOTEL</b>	120-room <b>TWO-STORY</b> hotel with varied guest services, and parking.	120-room <b>THREE-STORY</b> hotel with varied guest services and parking.	Changes to the hotel are <b>NO LONGER PART</b> of the application; existing Specific Plan provisions will remain in effect.
<b>PROMONTORY RESTAURANT</b>	Full-service restaurant with <b>up to 5,000 square feet</b> of interior dining area. <sup>3</sup>	Full-service restaurant with <b>200 seats</b> and up to 5,000 square feet of interior dining area.	Changes to the full-service promontory restaurant are <b>NO LONGER PART</b> of the application; existing Specific Plan provisions will remain in effect.
<b>WORKFORCE HOUSING</b>	The 1993 Specific Plan included 10 hilltop residential housing units (of which only 8 were built). Six additional residential cabins were subsequently constructed about 300 feet south of the flagpole; no formal approvals were granted for the 6 cabins.	The 2016 application included up to 80 new workforce housing units to be located in an area currently designated as Open Space-Preserve. The 6 existing cabins would be demolished and replaced by the proposed workforce units.	The amended application includes up to 100 workforce housing units, with daycare, in an area currently designated as Open Space-Preserve; the Open Space-Preserve acreage would be expanded; the Open Space-Facilities and Open Space-Support acreage would be reduced. The 6 existing workforce cabins would be demolished and replaced by the workforce units.
<b>GAS STATION &amp; MINI-MART; DELI</b>	2 gas pump islands, each with 1 underground storage tank and an overhead canopy with lighting	<ul style="list-style-type: none"> <li>1 new Gas Pump Island with 1 new underground storage tank, and an overhead canopy with lighting (for a total of 3 islands)</li> </ul>	<ul style="list-style-type: none"> <li>As proposed in the 2016 NOP (i.e., a total of 3 gas pump islands).</li> </ul>
<b>MINI-MART; DELI</b>	<ul style="list-style-type: none"> <li>4,800 sf mini-mart with picnic area, restrooms and accessory facilities.</li> <li>Delicatessen<sup>4</sup></li> </ul>	No Changes Proposed	No Changes Proposed
<b>WATER STORAGE</b>	300,000-gallon potable water storage tank near the hilltop residential units.	Demolition of the existing 300,000-gallons water storage tank, and construction of a new 300,000-gallon potable water storage tank in the same general location.	As proposed in the 2016 NOP (i.e., demolition of the existing tank and replacement with a new tank of the same size in the same general location.
<b>PROPANE</b>	Unspecified number of above-ground propane tanks.	<ul style="list-style-type: none"> <li>Addition of one new 30,000 gallon propane tank and continued use of the existing propane tanks.</li> </ul>	As proposed in the 2016 NOP (i.e., 1 new 30,000 gallon propane tank and continued use of the existing propane tanks).
<b>SANITATION</b>	Standard septic tank/leach field systems for each land	The 2016 NOP proposal was for replacement of the existing onsite septic system with an onsite	The amended application still includes an onsite wastewater treatment plant to provide subsurface treated water for landscape

<sup>3</sup> The 1993 Specific Plan implementation measures discuss restaurant size only in terms of the interior dining area (max 5,000 sf) with provision for an exterior sit-down dining area on the observation deck and an interior and exterior cocktail lounge. Reference to 100 restaurant seats is found only in the discussion of environmental impacts pertaining to traffic (1993 SP, p. 59). The 1993 Specific Plan goals, policies and implementation measures make no reference to 100 seats, but the 100-seat provision is considered to be a specific plan limit, and has been added to the proposed Specific Plan Amendment #3.

<sup>4</sup> The delicatessen was not a part of the 1993 approvals. This use was retroactively approved through a 2012 Mono County Community Development Department Director Review.

	use per Mono County Health & LRWQCB standards, with a 100% expansion field area for all onsite facilities.	wastewater treatment plant to treat wastes before discharge to a designated leach field.	irrigation and habitat restoration, along with expansion of the existing septic system and leach field (still with a 100% expansion field).
<b>TOTAL PROPOSED ACRES 67.83 (reduced from 73.7 acres in 1993)</b>			

The October 2016 NOP is provided in Appendix A1 of this [DSEIR/FSEIR](#), and comments on the NOP are provided in Appendix A2. Table 1-2 below summarizes key points raised in the NOP comment letters. The NOP comments are also summarized in the applicable EIR section as a basis for the scope of issues addressed. To be clear: the NOP discussed changes to the previously-approved hotel and full-service restaurant that were later dropped from the project proposal in response to comments on the NOP.

<b>TABLE 1-2. Comments Received on the October 2016 Notice of EIR Preparation</b>	
<b>COMMENT SOURCE</b>	<b>SUMMARY OF COMMENTS</b>
<b>Janet Carle &amp; numerous others from Lee Vining, Bridgeport, Walker, Mono City, Hilton Ck., June Lake, San Francisco, Mammoth Lakes)</b>	<ul style="list-style-type: none"> <li>• <b>GENERAL:</b> The project is critically important for Mono Basin, Mono County and the Eastern Sierra, not only as the eastern Yosemite gateway but also as gateway to the Mono Lake Basin – a crossroads with thousands of visitors each summer. As such, it offers an opportunity for a groundbreaking project that is climate-friendly and renewable, and sets an example for the region as a whole.</li> <li>• <b>ENERGY:</b> The project scope suggests a major increase in energy use. Energy facilities must be wholly comprised of passive solar, designed for net zero energy use, platinum LEED certified and exceeding requirements of Title 24 (energy code).</li> <li>• <b>WATER:</b> The proposed use of groundwater supply, a limited resource, calls for innovative graywater reuse and overall conservation. Consider a cutting-edge black-water dispersal system and exclusive use of native drought-tolerant landscaping.</li> <li>• <b>WORKFORCE HOUSING:</b> The proposed 80 units would roughly double available housing in Lee Vining, potentially impacting a range of services in Lee Vining such as schools. Small cabin design is inefficient in a mountain climate; 2 or 3 apartment-style buildings may be more efficient, with good southern exposure and state-of-the-art insulation.</li> <li>• <b>COMMUNITY IMPACTS:</b> The project will impact Lee Vining. Impacts have the potential to benefit the community, but add more intensity, more traffic and more visitors. Please reach out to the community to identify and integrate town needs with project needs, including joint use of meeting spaces, sponsoring local events, and ensuring aesthetic design that complements the site.</li> </ul>
<b>Caltrans</b>	<p><b>RESPONSIBLE AGENCY (Table 2):</b> Caltrans is a Responsible Agency for the project, and must issue an encroachment permit for any driveway intersection improvements in the State Right of Way (ROW). Suggests EIR include consultation with Yosemite Area Rapid Transit System (YARTS).</p> <p><b>TRAFFIC:</b></p> <ul style="list-style-type: none"> <li>• For the intersections of SR 120/US 395 and the Tioga Inn entry at SR 120, estimate impacts from turn movements and queuing, and identify needed improvements (e.g., addition/alteration of turn- and/or acceleration-lanes). A 2-lane exit from the site may work, but a 2-lane entry may exacerbate weaving at the hotel/gas station junction.</li> <li>• Areas south and north of the driveway must be included in the analysis. To the south is the YARTS bus stop/parking area; to the north is the dirt pullout area, which has expanded and experiences improper parking that limits sight distances. The County and Caltrans may want to consider parking restrictions in the vicinity.</li> <li>• Ensure that pedestrians and bicycles are accommodated in the project.</li> <li>• SR 120 ROW improvements must meet Caltrans standards as stated in the Encroachment Permit process.</li> <li>• Caltrans commends the proposal provide substantial additional parking for guests, for park and ride, and for YARTS buses.</li> </ul> <p><b>AESTHETICS:</b> Ensure that the visual analysis considers the designation of US 395 as a State Scenic Highway, and the eligibility of SR 120 for such designation.</p> <p><b>HYDROLOGY:</b> Ensure that no added drainage is directed onto Caltrans' ROW.</p>

	<p><b>ROW ENCROACHMENTS:</b> Much of the picnic/landscaped area is in the SR 120 ROW. Caltrans plans to issue a Notice of Encroachment, and further interaction is required for resolution.</p> <p><b>DRIVEWAY LOCATION:</b> The legal SR 120 access to this site was altered during 1994 from the 30 linear feet of access rights granted by Caltrans. The current paved driveway exceeds the 30' limit by 6' and the proposed access may be even wider. Interact with Caltrans to address driveway width.</p>
Allison Brooker	<p><b>HOTEL:</b> A 3-story hotel would be out of proportion to the environment and local businesses.</p> <p><b>WORKFORCE HOUSING:</b> The 80-unit workforce housing structure would be out of proportion to the area, and would likely remain underutilized during off months.</p> <p><b>AESTHETICS:</b> Visuals are needed to assess aesthetic impacts of the Workforce Housing.</p> <p><b>RESTAURANT:</b> A 200-seat restaurant would grant Tioga Inn an unfair advantage over local businesses; 100 seats are enough.</p> <p><b>CAR RENTAL:</b> It does not make sense to provide car rental facilities at this location.</p> <p><b>GAS ISLANDS:</b> The 2 existing gas pump islands are large; there is no need for a third island.</p> <p><b>ELECTRIC CAR CHARGING:</b> The commenter supports this component.</p> <p><b>OVERALL CONCEPT:</b> The commenter supports the concept of meeting facilities, jobs and employee housing if coupled with noteworthy architecture, but believes that the Visitor Center already provides facilities sufficient to meet area needs.</p>
Lynn Boulton 11-1-16	<p><b>MONO LAKE:</b> Mono Lake levels are extremely low and the lake is at risk. The SEIR must demonstrate that project groundwater pumping will not adversely impact Mono Lake.</p> <p><b>LOCAL SPRINGS:</b> There are many freshwater springs around Mono Lake; they provide a water source for local and migrating wildlife, contribute to tufa formation, and support area visitation. The SEIR must prove that project will not impact these springs.</p> <p><b>LEE VINING CREEK:</b> Ensure that project-related groundwater pumping will not undercut DWP settlement agreement provisions that are designed to mimic natural hydrologic flows.</p> <p><b>NEIGHBORING permit:</b> Nearby private wells (including one across US 395) predate the existing Tioga Inn well, including one directly across the highway. Drought continues to exacerbate town reliance on these wells. The SEIR must assess whether project water demands will place an added burden on these nearby wells; a bond should be posted to compensate owners of nearby wells for losses.</p> <p><b>SURFACE VEGETATION:</b> The reduction in recharge water from Tioga Inn may impact surface vegetation in the Mono Basin. A baseline assessment should be made, and the vegetation monitored.</p> <p><b>ADJUDICATION:</b> The SEIR should list and characterize each neighboring well in preparation for future adjudication of groundwater rights. The SEIR should also determine the size and age of the underlying aquifer. The data will facilitate resolution of future water resource conflicts as well as adjudication.</p> <p><b>GENERAL:</b> The SEIR should set a cap on project groundwater use and ensure the equitable use and availability of water supplies to all users in Mono Basin. A hotel swimming pool is discouraged.</p>
Lynn Boulton 11-8-16	<p><b>HYDROLOGY TESTS:</b> Raises concern that the planned hydrology tests will only on the adequacy of supplies to serve the project, and not consider impacts on the Mono Basin environment. Asks whether the tests will determine (a) age of the project aquifer supply, (b) age of springs entering Mono Lake, (c) age and size of the southern basin's aquifer, (d) impacts to neighboring wells and local springs that flow into Mono Lake, and (e) impacts to flows in Lee Vining Creek.</p>
Lynn Boulton 11-10-16	<p><b>HOTEL:</b> Would like to see project scaled down to mitigate viewshed impacts and more closely adhere to the dark sky policy. Supports a 2-story hotel (not 3-stories) and recommends the restaurant be inside the hotel and not at the flagpole. Consider a partial 3-story design, or placing the 1993 coffee shop at an elevation lower than the Gas Mart to retain views of Mono Lake. To avoid a 'wall-like' hotel appearance, consider designing the hotel front with varied setbacks, or tiering, or a design with 2- and 3-story elements. Mitigation in the 1993 FEIR required an alpine design; this may not fit well with the sagebrush vegetation character around Lee Vining. Consider a unique exterior design, tasteful, rustic and perhaps similar to the Visitor Center. If a chain hotel is selected, it should feature unique and local design elements. Another option would be to convert the sagebrush dominated acreage north of the hotel to a Jeffrey/aspen tree forest to hide buildings and block lights (provided greywater is used for irrigation). To minimize pavement, consider placing the hotel parking underground.</p> <p><b>GAS PUMP:</b> The sodium lights of the existing gas pumps are very bright and visible from town and highway. Consider using dimmer lights for the existing and proposed islands.</p> <p><b>FLAGPOLE RESTAURANT:</b> Disagrees with 1993 FEIR finding that the flagpole restaurant conforms to dark sky and other county requirements. Raises concern that this location will be highly visible, with little screening vegetation.</p>

	<p>Consider minimizing impacts by prohibiting all of the following: 24-hour restaurant operation, use of neon signing, lighted trademark signing after closing time, and trademark signing that can be seen from Mono Basin. Suggests the site be used as windbreak with outdoor benches in lieu of a restaurant. If a restaurant, would prefer something unique, and something other than Applebee's or similar.</p> <p><b>EMPLOYEE HOUSING:</b> Employee housing may benefit Lee Vining, but the planned 80-bedroom design is too dense and too visible. Consider reducing the number by half, and ensure that each unit has a bathroom so the units appeal to a wider demographic. Consider providing heat to each unit through design features instead of built-in heat sources. Consider lowering the pad elevation to reduce the profile and retain the natural ridgeline of the moraine.</p> <p><b>WATER TANK:</b> Consider use of pinyon pines to effectively screen the second water tank.</p> <p><b>LANDSCAPING:</b> Require that landscaping be of drought-resistant native materials.</p> <p><b>WILDLIFE:</b> To protect wildlife, prohibit use of pesticides. Provide discussion of a wildlife movement corridor that crosses the eastern end of the property, crosses SR 120, and passes a private home on SCE property. This project may require wildlife to circle behind the development to travel up Lee Vining Cyn or go around town to lower Lee Vining Ck. The long-term shift to a drier climate would increase traffic and wildlife collisions; a wildlife underpass is needed in this area. Provide updated information about the Casa Diablo herd, including impacts of Tioga Mart development to date. Provide bear-roof dumpsters and trashcans to address reduced bear hibernation patterns.</p> <p><b>TOWN IMPACTS:</b> Encourage cross-pollination between town guests and Tioga Inn guests, perhaps with a connecting footbridge and nature trail.</p>
<b>Lynn Boulton 11-15-16</b>	<p><b>HYDROLOGY TESTS:</b> Recommends two well stress tests including one at peak runoff in June, and one at the lowest runoff in October or November to assess recharge is adequate to support hotel uses. The 1992 tests were conducted only during June.</p>
<b>Malcolm &amp; Ellen Mosher</b>	<p><b>WATER:</b> The SEIR must demonstrate that anticipated project water demands can be sustainably met given ongoing drought conditions.</p> <p><b>TRAFFIC:</b></p> <ul style="list-style-type: none"> <li>Yosemite traffic has increased significantly since the 1993 EIR, resulting in sometimes unsafe conditions at the 120/395 junction. This project will further increase area traffic volumes.</li> <li>Drivers often ignore the 30 mph speed limit through Lee Vining, despite pedestrian activity. Routine policing is needed. This project will further increase traffic and possibly unsafe speeding through Lee Vining.</li> <li>The hotel and restaurants will add to parking demands in Lee Vining, which is already underparked. Solutions are needed to resolve this problem.</li> <li>Traffic in the area of Lee Vining High School routinely speeds, often reaching 50-60 mph despite the posted 30 mph limit. The Tioga Inn project will likely add to traffic and speeding in this area, increasing the need for policing or perhaps a traffic signal.</li> </ul> <p><b>AESTHETICS:</b></p> <ul style="list-style-type: none"> <li>The proposal to increase the hotel from 2 to 3 stories will increase visibility. The EIR must clearly identify height and appurtenances, and assess how the hotel will impact water, traffic and aesthetic values. Erect story-poles so that residents can see how big the hotel will be.</li> <li>Hotel lighting (parking, restaurant, rooms) will impact dark sky viewing over a large area around the project.</li> <li>The commenter strongly opposes the request to increase restaurant seating from 150 in 1993 to 400 in the current proposal.</li> </ul> <p><b>PARCEL 2:</b></p> <ul style="list-style-type: none"> <li>Regarding the 80-bedroom workforce housing proposal, provide details including unit sizes, number of units, building heights, number of stories and bedrooms per unit and number of garages, to accurately gauge future impacts on water use, sewage, dark sky impacts, wildlife and other issues. Indicate how the project will impact employment, and characterize the seasonal nature of the employment opportunities.</li> <li>The EIR must assess whether the one- and two-bedroom units may generate school-age children and require construction of new school facilities.</li> </ul> <p><b>CLOSING REMARKS:</b></p> <ul style="list-style-type: none"> <li>Uses on the site should be held to the 1993 approvals.</li> <li>As a whole, the project will adversely impact many other businesses in town including motels, food services, retail and souvenir shops, and gas stations.</li> <li>The commenter proposes that the third schematic rendering be taken from Test Station Road along the shoreline of Mono Lake, and provided a photo show views from the suggested site.</li> </ul>



Larry & Carol Holt	<p><b>PROJECT SIZE:</b> The project has potential to place a heavy burden on Lee Vining Services. Please analyze the impact on town population and local schools.</p> <p><b>WATER:</b> Lee Vining has recently experienced significant water use restrictions and Mono Lake is receding; how will this project impact water availability and Mono Lake levels?</p> <p><b>SEWAGE:</b> It appears that the leach field flow could end up in Lee Vining Creek and thereon to Mono Lake. Are there studies indicating impacts on fish populations in Lee Vining Creek?</p> <p><b>FIRE:</b> The Lee Vining Fire Department does not own equipment capable of fighting a 3-story fire, and the firehouse is too small to park such equipment.</p> <p><b>AESTHETICS:</b> The 3-story hotel may be a visual blight on the Mono Lake National Forest Scenic Area. Are setbacks adequate to ensure buildings are not visible from the Scenic Area?</p> <p><b>OVERALL:</b> As now proposed, the project is too large and too great a burden on Lee Vining.</p>
Dept. of Fish & Wildlife (CDFW)	<p><b>TRUSTEE &amp; RESPONSIBLE AGENCY:</b> CDFW is a Trustee Agency for fish and wildlife resources, and a Responsible Agency for any discretionary actions (e.g., Lake or Streambed Alteration Agreement, Permit for Incidental Take of Endangered, Threatened and/or Candidate species).</p> <p><b>HABITAT:</b> Assess habitat types in the project with a map identifying each. CDFW recommends use of <i>The Manual of California Vegetation</i> for this purpose. Include adjoining habitats for potentially impacted offsite areas.</p> <p><b>INVENTORY:</b> Include an inventory of fish, amphibian, reptile, bird and mammal species that are or may be present (referring to listed sources); CBDDDB forms should be completed and submitted to document results.</p> <p><b>LISTED SPECIES:</b> Provide a complete and recent inventory of rare, threatened, endangered and other sensitive species in the impact area.</p> <p><b>PLANTS:</b> Provide a thorough and recent assessment of special status plants and natural communities using recommended protocols.</p> <p><b>REGIONAL SETTING:</b> Characterize the regional setting, emphasizing rare and unique resources.</p> <p><b>BROAD REVIEW:</b> Consider project impacts from lighting, noise, human activity, wildlife-human interactions, exotic and invasive species, and drainage impacts including changed drainage patterns and water quality in, upstream and downstream of the project site.</p> <p><b>INDIRECT EFFECTS:</b> Discuss such indirect project impacts on nearby public lands, open space, adjacent natural habitats, riparian areas, wildlife corridors and any designated or proposed reserve or mitigation lands.</p> <p><b>SHORT &amp; LONG-TERM EFFECTS:</b> Consider impacts of construction and long-term operation and maintenance.</p> <p><b>CUMULATIVE EFFECTS:</b> Assess cumulative effects including potential direct and indirect impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors, aquatic habitats, sensitive species and habitats, open lands, open space and adjacent natural habitats based on general and specific plans in the area and past, present and anticipated future projects.</p> <p><b>MITIGATION-SENSITIVE PLANT COMMUNITIES:</b> Seek to fully avoid or protect communities with a statewide ranking of S-1, S-2, S-3 and S-4, all of which are considered sensitive and declining.</p> <p><b>MITIGATION-SPECIES OF SPECIAL CONCERN (SSC):</b> Consider SSC during the review.</p> <p><b>MITIGATION:</b> Impacts to sensitive species and habitats are considered significant; mitigation should emphasize avoidance and impact reduction; where unavoidable, consider onsite restoration and/or enhancement, or offsite mitigation through habitat creation or preservation in perpetuity. Address access restrictions, land dedications, ongoing monitoring &amp; management, illegal dumping controls, water pollution, increased human interaction, etc.</p> <p><b>RESTORATION PLANS:</b> These should be prepared by qualified individuals. Assumptions should be stated and plans should include location, species/sizes/seeding rates/sources, mapping, a local seed/cuttings/planting schedule, a description of irrigation methods, measures to control exotic species, specific success criteria, monitoring (of sufficient duration to ensure success), contingency measures, and identification of responsible parties. CDFW recommends use of local propagules, with timely seed collection to ensure adequate supply and appropriate restoration goals and plant palettes. Restoration plans should be specific to project components, and objectives should include protection of habitat elements or their re-creation in affected areas.</p> <p><b>NESTING BIRDS &amp; MIGRATORY BIRD TREATY ACT:</b> The project must comply with all applicable laws relating to nesting birds and birds of prey as well as migratory non-game native bird species protected under the Migratory Bird Treaty Act. The Fish and Game Code also affords protections including §3503 (unlawful to take, possess or needlessly destroy bird nests or eggs), §3505.3 (unlawful to take, possess or destroy birds of prey or their nests or eggs), and §3515 (unlawful to take or possess any migratory nongame bird). Avian surveys are recommended, as are avoidance and minimization measures (e.g., phasing, monitoring, sound walls, and buffers) to ensure impacts do not occur.</p>
Paul Ashby	<p><b>DESIGN:</b> Overall the structures appear disproportional to the region, landscape and ecosystem.</p>

	<p><b><u>AESTHETICS:</u></b> It appears that the hotel will be visible from US 395 and SR 120, significantly changing the landscape of this area.</p> <p><b><u>SEASONALITY:</u></b> Describe how project elements would be sustained during off-season months.</p> <p><b><u>ECONOMIC IMPACTS:</u></b> Analyze impacts to existing businesses during the peak season. Consider effects on tourism if the project forces some existing businesses to close, and impacts on population if the project draws large numbers of new visitors.</p> <p><b><u>WATER:</u></b> Closely analyze impacts of leach field flows on the watershed and water quality given area geologic characteristics. Describe contingency plans in the event of treatment system failures. Consider whether seismic effects could cause system failure.</p>
<b>Ilene Mandlebaum</b>	<p><b><u>ALTERNATIVES:</u></b> The 1993 EIR identified alternatives to reduce significant impacts on visual quality and area growth. The alternatives (all of which were rejected due to infeasibility, associated new impacts and/or noncompliance with project objectives) should now be revisited with a focus on options that reduce size, scale and intent. Disclose the applicant intent to lease or sell the hotel site to an outside developer with pre-set goals (size, design and uses) that may be at odds with community aesthetic values.</p> <p><b><u>ECONOMIC ANALYSIS:</u></b> An updated Economic Analysis is needed to assess impacts on local businesses.</p> <p><b><u>DESIGN:</u></b> A Design Review Permit should be required. Articulate plans and required standards and restrictions for siting, scope, design, signage, roads, water and energy use and conservation, transportation, emission controls, and pedestrian linkage to town.</p> <p><b><u>LAND USE PLANNING:</u></b> Describe how the plan will comply with Mono Basin Community Plan goals and objectives and require mitigation as needed.</p> <p><b><u>SAFETY:</u></b> Analyze increased demands on safety services including police, fire and paramedics.</p> <p><b><u>FIRE:</u></b> Lee Vining Fire Department (LVFD) has neither equipment nor staff to protect this project; please analyze.</p> <p><b><u>AIRPORT:</u></b> Assess how the project would impact Lee Vining Airport, including potential growth inducements and secondary impacts thereof.</p> <p><b><u>AESTHETICS:</u></b> It may not be feasible to reduce to less than significant levels the visual impacts of the promontory restaurant and housing. Assess whether a 3-story hotel is appropriate in this sagebrush environment, and consider night light pollution.</p> <p><b><u>BIOLOGY:</u></b> Consider whether this project undermines the 1993 deer impact mitigation of leaving open space areas. New mitigation should consider funding for bitterbrush plantings in the Azalea Fire area.</p> <p><b><u>TOURISM:</u></b> Assess the impacts of increased tourism on the Lee Vining Creek drainage and wildlife.</p> <p><b><u>WATER:</u></b> Identify the recharge source for groundwater aquifers around the project wells, and potential impacts of increased pumping. Consider whether approval would set a precedent for future projects.</p> <p><b><u>SANITATION:</u></b> Describe how the wastewater management plan will reduce water consumption as stated.</p> <p><b><u>PARKING:</u></b> Parking should be no more than required to park each vehicle in one location; do not double count for guests using the hotel and restaurant. Use porous surfaces to minimize runoff and increase infiltration.</p> <p><b><u>LANDSCAPING:</u></b> Require pesticide/herbicide-free landscape maintenance for future and existing uses.</p> <p><b><u>WORKFORCE HOUSING:</u></b> Consider whether workforce housing responds to employee needs in terms of cost, size &amp; facilities. Assess whether size &amp; appearance can be mitigated, and surrounding views maintained.</p> <p><b><u>DESIGN:</u></b> Consider a scaled-down project design and partnership with a hotel/restaurant developer who understands and values the Lee Vining area and community.</p>
<b>Ann Howald</b>	<p><b><u>CONSERVATION:</u></b> Require use of feasible conservation technologies throughout the project.</p> <p><b><u>SIGNIFICANCE THRESHOLDS:</u></b> Requests that EIR clearly define 'significant impact' for each EIR section, along with specific mitigation to reduce significant impacts to less than significant levels.</p> <p><b><u>WATER:</u></b> Thoroughly identify the full range of impacts associated with increased water consumption; ensure that the project incorporates all feasible water conservation materials and technologies (graywater recycling, low-flush/flow toilets and showers, on-demand heaters, conservation signage, native landscaping, etc.).</p> <p><b><u>WATER:</u></b> Groundwater pumping has the potential to reduce surface flows to Lee Vining Creek and thence to Mono Lake, with increased risk of failure in the Mono Basin ecological system. Potential impacts require thorough evaluation, with mitigation of potentially significant impacts.</p> <p><b><u>ENERGY:</u></b> The project should be a net-zero energy user, with a wide range of conservation/LEED features such as solar panels, efficient appliances, and highest R-value insulation. Provision of a walking/bicycle trail to connect Tioga Inn with Lee Vining would reduce GHG emissions, parking demands, and traffic volumes.</p> <p><b><u>WORKFORCE HOUSING:</u></b> The workforce units should be grouped in a manner that saves space, reduces heating and optimizes energy efficiency.</p>

	<p><b><u>TRAFFIC:</u></b> Thoroughly analyze impacts to SR 120, US 395, and downtown Lee Vining. To reduce traffic, consider ridesharing, carpooling, increased bus services and a connecting path to town.</p> <p><b><u>PARKING:</u></b> Parking should be adequate to accommodate all onsite parking, and guests encouraged to leave vehicles on site through provision of bus-service and a connecting trail to town.</p> <p><b><u>DARK SKY:</u></b> Provide visual simulations to show project impacts on dark-sky conditions from several locations and distances. Mitigation should focus on night lighting and hotel window materials.</p> <p><b><u>BIOLOGY:</u></b> Provide updated analysis of impacts to deer migration and impacts to Lee Vining Creek and Mono Lake from increased water use.</p> <p><b><u>FIRE SAFETY:</u></b> Fire-fighting resources in Lee Vining are inadequate to handle a 3-story fire; there is no ladder truck and no place to store such a vehicle. LVFD resources will require major upgrade to serve the project, protect local residents and protect property values through access to fire insurance.</p> <p><b><u>POPULATION:</u></b> The project will increase population, affecting local schools, churches, businesses, services and quality of life in Lee Vining; these impacts must be identified and addressed.</p>
<b>Audenried Family</b>	<p><b><u>EXISTING BUSINESSES:</u></b> A project of this scale threatens the viability of small businesses in Lee Vining and beyond, as well as the small-town character of Lee Vining.</p> <p><b><u>EMPLOYMENT:</u></b> It is difficult to recruit employees, and workforce housing may not alleviate this problem. The project may attract the few available employees, adding to a lack of employees for town businesses. Will the project recruit employees from out of the area? If so, how will town services accommodate the growth?</p> <p><b><u>AESTHETICS:</u></b> A project of this size will alter the aesthetics, appearance and character of Lee Vining, altering ambient light and sound and possibly jeopardizing qualities that draw visitors to the area.</p> <p><b><u>DESIGN:</u></b> The project may introduce 'chain' commercial enterprises to Lee Vining; consider this carefully.</p>
<b>Sally Miller</b>	<p><b><u>LEE VINING CANYON:</u></b> Many important wildlife inhabit Lee Vining Canyon that could be impacted by increased visitation, dog harassment, proliferation of off-road trails and related uses. Provide measures to mitigate these impacts onsite, with input from with CDFW and the U.S. Forest Service (USFS).</p> <p><b><u>BIOLOGY:</u></b> Conduct an updated wildlife study with emphasis on past and potential project-related changes in mule deer use at the base of Lee Vining and Horse Meadow/Gibbs canyons. Consider recent mule deer use of the sagebrush-bitterbrush flats around Lee Vining, and whether seasonal migration may be transitioning to a patterns of year-round use of Lee Vining Canyon and surrounding mountain areas (as evidenced by vehicle-deer collisions, which the project may increase). Also consider whether the project area may be suitable as potential habitat for the bi-state sage grouse given available sagebrush habitat.</p> <p><b><u>TRAFFIC:</u></b> The added housing has potential to further increase traffic and congestion on Tioga Road and at the Yosemite Park entry. Identify ways to mitigate traffic into Yosemite: increases in the number and frequency of YARTS shuttles during peak seasons (with at least one YARTS Lee Vining-Yosemite Valley shuttle and multiple Lee Vining-Tioga Pass shuttles, possibly free of charge). Also consider impacts on YARTS parking, including parking for those who plan to use YARTS or other Yosemite transportation. Work with Caltrans to identify locations for YARTS shuttle parking.</p> <p><b><u>GATEWAY DESIGN:</u></b> Ensure the preservation of visual and scenic qualities as seen from the US 395/SR 120 Yosemite gateway; consider the appropriateness of a 3-story hotel at this location (Mammoth may be the only location in the region with an existing 3+-story structure). Before final plans are developed, appoint a Design Review Committee to provide input on design and landscaping, with community input to consider alternatives and identify a preferred alternative. Provide visual simulations to guide this analysis.</p> <p><b><u>TRAIL LINKAGE:</u></b> The walk between Tioga Mart and Lee Vining is dangerous and will become more so with future traffic. Provide a pedestrian link between the project and Lee Vining to increase walkability and public safety, reduce parking demand in town, and enhance the visitor experience. Consider a pedestrian 'skyway' across SR 120 as mitigation (illustration provided), and work with Caltrans and others to identify additional mitigations that would ensure safe pedestrian movement in this area.</p> <p><b><u>ECONOMIC SYNERGY:</u></b> The project has potential to benefit the town's economy and foster new businesses, but also has potential to adversely impact town commerce. The County and applicant are encouraged to work with the community to identify ways in which the project could leverage and benefit town businesses. Consider trail linkage and other incentives, possibly via creation of an Economic Development Subcommittee.</p>
<b>Barry McPherson</b>	<p><b><u>FIRE SAFETY:</u></b> The project has potential to increase the already-heightened risk of wildfire. Preventive measures must be analyzed and mitigations recommended to enable LVFPD to prevent and fight fires, including more and better equipment &amp; buildings (a hook-and-ladder fire truck and a place to store it).</p>



	<p><b>LEE VINING PARKING &amp; AIR QUALITY:</b> The EIR must address increased traffic and demand for parking in Lee Vining associated with project guests and residents, as well as the effect of associated emissions on neighborhoods and schools.</p> <p><b>DARK SKY:</b> Project lighting must be designed to protect night sky views in Mono Basin.</p> <p><b>GHG EMISSIONS:</b> To reduce fuel consumption and emissions, require use of fuel-efficient building design, lighting and appliances as well as 'no vehicle idling' requirements, efficient transportation options (including safe trail access between the project and town). Incorporate aggressive measures to minimize GHG emissions.</p> <p><b>WATER:</b> Ensure that the project incorporates state-of-the-art water conservation techniques throughout, including signage for guests and visitors to communicate the conservation features and goals. Consider mitigations that facilitate purchase of water efficient fixtures and appliances in town.</p> <p><b>COMMUNITY SERVICES:</b> Incorporate substantial community input to identify and mitigate impacts on Lee Vining (including equipment and personnel) that may result from project implementation. Consider mitigation that would provide at least one stoplight in Lee Vining. The project meeting rooms should be made available for community use and emergency response activities.</p>
Nora Livingston	<p><b>FIRE SAFETY:</b> LVFD does not have equipment to fight a 3-story fire, or a place to store such equipment, or the funds to obtain either. The project will increase fire-fighting demands.</p> <p><b>TRAFFIC:</b> The intersection of US 395/SR 120 is prone to accidents; project approval may increase traffic and hazards at this location.</p> <p><b>DARK SKY:</b> The impact of project lighting on night-sky views must be addressed. Include special windows and street lighting as part of the project design.</p> <p><b>ENERGY:</b> Ensure use of solar energy and other energy efficient features; consider LEED-certified design.</p> <p><b>SCHOOLS:</b> The workforce housing could generate up to 30 students, which the local schools may be unable to accommodate. Provide school mitigation fees.</p> <p><b>WATER:</b> Assess whether the project may negatively impact area water allocations, and runoff to Mono Lake. Provide for graywater systems and water recycling, including a blackwater system.</p> <p><b>WORKFORCE HOUSING:</b> Ensure that this housing is truly affordable and winterized for year-round living. Set rents to accommodate offsite workers as well as project employees, and keep living costs down with energy and water efficient fixtures.</p>
Gary Nelson & Deborah Lurie	<p><b>WATER:</b> Analyze whether there is sufficient groundwater to support this project as well as the Lee Vining Community and Mono Lake.</p> <p><b>ENERGY:</b> Incorporate resource-efficient features including passive solar, photovoltaic systems, graywater and blackwater recycling and dispersal, and top-grade insulation.</p> <p><b>ECONOMIC:</b> Analyze whether the project is economically feasible in light of limited seasonal demand.</p> <p><b>DESIGN:</b> Ensure that mitigation and design standards are binding on any future uses and site developers (including 'chain' enterprises).</p>
Ryan Carle	<p><b>DESIGN STANDARDS:</b> The project should be approved only if it meets the highest standards of design, efficiency, visual compatibility and community integration.</p> <p><b>WORKFORCE HOUSING:</b> The proposed 80 units would increase town population by as much as 30% overall. This would have a potentially major impact on Lee Vining schools and services. Consider capping the number of residences at 40, or studying the number of units actually needed and associated impacts.</p> <p><b>WATER &amp; ENERGY USE:</b> The project has potential to substantially increase use of energy and water resources. To minimize impacts, use the highest possible standards for sustainability.</p> <p><b>GENERAL:</b> Approval should be granted only if project can achieve net zero energy use, platinum LEED standards, Title 24 standards, cutting-edge graywater/blackwater recycling/dispersal, native drought-tolerant vegetation and workforce housing clustered in 2-3 energy-efficient, land-efficient structures.</p>
Don Condon, Vivian Barron	<p><b>SUSTAINABILITY:</b> Ensure that the project is environmentally sound and meets LEED Platinum standards at a minimum.</p>
Yoel Kirschner	<p><b>ALTERNATIVE:</b> As an alternative to the current proposal, consider reducing the size of the workforce housing by at least half, with use of green building principles and a design that minimizes visual impact to the greatest possible extent. As proposed, this element has potential to change the character of Lee Vining with adverse impacts on traffic, accident rates, water consumption and possibly the economic vitality of existing businesses.</p>
Tim & Stephanie Banta	<p><b>EMPLOYMENT:</b> The regional workforce is inadequate to serve the project. Employees would need to come from other areas, would be transient and would not contribute to the local tax base that supports services. Since area</p>

	<p>unemployment rates are low, the project may draw workers from existing businesses that would harm the local economy and the livelihoods of Mono Basin residents.</p> <p><b>SERVICES:</b> Analyze and identify the social and community services needed to support a development of this size, including teachers, postal workers, daycare, food, internet and emergency services. Lee Vining cannot support a rapid expanse development project that would tax its limited resources.</p> <p><b>FIRE &amp; WATER:</b> Analyze the adequacy of fire and medical services to support the project. LVFD is staffed by volunteers, with inadequate personnel to support fire and medical response for a 3-story hotel and development of this size; equipment and training and personnel upgrades would be needed, along with funding to purchase the necessary ladder truck. Describe how these needs will be met, and indicate whether project water demands account for fire suppression supply and storage. Will dedicated fire suppression water storage be provided? Can the water supply system sustain pressure and delivery requirements during a fire?</p> <p><b>AESTHETICS:</b> The development would degrade the unique aesthetic, environmental and natural heritage of Mono Basin. Consider alternatives that reflect the unique character and resources of the Mono Basin including reduced footprint, green construction and design alternatives, building height reduction, viewscape considerations, and mitigations for noise/traffic/light pollution.</p> <p><b>ALTERNATIVES:</b> Analyze alternatives that respond to the concerns above, including a No Development option. Give special consideration to alternatives addressing (1) socioeconomics and social resource impacts, (2) waste management requirements and impacts, (3) direct and cumulative impacts to groundwater and surface water resources resulting from long-term use of the proposed sanitation system, (4) direct and cumulative impacts to groundwater and surface water resources resulting from increased pumping to meet future project water demands, (5) the pumping stress test must provide long-term reliable estimates of yield, aquifer characteristics and impact (including a design that reflects planned extraction rates over an extended period), and (6) updated evaluation of noise, traffic and light pollution from Tioga Mart events and concerts.</p>
<b>Lahontan Regional Water Quality Control Board (LRWQCB)</b>	<p><b>SEIR SCOPE:</b> LRWQCB recommends consideration of the following:</p> <ul style="list-style-type: none"> <li>• Low Impact Development (LID) strategies to maintain a landscape functionally equivalent to predevelopment conditions, with post-construction stormwater controls that are compatible with LID;</li> <li>• Minimal hydromodification (i.e., alteration of natural water flows) in order to maintain stream channel stability, water quality, natural groundwater recharge, habitat values and pollutant filtration;</li> <li>• Water Quality Standards and Significance Thresholds: Site-specific water quality standards (based on beneficial uses and water quality objectives) must be identified in the SEIR; these standards should be used as the significance thresholds for impacts;</li> <li>• Beneficial Uses and Water Quality Objectives: when identifying site-specific standards, note that the site is in Mono Hydrologic Unit 601.00 and overlies Mono Valley Groundwater Basin No. 6-g; designated beneficial uses are in Chapter 3 of the Basin Plan;</li> <li>• Degradation Analysis: provide a Degradation Analysis that analyzes existing groundwater quality and potential changes associated with the proposed wastewater treatment system;</li> <li>• Onsite Wastewater Treatment: Must not cause pollution; denitrification should be included and the SEIR should document all treatment plant characteristics as listed in the comment letter;</li> <li>• Jurisdictional Delineation: Several streams traverse the site, all of which are waters of the State and subject to regulation by LRWQCB. A jurisdictional delineation is needed to determine the extent and locations of all surface waters, facilitating identification of applicable regulations; the delineation should be submitted to LRWQCB and the Army Corps of Engineers prior to construction.</li> <li>• Restoration and Revegetation: All temporary impacts to water resources and upland areas should be restored to pre-project conditions. The SEIR should include a mitigation requiring a Restoration and Revegetation Plan with monitoring, a performance schedule, and adaptive management criteria.</li> <li>• Buffer Areas: Include in the SEIR a mitigation requiring buffer areas and exclusion fencing to protect surface waters outside the project areas, and prevent access by unauthorized vehicles/equipment.</li> <li>• Vegetation Clearing: should be kept to a minimum and vegetation mowing practiced where feasible to enhance post-construction reestablishment.</li> <li>• Spill Prevention and Response: Include a mitigation requiring preparation and implementation of a comprehensive Spill Prevention and Response Plan, with monitoring requirements and listing best management practices to prevent, contain and clean-up spills.</li> </ul> <p><b>PERMITTING:</b> A number of activities may require permits from LRWQCB or the State Board:</p>

	<ul style="list-style-type: none"> <li>• §401 Water Quality Certification or Dredge and Fill Waste Discharge Requirements, required for excavation, discharge to or alteration of surface waters;</li> <li>• §402 Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit, and individual waste discharge requirements may be established. BMPs should be provided in the EIR with information as outlined in the LRWQCB letter.</li> <li>• NPDES General Industrial Storm Water Permit, required for new industrial operations.</li> <li>• Waste Discharge Requirements, required for disposal from wastewater treatment facilities.</li> <li>• NPDES General Permit-Limited Threat Discharges or General Waste Discharge Requirements for discharges to land with a low threat to water quality, for water diversion &amp; dewatering activities.</li> <li>• Identify the activities that may trigger these permit requirements in the SEIR sections as appropriate.</li> </ul>
<b>Rebecca Watkins</b>	<p><b>GENERAL:</b> The project has potential to impact Lee Vining in many ways: traffic (including the need for safer crosswalks with blinking lights for pedestrians), public schools and student enrollment, parking in Lee Vining, and water supply (the town system needs work; verify that the project will not draw from the town supply).</p> <p><b>CONSERVATION:</b> Green features should be incorporated wherever possible.</p> <p><b>TRAIL LINKAGE:</b> A bike path connecting the project to Lee Vining would be appreciated.</p>
<b>Wilma &amp; Bryce Wheeler</b>	<p><b>LOCATION:</b> The project is in an especially sensitive Yosemite gateway location and must be developed in an environmentally sensitive way that is worthy of the location. Wise and thoughtful planning are required, along with use of the latest solar heating and lighting products.</p> <p><b>WATER:</b> In light of sustained drought, economical water use is essential. Consider water recycling and gray water landscaping to minimize impact to Mono Lake and other critical habitat.</p> <p><b>COMMUNITY:</b> Please consult with and listen to environmental groups and citizens to ensure a project that works well for the community and its residents as well as visitors.</p>
<b>Susan DesBaillets</b>	<p><b>AESTHETICS:</b> The view when descending SR 120 is a largely undisturbed panorama of Mono Lake and the surrounding Scenic Area. The 3-story hotel would increase the vertical profile interfering with that view, as would the 200-seat restaurant on the highest point.</p> <p><b>WORKFORCE HOUSING:</b> Workforce housing is needed, but perhaps not 80 bedrooms. Indicate whether single units or apartment-style housing is proposed, and consider community needs.</p> <p><b>WATER:</b> Analyze how project demands will impact the groundwater aquifer. Consider replacing some lawn area with native plants, and irrigating with gray water.</p> <p><b>TRAIL LINKAGE:</b> Given increased foot traffic, provision for a safe pedestrian corridor between the site and Lee Vining is encouraged, with crosswalks and/or a structure to cross Tioga Pass.</p> <p><b>INFRASTRUCTURE:</b> Project infrastructure requirements have potential to severely impact Lee Vining and the local economy. The LVFPD may require new equipment, and the volunteer LVFPD staff may be inadequate to respond to the added demand.</p> <p><b>ALTERNATIVES:</b> Consider a scaled-down design alternative, and allow ample time for community input.</p>
<b>Bartshe Miller</b>	<p><b>AESTHETICS:</b> The scale of the project has potential for significant new scenic impacts on the iconic Tioga Crest and Mono Lake. A full analysis must include assessment of lighting, building colors, possible solar panel placement and other structures, from multiple vantage points along SR 120, US 395, Panum Crater, South Tufa, Navy Beach and other frequently visited sites. South Tufa is particularly important due to the absence of human intrusion, its high scenic integrity and high value for existing (estimated at 300,000 visitors a year) and future tourism, and the fact that it is a treasured resource. The site could be impacted by spill-over lighting, structures and general changed appearance associated with the project.</p> <p><b>WORKFORCE HOUSING:</b> The proposed 80 new beds represent a significant increase in residential development. If rented at market rate as the applicant stated, they may not conform to the definition of 'workforce housing.' The overall size and number of units have potential to cause considerable economic, social and environmental impacts including a doubling of Lee Vining population. Long-term housing implications and impacts may extend over most Mono County communities by skewing market rentals, housing prices, commuter traffic and habits. If it draws from outside the area, it will not mitigate the existing shortage of local housing and may exacerbate the problem of seasonal squatters on public lands. A population doubling would place significant demands on LVFD, EMS services, the county Sheriff's Department, solid waste disposal, local schools, social services, traffic, parking, and pedestrian movement. Even with added funding, it may not be practical to meet the added demands; all require analysis.</p> <p><b>ALTERNATIVE:</b> Consider addressing the 80-bed workforce housing proposal as a separate project.</p>
<b>Claire Skinner</b>	<p><b>STANDARDS:</b> Project approval should be contingent on use of the highest standards for green building, low visual impacts and responsiveness to community needs.</p>

	<p><b><u>WORKFORCE HOUSING:</u></b> Affordable housing is needed, but the proposed 80 beds could increase Lee Vining population by 54% with a major impact on schools, community services, town businesses, traffic and overall quality of life in Lee Vining. Consider capping the residences at 40 or, at a minimum, provide an analysis of how many units are needed.</p> <p><b><u>CONSERVATION:</u></b> An effort is underway to designate Mono Basin as a 'climate-friendly community.' This would entail use of the highest sustainability standards including: (1) net zero energy use with LEED platinum certification and standards above requirements of Title 24; (2) cutting-edge graywater recycling and blackwater dispersal; (3) native drought-tolerant landscaping; (4) muted, downward-pointing outside lighting to preserve dark skies; (5) 2-3 apartment-style, energy efficient buildings for staff housing with good southern sun exposure, and water efficient graywater/blackwater systems.</p>
<b>Mono Lake Committee</b>	<p><b><u>WATER:</u></b> The SEIR must analyze, for all seasons and anticipating continued drought, water supply sources and impacts to Lee Vining Creek and downgradient spring/aquifer recharge. New pump tests, supplemented with a geologic analysis, are now needed (ideally undertaken together, to understand complex area geology and validate pump test assumptions). Specific quantity details (with monthly maximum, minimum and average amounts) are needed for water pumping, graywater disposal, and septic disposal. Water quality testing is needed in conjunction with the water supply studies (note that Lee Vining is now seeking a second water supply source).</p> <p><b><u>GRAYWATER SYSTEM:</u></b> Actual water needs and landscape requirements must be quantified and compared with anticipated graywater volumes. Discuss the disposition of any excess graywater, and indicate whether a septic tank will be needed. Excess graywater should not be directed to vegetation on adjoining areas. Discuss required graywater system components and how they would be implemented. A detailed landscaping plan should also be included, and LRWQCB contacted to ensure that agency requirements are identified and analyzed. Include discussion of runoff from paved areas, with mitigation measures as needed.</p> <p><b><u>AESTHETICS:</u></b> Mono Basin has many valued scenic qualities and many protections in place, including the Mono Basin National Forest Scenic Area Management Plan. Though the site is adjacent to but not in the Scenic Area, the Management Plan guidelines should be used where possible. Vistas from several key Scenic Area lands may be impacted by the project, and require study in the SEIR including the Visitor Center, the Old Marina, South Tufa, and the Tufa State Natural Reserve boardwalk at Mono Lake County Park. Visual impacts from Lee Vining Canyon, Lee Vining and Mono City should also be analyzed, with visual simulations to depict the appearance of proposed uses. The simulations should include night-time photos to capture lighting impacts and ensure conformance to Night Sky ordinance requirements. The simulations should focus on the proposed change from a 2-story to a 3-story hotel, and the workforce housing complex, which is in a potentially highly visible site. The analysis should identify elements (colors, roofing materials, reflective surfaces, lighting, etc.) that may not be known until a hotel developer is selected; stringent Design Review is needed to ensure compatibility, with a public comment period and approval by the Commission and Board.</p> <p><b><u>SCENIC BYWAY:</u></b> SR 120 and US 395 are both under consideration as scenic byways, which would place the project site in a scenic byway corridor. Steps are needed to protect this potential designation.</p> <p><b><u>WILDLIFE:</u></b> The site is at the lower end of Lee Vining Canyon and within 750' of Lee Vining Creek – areas rich in wildlife. Impacts of the increased population at Tioga Inn on resident and migratory wildlife require updated analysis including study during winter if the hotel may operate year-round. It appears that the project may eliminate the open space deer migration route established in the 1993 EIR. New mitigations will be required, developed in coordination with CDFW. Consider reducing the current footprint. Also, consider impacts to the visitor experience of solitude in this canyon. Coordinate with Yosemite and INF in the assessment.</p> <p><b><u>LANDSCAPING:</u></b> Analyze and compare various landscaping options for their effect on the project including an option with exclusively native plants and another with non-native species to shield structures.</p> <p><b><u>GROWTH:</u></b> The project could more than double the population of Lee Vining and the SEIR must study the effects on businesses and economic stability. Use of market rate rental pricing may encourage non-resident renters seeking a second home, or vacation rental programs, placing employees at a disadvantage when seeking housing. The increased population will strain many Lee Vining resources (LVFD, EMS, Sheriff's Dept., schools, traffic, and pedestrian movements). The volunteer LVFD would not be able to respond under existing conditions, and would require new training, staffing, equipment and equipment storage.</p> <p><b><u>TRAIL LINKAGE:</u></b> Connectivity from the site to Lee Vining must be addressed in terms of infrastructure, safety and economics. Pedestrian and bike linkage could reduce parking and traffic, and enhance pedestrian mobility; all require assessment in the SEIR.</p>

	<p><b><u>CLIMATE CHANGE:</u></b> Update the Specific Plan discussion of federal, state, and local climate change requirements including measures for water conservation and GHG. Use of wood-burning fireplaces as a primary heating source could have a significant adverse impact on air quality.</p> <p><b><u>DESIGN:</u></b> The Design Review should be a public process, occurring before final approval. Consider strong conservation measures including solar panels, orientation for passive solar, low-flow toilets and showerheads, detailing swimming pool water and water discharge requirements. Encourage the proponent to seek a hotel developer that would build a LEED Certified project.</p> <p><b><u>MONO BASIN COMMUNITY PLAN:</u></b> Many points in this plan are directly relevant to the project, as detailed in the Mono Lake Committee letter and briefly noted herein: (a) ambivalence about growth, (b) need for workforce housing, (c) challenges posed by the Lee Vining Main Street area layout, (d) the goal to maintain natural values and rural small town character, and objectives to (a) provide for orderly growth, encourage development that is compatible with scenic attributes, maintain and protect natural, historical and recreational attributes, and promote well-planned and functional community uses (all with supporting policies and actions). These and other goals and policies require analysis in the SEIR, possibly with a table to show changes.</p>
Elin Ljung	<p><b><u>STANDARDS:</u></b> Project approval should be contingent on use of the highest standards for green building, low visual impacts and responsiveness to community needs.</p> <p><b><u>WATER:</u></b> The SEIR must analyze water supply sources and impacts to Lee Vining Creek and downgradient spring/aquifer recharge in all seasons. Future demand projections should consider the possibility of continued and possibly more severe drought, as well as water supply concerns already identified in Lee Vining.</p> <p><b><u>AESTHETICS:</u></b> Analyze day- and nighttime visual impacts, using simulations and focusing on the change from a 2- to 3-story hotel and housing complex. Require a stringent Design Review Process, with opportunities for public comment.</p> <p><b><u>WORKFORCE HOUSING:</u></b> The proposed change from 10 to 80 workforce beds is significant; with market rental rates, it would exacerbate the regional lack of affordable housing; this merits analysis in the SEIR. The increase would also put a strain on Mono County and public services (fire, EMS, sheriff and schools), add to local parking and traffic problems, and increase risks to pedestrians; these issues must be analyzed. The newly adopted Mono Basin Community Plan should guide all aspects of the SEIR process.</p>
Anonymous Letter	<p><b><u>AESTHETICS:</u></b> A key viewshed for protection is the view coming down Tioga Pass with Mono Lake in the background.</p> <p><b><u>WORKFORCE HOUSING:</u></b> The workforce housing component must include permanent deed restrictions to prevent their use for transient rentals.</p> <p><b><u>DESIGN:</u></b> No variance should be granted to allow heights above existing standards and codes.</p>
Anonymous Call	<p><b><u>SITE VISIT:</u></b> Requests that the Planning Commission &amp; Board of Supervisors conduct a site visit during project review.</p> <p><b><u>DENSITY:</u></b> Expresses concern that the number of housing units may impact traffic and deer use patterns.</p>
Bill Jansen	<p><b><u>COMMUNITY INPUT:</u></b> Please involve and consider community input in this project review to ensure adequate mitigation of project impacts.</p> <p><b><u>FACILITIES:</u></b> Onsite facilities (including the pool, restaurant and meeting spaces) should be available to the community as is now the case for Double Eagle in June Lake and other developments.</p>

## TIOGA COMMUNITY WORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 2.0 EXECUTIVE SUMMARY

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#### 2.1 PURPOSES OF THIS DRAFT SUBSEQUENT EIR

As described in the Introduction (SEIR §1.0), Mono County has determined that the proposed third amendment to the 1993 Tioga Inn Specific Plan will require preparation of a Subsequent EIR to analyze potentially significant effects that were not considered in the certified 1993 Final EIR. Consistent with the requirements of CEQA §15162, this Draft/Final Subsequent EIR focuses on (1) substantial changes in the proposed project that may involve new significant effects or substantially more severe environmental effects than were previously analyzed in the 1993 FEIR, (2) changes in the project circumstances that may involve new significant effects or substantially more severe environmental effects than were previously analyzed in the 1993 FEIR, (3) new information that was not and could not have been known in 1993 that shows one or more new significant environmental effects, or effects that are substantially more severe, or feasible alternatives and mitigations that were previously judged infeasible, or feasible alternatives and mitigations that would substantially reduce one or more significant effects, and (4) changes in the project and/or environmental information that were made as part of the current Final Subsequent EIR. This Subsequent EIR does not consider or analyze previously approved project elements (including the 120-room hotel and the full-service promontory restaurant) that are not now proposed for modifications. EIR §3.0 (Project Description) offers a detailed description of the scope of the current Subsequent EIR.

#### 2.2 ALTERNATIVES TO THE PROPOSED PROJECT

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to the project or to the location of the project that would reduce or avoid significant impacts, and that could feasibly accomplish the basic objectives of the proposed project. ~~Five alternatives are considered in DSEIR/FSEIR §6.0~~ considers six alternatives, one of which (Alternative 6) is now the Preferred Project Alternative, and is also now the proposed project, as described in SEIR §3.0 (Proposed Project). ~~of this EIR.~~ The alternatives were selected with the intent to respond to NOP requests received in response to the NOP and in comments on the DSEIR, and to reduce significant project impacts while accomplishing project objectives. The ~~six~~five alternatives are identified below and briefly defined in the paragraphs that follow:

- No Project Alternative
- Alternatives Considered in 1993
- Reduced Development Alternative
- Modified Cluster Design Alternative
- Modified Apartment Design Alternative
- Preferred Modified Design Alternative 6

**Alternative 1: No Project Alternative.** Under Alternative 1, the County would not approve the proposed Tioga Inn Specific Plan amendment #3. The No Project Alternative would preclude (a) construction of up to 150 workforce housing bedrooms, (b) a third gas pump island, (c) a new 30,000-gallon propane tank, (d) a replacement water storage tank, (e) construction of a new wastewater treatment system with subsurface irrigation using treated effluent, and an expanded septic system, and (f) modifications to several parcels and open space areas. All existing entitlements would remain in place.



**Alternative 2: Alternatives Considered in the 1993 EIR:** The 1993 EIR considered 4 alternatives including the No Project Alternative, a residential use alternative, an optional siting alternative, and an alternative with a different mix of uses. In response to an NOP comment letter, the 1993 alternatives are reconsidered in Alternative 2.

**Alternative 3: Reduced Development Alternative:** This alternative would reduce the number of workforce housing bedrooms by half, resulting in a proposal for up to 75 workforce housing bedrooms. Based on factors set forth in EIR §5.6 (Population and Housing) and EIR §5.8 (Public Services), this would result in about 50 workforce housing units, with a resident population of approximately 150 and a K-12 student population of about 31.

**Alternative 4: Modified Cluster Design Alternative:** This alternative would configure the workforce housing units in a tighter cluster with additional setback from the promontory restaurant. This layout would reduce the overall footprint, and provide additional separation between the residences and public uses.

**Alternative 5: Modified Apartment Design Alternative:** This alternative would modify the design layout of the proposed workforce housing units. Rather than the layout as now proposed (which includes a mix of individual structures housing studio, 1-bedroom, 2-bedroom and 3-bedroom units), this alternative would envision one or two apartment-style structures to house all units.

**Alternative 6: Preferred Modified Design Alternative 6:** Alternative 6 incorporates multiple changes to the project as proposed and described in the June 2019 DSEIR. Alternative 6 is based on DSEIR Comment Letter design suggestions, including changes in the form and number and orientation of housing structures, development of a detailed plan for revegetation of disturbed areas, new 3' high berms below each of the main residential parking lots, replacement of 2-story elevations with 1-story elevations for the lower row of 6 residential structures, additional specifications for paint colors and roofing materials, relocation of the Day Care Center to the north end of the residential complex, additional grading to lower pad elevations in some locations, and a new phasing plan that places the most visible units in the final phase to be built only if and when occupancy of the Phase 1 and 2 units reaches 80%. At the same time, Alternative 6 increases the maximum allowed size of studio, 1-bedroom and 2-bedroom units to improve livability for future residents.

**Environmentally Superior Alternative:** ~~Three alternatives have been identified as environmentally superior to the project as originally proposed in the DSEIR including: (a) the 'No Project Alternative,' the Cluster Alternative, and new Preferred Alternative 6. Each of these 3 alternatives is identified as the environmentally superior alternative. The No Project Alternative has not been proposed for selection because it would not fulfill the main project objective to provide affordable housing for project employees. has a total score of '+2', relative to the DSEIR proposed project score of '0'. In brief, Alternative 6 would be equivalent to the project proposed in the DSEIR -in terms of meeting project objectives. Alternative 6 would offer many of the advantages previously described for the Cluster Alternative (lower overall profile of the housing area; a more attractive appearance and a better blend with the surrounding area) but would better avoid the drawbacks associated with the Cluster alternative in that it would result in a slightly reduced footprint, better accommodate the use of solar panels, require fewer sidewalks and better accommodate the placement of EV charging stations in close proximity to the housing units. For all of these reasons, Alternative 6 is identified in this DSEIR/FSEIR as the preferred project alternative, and is also now the proposed project. The 'Cluster Design Alternative' would also be more effective than the proposed project in terms of achieving overall impact reduction, fulfillment of project objectives, and minimizing significant unavoidable impacts. The Cluster Alternative was not proposed for selection because it would require significantly more grading and preclude the goal to balance cut and fill onsite, without significantly reducing visual effects.~~

DSEIR/FSEIR §6.0 provides, in Table 6-3, a comparative analysis of ~~Preferred the proposed project Alternative 6 and all other each of the three~~ analyzed project alternatives. The comparison uses a numerical scoring system to assess how each alternative compares to the proposed project in terms of meeting project objectives and avoiding or minimizing potentially significant impacts.

## 2.3 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Several concerns have been raised regarding the safety of area of motorists, cyclists and pedestrians in the vicinity of the US 395/SR 120 intersection. The concerns pertain to the lack of safe passage crossing this intersection as well as the lack

of a dedicated easement for non-motor transit between the project site and downtown Lee Vining. Additionally, the US 395/SR 120 intersection has been identified as having an unacceptable Level of Service "F" for motorists traveling east-bound on SR 120 as they approach the US 395 intersection, and the reported 60 collisions at the US 395/SR 120 intersection since 2010 are attributed to high travel speeds on US 395 near the Tioga Road intersection as well as limited visibility and sign distance for vehicles approaching the intersection. All of these concerns fall under the jurisdiction of Caltrans, which has recently initiated a study of 'Traffic Calming' improvements on US 395 through Lee Vining, enhanced safety upgrades at US 395/SR 120, and along the Caltrans apron that surrounds the Vista Point Drive project entry. These plans have potential to alleviate existing safety concerns, but Caltrans' study is in the early phases and the outcome of recommended improvements will not be known during the time of the current [Community Workforce Housing Project Review](#).

A second area of concern pertains to the scope of proposed project elements. As discussed in §1.9 (Notice of EIR Preparation, see Appendix A1), the project proposal described in the October 2016 NOP included up to 80 new workforce housing units, an additional 100 seats in the full-service restaurant, addition of a third story to the hotel, addition of a third gas pump island, replacement of the water storage tank with a new tank of the same size, an expanded septic system, and a new larger propane tank. In response to comments on the NOP (all of which are provided in Appendix A2 and summarized in Table 1-2), several of the proposed elements were eliminated, and several other elements were revised. ~~Please see a~~Additional discussion [of concerns raised in the NOP comment letters is provided below](#) in §1.8 (Notice of EIR Preparation)

## **2.4 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

This EIR focuses on the significant environmental effects of the proposed Tioga Workforce Housing Project, in accordance with CEQA Guidelines. The CEQA Guidelines defines a significant effect as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. A less than significant effect is one in which there is no long or short-term significant adverse change in environmental conditions. Table 2-1 summarizes the environmental impacts of the proposed project, the impact level of significance prior to mitigation, mitigation measures proposed to mitigate potential impacts and the impact level of significance after mitigation.



**TABLE 2-1: Summary of Tioga Community Workforce Housing Project Impacts and Mitigation Measures**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	RESULTING LEVEL OF SIGNIFICANCE
<b>§5.1 GEOLOGY AND SOILS</b>		
5.1(a) Risk of Strong Ground Shaking, Ground Failure or Landslides?	Mitigation GEO 5.1(a-1): Site Specific Soils Report during Structural Design	Less than Significant with Mitigation
	Mitigation GEO 5.1 (a-2): Debris flow mitigation, further study if grading exposes fault traces	Less than Significant with Mitigation
	<a href="#">Mitigation GEO 5.1(a-3): Further geotechnical investigations to be undertaken if soil removal or grading expose fault traces.</a>	Less than Significant with Mitigation
5.1(b) Risk of Soil Erosion or Loss of Topsoil?	Mitigation GEO 5.1(b): <a href="#">Use of Low Impact Development Best Stormwater Management Practices Program (LID BMPP) per Mitigation HYDRO 5.2(a-6).</a>	Less than Significant with Mitigation
5.1(c) Risk of Liquefaction, Collapse, Landslide, Expansion due to Unstable Soils	Mitigation GEO 5.1(c): Supplemental Geotechnical Studies prior to Grading Permit	Less than Significant with Mitigation
5.1(d) Soils Unable to Support Septic Tanks	No mitigation required	Less than Significant
5.1(e) Loss of Mineral Resources	No mitigation required	Less than Significant
5.1(f) Destroy a unique Paleontological Feature?	See discussion in SEIR §5.4(a)	Less than Significant
<b>§5.1 HYDROLOGY AND WATER QUALITY</b>		
5.2(a) Violate Water Quality Objectives	Mitigation HYDRO 5.2(a-1): Slope Restoration and Monitoring	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(a-2): Construction Buffer Zone and Exclusion Fencing to protect surface waters	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(a-3): Minimal Vegetation Clearing	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(a-4): Spill Prevention & Response <a href="#">per Mitigation HYDRO 5.2(a-7).</a>	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(a-5): Onsite Storm Flow Retention	Less than Significant with Mitigation
	<a href="#">Mitigation HYDRO 5.2(a-6): Low Impact Development Best Stormwater Management Practices Program (LID BMPP) to be implemented through the life of the Tioga Specific Plan.</a>	<a href="#">Less than Significant with Mitigation</a>
	<a href="#">Mitigation HYDRO 5.2(a-7): Spill and Leak BMP Plan to be approved in LRWQCB Board Order for package Waste Treatment Plant (WWTP).</a>	<a href="#">Less than Significant with Mitigation</a>
5.2(b) Violate Waste Treatment or Discharge Requirements	Mitigation HYDRO 5.2(b-1): Proper decommissioning of <a href="#">existing</a> septic tank and appropriate sizing of new leachfield.	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(b-2): Minimum 40' separation distance between	Less than Significant with Mitigation

	leachfield and underlying groundwater where perc rates exceed 5 MPI, <a href="#">per LRWOCB criteria and procedures.</a>	
	Mitigation HYDRO 5.2(b-3): WWTP treated effluent not to exceed 10 mg/l total nitrogen; all effluent to meet USEPA secondary treatment standards.	Less than Significant with Mitigation
	Mitigation HYDRO 5.2(b-4): Irrigation system operation per DDW-approved Title 22 report, or DDW letter stating project needn't satisfy Title 22.	Less than Significant with Mitigation
	<a href="#">Mitigation HYDRO 5.2(b-5): Project to provide 1 upgradient and 2 downgradient groundwater quality monitoring wells.</a>	<a href="#">Less than Significant with Mitigation</a>
	<a href="#">Mitigation HYDRO 5.2(b-6): If groundwater monitoring well data show a sustained increase in groundwater salinity, nitrogen removal systems will be added to maintain baseline groundwater salinity.</a>	<a href="#">Less than Significant with Mitigation</a>
5.2(c) Impact Water Supply Availability	Mitigation HYDRO 5.2(c-1): Groundwater Level Monitoring <a href="#">for Mono County Public Health Department.</a>	Less than Significant with Mitigation
	<del>Recommendation HYDRO 5.2(c-2): Monitor Well for Sand Content</del>	<del>Less than Significant with Mitigation</del>
	<del>Recommendation HYDRO 5.2(c-3): Well Pump Video Survey</del>	<del>Less than Significant</del>
5.2(d) Increased Risk of Erosion or Siltation	No mitigation required	Less than Significant
5.2(e) Place Structures in 100-Year Flood Hazard Zone	No mitigation required	Less than Significant
5.2(f) Expose People or Structures to Dam Failure, Flooding	No mitigation required	Less than Significant
5.2(g) Exposure of people or structures to Seiche, Tsunami or Mudflow	No feasible mitigation available	<b>SIGNIFICANT UNAVOIDABLE DIRECT &amp; CUMULATIVE IMPACT</b>
<b>§5.3 BIOLOGICAL RESOURCES</b>		
5.3(a) Impact Candidate, Sensitive or Special Status Species	Mitigation BIO 5.3(a-1): Shrubland Revegetation <a href="#">Plan and Map</a>	Less than Significant with Mitigation
	Mitigation BIO 5.3(a-2): Fencing for rockcress protection	Less than Significant with Mitigation
	Mitigation BIO 5.3(a-3): Pre-disturbance nesting bird survey	Less than Significant with Mitigation
	Mitigation BIO 5.3(a-4): Pre-disturbance badger <a href="#">and fox</a> survey	Less than Significant with Mitigation
	Mitigation BIO 5.3(a-5): Pet fencing, leashing, eviction	Less than Significant with Mitigation
	<a href="#">Mitigation BIO 5.3(a-6): Revegetation plan for Temporarily Disturbed Areas</a>	<a href="#">Less than Significant with Mitigation</a>
	<a href="#">Mitigation BIO 5.3(a-7): "Do Not Feed the Wildlife" signage to be posted at various locations on the project site.</a>	<a href="#">Less than Significant with Mitigation</a>
5.3(b) Impacts on Riparian, Sensitive Natural Communities	No mitigation required	Less than Significant
5.3(c) Impacts on Wetland Resources	No mitigation required	Less than Significant
5.3(d) Impacts on Wildlife Movement or Nursery Sites	Mitigation BIO 5.3(d-1): Shielding of night-lighting	Less than Significant with Mitigation
	Mitigation BIO 5.3(d-2): Burn area restoration	Less than Significant with Mitigation

	Mitigation BIO 5.3(d-3): Protected Corridor along US 395, free of barriers, bright signs, most new structures.	Less than Significant with Mitigation
	Mitigation BIO 5.3(d-4): Design of Waste Receptacles to prevent access by Bears and Ravens	Less than Significant with Mitigation
	<u>Deer Movement: No feasible mitigation</u> Mitigation BIO 5.3(d-5): <u>Grant application for deer passageway</u>	<u>Less than Significant Direct Impact; SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACT</u>
5.3(e) Impacts on Local Policies or Ordinances	No mitigation required	Less than Significant
5.3(f) Impacts on Habitat Conservation Plans	No mitigation required	Less than Significant
<b>§5.4 CULTURAL &amp; TRIBAL CULTURAL RESOURCES</b>		
5.4(a) Impacts to Prehistoric or Historic Resources	Mitigation CULT 5.4(a): <u>Tribes to be notified prior to earthwork, and compensated for limited Construction Crew Training and/or Monitoring.</u> Construction Plan Statement, Process if Historic Resources are found during Earthwork	Less than Significant with Mitigation
5.4(b) Impacts to Paleontological Resources	Mitigation CULT 5.4(b): Construction Plan Statement, Process if Paleontological Resources found during Earthwork	Less than Significant with Mitigation
5.4(c,d) Impacts to Human Remains, Sacred Lands, Tribal Cultural Resources	Mitigation CULT 5.4(c,d): Tribes to be notified prior to earthwork and invited to observe without compensation; work to stop if resources unearthed, with paid monitoring thereafter; advisory statement on construction plans; NAHC protocols if human remains are found.	Less than Significant with Mitigation
<b>§5.5 LAND USE AND PLANNING</b>		
5.5(a) Physically divide an established community	No mitigation required	Less than Significant
5.5(b) Conflict with a land use plan, policy or regulation	<u>Mitigation 5.5(b-1): Determination regarding method of HMO compliance prior to first building permit.</u> No mitigation required	Less than Significant
	<u>Mitigation 5.5(b-2): ESUSD bus stop/turnaround in restaurant parking lot; ESTA bus stop/turnaround near hotel access; all to be maintained.</u>	<u>Less than Significant</u>
5.5(c) Impact recreational facilities or open space	No mitigation required	Less than Significant
5.5(d) Impact open space acreage or function	No mitigation required	Less than Significant
<b>§5.6 POPULATION, HOUSING, EMPLOYMENT</b>		
5.6(a) Induce substantial population growth	<u>Mitigation POP 5.6(a-1): Phasing Plan for construction of Community Housing Units.</u> No mitigation required	Less than Significant
5.6(b) Displace people or housing	No mitigation required	Less than Significant
<b>§5.7 PUBLIC HEALTH AND SAFETY</b>		
5.7(c) Contribute to a Hazardous Materials Release	No mitigation required	Less than Significant
5.7(b) Be located on a Hazardous Materials Site	No mitigation required	Less than Significant
5.7(c) Expose People to Airport Hazards	Mitigation SFTY 5.7(c): Compliance with FAA and California Dept. of	Less than Significant

	Aeronautics regulations.	
5.7(d) <u>Secondary Access Encroachment on SR 120 Interfere with Emergency Response</u>	Mitigation SFTY 5.7(d): <u>Encroachment Permit from Caltrans if secondary access gate is inside Caltrans' right-of-way</u> <u>Public safety site evacuation plan for use in natural disasters.</u>	Less than Significant
	<u>Mitigation SFTY 5.7(d): Public safety evacuation plan to be prepared.</u>	<u>Less than Significant</u>
5.7(e) Contribute to Wildland Fire Risk	Mitigation SFTY 5.7(e-1): Implementation of Wildland Fire Protection Measures	Less than Significant with Mitigation
	Mitigation SFTY 5.7(e-2): Multiple hydrants to reach all site areas, with breakaway design	Less than Significant with Mitigation
5.7(f) Exposure to Avalanche, Landslide, Vulcanism, Rockfall	No mitigation required	Less than Significant
<b>§5.8 PUBLIC SERVICES, ENERGY AND UTILITIES</b>		
5.8(a) Require New Police, School or Other Services	Mitigation SVCS 5.8(a-1): <u>Right-of-way for ADA-compliant pathway between Vista Pt. Drive and NW property boundary, with construction of pedestrian/cycling path if Caltrans approves nonmotorized connectivity project between Lee Vining and SR 120/US 395.</u>	SIGNIFICANT POTENTIALLY UNAVOIDABLE DIRECT & CUMULATIVE IMPACT
	<u>Mitigation SVCS 5.8(a-1): Grant application for safe pedestrian/cycling access from site to Lee Vining</u>	
	<u>Mitigation SVCS 5.8(a-2): One automated defibrillator unit to be provided at Day Care center and one at Manager's unit; both to be maintained in good condition.</u>	<u>Less than significant</u>
	<u>Mitigation SVCS 5.8(a-3): Shuttle Service to be provided between project site and Lee Vining.</u>	<u>SIGNIFICANT POTENTIALLY UNAVOIDABLE DIRECT &amp; CUMULATIVE IMPACT</u>
5.8(b) Result in Wasteful, Inefficient Energy Consumption	No mitigation required	Less than Significant
5.8(c) Be served by a Landfill with Insufficient Capacity	No mitigation required	Less than Significant
<b>§5.9 TRAFFIC AND CIRCULATION</b>		
5.9(a) Regulatory Compliance – <u>Access Rights, Encroachment Permit, YARTS Access</u>	<u>Mitigation 5.9(a-5): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.</u>	<u>Less than Significant</u>
	<u>Mitigation 5.9(a-6): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.</u>	<u>Less than Significant</u>
	<u>Mitigation 5.9(a-7): Project to incorporate a pedestrian pathway between Community Housing area and YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.</u>	<u>Less than Significant</u>
	<u>Recommendation TFFC 5.9(a-1): Free YARTS shuttle passes for guests and residents</u>	<u>Less than Significant</u>

	<del>Recommendation TFFC 5.9(a-2): Caltrans consideration of designated Vista Point entry/egress</del>	<del>Less than Significant</del>
	<del>Recommendation TFFC 5.9(a-3): Caltrans modifications to apron parking</del>	<del>Less than Significant</del>
	<del>Recommendation TFFC 5.9(a-4): Caltrans relocation of YARTS bus stop</del>	<del>Less than Significant</del>
5.9(b) Vehicle Miles Travelled	No mitigation required	Less than Significant
5.9(c) Air Traffic Safety	See discussion in EIR §5.7(c)	Less than Significant
5.9(d) <del>Peak-season midday Design-Traffic Hazards at SR 120/US 395</del>	<del>No feasible mitigation identified.</del>	SIGNIFICANT POTENTIALLY UNAVOIDABLE DIRECT & CUMULATIVE IMPACT
	<del>Mitigation TFFC 5.9(c-1): Caltrans Signalization of the US 395/SR 120 Intersection, OR: Mitigation TFFC 5.9(c-2): Caltrans construction of a Roundabout at the US 395/SR 120 Intersection</del>	
5.9(e) Emergency Access	See discussion in EIR §5.7(d)	Less than Significant
<b>§5.10 AIR QUALITY AND GREENHOUSE GASES</b>		
5.10 (a-c) Criteria Pollutants, Air Quality Standards, Sensitive Receptors	<del>No mitigation required</del> <del>Recommendation AQ 5.10(a): Additional Emission Control Measures Recommended</del>	Less than Significant
5.10(d) Objectionable Odors	No mitigation required	Less than Significant
5.10 (e,f) Generate GHG Emissions, Violate GHG Standards	No mitigation required	Less than Significant
<b>§5.11 NOISE</b>		
5.11 (a) Expose People to Excessive Noise Levels	No mitigation required	Less than Significant
5.11(b) Expose People to Excessive Airport Noise	No mitigation required	Less than Significant
5.11(c) Expose People to Groundborne Vibration	No mitigation required	Less than Significant
<b>§5.12 AESTHETICS</b>		
5.12(a,b) Impacts to Scenic Resources and Visual Character	Mitigation AES 5.12(a,b): Use of design, landscaping, and materials to screen or minimize offsite views of project.	SIGNIFICANT AND UNAVOIDABLE DIRECT AND CUMULATIVE IMPACT
5.12(c) Light and Glare Impacts	Mitigation AES 5.12(c): <u>Outdoor Lighting Plan with additional information requirements including no seasonal lighting where visible to public viewshed and screening landscaping. Mandatory compliance with Dark Sky Regulations</u>	SIGNIFICANT AND UNAVOIDABLE DIRECT AND CUMULATIVE IMPACT

## A photograph of a stone archway with a wooden sign that reads "Motel" and "Country Inn". The archway is made of rough-hewn stones and is set against a clear blue sky. The sign is made of wood and has the word "Motel" in large, stylized letters, with "Country Inn" written below it. The archway is surrounded by green grass and some trees.

## PROJECT DESCRIPTION

Figures 3-1 (Regional Location, [left above](#)) and 3-2 (Mono Lake public lands, right)



## 3-1



new 30,000-gallon onsite propane tank ~~(the new tank would eventually replace the existing 5 onsite tanks with a combined 2,500-gallon capacity)~~, modifies the boundaries and acreage of designated open space, and modifies parcel boundaries.

Several of the uses approved in 1993 were constructed and placed into operation during the late 1990s. Construction of the hotel and restaurant elements was postponed due to a general economic downturn and other factors. The purpose of the current project proposal is to support the earlier approved components with modifications and new elements that respond to current conditions in housing, tourism, and employment.

### 3.3 PROJECT ELEMENTS AND SCOPE

The current proposal embodies concepts developed in 1993 with added elements, goals and refinements. A key task of the current D~~SEIR/raft-FS~~EIR and Specific Plan is to delineate between project elements that are, and those that are not, subject to discretionary action with the current project, as shown in Table 3-1:

TABLE 3-1. Discretionary Status of Project Elements	
CATEGORY	STATUS
Actions approved in 1993 and subsequently constructed	No discretionary actions or approvals required
Actions approved in 1993, never constructed, and now scheduled for implementation consistent with 1993 approvals.	No discretionary actions or approvals required
Actions approved in 1993 for which changes are now proposed	Subject to Discretionary Approval with Current Project Proposal
Newly proposed project elements (never before considered) and proposed modifications to existing project elements	Subject to Discretionary Approval with Current Project Proposal

The project encompasses 4 parcels, all of which are listed in Table 3-2 along with existing and proposed uses. Exhibit 3-3 shows the proposed project layout and parcel boundaries. Table 3-2 outlines approved elements and project elements now subject to discretionary approval. Only the newly proposed elements (shown in the right-most column) are subject to discretionary action as part of the current project.

Table 3-2. TIOGA SPECIFIC PLAN EXISTING, APPROVED & PROPOSED LAND USES AND ACREAGES					
PARCEL	ACRES APPROVED IN 1993	CURRENT PROPOSED ACREAGE	EXISTING LAND USES	LAND USES APPROVED IN 1993	USES NOW PROPOSED & SUBJECT TO DISCRETIONARY ACTION
1	30.3	26.5	<ul style="list-style-type: none"> <li>Open Space Monument Signs (2)</li> </ul>	<ul style="list-style-type: none"> <li>120-room 2-story hotel with coffee shop, swimming pool, banquet room and gift shop;</li> <li>Parking for onsite uses               <ul style="list-style-type: none"> <li>Signage Plan</li> <li>Septic System</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Changed parcel boundary/acreage</li> <li>Lane modifications to improve vehicle movement by gas pumps</li> <li>Realignment of road serving the 8 existing hilltop housing units</li> <li>New Package Wastewater Treatment System</li> </ul>
2	36.0	32.1	<ul style="list-style-type: none"> <li>Overflow parking</li> <li>Historical Marker</li> <li>6 cabin units (no formal approvals)</li> <li>Electric supply shed</li> <li>Two Water Wells</li> <li>SCE powerlines</li> <li>Buried Utility Xing -septic/leach field</li> <li>5 propane tanks with a combined capacity of 2,500 gallons</li> </ul>	<ul style="list-style-type: none"> <li>Overflow/oversize vehicle parking</li> <li>Full-service Promontory restaurant</li> <li>Restaurant parking</li> <li>Maintenance Building</li> <li>ropane Tanks</li> </ul>	<ul style="list-style-type: none"> <li>Changed parcel boundary &amp; acreage</li> <li>New rental housing with up to 100 units &amp; up to 150 bedrooms</li> <li>Day care facilities for residents' use</li> <li>Net 0.7-acre gain in Open Space including 13.0-acre increase in Open Space-Preserve acreage, 0.9-acre decrease in Open Space-Facilities, and 11.4-acre decrease in Open Space-Support</li> <li>30,000-gallon propane tank</li> <li>Elimination of septic tank; retention of septic leach field</li> </ul>

					<ul style="list-style-type: none"> <li>Subsurface Irrigation System using flows from Package Treatment Plant</li> <li>Maintenance/residents' storage building</li> </ul>
3	2.4	2.4	<ul style="list-style-type: none"> <li>2 Gas Islands (8 fuel pumps, canopies, lighting, 2 USTs).</li> <li>Tioga Gas Mart</li> <li>Whoa Nellie Deli</li> </ul>	<ul style="list-style-type: none"> <li>2 gas islands with 8 fuel pumps &amp; canopies, lighting, 2 USTs.</li> <li>Tioga Gas Mart</li> <li>Delicatessen</li> </ul>	<ul style="list-style-type: none"> <li>3rd Gas Pump island with 4 additional fuel pumps, 1 additional underground storage tank, and overhead canopies &amp; lighting</li> </ul>
4	5.0	6.8	<ul style="list-style-type: none"> <li>8 hilltop housing units</li> <li>1 Water Tank</li> <li>1 Cell Tower<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>10 Hilltop Housing Units<sup>2</sup></li> <li>300,000-gallon water storage tank</li> </ul>	<ul style="list-style-type: none"> <li>Changed parcel boundary &amp; acreage</li> <li>Demolition of existing water tank, replacement with new tank.</li> </ul>
SR 120 Easement	TBD	TBD	<ul style="list-style-type: none"> <li>* 1-ingress &amp; 2-egress lanes to SR-120</li> <li>* Park &amp; Ride Area'</li> <li>* Caltrans ROW acquisition area (adjacent to deli)</li> </ul>	<ul style="list-style-type: none"> <li>* Access from SR-120</li> <li>* Park &amp; Ride Area</li> </ul>	<ul style="list-style-type: none"> <li>One new traffic lane added adjacent to gas station to enhance interior circulation</li> </ul>
<b>TOTAL PROPOSED ACRES 67.83 (reduced from 73.7 acres in 1993)</b>					

### 3.4 PROJECT OBJECTIVES

CEQA Guidelines §15124<sup>3</sup> requires an EIR to identify the primary purpose and objectives of a project proposal. This requirement makes explicit the goals that underlie the proposed actions and approvals sought, and also sets the parameters for identifying feasible alternatives.<sup>4</sup> As stated in the 1993 Final EIR, the project objective was to "provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is to provide a complete range of services for the Mono Basin visitor including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school swim teams and area swim clubs, and a full-service restaurant. Implementation of the Specific Plan is intended to add to the area's economy through increased employment opportunities, provision of additional needed motel rooms during peak months, and provision of additional rental housing. Visually, the objective of the project is to blend into the natural setting through careful structure siting, and architecture and landscaping complementing the environment." Goals, policies and implementation programs in the approved 1993 Specific Plan also include the following objectives:

- Enhance visitor-oriented services in Lee Vining area by allowing flexibility for multiple uses on Specific Plan parcels;
- Ensure adequate facilities for the Specific Plan development (by obtaining all applicable permits, and ensuring adequate fire prevention management);
- Strive to reduce the project's visual intrusiveness in the area (by minimizing site disturbance, maximizing use of indigenous species, using introduced species that provide additional screening at maturity, ensuring that landscaping is properly maintained, providing landscaping for picnic and walking and relaxation areas, ensuring a visually attractive development, reducing reflective glare from the development);
- Conserve the potential for forage in the Plan area (by maintaining areas for deer feeding and gathering, retaining naturally vegetated areas, avoiding construction during peak migration, prohibiting unauthorized off-road activity, ensuring that pets do not roam freely);
- Maintain safe traffic by conforming to Caltrans access requirements and County circulation and fire safe requirements.

<sup>1</sup> The cell tower was approved by Mono County in 2007 under Permit # 07BLD-00079.

<sup>2</sup> Of the 10 hilltop units approved in the Specific Plan, only 8 units were constructed.

<sup>3</sup> CEQA §15124 states: "A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives [and aid]...decision makers in preparing findings or statement of overriding considerations, if necessary."

<sup>4</sup> CEQA §15126.6(c) states: "The range of potential alternatives...shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects."





All of the 1993 objectives remain valid with the current project, joined by the additional objectives listed below:

- To provide sufficient ~~workforce~~ housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses;
- To incorporate water conservation and energy efficient features and design elements in order to manage costs and conserve resources;
- To ensure that infrastructure sizing is adequate to meet existing and future needs.
- To provide additional gasoline services consistent with demands.

### 3.5 DESCRIPTION OF PROJECT ELEMENTS

The discussion in this section provides details concerning all project elements. All of the project components will comply with applicable requirements of the Americans with Disabilities Act (ADA) including access to goods, services, facilities and programs, as set forth in the most current California Building Code.

#### 3.5.1 Residential and ~~Workforce~~Community Housing

The 1993 project included 5-acres on the northwestern-most parcel to be used for 10 residential rental units (5 duplexes housing ten single-story 2-bedroom units). Only 8 of the approved units were constructed. The units provide housing for Mobile Mart employees as well as Lee Vining residents. Six additional unpermitted ~~workforce~~ housing units were subsequently constructed (the 6 units are located about 200' due south of the promontory parking area).

Changes: The amended plan makes no changes to the original residential units, but eliminates the six newer (unpermitted) units and incorporates a new WorkforceCommunity Housing complex in the southcentral portion of the site (see Exhibit 3-3). The complex will provide up to 100 rental units (including a separate 4-bedroom manager's unit) with up to 150 total bedrooms for onsite employees and area employees-residents and their dependents. The workforcecommunity housing will include a central common area with staffed day care facilities, and play area, and laundry facilities, and a short trail connecting to the ESUSD school bus stop that will be located in an area of the promontory restaurant parking lot that is closest to the Day Care Center. The maintenance building will include a separate storage area for use by residents.

New Preferred Alternative 6: This DSEIR/FSEIR incorporates a new Preferred Alternative 6 that differs from the project that was proposed and discussed in the DSEIR. Alternative 6 was developed in response to recommendations and suggestions offered in the DSEIR comment letters, with the primary intent to lessen project impacts on aesthetic resources. Alternative 6 is now the proposed project.

#### 3.5.2 Gas Pump Island and Convenience Store

The 1993 project included 2 gas pump islands with 2 underground storage tanks plus overhead canopies and lighting, a 4,800 square foot convenience store, and an outdoor picnic area; all of these elements were constructed as proposed. The deli (located inside the convenience store) was not identified as a permitted use in the 1993 Specific Plan (nor was it addressed in the Specific Plan Amendments of 1995 and 1997) but was approved during 2012 through a Director Review process. The Director Review (provided in Appendix B) included a requirement that, "*No other commercial or retail space expansion will be permitted on the convenience storage gas station parcel without a revision to the Tioga Inn Specific Plan.*"<sup>5</sup>

Changes: The amended plan adds a third gas pump island with overhead canopy and lighting (with modifications to ensure that the lighting here and elsewhere on the site conforms to the county's Dark Sky initiative), and provides Specific Plan standards to govern the delicatessen. A bus access, turnaround and parking area will be provided in the area of the gas station/hotel for use by ESTA buses.

#### 3.5.3 Parking

The 1993 project included minimum parking standards for the hotel, the minimart, the full service restaurant, and private parking for the residential area. Although the full service restaurant has not been constructed, a total of 52 parking spaces (including oversize parking for RVs) are located adjacent to the restaurant site. The parking lot design also incorporates

<sup>5</sup> Mono County, Notice of Decision, *Director Review 12-007/Tioga Inn Kitchen Expansion*. 2012 (see Appendix B).

~~new provisions to enable ESUSD buses to access, turn around and park adjacent to a trail that will link the Day Care center to the ESUSD bus stop. has been provided for transit (ESTA and YARTS) that was not discussed in the 1993 EIR.~~

**Changes:** Amendment #3 meets the minimum parking requirements in the approved Specific Plan for all onsite uses, and provides substantial additional parking for the ~~workforcecommunity~~ housing (a minimum of 200 spaces for up to 100 units). Parking requirements outlined in the 1993 Specific Plan are summarized in Table 3-3, along with parking provisions anticipated in the current project plan.

<b>TABLE 3-3. MINIMUM PARKING STANDARDS</b>						
<b>LAND USE CATEGORY</b>	<b>1993 SPECIFIC PLAN</b>			<b>PROPOSED AMENDMENT #3</b>		
	<b>AUTO PARKING</b>	<b>RV + TRAILER PARKING</b>	<b>OTHER PARKING</b>	<b>AUTO PARKING</b>	<b>RV + TRAILER PARKING</b>	<b>OTHER PARKING</b>
<b>Hotel</b>	120+2	2	1 space per 2 employees	120+2	2	1 space per 2 employees
<b>Full-Service Restaurant</b>	50	2 (buses) 5 (trailers)	None	50	2 (buses) 5 (trailers)	None
<b>Convenience Store/Fuel Sales</b>	10	2 (buses) 2 (trailers)	None	10	2 (buses) 2 (trailers)	None
<b>Hilltop Residential Units</b>	Attached private garage or covered parking	None	None	Attached private garage or covered parking	None	None
<b>Open Space</b>	No parking required or proposed			No parking required or proposed		
<b>Housing</b>	NA	NA	NA	<b>190</b>	<b>0</b>	None

### 3-5-4 Sanitation and Reuse

The 1993 project included a standard septic tank and leach field system for land uses on the site; the leach field was designed with a 100% expansion field area for onsite facilities.

**Changes:** The amended plan incorporates a new package wastewater treatment plant. Effluent from the plant will be distributed to a subsurface drip irrigation system during the late spring, summer and fall months (about 8 months of the year). The existing septic tank will be abandoned and disabled per Health Department regulations, and the existing leach field will be used for disposal of treated effluent during the low-flow winter months. Peak summer flows are projected to be 40,800 gallons per day (gpd), dropping to 22,000 gpd during the winter months. A detailed discussion of the proposed sanitation system and facilities is provided in EIR §5.2, Hydrology.

### 3-5-5 Energy and Communication

Project energy needs are currently met with propane and electrical service. Propane is provided through five existing tanks (with a combined 2,500-gallon capacity) that are owned by the project owner/applicant and situated in various locations around the property. Electric service is provided by SCE; overhead SCE power lines cross the site on the portion of Parcel 2 that is located east of US 395. Propane and electricity will continue to be used on site.

**Changes:** The proposal includes a new commercial 30,000-gallon propane tank that will be sufficient to serve all onsite uses as well as demands in the surrounding areas if there is a market demand. The five existing tanks will ~~remain in use on the site~~~~be removed~~. The applicant plans to install solar panels on ~~the south-facing roofs of~~ most project structures (existing and proposed) as a primary source of project-wide renewable energy. Solar energy was not a part of the 1993 Specific Plan. Under the current California Government Code (Title 7, Div. 1, Ch. 4, Article 2, §65850.5),<sup>6</sup> the use of solar energy is not a discretionary action. Following a satisfactory compliance review, the solar energy application will be approved ministerially.

Wood-burning appliances (fireplaces, wood stoves, etc.) will comply with current requirements and standards of the County for new construction. Cable, telephone and internet services will be wireless (cell phone service in this area is provided by Verizon). The project will use energy efficient appliances and practices as rated by Energy Star, a joint program of USEPA

<sup>6</sup> Calif. Legislative Info: [http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65850.5&lawCode=GOV](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65850.5&lawCode=GOV).

and the U.S. Dept. of Energy.<sup>7</sup> Proposed energy conservation features are discussed more fully in the Specific Plan (EIR §4) and in EIR §5.8 (Public Services and Utilities).

### 3.5.6 Water Supply Facilities

Until 2017, the Mobil Mart development was served by a single onsite water supply well located on the portion of Parcel 2 that is east of US 395. In 2017, a second water supply well was installed in the same location. Both wells are currently classified by Mono County as Transient Non-Community water system permits.<sup>8</sup> Water from both wells is piped under US 395 and into the existing water storage tank located on Parcel 4 adjacent to the existing ~~hilltop~~workforce housing area.

Changes: If the proposed Tioga ~~Workforce~~Community Housing Project is approved, the existing water system 'Transient Non-Community' permit will be revised to incorporate the new development and reclassified as a 'Non-transit Non-Community' permit or possibly as a 'Community' system, depending on the number of full-time residents. The existing permit will remain in effect pending any changes.

### 3.5.7 Water Storage Facilities

The 1993 EIR provided for construction of a new 300,000-gallon steel water storage tank on a site located by the eight existing hilltop ~~workforce~~ housing units.

Changes: The amended plan calls for demolition of the existing water storage tank. A new tank, also with 300,000-gallon capacity, will be constructed in the general location of the old tank.

### 3.5.8 Tioga Inn Hotel

As approved in 1993, the hotel will be a two-story structure with 120 guest rooms, a coffee shop, a banquet room, a small retail gift shop, a swimming pool, and parking. The hotel will be oriented in an east-west direction, presenting an end view to SR 120 and providing hotel rooms with expansive views of Mono Lake to the north/northeast, and Tioga Pass to the west; solar panels will be oriented to the south, away from Mono Lake viewpoints. The current proposal retains the hotel standards approved in the 1993 Specific Plan.

Changes: No changes are proposed.

### 3.5.9 Full Service Restaurant

As approved in 1993, the full-service restaurant will be a freestanding structure with up to 5,000 square feet of interior dining area as well as an exterior site-down eating area, interior and exterior areas serving alcohol, and miscellaneous accessory uses including a gift shop, information center, parking, deck, appurtenant service areas, and other similar uses. Maximum height of the full-service restaurant was set at 20-feet from the top of the stem wall to the top of the roof line (not counting chimneys, gables and snow control devices).

Changes: No changes are proposed.

### 3.5.10 Solid Waste ~~and Recycling~~ Facilities

Solid waste on the property is stored in bear-~~resistant~~proof commercial dumpsters (including recycling bins) located adjacent to the gas station. Refuse is collected by a commercial service. All existing dumpsters will remain in use, along with new bear-proof structures that were approved in 1993 for the hotel and restaurant.

Changes: The proposed project calls for additional bear-~~resistant~~ and raven-resistant ~~proof~~ solid waste ~~and recycling~~ facilities to serve the new ~~workforce~~community housing units. Further discussion of solid waste is provided in EIR §5.8.

### 3.5.11 Stormwater Drainage

<sup>7</sup> Source: USEPA and Dept. of Energy website: [www.energystar.gov/](http://www.energystar.gov/).

<sup>8</sup> Communication from Jon Drodz, Mono County Environmental Health Department, 23 May 2019.

Following the 1993 EIR approvals, the Mobile Mart project was constructed with a controlled drainage system in which runoff is captured and diverted to onsite dry wells. The dry-well process was designed in conformance with requirements of the LRWQCB.

Changes: The proposed drainage system includes 2 concrete retention basins (1 each for the hotel and housing area), and 4 bioswales (all for the hotel). Facilities are designed to the County's 20-year storm return frequency, and the bioswales comply with LRWQCB Low Impact Development goals.

### 3.5.12 Roads, Circulation and Access

The 1993 EIR proposed that access to the project site be taken from SR 120 via a common drive located immediately south of the hotel parking area and north of the minimart and gas pump islands. The access was constructed as proposed (with one entry lane and two exit lanes), and remains in use to the present time. The access point is about 800 feet west of the junction with US 395. Roads on the project site are privately owned and maintained, with 3 classes as shown in Table 3-4.

TABLE 3-4. Road Standards			
Private Road Classification	Easement Width	Pavement Width	Special Notes
Main Access Road	60 feet	24 feet	3-foot shoulder
Existing Residential Access	40 feet	16 feet	10% grade
Existing Utility Access	Driveway	12 feet	No public use

*The amended plan calls for reconfiguration of the access drive. The reconfiguration would retain the existing single entry and two exit lanes, but the access lane is now proposed to have a dedicated left-turn lane into the hotel, and a relocated right-turn entry to the gas pumps. The reconfiguration is designed to improve traffic flow. A second change pertains to Caltrans' sale of a 70-foot wide portion of the SR 120 right-of-way easement to the project applicant. The easement extends a distance of 1,170-feet adjacent to the Tioga site. A portion of this easement (west of the entry) has long been used informally by minimart customers as a picnic and play area. The ownership transfer will provide more public parking area for YARTS customers, facilitate long-term use of the picnic area by customers, and provide greater flexibility in design of the land adjacent to and north of the hotel. Caltrans will continue to own the remaining SR 120 right of way, which includes an apron (east and west of the entry) that is used heavily by motorists as a Mono Lake vista point, and also used as an overflow parking area by Tioga Mart patrons and YARTS customers. Caltrans indicates that this additional use of the R/W can block intersection sight distance, and is currently considering solutions to remedy this issue."*

Changes: The amended plan calls for reconfiguration of the access drive. The reconfiguration would retain the existing single entry and two exit lanes, but the access lane is now proposed to have a dedicated left-turn lane into the hotel, and a relocated right-turn entry to the gas pumps. The reconfiguration is designed to improve ~~the flow of traffic flow~~. A bus access, turnaround and parking area will be provided in the area of the gas station/hotel for use by ESTA buses. Another ~~second~~ change pertains to Caltrans' sale of a 70-foot wide portion of the SR 120 right-of-way easement to the project applicant. The easement extends for a distance of 1,170-feet adjacent to the Tioga site. A portion of this easement (west of the entry) has long been used informally by minimart customers as a picnic and play area. The ownership transfer will provide more public parking area for YARTS customers, facilitate long-term use of the picnic area by customers, and provide greater flexibility in design of the land adjacent to and north of the hotel. Caltrans will continue to own the remaining SR 120 right of way, which includes an apron (east and west of the entry) that is used heavily by motorists as a Mono Lake vista point, and also used as an overflow parking area by Tioga Mart patrons and YARTS customers.<sup>9</sup> In its comments on the DSEIR, Caltrans indicated that this added use of the SR 120 right-of-way can block intersection sight distance; Caltrans is currently considering solutions to remedy this issue. Caltrans also noted in its comment letter that SR 120 is an access-controlled highway in the project area. Currently, the Tioga project's defined driveway width is 30-feet, but the paved driveway currently exceeds this 30-foot access by about 6-feet, and the YARTS walkway (also about 6-feet) also contributes to the width, resulting in a current access opening width of about 42-ft. The owner will need to work with Caltrans R/W to remedy this issue (which could not have been addressed with the R/W purchase/Director's Deed). This DSEIR/FSEIR includes a mitigation measure (TFFC 5.9(a-5)) requiring the owner to resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process. Please see DSEIR/FSEIR §5.9 for additional discussion of project issues pertaining to traffic and circulation.

<sup>9</sup> Note: Caltrans has recently initiated a resurfacing, restoration, and rehabilitation project to improve safety, accessibility, and mobility along US 395 through Lee Vining; study recommendations are not anticipated to be available during the timeframe of the current project.



### 3.5.13 Fire Protection

The site is located in the service area of Lee Vining Fire Protection District (LVFPD), a volunteer fire department. Project elements are required to have an operational water system before building permits are granted. Existing on-site roads have been designed to meet County and Lee Vining Fire Protection District (LVFPD) standards.

Changes: New project elements (including roads, water supply, hydrants, fire suppression features) will be required to meet all current CalFire and LVFPD standards, including CalFire Fire Safe Regulation PRC §4290 and §4291, and Mono County Chapter 22 Fire Safe Regulations (for development in the State Responsibility Areas). The project will fully comply with all applicable fire safe rules and regulations. Though not required by CalFire, the project will provide a secondary emergency access route along the former SCE easement (now acquired by the Tioga project owner) that is located south of the hilltop housing units. Access from the secondary easement onto SR 120 will be controlled by a break-away gate. EIR §5.8 provides additional information about fire protection on the site.

### 3.5.14 Open Space

The project approved in 1993 provided for 46.5 acres of open space in 3 open space designations, including 14.8 acres of Open Space Preserve (the most protected open space category).

Changes: Proposed Specific Plan Amendment #3 would modify the acreage in each of the open space designations shown in the 1993 Specific Plan; the changes would increase overall open space acreage by 0.7 acres. Changes in the acreage of designated open space areas are discussed in DSEIR/FSEIR §5.5 (Land Use), and summarized shown in Table 3-5.

TABLE 3-5. Proposed Changes in Open Space Acreage			
Open Space Designation	1993 Specific Plan	Specific Plan Amendment #3	CHANGE
OS-Preserve	14.8 acres	27.8 acres	(+) 13.0 acres
OS Facilities	13.2 acres	12.3 acres	(-) 0.9 acres
OS Support	18.5 acres	7.1 acres	(-) 11.4 acres
TOTAL	46.5 acres	47.2 acres	(+) 0.7 Open Space Acres

## 3.6 PROPOSED PARCEL REVISIONS

The project approved in 1993 had 4 parcels totaling 73.7 acres of land.

Changes: The current proposal would reduce the overall land area by about 5 acres, as shown in Table 3-6.

TABLE 3-6. Proposed Changes in Parcel Acreage		
PARCEL #	ACREAGE APPROVED IN 1993	ACREAGE PROPOSED IN 2018
1	30.3	27.4
2	36.0	32.1 <sup>10</sup>
3	2.4	2.7
4	5.0	6.8
TOTAL	73.7 acres	67.8 acres

As shown in Table 3-5, the changed acreage affects Parcel 1 (reduced from 30.3 to 26.5 acres), Parcel 2 (reduced from 36.0 to 32.1 acres), and Parcel 4 (increased from 5.0 to 6.8 acres). In whole, the project area is proposed to be reduced by 5.9 acres. The reduced area of Parcels 1 and 2 occurred when Caltrans expanded US 395 to 4 lanes, which required acquisition of land from adjoining properties; the expanded acreage of Parcel 4 occurred when the owner redesignated parcel acreages to provide additional land for a new cell tower to improve internet access; land gained through purchase of Caltrans' SR 120 right-of-way in 2018 ~~120 was relinquished to~~ became part of Parcels 1 and 2.

<sup>10</sup> Note that a small portion of Parcel 2 is located east of US 395; the two existing water wells are located on this sub-parcel.

### 3.7 PROJECT DESIGN

The 1993 Final EIR described the project design as having a unified theme comprised of exposed stone foundations, natural wood walls with areas of stone, and metal roofs in green or earth-tone colors. The original design theme is evident in the project elements that were subsequently constructed on the site, as shown in the photos below:



The new Preferred Alternative 6 ~~current proposal~~ retains many of the design theme and design guidelines established in 1993, and few~~er~~ changes are proposed. The hotel, the full service restaurant, and the workforcecommunity housing elements will all be constructed with use of exposed stone foundations, natural wood walls with areas of stone. All east-facing walls in the community housing complex will be painted in "Shaker Gray," and all roofs in the community housing area will be constructed of materials with a dull finish and dark, muted colors. M~~et~~al roofs in green or earth-tone colors will be allowed in other areas of the Tioga site. As noted previously, the south-facing roofs on most project structures will be designed to accommodate solar panels (solar panels have already been installed on the Tioga Mart deli and store building, as shown above). Preferred Alternative 6 makes substantive modifications to the form, layout, orientation and height of the proposed housing structures (compared to the DSEIR project proposal); the new modifications are discussed in DSEIR/FSEIR §5.12 (Aesthetics).

### 3.8 PROJECT PHASING AND GRADING

A formal Phasing Plan was developed for the Community Housing Project in response to comments and recommendations received during the DSEIR public review period. Goals of the phasing plan are to enable the Lee Vining community and town services to adapt to the new population on an incremental basis, and thereby more effectively ensure the timely provision, availability and coordination of onsite facilities and uses including the previously-approved commercial components. Grading for all of the housing pads would be completed during the first phase of construction, and followed directly by landscaping of all graded surfaces. The phasing plan is included as new Mitigation Measure 5.6(a-1) and outlined below in Table 3-7.

TABLE 3-7. Community Housing Phasing Plan		
PHASE	# OF UNITS	SCHEDULE
<u>1</u>	<u>30</u>	<u>The 30 Phase 1 units and child care facility would 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.</u>
<u>2</u>	<u>40</u>	<u>Construction of the 40 Phase 2 units would begin at the time that a building permit application is submitted to Mono County for construction of the hotel. The goal is to have all 70 of the phase 1 &amp; 2 units available when hiring begins for previously-approved commercial job positions.</u>
<u>3</u>	<u>30</u>	<u>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). All Phase 3 units will be in the westernmost row of units; the two-story structures in this row are at a higher elevation, have higher rooflines, and are thus the most visible units.</u>

Development phases for the proposed Amendment #3 are yet to be finalized. It is anticipated that some or all of the proposed workforce housing area may be developed in advance of the hotel and the full service restaurant in order to provide housing for project construction workers and existing employees. Occupancy would shift to onsite employees upon

~~completion of the hotel and restaurant elements. Infrastructure will be constructed to meet the development sequence of approved uses.~~

### 3.9 DISCRETIONARY ACTIONS AND REQUIRED PERMITS

#### 3.9.1 Lead Agency

Mono County is Lead Agency for this project, and will consider the following discretionary actions in processing the Tioga ~~Workforce~~ ~~Community~~ Housing project proposal:

***Certification of the Subsequent Final Environmental Impact Report.*** The 1993 Specific Plan was incorporated into the 1993 environmental impact report; similarly, the proposed Specific Plan Amendment #3 is included with the current Subsequent EIR (SEIR); the current SEIR builds upon the original 1993 documents. The SEIR must be certified by the Board of Supervisors in order for the changes proposed in Specific Plan Amendment #3 to take effect. EIR Certification is considered by the Board of Supervisors before (and is an action separate from) their consideration of project approval.

***Actions associated with the Specific Plan.*** The proposed Specific Plan Amendment #3 will be the subject of a hearing and recommendation from the Planning Commission and a hearing and action by the Board of Supervisors. The County may deny approval of the proposed Specific Plan Amendment #3, it may approve the amended Plan as submitted, or it may approve a modified version of the amended Specific Plan. If the County takes action to approve the proposed Plan amendment or a modified version of the amended Plan, and ~~because~~ if the SEIR identifies one or more significant and unavoidable impacts, the Board must then adopt a Statement of Overriding Considerations explaining why the impacts and mitigations have been approved despite the fact that significant and unavoidable impacts remain. The Specific Plan land use district was adopted for this project site as part of the 1993 approvals, and will remain valid whether the current proposed amendment #3 is approved or denied. Modifications to the tentative parcel map (adjusting the boundaries and acreage of the four parcels) must be approved by the Planning Commission.

***Approval of a Mitigation Monitoring and Reporting Program.*** The County is required to adopt (or make a statement of overriding effects indicating the basis for rejecting) recommended mitigation measures. If mitigation measures are a part of the project approval, the County and proponent must enter into a program for implementation, monitoring, and enforcement of the adopted measures.

#### 3.9.2 Other Agencies that may use the EIR

Table 3-87 lists all agencies that are expected to make use of the EIR when considering project permits and approvals. Note that the Responsible and Trustee agencies may impose requirements (typically as conditions of permit approval) in addition to the Mitigation Measures contained in this EIR.

Table 3-87. Use of this Subsequent EIR by Other Agencies	
AGENCY	PERMIT OF USE OF THE EIR
California Regional Water Quality Control Board – Lahontan Region	<p>Responsible Agency:</p> <ul style="list-style-type: none"> <li>• <u>Streambed alteration and/or discharge of fill material to a surface water including areas associated with washes or other drainage features, even if currently dry, may require Clean Water Act §401 Water Quality Certification for impacts to federal waters (waters of the US), or Dredge &amp; Fill Waste Discharge Requirements for impacts to non-federal (State) waters, both issued by the Lahontan Board.</u></li> <li>• <u>Clean Water Act §402(p) Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit. State Water Board Order No. WQ 2009-0009-DWQ may be required for land disturbance associated with the project. The NPDES requires development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs).</u></li> <li>• NPDES General Construction Storm Water Permit, for new industrial operations.</li> <li>• <u>General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, State Water Board Order No. WQ 2014-0153-DWQ, or Individual Waste Discharge Requirements, will be the likely regulatory measure for the new packaged wastewater treatment system and wastewater disposal.</u></li> </ul>



	<a href="#">If the use of recycled water is intended as a proponent of the project, then Water Reclamation Requirements for Recycled Water Use, State Water Board Order No. WQ 2016-0068-DDW, or an individual order, may be used as the regulatory measure.</a>
State Water Resources Control Board – Division of Drinking Water (DDW)	<ul style="list-style-type: none"> <li>Water Reclamation Requirements for Recycled Water Use (per Order WQ 2016-0068-DDW), or Individual Water Reclamation Requirements may be required.</li> <li>Approval of a Title 22 Engineering Report, or a letter from DDW indicating that the project does not need to satisfy Title 22.</li> </ul>
California Dept. of Transportation	<u>Responsible agency:</u> <ul style="list-style-type: none"> <li><a href="#">An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.</a></li> <li><a href="#">The project owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.</a></li> <li>Encroachment permit, modifications to the scenic turn-out on SR 120.</li> </ul>
California Dept. of Fish and Wildlife (CDFW)	<u>Trustee Agency:</u> For fish and wildlife resources, and a <u>Responsible Agency:</u> For discretionary actions including Lake or Streambed Alteration Agreement, Permit for Incidental Take of Endangered, Threatened and/or Candidate Species, etc.
California Dept. of Forestry	<u>Trustee agency:</u> Review plans for fire safety & wildlife protection
Mono County Department of Environmental Health	<u>Responsible agency:</u> Permits are required for the sewage disposal system, the small water system; the restaurant kitchen, any kitchen in the hotel, the swimming pool, and the spa.
Lee Vining Fire Protection District	<u>Local public agency:</u> Inspection or review of plans for conformance with fire safety regulations
Federal Aviation Administration	<u>Responsible Agency:</u> Determination whether project obstructions in the imaginary surface zone of Lee Vining Airport represent a hazard.

### 3.10 INCORPORATION BY REFERENCE AND RELATED ACTIONS

Two documents are incorporated by reference into the current Tioga [WorkforceCommunity](#) Housing Draft Subsequent EIR review: the 1993 Tioga Inn Final EIR, the Mono County Regional Transportation Plan (RTP) and General Plan Final EIR with all supporting technical documents. No other applicable documents have been identified for incorporation by reference in this DSEIR, and no related actions have been identified other than the approvals that were granted for the Tioga Inn project following completion of the 1993 Tioga Inn Final EIR and Specific Plan. The conclusions presented in each Final EIR are briefly summarized below.

#### 3.10.1 1993 Tioga Inn Final EIR

The 1993 Tioga Inn Final EIR concluded that implementation of the approved Tioga Inn Specific Plan would result in significant and irreversible impacts to the visual quality of the project area. No other significant and unavoidable adverse direct or cumulative environmental impacts were identified in the Final EIR.

To minimize or avoid these significant impacts, the 1993 *Final EIR* refers to design and development standards contained in the Specific Plan for project construction, operation and ongoing maintenance. Particular emphasis is placed on provisions calling for County review and approval of a detailed landscape plan and use of onsite lighting with minimal offsite visibility and reflective glare, subject to detailed specifications following a night-time inspection of the site by County staff.

#### 3.10.2 2015 Mono County RTP and General Plan Final EIR

The 2015 Mono County RTP and General Plan Final EIR concluded that implementation of the General Plan may potentially result in a wide range of significant and unavoidable adverse environmental effects including:

- Impacts to Candidate, Sensitive & Special Status Species*
- Impacts to Riparian Habitat*
- Impacts to Federally Protected §404 Wetlands*
- Interference with Fish or Wildlife Movement or Migration*
- Conflict with Local Biological Protection Ordinances*
- Exposure to Seismic Effects and Unstable Geology*
- Substantial Soil Erosion*
- Loss of Mineral Resources*
- Potential for Release of Hazardous Materials*
- Inadequate Emergency Response*
- Exposure to Wildland Fire Risks*
- Exposure to avalanche, rockfall, storms, volcanism*

- *Impacts to Prehistoric or Historic Resources*
- *Impacts to Paleontological Resources*
- *Impacts to Sacred Lands*
- *Violation of Water Quality Objectives*
- *Violation of Waste Discharge Requirements*
- *Uncertain Availability of Adequate Water Supplies*
- *Erosion and Siltation from Altered Drainage*
- *Impacts on Recreational Facilities*
- *Impacts to Scenic Resources in a State Scenic Highway*
- *Degraded Visual Character or Quality*
- *Create new sources of Light and Glare*
- *Impacts on public fire and utility services*

To minimize or avoid these significant impacts, the *General Plan* contains numerous goals, objectives, policies and actions that will be monitored by the county. The mitigations address a range of issues including air quality/greenhouse gases, biological resources, hydrology/water quality, and geologic conditions. Applicable policies and policy recommendations are identified and discussed throughout the CEQA Checklist analyses.

## TIOGA COMMUNITY WORKFORCE HOUSING PROJECT REVISED DRAFT AND FINAL SUBSEQUENT EIR



### SECTION 4.0 SPECIFIC PLAN

#### 4.1 INTRODUCTION TO TIOGA INN SPECIFIC PLAN AMENDMENT #3

In 1993, the Mono County Board of Supervisors approved a multiple-use visitor commercial project on a roughly 74-acre site located at the junction of US 395 and State Route 120 (the southwest quadrant). The property is located in central Mono County about one mile south of the community of Lee Vining. The 1993 project approvals included certification of a Final EIR, and approval of the Tioga Inn Specific Plan. Upon approval, the Tioga Inn Specific Plan established both the zoning and the General Plan uses and standards for the project site.<sup>1</sup> The approved land use designations included "hotel," "full-service restaurant," "residential," "convenience store/fuel sales," "open space-preserve," "open space-facilities," and "open space-support."

Many of the approved uses were developed and in operation by 1996, including the residential units, the convenience store/fuel sales, and the designated open space areas. In 1997, the deli opened inside the convenience store. The deli was not included in the 1993 Specific Plan, but was conditionally approved through a retroactive Director Review during 2012. The 2012 approval included a condition stating *"No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Specific Plan."* Specific Plan standards for the deli are included as part of the current proposed Amendment in accordance with this requirement.

The 1993 Specific Plan was amended in 1995 (Amendment #1), and again in 1997 (Amendment #2). Proposed Tioga Inn Specific Amendment #3 has a primary goal of facilitating the construction of up to 100 [workforcecommunity](#) housing units with up to 150 bedrooms to accommodate employees of the previously approved hotel and full-service restaurant. In order to accommodate changes in [workforcecommunity](#) demographics over time, the [workforcecommunity](#) housing is designed and would be plumbed to allow flexibility in ratio of 1-bedroom, 2-bedroom and 3+-bedroom units. Additional elements of proposed Amendment #3 include the addition of a third gas pump island, installation of a new wastewater treatment system with subsurface distribution for summer irrigation, expansion of the propane tank storage capability, realignment of the road providing access to the existing hillside residential units, changes in the parcel boundaries and acreages, and replacement of the existing water storage tank with a new tank of the same size in the same general location. Changes associated with Amendments #1 and #2, and with the ~~2-12~~ [12-007](#) Director Review, are summarized in Table 4.2 (1995 Amendment #1), Table 4-3 (1997 Amendment #2), and Table 4-4 (2012 Director Review 12-007).

#### 4.2 TIOGA INN SPECIFIC PLAN HISTORY AND BACKGROUND

##### 4.2.1 Original 1993 Specific Plan

The Tioga Inn Specific Plan was originally approved by the Mono County Board of Supervisors in July of 1993. Uses and parcel sizes allowed with the 1993 approval are shown in Table 4-1:

<sup>1</sup> Mono County has integrated its Zoning Code into the General Plan Land Use designations. Thus the General Plan *Land Use Element* contains (a) policies and use designations to guide land use decisions, and (b) land development regulations to regulate development activities. The General Plan policies guide land use decisions, and the land development regulations govern the use of buildings, the size and layout and intensity of uses, parking requirements, allowed lot coverage, setbacks and other regulatory development standards.

**TABLE 4-1. Original 1993 Tioga Inn  
Specific Plan Approved Uses and Parcel Sizes**

PARCEL #	PARCEL ACREAGE	APPROVED USES
1	30.3	Hotel
2	36.0	Full-Service Restaurant
3	2.4	Store & Gas Station
4	5.0	Residential Units (10)
<b>TOTAL</b>	<b>73.7</b>	

#### 4.2.2 1995 Specific Plan Amendment #1

The first Specific Plan amendment occurred in April 1995, and included 3 changes as outlined in Table 4-2 below:

**TABLE 4-2. Changes Approved in Tioga Inn by  
1995 Specific Plan Amendment #1**

#	CHANGE
1	Amend p. 39 Figure 9, moving the proposed location of the water tank approximately 600 feet west to a site next to the proposed housing area on Parcel 4
2	Amend p. 20, Implementation Measure 1d(1) to allow for a two-bedroom apartment, not to exceed 1,500 square feet, as part of the Convenience Store/Fuel Sales
3	Amend the text on p. 12 to allow for the building of a Convenience Store before the Hotel.

#### 4.2.3 1997 Specific Plan Amendment #2

The second Specific Plan amendment occurred two years after the first amendment, in June of 1997, and included 12 changes as outlined in Table 4-3 below:

**TABLE 4-3. Changes Approved in Tioga Inn  
by 1997 Specific Plan Amendment #2**

#	CHANGE
1	Amend p. 7 (Full Service Restaurant): The restaurant will be built on the flat area on top of the ridge, with a parking lot screened by the terrain to the south and access from the same road as the hotel.
2	Amend p. 10 (Facilities and Services): The water delivery system and sewage disposal system are not to serve any projects other than the four components of the Tioga Inn Specific Plan.
3	Amend p. 27, policy 5a(2): Other than access for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.
4	Amend p. 28: 8, Financing the Specific Plan
5	Amend p. 17, Policy 1b: The Hotel land use designation shall permit the following land uses: ■ A public restroom/shower/laundry facility may be permitted.
6	Amend p. 17 - Implementation Measure 1b(2): Site development standards for the Hotel land use designation shall be (Refer to Footnote 13): ■ The public restroom/shower/ laundry facility shall not exceed 20' in height, shall not exceed 1,500 square feet of interior floor space, and shall not exceed an occupancy load of 30 persons. Location of building will be in the vicinity of the swimming pool,
7	Amend p. 19 - Implementation Measure 1c(2): Site development standards for the Full Service Restaurant land use designation shall be: ■ One flag pole shall be allowed on the restaurant parcel. Flag pole shall not exceed 20 feet in height. The maximum area of the flag shall be 40 square feet. Illumination is not permitted.
8	Amend p. 18 – Implementation Measure 1b(2): ■ Signs – See Master Sign Program.

9 Amend p. 19 - Implementation Measure 1c(2): ■ Signs – See Master Sign Program.

10 Amend p. 20 – Implementation Measure 1d(2): ■ Signs – See Master Sign Program.

11 Amend Page 28: 6. Master Sign Program.

6a) Intent. The Master Sign Program is a requirement and mitigation measure of the Tioga Inn Specific Plan. The Specific Plan requires that all signs be coordinated in design and concept with all other facility signs. The Master Sign Plan will coordinate design, theme, and placement of signs within the Tioga Inn Specific Plan area. This Specific Plan is one site with four separate parcels. All signs are required to be on site.

6b) General Provisions. (a) Signs and sign faces will be constructed with natural materials like stone, wood and other natural materials to enhance the overall architectural theme of the Tioga Inn. Plastic, metal and other materials may be used but should not be the (predominant<sup>2</sup>) feature of any sign or sign face. The exceptions to this are directional signs which may be plastic or metal. (b) The background or unused portions of the sign facing will be painted in muted earth tone colors or left in a natural state. (c) The sign area is calculated as the area that would enclose all words and letters of a sign face. The portions of the sign enclosed by the decorative border or frame and the foundation are not calculated as sign area. (d) Illumination for all signs shall be indirect or back-lit channel letters.

6c) Permitted Signs. Monument signs – The Tioga Inn Specific Plan is permitted three monument signs for the three commercial land uses. These signs will be visible to travelers on Highways 120 and 395. The maximum height will not exceed 10 feet. The sign will not exceed 64 square feet per facing. Approximately 21 square feet will be allocated for each commercial use (convenience store/fuel sales, hotel, and full service restaurant). The three monument signs are permitted within the Tioga Inn Specific Plan on the 30-acre Hotel parcel. One sign may be installed along the Highway 120 corridor approximately 150 feet east of the gas station. Two monument signs may be installed below the restaurant knoll adjacent to Highway 395. These signs are not permitted to be silhouetted against the skyline or located on top of the knoll. Placement may be on either side of the knoll but on the hotel parcel. A fourth monument sign is permitted in the vicinity of the hotel entrance site. This sign is an interior monument sign and will be used to primarily direct visitors to the various facilities within the Tioga Inn Specific Plan site. This sign will generally not be visible to travelers on Hwy 120.

Directional signs: Signs for air and water, registration, observation deck, parking, office or deliveries shall be permitted with a maximum area of 3 square feet per sign facing. Directional signs may be combined subject to Director Approval.

Other signs: ■ Convenience store/fuel sales – Signs identifying the property, name ownership, and amenities shall be limited to a maximum of forty-eight total square feet. ■ Hotel – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of sixty-four total square feet. ■ Restaurant – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of forty-eight square feet. ■ Required Signs – These signs include those mandated by federal, state, or local agencies (i.e., the display of gas prices).

6d) Prohibitions. ■ No signs shall be permitted within the residential land use. ■ No monument or freestanding signs shall be permitted off the Tioga Inn Specific Plan site.

12 Integrate the letter from Tom May, lighting consultant, into the Specific Plan as number 7, Lighting.

7. Lighting. Night time lighting for the project site is required to be screened and aimed in a manner to reduce offsite impacts. In order to reduce potential lighting impacts the following changes are required: ■ Replace the light fixture at the front entrance and on the picnic island near the gas pumps. A KIM Mfg. 2B-ET4 400 watt MH. This change should eliminate any light deflection toward the town and would maximize light distribution on the ground surface. ■ Place metal glare shields on two sides of the canopy lights facing town. These shields should project 2-6 inches below the prismatic lens. ■ To light the parking area immediately to the rear of the store add one light pole at the southeast corner near the dumpster area. A KIM 2B-ET3 will spread the light satisfactorily. ■ To light the road to the restaurant site, place bollard lights with 50 watt lamps on the downslope at 100-foot internals. This will light the road with the light directed away from town.

#### 4.2.4 2012 Director Review 12-007/Tioga Inn Kitchen Expansion

<sup>2</sup> The word 'predominant' is missing from the original text, but inserted herein for clarification.

Director Review permit 12-007, approved in July of 2012, retroactively permitted expansion of the Convenience Store kitchen by 316 square feet, noting that the convenience store and gas station had been remodeled on several prior occasions. Findings of the 2012 approval are presented in Table 4-4.

**TABLE 4-4. 2012 Director Review 12-007/Tioga Inn Kitchen Expansion**

FINDINGS	EXPLANATORY MATERIALS
<p>1. All applicable provisions of the Mono County General Plan and Tioga Inn Specific Plan are complied with, and the site of the proposed use is adequate in size to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features;</p>	<p>The subject property is approximately 2.35 acres in size, adequate to accommodate the 316 square feet of kitchen expansion. The property's Specific Plan land use designation allows for: "Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity—subject to individual review and approval by the Planning Director."</p> <p>The proposed 316 square feet kitchen expansion will provide additional services on the convenience store/gas station parcel. Due to the lack of a hotel or full service restaurant on this property, this limited kitchen expansion is permitted by the Planning Director, subject to this Directors Review, as permitted in the Specific Plan. No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan.</p> <p>The proposed addition meets the Specific Plan height limit of 20', is located with the building envelope established in the Specific Plan (Figure 7), and meets the minimum parking requirements of 10 standard vehicle spaces, two bus or recreational vehicle spaces, and two spaces for vehicles towing trailers.</p>
<p>2. The site for the proposed use relates to streets and highways adequate in width &amp; type to carry the quantity and kind of traffic generated by the proposed use;</p>	<p>The proposed project is located on Vista Point Drive with access to State Route 120. The proposed kitchen addition will not create impacts to surrounding streets or to Highway 120. The project has existing encroachment permits with Caltrans District 9.</p>
<p>3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;</p>	<p>The Specific Plan allows for a hotel, full service restaurant, a residential area, and a convenience store and gas station. The only two uses on the project site at this time are the convenience store/gas station and the residential uses. The hotel and full service restaurant have never been constructed. The proposed 316 square foot kitchen expansion will provide additional services on the convenience store/gas station parcel. Due to the lack of a full service restaurant on the project site, this limited expansion will not be detrimental to the public welfare, and/or injurious to property or improvements in the project area.</p>
<p>4. The proposed use is consistent with the map and text of the Mono County General Plan and Tioga Inn Specific Plan;</p>	<p>The Tioga Inn Specific Plan designates this parcel as Convenience Store/Gas Station which provides for a retail store and fuel purchase facility, an apartment, two fuel islands with four multi-grade dispensing stations per island for a total of eight pumping stations, a picnic area sited in conjunction with the scenic turn-out, public restrooms, and parking areas, including spaces for recreational vehicles, vehicles towing trailers, and tour busses.</p> <p><b>Mono County Land Use Element, Ch. 36 Specific Plans:</b> General Plan §36.60 Specific Plan Amendment states that amendments to a specific plan can be handled through the Director Review process if no change in density results and no change in conditions are necessary. [Reference to Attachment 1 Ground Floor Plan that shows existing uses and the proposed kitchen expansion]. With DR 2012-007, the expansion of 316 square feet to the kitchen does not change the density of the project or change conditions.</p> <p>This Specific Plan was adopted in 1993 and as of this date, only the Residential and Convenience Store/Gas Station uses have been developed. In consideration of this and the fact that the Hotel and other Restaurant uses are undeveloped, the increase in footprint of the Convenience Store/Gas Station from 6,300 permitted square feet to 6,835 square feet (includes the 316 sf</p>

	kitchen expansion) is considered minor and allowed within the Specific Plan area.
5. Improvements as indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations;	<p>The project is consistent with the Mono Basin Area Plan because it conforms to the policies encouraging infill development within or adjacent [to] Lee Vining.</p> <p><b>Mono County Land Use Element, Mono Basin Area Plan:</b>            Objective A: Direct future development to occur in and adjacent to Lee Vining.            Objective D, <u>Policy 3</u>: Focus commercial development within or adjacent to Lee Vining.</p> <p>The project is consistent with the Tioga Inn Specific Plan because it is located on the Convenience Store/Gas Station parcel and the permitted uses allowed on this parcel.</p>
6. The project is exempt from CEQA.	<p>a. It qualifies for a Class 1 Categorical Exemption. Class 1 exemptions would allow for: (e) additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 sf whichever is less.</p> <p>b. In addition, an EIR was certified as part of the Tioga Inn Specific Plan approval in 1993.</p>

#### DR 12-007 CONDITIONS OF APPROVAL

1. The project shall comply with the requirements of the building Division and Environmental Health.
2. All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations and the Tioga Inn Specific Plan.
3. The roof and exterior construction shall match the existing building store and roof colors.
4. No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan.
5. Termination. A Director Review shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within one (1) year from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, or the exercise of the rights granted.
  - C. No extension is granted as provided in §31.080.
6. Extension. If there is a failure to exercise the rights of the Director Review within one (1) year of the date of approval, the applicant may apply for an extension for an additional one (1) year. Any request for extension shall be filed at least sixty (60) days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to the provision is permitted for Director Reviews approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
7. Revocation. The Planning Commission may revoke the rights granted by a Director Review and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the Commission shall hold a hearing after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Ch. 47, Appeals, and shall be accompanied by an appropriate filing.

#### 4.2.5 Tioga Inn Specific Plan Proposed Amendment #3

The proposed 3<sup>rd</sup> Specific Plan Amendment would make new changes to the approved specific plan as listed below:

- **COMMUNITYWORKFORCE HOUSING:** Allow up to 150 new **workforcecommunity** housing bedrooms in up to 100 units (including one manager's unit with up to 4 bedrooms);



- GAS ISLAND: Allow construction of a third gas pump island with 4 new fueling stations, one new underground gasoline storage tank, an overhead canopy and lighting;
- WATER STORAGE: Allow demolition of the existing 300,000-gallon water storage tank and replacement with a new 300,000-gallon water storage tank on a pad located in the same approximately location as the existing tank;
- PARKING: Allow additional parking to serve oversize vehicles, park & ride vehicles, ESTA & Yosemite transit;
- INTERNAL ACCESS: Realign the road providing access to the existing hilltop residential area, and reconfigure lanes and turning areas near the main entry to eliminate conflict between the hotel and the gas station/convenience store, [and to provide safe year-round access and turnaround areas for ESUSD and ESTA buses](#);
- SANITATION & REUSE: Replace the septic tank with a new package wastewater treatment facility including new subsurface irrigation facilities and retention of the existing leach field for disposal of surplus treated water;
- PARCEL BOUNDARIES: Modify the acreage and boundaries of the four parcels;
- PROPANE: Replace the five existing propane tanks (combined 2,500-gallon capacity) with a new 30,000-gallon propane tank to meet demand for onsite heating and offer commercial propane sales to area residents and businesses.
- EQUIPMENT & PERSONAL STORAGE: Construct a new building for storage of residents' items and maintenance vehicles and equipment.

Table 4-5 provides an overview of approved uses and changes proposed in conjunction with Specific Plan Amendment #3.

**Table 4-5. TIOGA INN EXISTING, APPROVED & PROPOSED LAND USES AND ACREAGES**

PARCEL	ACRES IN 1993	CURRENT APPROVED PROPOSED ACREAGE	EXISTING LAND USES	LAND USES APPROVED IN 1993	USES NOW PROPOSED & SUBJECT TO DISCRETIONARY ACTION
1	30.3	26.5	<ul style="list-style-type: none"> <li>▪ Open Space Monument Signs (2)</li> </ul>	<ul style="list-style-type: none"> <li>▪ 120-room 2-story hotel with coffee shop, swimming pool, banquet room and gift shop;</li> <li>▪ Parking spaces for onsite uses               <ul style="list-style-type: none"> <li>▪ Signage Plan</li> <li>▪ Septic System</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Changed parcel boundary and acreage               <ul style="list-style-type: none"> <li>▪ Modifications to vehicle movement at main access &amp; realignment of road serving existing hilltop housing units</li> <li>▪ New Package Wastewater Treatment System</li> </ul> </li> </ul>
2	36.0	32.1	<ul style="list-style-type: none"> <li>▪ Overflow parking</li> <li>▪ Historical Marker</li> <li>▪ 6 cabin units (no formal approvals)</li> <li>▪ Electric supply shed</li> <li>▪ Two Water Wells</li> <li>▪ SCE powerlines</li> <li>▪ Buried Utility Xing septic /leach field</li> <li>▪ 5 propane tanks with a combined capacity of 2,500 gallons</li> </ul>	<ul style="list-style-type: none"> <li>▪ Overflow/oversize vehicle parking               <ul style="list-style-type: none"> <li>▪ Full-service Promontory restaurant</li> </ul> </li> <li>▪ Restaurant parking</li> <li>▪ Maintenance Building</li> <li>▪ Propane Tanks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Changed parcel boundary and acreage</li> <li>▪ New <a href="#">workforcecommunity</a> rental housing with up to 150 bedrooms</li> <li>▪ Day care facilities sufficient to accommodate all onsite youth</li> <li>▪ Net 0.7-acre gain in Open Space including 13.0-acre increase in Open Space-Preserve acreage, 0.9-acre decrease in Open Space -Facilities, and 11.4-acre decrease in Open Space-Support               <ul style="list-style-type: none"> <li>▪ 30,000-gal. propane tank</li> <li>▪ Elimination of septic tank; retention of septic leach field</li> <li>▪ New Subsurface Irrigation System using flows from the Package Treatment Plant.</li> </ul> </li> </ul>
3	2.4	2.4	<ul style="list-style-type: none"> <li>▪ 2 Gas Islands (8 fuel pumps, canopies, lighting, 2 underground gasoline storage tanks).</li> <li>▪ Tioga Gas Mart</li> <li>▪ Whoa Nellie Deli</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2 gas islands with 8 fuel pumps &amp; canopies, lighting, 2 underground gasoline storage tanks.</li> <li>▪ Tioga Gas Mart</li> <li>▪ Delicatessen</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3rd Gas Pump island with 4 additional fuel pumps, 1 additional underground gasoline storage tank, and overhead canopies &amp; lighting</li> </ul>



4	5.0	6.8	<ul style="list-style-type: none"> <li>8 hilltop housing units</li> <li>One 300,000-gal Water Storage Tank near hilltop units <ul style="list-style-type: none"> <li>1 Cell Tower<sup>3</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>10 Hilltop Housing Units<sup>4</sup></li> <li>One 300,000-gal water storage tank.</li> </ul>	<ul style="list-style-type: none"> <li>Changed parcel boundary and acreage</li> <li>Demolition of existing water tank, replacement with new tank of same size in same area.</li> </ul>
SR 120 Easement	NA	Included in Parcels 1 and 2	<ul style="list-style-type: none"> <li>1-ingress &amp; 2-egress lanes to SR-120</li> <li>Park &amp; Ride Area</li> <li>Caltrans ROW acquisition area (adjacent to deli)</li> </ul>	<ul style="list-style-type: none"> <li>Access from SR-120</li> <li>Park &amp; Ride Area</li> </ul>	<ul style="list-style-type: none"> <li>One new traffic lane added adjacent to gas station to enhance interior circulation</li> </ul>
<b>TOTAL PROPOSED ACRES 67.83 (reduced from 73.7 acres in 1993)</b>					

### 4.3 FORMAT OF TIOGA INN SPECIFIC PLAN AMENDMENT #3

DSEIR/FSEIR §4.4 (starting in Section 4.4) presents the Tioga Inn Specific Plan including Amendments #1, #2 and #3. ~~The Plan as originally presented in 1993 with the following exceptions:~~

- HOW CHANGES ARE SHOWN:** ~~The previous two Amendments #1 and #2~~ were incorporated into the text of the 1993 Specific Plan through insertions and cross-outs that were shown on pages provided next to a scanned copy of the original 1993 Specific Plan text. For clarity in this third ~~proposed~~ amendment, the Specific Plan text has been fully retyped, which ~~will allow~~ modifications to be shown ~~inwith the~~ 'Track Changes' tool, ~~and will also enable~~ text searches, and facilitates other document accessibility tools.
- TEXT FORMATTING:** For ease of comparison, the Specific Plan text with changes provided in the DSEIR is shown in plain text. Changes that have been made as part of the FSEIR (i.e., since the June 2019 DSEIR) are shown in "Track Changes." ~~herein (§3.3) retains the formatting used in the original document, with updated section, table, exhibit and page numbers. Proposed amendments are shown using "u"; all other sections remain as approved in 1993 or as modified in earlier approved amendments, and are shown in plain text. The original 1993 Specific Plan document is contained on pages 1 through 28b of The Tioga Inn Specific Plan and Final Environmental Impact Report, May 24, 1993.<sup>5</sup> Tables and Figures that no longer apply (such as the 1993 summary of impacts and mitigation measures and the 1993 grading plan) have been deleted.~~
- CITATIONS:** The amended text does not include citations from the 1993 document or later amendments unless still relevant. California Government Code citations have been deleted, and some terms have been replaced with abbreviations (for example, EIR in lieu of Environmental Impact Report, SR 120 in lieu of State Highway 120). Minor editorial changes (e.g., letter capitalizations) are not called out in Track Changes.
- INFORMATION:** Discussion of the Relationship between the Specific Plan and the EIR (§4.3.3) has been updated to reflect the current language of the CEQA Guidelines regarding the relationship between the Specific Plan and the EIR (as stated in CEQA Guidelines §15166 (EIR as Part of a General Plan)).

### 4.4 PROPOSED TIOGA INN SPECIFIC PLAN AMENDMENT #3<sup>6</sup>

#### 4.4.1 Introduction<sup>7</sup>

<sup>3</sup> The cell tower was approved ~~under by Mono County~~ CUP 34-08-04 in August 2008 and in February 2007 (Building Permit # 07BLD-00079).

<sup>4</sup> Of the 10 hilltop housing units approved in 1993, only 8 were constructed.

<sup>5</sup> The 1993 EIR and Specific Plan are available online at [https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/10062/tioga\\_inn\\_sp\\_feir\\_05\\_24\\_93\\_with\\_amendments.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/10062/tioga_inn_sp_feir_05_24_93_with_amendments.pdf).

<sup>6</sup> As indicated in §3.1, the Specific Plan text has been retyped in its entirety to allow all proposed text amendments to be shown using 'Track Changes', and to enable text searches and other document accessibility tools.

<sup>7</sup> The 1993 project approvals included Final EIR certification and approval of the Tioga Inn Specific Plan. Upon approval, the Tioga Inn Specific Plan established zoning and the General Plan uses and standards for the project site.<sup>7</sup> Approved land use designations included "hotel," "full-service restaurant," "residential," "convenience store/fuel sales," "open space-preserve," "open space-facilities," and "open space-support." Several of the approved uses were developed soon after the 1993 approvals including the residential units, the

In the early 1990s, an application was submitted to the Mono County Planning Department for a multiple use visitor commercial project located at the junction of Highways 395 and 120 adjoining Lee Vining in central Mono County. Mono County's General Plan requires that a specific plan be prepared for this project. A Specific Plan requires environmental analysis prior to its consideration by the Planning Commission and Board of Supervisors. It was recognized that the Tioga Inn proposal had the potential to significantly affect the environment. For this reason, an environmental impact report (EIR) was prepared as part of the specific plan. The 1993 document (as amended), in conjunction with the 2018 Tioga Inn Specific Plan and Draft Subsequent EIR [and the 2020 Tioga Inn Specific Plan and Final Subsequent EIR](#), represents the consolidated specific plan and environmental impact report. Although both the specific plan and its EIR are being published together, the two are separate documents. Figure 1 shows the location of Mono County relative to the state of California.



#### 4.4.1.1 Specific Plans

Once the County has adopted a general plan, it may prepare specific plans to provide a more detailed and systematic implementation of the general plan for all or part of the area covered by the general plan.<sup>8</sup>

##### 4.4.1.1.1 What is a Specific Plan?

Although the General Plan and area or community plans usually address land development patterns and standards, a Specific Plan provides an opportunity for a more precise set of standards and opportunities for development of an individual parcel or group of parcels. A Specific Plan provides a means by which the County or a group of property owners can develop a long-term comprehensive project over an extended number of years. The Specific Plan does not include "elements" as are found in a General Plan.<sup>9</sup> Its focus is on the policies related to the development of a project area. Explanation 1 [below\(next-page\)](#) quotes the requirements of California Government Code for Specific Plans.

##### 4.4.1.1.2 Relationship of the Specific Plan to the General Plan.

###### **Explanation 1. Contents of a Specific Plan (GC §65461)**

(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) Distribution, location and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards & criteria by which development will proceed, and standards for conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

The specific plan establishes goals, policies, implementation measures, development standards, land use, and zoning for an area. Specific plans can be authorized by the Board of Supervisors or proposed by a private developer. Mono County and the property owner ~~have~~ proposed preparation of the 1993 *Tioga Inn Specific Plan* [as well as the current 2020 Specific Plan update](#); ~~and~~ the proponent (property owner) is responsible for the costs of preparation, review, and implementation.

The *Tioga Inn Specific Plan*, [as amended](#), provides supplemental and more detailed policies for the project area. The Mono County General Plan addresses a broad range of development policies through its various elements. The General Plan, however, does not provide the level of detail in its policies to establish the programs needed for complex projects carried out over a number of years. The Tioga Inn Specific Plan provides the policies at a greater level of detail than the General Plan. The Specific Plan, however, does not

convenience store/fuel sales, and the open space uses. The hotel and full-service restaurant [construction is anticipated within 5 years](#) ~~scheduled for development in 2023-24~~.

<sup>8</sup> California Government Code (CGC) §65450 through §65457 states the legal requirements for Specific Plans.

<sup>9</sup> Elements are the different topics or components of a General Plan that address land use, housing, circulation, and others.

address the individual elements as established in the General Plan. For those policies of the General Plan that are not called out in the Specific Plan, the provisions of the Mono County General Plan apply (in keeping with Government Code §65461(b)).

The General Plan identifies the subject property in the "SP," *Specific Plan*, land use designation on the Lee Vining Community Area map (Land Use Element, Figure 23). The Specific Plan must be consistent with other goals, policies, and implementing programs of the General Plan. Specific Plans are incorporated by reference into the General Plan.

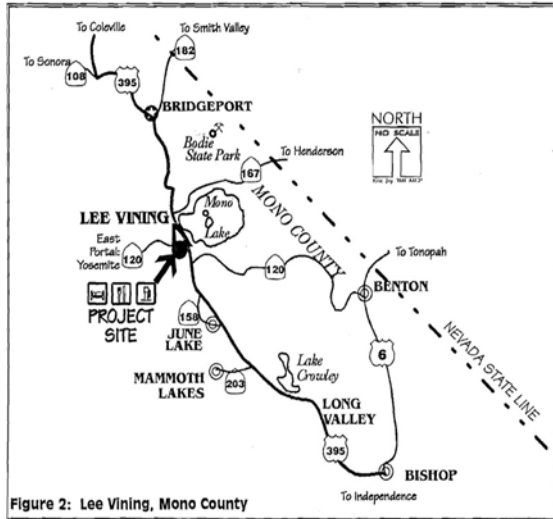


Figure 2: Lee Vining, Mono County

#### 4.4.1.1.3

#### Relationship between Specific Plan and EIR

The State *CEQA Guidelines* state in §15166 (EIR as Part of a General Plan):

"(a) The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan [...] as the EIR and no separate EIR will be required if: (1) The general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines, and (2) The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

(b) Where an EIR rather than a Negative Declaration has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a

separate document or as a part of the general plan or element document."

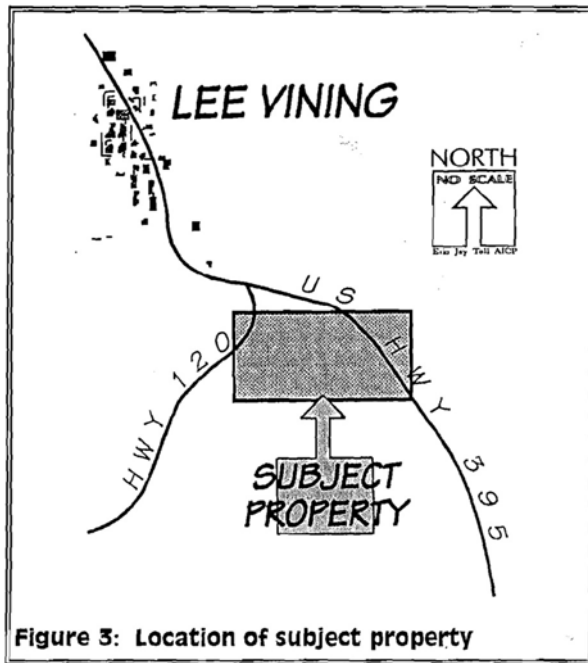


Figure 3: Location of subject property

#### 4.4.2

#### Project Description

a. **Location of the Project.** The Tioga Inn project site is located at the intersection of State Highway 120 (SR 120) and US Highway 395 (US 395) at the southern edge of the Lee Vining area in Mono County. It is located in a portion of the southeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of Section 16 14, Township 1 North, Range 26 East (MDBM). Figure 2 shows the location of the project area in Mono County.

b. **Project Objectives.** The objective of the project is to provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is to provide a complete range of services for the Mono Basin visitor including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school swim teams and area swim clubs, and a full-service restaurant.

Implementation of the Specific Plan is intended to add to the area's economy through increased employment opportunities, provision of additional needed motel rooms during peak months, and provision of additional rental housing. Visually, the objective of the project is to blend into the natural setting through careful structure siting, and architecture and landscaping complementing the environment.

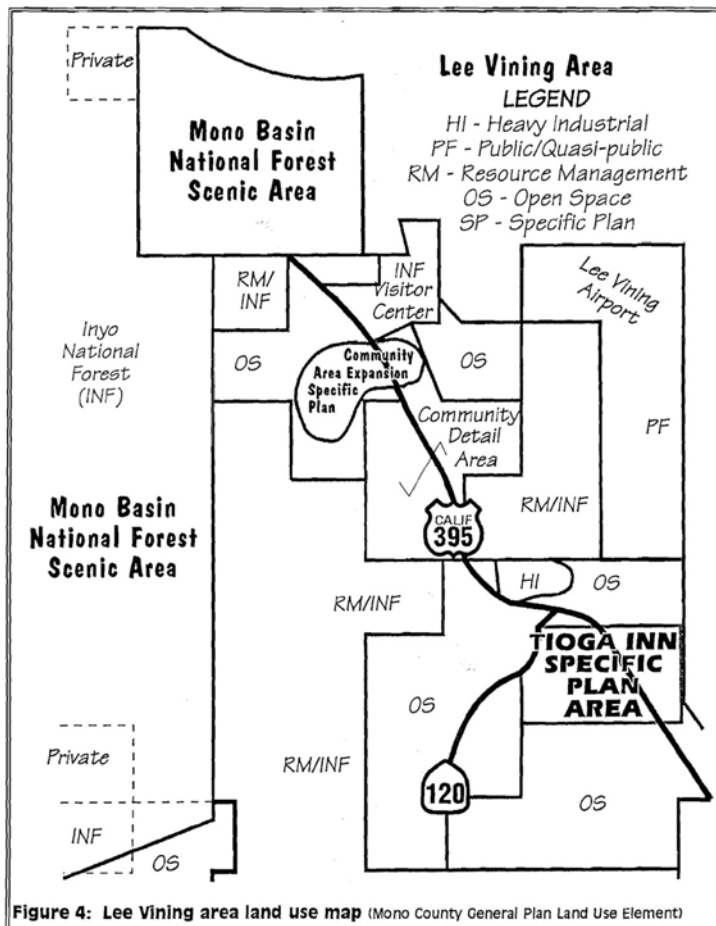
Objectives of proposed Amendment #3 are (1) to substantially increase ~~community workforce~~ housing on the project site ~~to provide housing~~ for employees of onsite land uses (hotel, full-service restaurant and other) and offsite land uses in the larger community; (2) to achieve the development goals of the original 1993 Tioga Inn Specific Plan, adapted to current needs; (3) to lower energy costs and increase the energy- and water-efficiency of existing and future uses on the project site; and (4) to maintain onsite infrastructure in good condition and ensure that sizing is adequate to meet existing & future needs.

c. **Tioga Inn Project Description.** The 1993 Specific Plan area encompassed 73.7 acres in gross land area. With the 1993 approvals, the project proponent subdivided the property into four parcels of various sizes. The division of land required a tentative parcel map, which was also part of the 1993 Specific Plan project. Parcel Map 34-35 had previously divided the property into two lots of 63.4 and 10.3 acres on each side of US 395. Amendment #3 would modify the overall project area and the individual parcel acreages as shown below in ~~below in revised~~ Table 4-6. 7-6(A); ~~note that the Table Letter reflects original numbering from the 1993 Specific Plan).~~

**TABLE 4-6: 1993 Specific Plan and Proposed Amendment #3 Parcel Sizes**

PARCEL	SIZE APPROVED	ACREAGE PROPOSED IN
	IN 1993	AMENDMENT #3
1-Hotel	30.3	27.4
2-Restaurant	36.0	32.1
3-Store	2.4	2.7
4-Residential	5.0	6.8
Total	73.7	69.0

The parcel acreage changes are due to several factors. The acreage of parcels 1 and 2 was reduced when Caltrans purchased land from the Specific Plan owner for construction of additional lanes on US 395; the acreage of parcel 4 increased when land for a cell tower was added to the residential parcel. Further changes occurred during 2018 with the acquisition from Caltrans of a portion of the SR 120 right-of-way.



**Tioga Inn – Hotel and Accommodations.** The hotel (refer to ~~revised~~ Figure 6) is to be located adjacent to Highway 120 on a relatively level bench about eight hundred feet south of the intersection with US 395. The hotel will contain 120 rooms, a coffee shop, banquet room, and a small retail gift shop primarily serving hotel guests. A swimming pool for hotel guests, with use by the local school and area swimming clubs, is also included. Parking for the hotel will be south of the structure, screened from view by the hotel building. Access from SR 120 will be on a common drive located immediately south of the parking lot at the bottom of a steep north-facing slope. The two-story hotel structure will be oriented in an east-west direction, presenting an end view to traffic on SR 120 and taking advantage of hotel room views to the north and northeast toward Mono Lake, and west toward Tioga Pass. The hotel roof will be designed to accommodate the most efficient use of solar panels.

**Full-Service Restaurant.** A sit-down restaurant is proposed to be located at the top of a ridgeline about five hundred feet east of the hotel. The difference in elevation between the location of the restaurant and US 395 offers an opportunity to provide views for patrons from the restaurant site while screening the structure from traffic on US 395. The restaurant will be built on the flat area on

top of the ridge, with a parking lot screened by the terrain to the south and access from the same road as the hotel. An observation deck will flank the northwest and northeast faces of the restaurant taking advantage of the panorama of Mono Lake, Tioga Pass and Mono Craters visible from that location. The restaurant will include seating for one hundred persons in the restaurant and lounge and a small gift shop/information center. The restaurant roof will be designed to accommodate the most efficient use of solar panels.

**Hilltop Residential Area.** A 6.84-acre parcel intended for ten residential rental housing units is proposed on the southwest corner of the subject property. This housing consists of two 2-bedroom one-story duplexes plus one 3-bedroom duplex, plus two 2-bedroom single family units, for a total of 8 units (two fewer units than were approved in 1993). Consistent with the 1993 approvals, access is taken via a private road near the top of the main access road leading up to the restaurant. Amendment #3 proposes to realign the access road to a long and more southerly (and sunnier) alignment, which will reduce the road gradient and reduce icing during winter months. The proposed new alignment follows a route that was previously graded and used for access by a previous site owner. The existing road would be retained and used for service vehicles and pedestrian movements. The residential property is not proposed for further subdivision. These units have been added to the County's rental housing stock. With the inclusion of the residential units, it has been possible for project employees to live onsite, meeting the Housing Element requirements.

A separate residential complex of 6 individual units was subsequently constructed south of the flagpole. This area, which was not a part of the 1993 Specific Plan or any later approval, would be demolished to make room for the community housing village proposed as part of Amendment #3.

**Convenience Store, Deli and Gas Station.** A smaller parcel immediately southwest of the hotel has been developed as a gas station/mini-mart. The gas station currently has two gas pumping islands and a small 4,800 square foot mini-mart. Parking areas are screened from highway views by buildings, terrain and landscaping.

Amendment #3 proposes the addition of a third gasoline pumping island with a total of 4 additional fuel pumps, one additional underground gasoline storage tank, an overhead canopy and lighting. While self-service gas is available year-round, the mini-mart and deli are currently open only during summer months; it is expected that the mini-mart/deli and entertainment will in the future remain closed during winter months. Live outdoor events and music concerns are now and will continue to be held at the Deli during summer ~~weekends~~.

The deli was added to the mini-mart in 1997, and formalized through a 2012 Director Review process that included a condition of approval stating, "No other commercial or retail space expansion will be permitted on the convenience store gas station parcel without a revision to the Tioga Inn Specific Plan." Proposed Specific Plan Amendment #3 includes standards and implementation measures for the deli. The deli currently has 16 indoor tables that provide seating for up to 88 people, and 80 outdoor picnic tables that provide seating for approximately 300 people (including visitors who do not patronize the deli or mini-mart). During summer, the deli serves approximately 2,000 people on an average day and up to 3,000 people per day during peak season. Additional parking is required to accommodate patrons to the deli. The project proponent anticipates that the construction of the full-service restaurant will reduce demands on the deli and help to accommodate the current parking overflow. The convenience store/deli has a second floor that houses a 1,500 square foot office space.

**CommunityWorkforce Housing Village.** Proposed Amendment #3 includes a new ~~communityworkforce~~ housing village occupying a portion of the 32.11-acre Parcel 2, on the southwest corner of the subject property. The ~~workforcecommunity~~ housing village is proposed to consist of up to ~~150 bedrooms in up to 100 units~~ with up to 150 bedrooms, with a mix of one-bedroom, two-bedroom, ~~and 3-bedroom and 4-bedroom units plus a manager's unit~~. The proposed residential area will include a manager's unit, ~~and a day care center with common areas, laundry facilities~~ facility and common area, and a play area. The ~~housingse~~ units will add to Mono County's rental housing stock, and provide ~~affordable~~ housing for onsite employees ~~and others seeking housing in this area~~. As such, the ~~workforce~~ housing responds to the Mono County Housing Element goal for developments of this type to provide opportunities for employee housing. No fewer than 200 parking spaces will be provided in the ~~workforcecommunity~~ housing complex to meet resident and guest parking needs. Access is proposed via a private road off the main access to the full-service promontory restaurant.

**Equipment & Personal Storage Facility and Propane.** Proposed Amendment #3 includes a new building (up to 5,000 square feet in area) for storage of project equipment and residents' belongings. Two outdoor parking spaces and the 30,000-gallon commercial propane tank will be housed on the same pad as the equipment storage facility.



**Design and Landscaping Concepts.** Architecturally, the hotel, restaurant, ~~workforcecommunity~~ housing, and gas station/deli/mini-mart will continue to carry the same theme. Exposed foundation areas will feature stone. The wall areas will be predominantly natural wood interfaced with stone. ~~All the roofs areas will be earth-tone or green-metal constructed of materials with a dull finish and dark, muted colors.~~

Manicured and introduced landscaping (as proposed in the updated conceptual landscape plan described in Table 4-12) for all sites will be minimal and native compatible. The introduced plant species will continue to be limited to primarily decorative landscaping in and around the buildings and parking lots. Planters adjacent to the hotel and gas station/mini-mart and immediate surrounding areas are also proposed. Landscaping around the residential housing and proposed ~~workforcecommunity~~ housing village will be native, low-maintenance shrubs and small trees. ~~All on-site plants will be irrigated through a subsurface drip system using treated effluent from the package treatment plant. During the months of April through October, it is anticipated that one-half of irrigation demand will be met through subsurface irrigation using treated wastewater from the package plant, and the other half of irrigation demand will be met with use of potable water from the project water supply wells.~~ The existing septic tank will be decommissioned and the existing leachfield will be used for disposal of treated effluent during the winter months when use of the subsurface irrigation system is suspended due to freezing conditions.

The native sagebrush on the ridges and hillsides will be preserved and areas disturbed for installation of facilities or during construction will be revegetated with low profile indigenous plants selected to optimize deer forage. One exception to this is the area viewing the pumice processing facility. This viewshed – located to the northeast of the hotel – will be planted with taller trees to block the view of the US Pumice facilities from the Tioga Inn. ~~The second exception is adjacent to roads (including the 'protected corridor'). The seed mix to be used adjacent to roads shall consist of 1) curl-leaf rabbitbrush (Chrysothamnus viscidiflorus, 1-2 ft maximum height) 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.~~ All facility roofs will be designed to accommodate use of solar panels.

**Project facilities and services.** Project facilities and services for the Tioga Inn Specific Plan are described below. Most are now or are proposed to be private systems, designed to serve project needs. Several systems may be expanded to serve off-site customers and land uses; these include propane, ~~water (which is provided for use at the Lee Vining Airport),~~ and solar power (to the extent that the future solar panels generate more electricity than can be used on site). Facilities and services are briefly described below.

**Transportation.** The ~~new Preferred Alternative 6~~ Concept Site Plan (see ~~DSEIR/FSEIR Exhibit 4-1 in Topical Response #1~~) shows the location of the roads, driveways and parking areas. These are the 'major' components of the public and private transportation system. The road system is described further in the Traffic element of the Specific Plan (§7.4.4.5). "Intensity and extent" means location and width.

**Water Supply and Storage:** Water supply is derived from two wells located east of Highway 395, including one well that was constructed following approval of the Tioga Inn Specific Plan, and a second well that was constructed late in 2017. Each well has been shown to produce a suitable volume of potable water, individually, to serve existing and proposed uses on the project site. Both wells connect to an existing 300,000-gallon steel storage tank near the hilltop housing on the southwestern site boundary. Amendment #3 proposes replacement of the existing water storage tank with a new 300,000-gallon tank located in the same area as the existing tank, which will be demolished. Replacement of water storage tank is proposed to increase reliability of the water storage capability. An updated aquifer study and an Antidegradation Analysis have been completed as part of this 2019 SEIR to determine whether well production would have potential to impact surrounding wells and to assess project impacts on water quality standards of the LRWQCB. Results are presented and analyzed in ~~DSEIR §5.2, as amended in this FSEIR §5-2.~~ Water system elements will continue to meet all applicable requirements of the Mono County Health Department, the Lee Vining Fire Protection District, and the Lahontan Regional Water Quality Control Board.

**Open Space.** As discussed below under 'Open Space Lands and Designations', development restrictions in the form of open space easements are proposed for the portion of the project located east of US 395 and the steep slope adjacent to and facing US 395. ~~Land east of US 395 is designated as "Open Space-Facilities" and subject to the use restrictions stated in Specific Plan Policy 1h. Land adjoining US 395 on the west is designated as "Open Space-Preserve" and subject to the use restrictions stated in Specific Plan Policy 1g. Development in these areas will allow underground utility lines, two moderately~~



~~illuminated monument signs below the restaurant, and appurtenant features such as a well housing, electric equipment shed, or utility-related facilities.~~ A water main will be constructed under US 395 through existing pipe sleeves from the well site. Sewage disposal systems' expansion areas may cross under the highway to the site at some time in the future.

**Sewage.** Sewage disposal is currently handled by standard septic tank/leach field systems for each separate land use area in conformance with Mono County Health Department and Lahontan Regional Water Quality Control Board (RWQCB) standards. A new wastewater treatment system will be provided as part of the proposed Amendment #3. The system will replace the existing septic tank treatment system, and will include a new subsurface irrigation system for use during the summer season. A septic leach field system will be retained for disposal of surplus treated effluent, primarily during the low-flow winter months.

**Solid Waste:** Solid waste on the property is stored in commercial dumpsters located within screened areas adjoining each of the project buildings, and at a separate screened area for refuse cans serving the residential development. Refuse is collected by a commercial disposal service recognized by Mono County for delivery of such service. Amendment #3 calls for continued use of commercial dumpsters in bear-~~resistant~~~~proof~~ structures that would be constructed adjacent to the hotel and restaurant, with separate collection facilities (also bear-~~resistant~~~~proof~~) and recycling facilities for the workforcecommunity housing area. Refuse will continue to be collected by a commercial disposal service recognized by Mono County for delivery of such service.

**Drainage:** The stormwater retention system proposed for the project is based on the Town of Mammoth Lakes' 1984 Storm Drain Design Manual, which was developed to meet requirements of Mono County as well as Mammoth Lakes. The system is designed to accommodate all approved uses through Specific Plan Amendment #3, including now proposed (as analyzed in the current Subsequent EIR) as well as the previously-approved but unbuilt hotel and promontory restaurant. Retention volume calculations are based on storm water volume less storm water infiltration. Onsite soils are sandy, and a conservative infiltration rate of 5 minutes per inch was used to calculate retention volumes. The resulting retention volume calculations include 11,246 cubic feet (cf) for the workforcecommunity housing and restaurant components, plus 9,947 cf for the hotel. The report notes that if the restaurant is constructed separate from the housing, separate retention basins will be installed for each use. Three-48" storm drain pipes will be installed for the hotel (with a total basin length of 167'), and 3-48" pipes will be installed for the workforcecommunity housing (with a total basin length of 188 feet). Storm drain pipes will be perforated.

Runoff treatment will be accomplished in four bioswales that will be located in landscaped areas of the parking lot. The bioswales will be constructed in accordance with standard Low Impact Development (LID) design, and planted with drought-tolerant plant species. Other means of treatment may include installation of oil removal inserts into the inlets, or a separate oil treatment unit.

**Communications:** All telephone and cable and internet services on the site are wireless. Verizon Wireless installed a cell tower on the project site in 2007~~2008~~ and the site is also connected to the 'open access network' created by Digital 395.

**Energy:** Energy for the project will be provided by Southern California Edison for electricity, augmented by electricity produced in the onsite solar energy panels. All non-solar electrical utilities will continue to be placed underground. Project elements will emphasize the energy-efficient products and practices of Energy Star, a joint program of USEPA and the U.S. Department of Energy. Private contractors will provide propane to the site. As part of Amendment #3, the applicant proposes to supplement~~replace~~ the 5 existing propane tanks (2,500-gallons combined) with a new 30,000-gallon propane tank; the new tank will have capacity to meet all existing and future propane requirements on the Tioga site, and to provide propane services to the larger Lee Vining community if desired (all offsite deliveries would be trucked to customers; no distribution pipelines to the community are proposed). The propane tanks will be sited in conformance with the Uniform Building Code and the Fire Code. Screening -- such as designed fencing or landscaping -- will be used to mitigate visual impacts of the tanks.

**Open space lands and designations.** Areas designated as "open space" are proposed to be retained in a natural condition. Three open space designations are proposed. (1) The *Open Space – Preserve* designation is generally intended for lands that cannot be developed as part of the project. (2) The *Open Space – Facilities* designation is for lands on which no surface construction will take place, other than small structures to provide access to underground utilities. This

designation provides an open visual area, but does allow some surface disturbance. The third designation is *Open Space – Support Services*. This designation provides allows for certain above ground facilities, such as the water tank, an outdoor yard storage area, and the well house(s).

Proposed Specific Plan Amendment #3 would modify the acreage in each of the open space designations shown in the 1993 Specific Plan; the changes would increase overall open space acreage by 0.7 acres, all within the Open Space-Preserve designation. Changes in the acreage of designated open space areas are shown in Table 4-7.

<b>TABLE 4-7. Proposed Changes in Open Space Acreage</b>			
<b>Designation</b>	<b>1993 Specific Plan</b>	<b>Specific Plan Amendment #3</b>	<b>CHANGE</b>
<b>OS-Preserve</b>	14.8 acres	27.8 acres	<b>(+) 13.0 acres</b>
<b>OS Facilities</b>	13.2 acres	12.3 acres	<b>(-) 0.9 acres</b>
<b>OS Support</b>	18.5 acres	7.1 acres	<b>(-) 11.4 acres</b>
<b>TOTAL</b>	46.5 acres	47.2 acres	<b>(+) 0.7 Open Space Acres</b>

**Phasing.** As originally planned, the project was to be developed in phases based on the expectation that each component of the Specific Plan would be dependent upon development of the infrastructure to serve the hotel and its related facilities. The Tioga Inn's primary infrastructure – road access, and water supply – was to be constructed in concert with the construction of the convenience store and gas station.<sup>10</sup> Sewage disposal systems were anticipated to be constructed with the appropriate land uses and it was envisioned that each use on the project would have an independent disposal system. It was anticipated that some of the infrastructure components that are related only to one aspect of the project – for example, the road to the residences – would be constructed as a part of that phase. This phasing concept was largely retained following approval of Amendment #1, in which the Specific Plan provided that the project would be developed in the following progression.<sup>11</sup>

<b>TABLE 4-8. 1993 Project Phasing</b>		
<b>Phase</b>	<b>Facility</b>	<b>What's Included</b>
<b>I</b>	<b>Convenience Store, Deli, and gas pumps</b>	Convenience market, deli, fuel pumps, underground gasoline storage tanks, picnic area, restrooms, accessory facilities, lighting, signage, landscaping, parking, water supply, sewage disposal system
<b>II</b>	<b>Hotel and Accessory Uses</b>	Tioga Inn hotel, conference rooms, swimming pool and facilities, banquet room, coffee shop; water supply, septic system, improvements to Hwy 120 intersection with project; lighting, signage, landscaping; parking
<b>III</b>	<b>Hilltop Residences</b>	A maximum of ten residential units; water supply, sewage disposal system, access, accessory structures such as garage, personal storage sheds, landscaping
<b>IV</b>	<b>Full Service Restaurant</b>	Restaurant, observation deck, signage, landscaping, accessory facilities, parking, water supply, sewage disposal system.

In practice, the convenience store and gas station and deli were constructed first (as approved), followed by the hilltop residences. Neither the hotel nor the full-service restaurant has been constructed ~~as of February 2020 to date.~~ Following approval of Specific Plan Amendment #3, it is anticipated that the entire development will be begin construction as soon as possible ~~ored~~ within 5 years ~~or by 2024.~~ Initial construction would likely focus on the new gas pump island, infrastructure improvements (sanitation, water storage, propane tank), ~~and~~ construction of the promontory restaurant and hotel. In response to comments on the DSEIR for Amendment #3, a new phasing plan has been developed for the community housing units. The new phasing plan is outlined in Table 7-9 4-9 below. Some of the proposed workforce housing area may be developed in advance of the hotel and the full-service restaurant in order to provide housing for project construction workers. Occupancy would shift to onsite employees upon completion of the hotel and restaurant elements. Infrastructure would be constructed to meet the development sequence of approved uses.

<sup>10</sup>The original Specific Plan provided that the project be developed in a four-phase progression that would begin with the hotel, followed by the residences, the convenience store/gas pumps, and the full service restaurant. Specific Plan Amendment #1 changed the phasing to allow for the building of a convenience store before the hotel (see Table 3-2).

<sup>11</sup> No timelines or time limits are established on when the phases occur, as long as the phases occur in this order.

TABLE 4-9. Community Housing Phasing Plan		
PHASE	# OF UNITS	SCHEDULE
<u>1</u>	<u>30</u>	The 30 units and child care facility in Phase 1 would 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.
<u>2</u>	<u>40</u>	Construction of the 40 Phase 2 units would begin at the time that the hotel building permit application is deemed complete by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously-approved commercial job positions.
<u>3</u>	<u>30</u>	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). All Phase 3 units will be located in the row of units on the west. The structures in this row are all two stories, with higher pad elevations and higher rooflines than in the eastern row. The Phase 3 units are thus the most visible of the proposed community housing units.

**Sustainability.** The project will comply with California GHG emission standards by adopting applicable elements of the updated Mono County General Plan (including Low Impact Development, Green Development Guides, and the Resource Efficiency Plan) as part of the design and development process. Roofing will be preferentially constructed in a south-facing direction to maximize the use of solar panels. The new package wastewater treatment system will provide higher quality treated effluent than the septic system. Landscape irrigation will be accomplished through a new subsurface irrigation system using treated effluent from the package waste treatment plant. Potable water supplies will be used for irrigation only where required for public health. The provision of onsite [workforcecommunity](#) housing will minimize home-to-work traffic and fuel consumption; fuel consumption will also be minimized by use of high 'R-Value' insulation in the [workforcecommunity](#) housing units, use of Energy Star appliances, LED lighting, and the provision of a wide range of onsite employee facilities (laundry, storage, space for group child care services, [and provision of at least 2 EV charging facilities in the residential area, as well as separate EV charging facilities for hotel guests.](#)). [Components of the Low Impact Development program are outlined below:](#)

Low Impact Development BMP Program Components	
<b>NATURAL DRAINAGE CONTROLS</b>	<a href="#">Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</a>
<b>RUNOFF COLLECTION AND TREATMENT</b>	<a href="#">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.</a>
<b>ONSITE FLOW RETENTION</b>	<a href="#">Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</a>
<b>INFILTRATION</b>	<a href="#">Use of rock swales &amp; collection features to enhance filtration of pollutants.</a>
<b>ROAD/PATH RUNOFF SEPARATION</b>	<a href="#">Channels and/or swales will be used to create a separation between roads and pedestrian paths.</a>
<b>ROAD DESIGN</b>	<a href="#">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,</a>
<b>CLUSTER DESIGN</b>	<a href="#">Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</a>
<b>VEGETATION</b>	<a href="#">Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire</a>

<b>RETENTION</b>	<u>will be replanted and irrigated until established.</u>
<b>SCREENING</b>	<u>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</u>
<b>WATER USE FOR LANDSCAPING</b>	<u>The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</u>

Prompt and appropriate management of onsite spills and leaks is an additional component of sustainability, and shall be handled in accordance with the practices outlined below:

<b>TABLE 5-4. Spill and Leak Best Management Practices of the Tioga Community Housing Project</b>	
<b>SPILLS</b>	<u>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.</u>
	<u>Drip pans and funnels shall at all times be readily available to gas station customers and staff for use when draining or pouring fluids.</u>
	<u>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</u>
	<u>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff and 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.</u>
<b>LEAK CONTROLS</b>	<u>Drip pans and funnels shall at all times be readily available and accessible for use with stored vehicles.</u>
	<u>Drip pans shall be placed under the spouts of liquid storage containers.</u>
<b>TRAINING</b>	<u>All gas station employees, as well as the housing manager, shall be trained on spill and leak prevention practices annually.</u>
	<u>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</u>
<b>FUELING</b>	<u>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</u>
	<u>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.</u>
	<u>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</u>
	<u>Rags and absorbents shall at all times be readily available for use by gas station staff and customers in case of leaks and spills.</u>
	<u>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.</u>
<b>WASTE-WATER TREATMENT PLANT<sup>12</sup></b>	<u>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 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.</u>
<b>WASHING</b>	<u>No vehicle washing shall be permitted at the gas station or housing area, unless a properly designed wash area is provided and designated on the project site.</u>
	<u>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, and 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.</u>
	<u>Detergents sold and used at the gas station shall be biodegradable and free of phosphates.</u>

<sup>12</sup> Sources for the WWTP BMPs include EPA Guidance Manual for Developing BMPs (<https://www3.epa.gov/npdes/pubs/owmo274.pdf>) and New Hampshire Dept. of Environmental Services Emergency Response Planning Guide (<https://www.des.nh.gov/organization/divisions/water/wwwb/documents/emergency-response-guide.pdf>).

**d. Use of the EIR and Approvals Required.**

Other Agencies that may use the EIR. A complete list of all agencies that are expected to make use of the EIR when considering future permits for the project is provided below in Table 4-10. in EIR §3.0 (Project Description), subsection 3.9.2 (Other Agencies that may Use the EIR), Table 3-7 (Use of this Subsequent EIR by Other Agencies). ~~As noted therein, 8 Responsible and Trustee agencies have been identified including the California Regional Water Quality Control Board-Lahontan Region, the State Water Resources Control Board Division of Drinking Water, the California Department of Transportation, California Department of Fish and Wildlife, California Department of Forestry, Mono County Department of Environmental Health, Lee Vining Fire Protection District, and the Federal Aviation Administration.~~

<b>Table 4-10. Use of this Subsequent EIR by Other Agencies</b>	
<b>AGENCY</b>	<b>PERMIT OF USE OF THE EIR</b>
<b>California Regional Water Quality Control Board – Lahontan Region</b>	<p><u>Responsible Agency:</u></p> <ul style="list-style-type: none"> <li><u>Streambed alteration and/or discharge of fill material to a surface water including areas associated with washes or other drainage features, even if currently dry, may require Clean Water Act §401 Water Quality Certification for impacts to federal waters (waters of the US), or Dredge &amp; Fill Waste Discharge Requirements required for impacts to non-federal (State) waters, both issued by the Lahontan Board. excavation, discharge to or alteration of surface waters;</u></li> <li><u>Clean Water Act §402(p) Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit. State Water Board Order No. WQ 2009-0009-DWQ may be required for land disturbance associated with the project. The NPDES requires development of a Stormwater Pollution Prevention Plan and implementation of best management practices (BMPs), and individual waste discharge requirements may be established. BMPs should be provided in the EIR with information as outlined in the LRWQCB letter;</u></li> <li><u>NPDES General Construction Storm Water Permit, for new industrial operations.</u></li> <li><u>General Waste Discharge Requirements for disposal from a Small Domestic Wastewater Treatment Systems, State Water Board Order No. WQ 22014-0153-DWQ, or Individual Waste Discharge Requirements, will be the likely regulatory measure for the new packaged wastewater treatment system and wastewater disposal facility</u></li> <li><u>If the use of recycled water is intended as a proponent of the project, then Water Reclamation Requirements for Recycled Water Use, State Water Board Order No. WQ 2016-0068-DDW, or an individual order, may be used as the regulatory measure.</u></li> <li><u>NPDES General Permit Limited Threat Discharges or General Waste Discharge Requirements for discharges to land with a low threat to water quality, for water diversion &amp; dewatering;</u></li> <li><u>§401 Water Quality Certification or Dredge &amp; Fill Waste Discharge Requirements required for excavation, discharge to or alteration of surface waters;</u></li> <li><u>§402 Storm Water Permit, required for land disturbance of more than 1 acre; note that the permit includes a NPDES General Construction Storm Water Permit, and individual waste discharge requirements may be established. BMPs should be provided in the EIR with information as outlined in the LRWQCB letter.</u></li> <li><u>NPDES General Construction Storm Water Permit, for new industrial operations.</u></li> <li><u>Waste Discharge Requirements for disposal from a small domestic WWTP</u></li> <li><u>NPDES General Permit Limited Threat Discharges or General Waste Discharge Requirements for discharges to land with a low threat to water quality, for water diversion &amp; dewatering.</u></li> </ul>
<b>State Water Resources Control Board – Division of Drinking Water (DDW)</b>	<ul style="list-style-type: none"> <li>Water Reclamation Requirements for Recycled Water Use (per Order WQ 2016-0068-DDW), or Individual Water Reclamation Requirements may be required.</li> <li>Approval of a Title 22 Engineering Report, or a letter from DDW indicating that the project does not need to satisfy Title 22.</li> </ul>
<b>California Department of Transportation</b>	<p><u>Responsible agency:</u></p> <ul style="list-style-type: none"> <li><u>Encroachment permit for secondary access onto SR 120, if the secondary access gate is located inside the Caltrans right-of-way, modifications to the scenic turn-out on State Route 120 (SR 120);</u></li> <li><u>Access Rights: The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.</u></li> </ul>



<b>California Department of Fish and Wildlife (CDFW)</b>	<u>Trustee Agency:</u> For fish and wildlife resources, and a <u>Responsible Agency:</u> For discretionary actions including Lake or Streambed Alteration Agreement, Permit for Incidental Take of Endangered, Threatened and/or Candidate Species, etc.
<b>Calif. Dept. of Forestry</b>	<u>Trustee agency:</u> Review plans for fire safety & wildlife protection
<b>Mono County Department of Environmental Health</b>	<u>Responsible agency:</u> Permits are required for the sewage disposal system, the small water system; the restaurant kitchen, any kitchen in the hotel, the swimming pool, and the spa.
<b>Lee Vining Fire Protection District</b>	<u>Local public agency:</u> <ul style="list-style-type: none"> <li>• <a href="#">Issuance of 'Will Serve' Letter following approval by Mono County EMS and the Mono County Sheriff of the Public Safety Evacuation Plan</a></li> <li>• <a href="#">Inspection or review of plans for conformance with fire safety regulations</a></li> </ul>
<b>Federal Aviation Administration</b>	<u>Responsible Agency:</u> Determination whether project obstructions in the imaginary surface zone of Lee Vining Airport represent a hazard.

**Mono County Discretionary Approvals Required.** Mono County will consider the following discretionary actions for the Tioga Inn project proposal:

*Certification of the Environmental Impact Report.* The 1993 Specific Plan was consolidated with an environmental impact report, and the proposed Specific Plan Amendment #3 is consolidated with a Subsequent EIR that builds upon the original 1993 documents. Both EIRs provide a range of mitigation measures that will eliminate or reduce potentially significant environmental impacts. These "conditions" or mitigation measures are incorporated into the Specific Plan and into project discretionary actions as formal conditions of approval (including policy and implementation programs). The SEIR must be certified by the Board of Supervisors prior to taking action on proposed Specific Plan Amendment #3. Certification of the EIR is a separate action from approval of the project.

*Actions associated with the Specific Plan.* (1) The proposed Specific Plan Amendment #3 will be the subject of a public hearing and recommendation from the Planning Commission, and a public hearing and action by the Board of Supervisors. The County may deny approval of the proposed Specific Plan Amendment #3, it may approve the amended Plan as submitted, or it may approve a modified version of the amended Specific Plan. If the County takes action to approve the proposed Plan Amendment #3 or a modified version of the amended Plan, and if the SEIR identifies one or more significant and unavoidable impacts, the Board must then adopt a Statement of Overriding Considerations explaining why the impacts and mitigations have been approved despite the fact that significant and unavoidable impacts remain. (2) The Specific Plan ~~elements of the Hotel and Restaurant- were district~~ was adopted for this project site as part of the 1993 approvals, and will remain valid whether the current proposed amendment #3 is approved or denied. ~~(3) Modifications to the tentative parcel map (to adjust the boundaries and acreage of the four parcels) must be approved by the Planning Commission.~~ ~~(3) Modifications to the parcel boundaries shall be reviewed and approved as permitted by Mono County Code Chapter 17.36 Lot Line Adjustments.~~

*Approval of a Mitigation Monitoring and Reporting Program (MMRP) with assignment of enforcement responsibility in conformance with the Mono County Environmental Handbook.* ~~If the SEIR identifies mitigation measures, the approval of the Specific Plan may incorporate some or all of those measures. If the M~~mitigation measures are a part of Specific Plan Amendment #3 and the project approval, the County and proponent must enter into a program that provides for monitoring and enforcement of the adopted measures, identifies implementation time frames, ~~The program must also assign~~ compliance responsibility and provides performance measures where applicable. The Tioga Specific Plan Amendment #3 MMRP is provided in FSEIR §6.o.

#### 4.4.3 ENVIRONMENTAL SETTING

##### 4.4.3.1 Mono County and Lee Vining Setting

Mono County is located in eastern California between the Sierra Nevada mountains and the State of Nevada. The County is relatively isolated from most major metropolitan areas in California. Reno, Nevada, approximately 120 miles to the north on US 395, is the closest major city.

#### LEE VINING AREA CENSUS DATA

	1980	1990	2010
Population	250	285	222
Households	102	120	85
Average Age	29.3	33.9	30.4
Avg. HH Income	\$20,498	\$33,000	\$45,500
Persons/HH	2.45	2.38	2.62

#### Population Distribution by Age (percent)

Under 18	21.4
18-21	6.0
21-29	12.3
30-44	37.5
45-54	10.9
55-64	6.3
65+	6.0

HH means "household"

Sources: 1990 & 2010 Census, 93541 Zip Code,

And Mono Basin Community Plan, 2012



The Mono County economy is predominantly recreation and tourism-oriented. The County offers skiing, camping, hunting, fishing and other visitor-activities. In 1992, the County had an estimated population of 10,403, an increase of 4.5% over the 1990 Census population of 9,955 full-time residents (Dept. of Finance, 1992). The Census Bureau estimates that the county population had increased to 13,981 by July 2016. More than half the population (7,994 residents) now resides in the County's only incorporated community, Mammoth Lakes. Lee Vining, the unincorporated community where the project is located, had a 2010 population of 222 full-time residents (<http://censusviewer.com/city/CA/Lee%20Vining>), down from the 1990 population of 285 full-time residents.

Lee Vining, the unincorporated community where the project is located, had a 1990 population of 285 full-time residents, an increase of fourteen percent from 1980. The Lee Vining population declined to 222 residents as of the 2010 Census. Lee Vining is a summer staging area for visitors to Yosemite National Park; the east gate to the Park on SR 120 is closed in the winter. The community overlooks Mono Lake. Most visitors to the Lee Vining area are from southern California and are visiting Mono Lake, Bodie State Historic Park, and in the summer Yosemite National Park.

#### **4.4.3.2 Consistency with Plans**

The Mono Basin Community Plan<sup>13</sup> is a community-based plan to guide future land use, development, and quality-of-life decisions for the Mono Basin communities of Lee Vining and Mono City. The Plan identifies 6 key elements, all of equal importance, as summarized herein: (1) Small, compact communities with a clear edge between developed and natural areas; (2) Safe, friendly communities where people interact and feel connected, (3) A sustainable economy with diverse job opportunities that offers year-round employment and competitive wages. (4) Recreation opportunities and access that highlight our exceptional outdoor venues. (5) A healthy natural environment with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space. (6) Historic uses and character that recalls and re-creates the vitality, strength and character of the Mono Basin. The Tioga Inn development to date, and the proposed Amendment #3, are in conformance with these goals.

The subject property is an orderly extension of the Lee Vining community area. Although surrounded by lands in public ownership, it is one of the larger privately owned parcels that can be developed with the services and facilities needed to provide additional visitor services to the Mono Basin area. Other regional plans include the (1) Inyo National Forest Land and Resource Management Plan, which proposes concentrated recreation activities on parcels adjacent to the project, and (2) the Mono Basin Scenic Area Comprehensive Management Plan, which protects the scenic values of that area.

#### **4.4.3.3 Site Characteristics**

The terrain is gently to steeply sloping over the east-west course of the property. There are several natural benches on the property upon which all development is proposed. The area is generally scrub vegetation with a predominance of sagebrush. Several scattered pine trees are onsite as well.

Visitor / commercial Access to the subject property is taken at Vista Point Drive off of State Route 120, near the junction with can be derived from either SR 120 or US 395. The proponent proposes to limit general vehicle access to SR 120 as previously negotiated with Caltrans, and has acquired the Caltrans easement along SR 120 west of the property entrance.

The subject property has been used for sheep grazing in the past. It is possible that this activity historically altered the species composition of cover vegetation in the area. The agricultural use of the area was terminated prior to approval of the 1993 Specific Plan.

#### **4.4.3.4 Rare and Unique Environmental Resources**

The Tioga Inn and its facilities are located on a small parcel that is a part of the Mono Basin. The general area contains numerous rare and endangered plant and animal species. Some of California's unique geologic formations are accessible to area visitors. There is an abundance of wildlife and fisheries in the general vicinity. The Lee Vining area expresses extraordinary pride in the unique and significant views of the natural scenery. Analyses prepared for the 1993 Specific plan and its EIR determined that none of the unique, rare, or endangered resources are located on or in close proximity to the Tioga Inn parcel. Analyses prepared for Specific Plan Amendment #3 indicate that the proposed changes would have 5

<sup>13</sup> Mono County website, [http://www.monocounty.ca.gov/sites/default/files/fileattachments/rpac\\_mono\\_basin/page/981/mb\\_plan\\_rpacfinal\\_06.13.12.pdf](http://www.monocounty.ca.gov/sites/default/files/fileattachments/rpac_mono_basin/page/981/mb_plan_rpacfinal_06.13.12.pdf).

significant and potentially unavoidable adverse impacts ~~as shown below: on migrating deer, all other impacts can be reduced to less than significant levels through mitigation measures outlined in the EIR.~~

- 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
- Public Services: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining
- Traffic: Significant unavoidable impacts associated with turning movements from eastbound SR120 onto northbound US 395 (with or without the project)
- Aesthetics: Project impacts on scenic and visual resources and on light and glare

#### 4.4.4 Specific Plan Goals, Policies and Implementation Programs<sup>14</sup>

##### 4.4.4.1 Land Use

**Goal 1:** Enhance visitor-oriented services in the Lee Vining Area.

**Policy 1a:** Provide flexibility in the project to accommodate multiple uses on Specific Plan parcels.

*Implementation measure 1a(1):* Permit the land use designations "Hotel," "Full Service Restaurant," "Residential," "Convenience Store/Deli/Fuel Sales," "Open Space-Preserve," "Open Space-Facilities," "Open Space-Support," and "~~Workforce~~Community Housing" to be the land use designations of the Tioga Inn Specific Plan.

*Implementation measure 1a(2):* A meandering pathway, between Vista Point Drive and the site of the wastewater treatment plant (WWTP, 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.

*Implementation measure 1a(3):* 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.

*Implementation measure 1a(2):* Limit the siting of the land uses to the parcel designations and locations shown on Exhibit 7-1 (Figure 7).

**Policy 1b:** The Hotel land use designation shall permit the following land uses:

*Implementation measure 1b(1):* The Hotel land use permits a facility with a maximum of one hundred and twenty rooms for overnight guests. The Hotel facility land use allows the following accessory uses:

- Banquet, meeting room facilities with dividers for a maximum of 250 persons
- A coffee shop with a maximum capacity of 50 persons
- Kitchen and food preparation facilities
- Retail shop containing items typically needed or desired by guests at a hotel facility – including and not limited to toiletries, reading materials, souvenirs, and prepackaged snack items
- Swimming pool and spa (indoor or outdoor). The pool may be made available for use by local schools and swimming clubs
- Parking facilities, uncovered

<sup>14</sup> Note: the 1993 project approvals included FEIR certification and Tioga Inn Specific Plan approval. The Tioga Inn Specific Plan established zoning and the General Plan uses and standards for the project site.<sup>14</sup> The approved land use designations included "hotel," "full-service restaurant," "residential," "convenience store/fuel sales," "open space-preserve," "open space-facilities," and "open space-support." Several of the approved uses were developed soon after the 1993 approvals, including the residential units, the convenience store/fuel sales, and the open space uses. The hotel and full-service restaurant are anticipated to be developed by 2023-

- Appurtenant service and delivery bays, storage areas, and trash receptacle area. These include offices, storage areas, and loading dock.
- Resident manager's apartment
- Guest-oriented business center
- Outdoor kennel for pet control
- Laundry room with coin operated machines for guest convenience
- A public restroom/shower/laundry facility may be permitted
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

*Implementation measure 1b(2):* Site development standards for the Hotel land use designation shall be:

- Maximum building height: thirty feet (30') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation.
- Building envelope: The hotel and parking lot shall be sited in substantial conformance with the location of the facility as shown in Figure 7.
- Waste disposal containers: Shall be fitted with bear-and raven-exclusion devices.
- Parking Requirements:
- A minimum of one (1) standard-sized vehicle parking space for each guest room, plus two spaces for resident manager's quarters.
- A minimum of two (2) bus or recreation vehicle-sized parking spaces.
- A minimum of one (1) parking space for each two projected employees.
- Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the hotel.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.
- The public restroom/shower/laundry facility shall not exceed 20 feet in height, shall not exceed 1,500 square feet of interior floor space, and shall not exceed an occupancy load of 30 persons.
- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – *See Master Sign Plan.*

**Policy 1c:** The **Full Service Restaurant** land use shall permit the following land uses:

*Implementation measure 1c(1):* The Full Service Restaurant designation permits a freestanding full service restaurant with a maximum of one hundred (100) seats in a maximum five thousand (5,000) square foot interior dining area, not including offices, kitchen, food preparation or storage areas. The restaurant facility shall be entitled to include both an interior sit-down eating area and an exterior sit-down eating area on the observation deck, and interior and exterior areas serving as a cocktail lounge. Accessory uses permitted shall include:

- Retail gift shop and information center. The gift shop shall be limited to items typically needed or desired by restaurant guests such as packaged snacks and candies, maps, area information and souvenirs
- Parking, including parking spaces for recreation vehicles, vehicles towing trailers, and tour busses
- Public observation deck
- Appurtenant service and delivery bays, storage areas, and trash receptacle area
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

*Implementation measure 1c(2):* Site development standards for the Full Service Restaurant use shall be:

- Maximum building height: twenty feet (20') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation
- Building envelope: The restaurant and parking lot shall be sited in substantial conformance with the location of the facility as shown in Exhibit 4-1.

- Waste disposal containers: Shall be fitted with bear-and raven-exclusion devices.
- Parking Requirements:
  - A minimum of fifty (50) standard-sized vehicle parking spaces
  - A minimum of two (2) bus or recreation vehicle-sized parking spaces
  - A minimum of five (5) spaces for vehicles towing trailers shall be provided.
- Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the restaurant.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.
- One flag pole shall be allowed on the restaurant parcel. Flag pole shall not exceed 20 feet in height. The maximum area of the flag shall be 40 square feet. Illumination is not permitted.
- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – *See Master Sign Plan.*

**Policy 1d:** The **Convenience Store/Deli/Fuel Sales** land use shall permit the following land uses:

*Implementation measure 1d(1):* The Convenience Store/Deli/Fuel Sales designation shall include the following uses:

- A retail store, deli and fuel purchase facility not exceeding 6,835 square feet of gross floor area, including offices, kitchen, food preparation and sales, and storage areas.
- An office, not to exceed 1,500 square feet, as part of the Convenience Store/Deli/Fuel sales.
- A maximum of three fuel islands, each with four multi-grade dispensing stations and overhead canopies with lighting for a total of twelve pumping stations.
- Picnic area sited in conjunction with the scenic turn-out
- Public restrooms
- Parking areas, including spaces for recreation vehicles, vehicles towing trailers, and tour busses
- Appurtenant service (not including vehicle service or repair) and delivery bays, storage areas, publicly accessible air supply, vehicle water supply, trash receptacle area
- Facility for the disposal of sewage from recreational vehicles (an RV “dump” station)
- Underground fuel tanks (one per fuel island).
- Live indoor and outdoor music events and concerts shall be permitted in the Convenience Store/Deli/Picnic areas.
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director

*Implementation measure 1d(2):* Site development standards for the Convenience Store/Deli/Fuel Sales land use designation shall be:

- Maximum building height: twenty feet (20') from the top of the stem wall to the top of the roof line. Chimneys, gables, solar panels and snow control devices shall not be counted in the height calculation.
- Building envelope: The convenience store, fuel islands, and site parking lot shall be sited in substantial conformance with the location of the facility as shown in Figure 7.
- Waste disposal containers: Shall be fitted with bear-and raven-exclusion devices.
- Parking Requirements:
  - A minimum of ten (10) standard-sized vehicle parking spaces.
  - A minimum of two (2) bus or recreation vehicle-sized parking spaces.
  - A minimum of two (2) spaces for vehicles towing trailers.
- Parking shall be paved and striped in conformance with the Mono County Code prior to the use or occupancy of the hotel.
- Location of mechanical equipment, telecommunications antennae: All mechanical equipment (heating, ventilation, air conditions and similar exterior mechanical equipment) located outside of the structure

shall be sited so that the equipment cannot be seen from SR 120 or US 395. No roof mounted antennae shall be permitted to be higher than the roofline.

- All exterior lighting shall conform to Mono County Dark Sky regulations.
- Signs – *See Master Sign Plan*

**Policy 1e:** The **Residential** land use designation shall be implemented as permitting the following land uses:

*Implementation measure 1e(1):* The Residential land use permits a maximum of ten residential dwelling units. The units may be constructed in a configuration of either single-family residences, or five (5) structures with two dwelling units (duplex).

- Accessory uses shall be limited to one storage building of not more than two hundred square feet per dwelling unit. Accessory buildings shall be constructed in a compatible architectural style to the main building if the accessory structure is visible from SR 120 or US 395.
- Attached private garage or covered parking shall be permitted
- Home businesses in conformance with the single family residential zoning district provisions of the Mono County Code shall be permitted
- One or more of the residential units may be made available as employee housing
- No signs shall be permitted
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.
- All exterior lighting shall conform to Mono County Dark Sky regulations

*Implementation measure 1e(2):* Site development standards for the Residential land use designation shall conform to the requirements of the Mono County Code for the Multi-Family Residential, Low (MFR-L), Moderate (MFR-M), High (MFR-H) zoning district. The residential units shall be constructed within the building envelopes identified on the Site Plan whether the units are attached duplexes or detached single-family homes. Private kennel facilities or fenced areas for pets shall be permitted in the residential area to restrain the pets from reaching deer foraging areas.

*Implementation measure 1e(3):* The area on which residences are sited shall not be further subdivided.

**Policy 1f:** The **CommunityWorkforce Housing** designation shall permit the following land uses:

*Implementation measure 1f(1):* The **CommunityWorkforce** Housing land use permits a maximum of 150 workforce bedrooms and ~~a maximum of approximately 100 workforce~~ units. Units will be designed with the flexibility to accommodate changes in the mix of studio, 1-bedroom, 2-bedroom and 3+-bedroom units, but in no event may the number of units exceed 100 (including the manager's unit) or the number of bedrooms; this may increase or decrease the unit count, but the number of bedrooms shall not exceed 150. The layout, orientation and design of the community housingworkforce units must conform to the Concept Site Plan as approved by the Mono County Board of Supervisors.~~may be constructed in a configuration of single structures, or structures with two (duplex) or three (triplex) dwelling units, or in apartment structures.~~



[illegible]



*Implementation measure 1f(2): The Community Housing land use shall permit the following land uses:*

- Accessory buildings shall be constructed in an architectural style that is compatible with the main building, if the accessory structure is visible from SR 120 or US 395.
- Uncovered parking for residents and guests shall be provided at a minimum ratio of ~~1-75~~ 2 spaces per ~~workforce~~ unit
- Onsite child-care facilities shall be permitted and made available for use by residents of the project site and residents of the Mono Basin
- A community center and recreational/ social/ picnic/BBQ play area and structure shall be permitted and may be combined with the day-care facility.
- Shared laundry facilities shall be permitted and may be combined with the day-care facility.
- Home businesses in conformance with the multi single family residential zoning district provisions of the Mono County Code shall be permitted
- ~~CommunityWorkforce~~ housing must comply be occupied with occupancy standards approved by the Mono County Board of Supervisors by persons working at onsite or offsite businesses and locations, and may include one or more
- A separate residential structure shall be provided units for occupancy by a housing manager(s) and his/her ~~their~~ family(ies).
- ~~Workforce housing shall be reserved for exclusive use by employed persons and their families.~~
- Shared kennel facilities or fenced areas for pets shall be permitted in the ~~workforcecommunity~~ residential area, provided that such facilities and fenced areas must be designed to prevent pets from reaching deer foraging areas.
- ~~Residents shall be required to keep pets on leashes at all times when outside of fenced areas; enforcement of this regulation shall include eviction following two advisory noncompliance notices by the housing manager. 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 requiring the 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.~~
- Short-term (i.e., for less than 30 days) and transient rentals are prohibited.
- All exterior lighting shall conform to Mono County Dark Sky regulations, Scenic Combining District regulations, and provisions of the Outdoor Lighting Plan as approved by the Community Development Department.
- Other uses that are similar in nature, typically associated with the primary land use, and equal to or less in intensity – subject to individual review and approval by the Planning Director.

*Implementation measure 1f(3):* Site development standards for the ~~WorkforceCommunity~~ Housing land use designation shall conform to the requirements of the Mono County Code for the Multi-Family Residential-High (MFR-H) zoning district. The "MFR-H" designation is intended to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels.

*Implementation measure 1f(4):* The residential units shall be constructed in the locations identified on the Site Plan, regardless of the size or type of the ~~workforcecommunity~~ residential unit.

*Implementation measure 1f(5):* Solar panels shall be permitted on any and all ~~workforcecommunity~~ housing structures.

*Implementation measure 1f(6):* The land on which the ~~workforcecommunity~~ housing units are sited shall not be further subdivided.

Implementation measure 1f(7): Residents shall be required to use the bear-resistant receptacles and dumpsters that will be provided onsite for trash disposal; enforcement of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.

Implementation measure 1f(8): Valid causes for eviction of Community Housing residents include:

- Short-term (i.e., less than 30-days) subletting of units (first offense),
- Unleashed/unfenced pets (more than 2 offenses),
- Disposing of trash outside of, or failing to properly close the lid of, bear-resistant receptacles (more than 2 offenses).

All eviction provisions will be subject to state law, and will be revised if required for compliance purposes.

**Policy 1g:** The **Open Space-Preserve** designation shall permit the following uses.

*Implementation measure 1g(1):* Improved or undisturbed landscaped areas consisting of native materials shall be a permitted part of the open space-preserve group.

*Implementation measure 1g(2):* With one exception for a water pump control structure (see Implementation Measure 1g(3) below), physical development within Open Space-Preserve areas is limited to underground utilities. New overhead utilities shall be classified as surface structures and are not permitted in this classification, except that existing overhead utility lines may be retained. Snow storage shall be permitted.

*Implementation measure 1g(3):* Permitted uses shall include underground leach tanks, underground sewage/reclaimed water pipelines, underground reclaimed water irrigation lines, one above-surface sewage/reclaimed water pump control structure with up to 100' feet of area, and other underground utility structures.

*Implementation measure 1g(4):* With the exception of the sewage/reclaimed water pump control structure (maximum 100 square feet), no above ground structures of any type shall be permitted in the Open Space-Preserve designation as shown on Figure 7.

**Policy 1h:** The **Open Space-Facilities** designation shall permit the following uses.

*Implementation measure 1h(1):* The Open Space-Facilities land use is intended to provide a land area for private utility service development. All of the uses permitted within the Mono County General Plan Open Space designation are permitted in the Facilities designation. In addition, above-ground and subsurface appurtenance structures, such as the wastewater treatment system, the well houses, a building (up to 5,000 square feet) for storage of project equipment and residents' belongings, a pad for the propane tank, and other similar uses are also permitted. The land use shall also permit an on-site nursery for the purpose of growing and cultivating replacement landscaping, increasing transplant capacity of native species, and growing flowers or other landscape amenity storage.

**Policy 1i:** The **Open Space-Support** designation shall permit the following uses.

*Implementation measure 1i(1):* The Open Space-Support designation is intended for accessory type buildings that are used for storage of supplies and equipment, a kennel for guests' pets, stable or horse corral, parking area expansion when and if needed, and other similar uses. Examples of accessory buildings include the buildings for storing snow removal equipment, amendments and nutrients for introduced landscaping, wastewater treatment, the water storage tank (existing and proposed replacement tank), and irrigation supplies. These identified sites would permit construction of small utility structures and storage sheds, provided that the facilities are not generally visible within the scenic view corridors from SR 120 and US 395. The land use shall also permit an onsite nursery for the purpose of growing and cultivating replacement landscaping, increasing transplant capacity of native species, and growing flowers or other ornamentals; final design of the nursery would be subject to Director Approval.

#### 4.4.4.2 Facilities and Services

##### Goal 2: Ensure adequate facilities for the Specific Plan development

**Policy 2a:** All applicable permits shall be obtained for all gasoline, water production, water storage, propane, wastewater treatment and disposal, and subsurface irrigation facilities.

*Implementation measure 2a(1):* Prior to the issuance of any building permits, the Planning Director shall receive verification from the Mono County Health Department that the proponent has received applicable permits for all infrastructure improvements (water, water storage, gasoline, propane, wastewater treatment and disposal, and subsurface irrigation and any other relevant infrastructure components). This measure shall not apply to the construction of onsite storage buildings for security of supplies and materials.

*Implementation measure 2a(2):* Prior to the issuance of a certificate of occupancy for any development facilities, with the exception of storage facilities, the Planning Director shall receive a letter from the Mono County Health Department indicating that all water and wastewater facilities have been constructed to the satisfaction of the department.

*Implementation measure 2a(3):* The subsurface irrigation and all supply infrastructure will be maintained and operated so that it does not cause sustained surface wetting either due to leaks or to over-burdening of the system by operating it above its designed capacity.

*Implementation measure 2a(4):* Irrigation on any and all Specific Plan parcels shall be limited to subsurface irrigation (via the subsurface irrigation system or the septic disposal system, depending on season) and hand watering, on a year-round basis. Spray irrigation shall not be permitted in any areas of the project site except the lawn and picnic areas adjoining the approved uses (hotel, hilltop housing, deli and restaurant), and the playground and lawn inside the common area of the proposed [workforcecommunity](#) housing.

##### **Policy 2b:** Ensure that there is an adequate fire prevention management program

*Implementation measure 2b(1):* Prior to the issuance of any building or grading permits, [a will-serve letter must be received by the County](#)~~the Planning Director shall receive a letter~~ from the Lee Vining Fire Protection District and ~~CalFire~~~~the California Department of Forestry~~ indicating that the design and siting of roads and structures conforms to the California Fire Safe regulations and Lee Vining Fire Protection District requirements.

*Implementation measure 2b(2):* Prior to the use or occupancy of any structures, the Planning Director shall receive a letter from the Lee Vining Fire Protection District indicating that the buildings conform to fire safety and prevention requirements.

*Implementation measure 2b(3):* All fire suppression systems and facilities, locations of fire hydrants, sprinklers, valves, emergency water access, and fire doors shall be written into text and diagrams for a facilities fire management plan approved by the Lee Vining Fire Protection District.

*Implementation measure 2b(4):* All fire prevention systems shall be maintained in a usable and safe condition for the life of the project. An inspection shall be required on a periodic basis meeting the reasonable requirements of the Lee Vining Fire Protection District.

*Implementation measure 2b(5):* [A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster. The plan must be approved by LVFPD through the standard 'will serve' letter required by the County, prior to the issuance of a building permit. The plan shall be prepared in collaboration with and approved by Mono County EMS and the Mono County Sheriff.](#)

Implementation measure 2b(6): A secondary emergency road and break-away gate shall be maintained in good condition at all times to provide an alternative access from the Tioga site onto SR 120 during emergency conditions.

#### 4.4.4.3 Design

**Goal 3: Strive to reduce the project's visual intrusiveness in the area**

**Policy 3a:** Minimize site disturbance.

*Implementation measure 3a(1):* Prior to the issuance of occupancy permits for any of the site facilities, the planning director shall confirm that a Revegetation Plan has been prepared 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 measures outlined in Table 4-11 shall be used for the revegetation of all project areas that are temporarily disturbed during earthwork and grading.

<b><u>TABLE 4-11. Revegetation of Temporarily Disturbed Areas</u></b>	
<b><u>TOPSOILS</u></b>	<u>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.</u>
<b><u>SCREENING</u></b>	<u>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.</u>
<b><u>BITTERBRUSH</u></b>	<u>Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 4-13), 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 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.</u>
<b><u>PROTECTED CORRIDOR ALONG US 395</u></b>	<u>The seed mix to be used adjacent to roads (including the protected corridor along US 395 as shown in Specific Plan Exhibit 4-2) shall consist of 1) curl-leaf rabbitbrush (<i>Chrysothamnus viscidiflorus</i>, 1-2 ft maximum ht) and 2) desert peach (<i>Prunus andersonii</i>, 2 ft), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.</u>
<b><u>WEED CONTROL</u></b>	<u>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.</u>
<b><u>MONITORING</u></b>	<u>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</u>

	the annual monitoring report.
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Implementation measure 3a(2): 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.

Implementation measure 3a(23): 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. The revegetation plan shall conform to the mitigation measures and recommendations outlined in the Subsequent Final EIR Mitigation Program.

**Policy 3b:** Provide protections for sensitive onsite biological resources. Maximize use of indigenous plant species.

Implementation measure 3b(1): 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. The landscaping plan shall identify areas that have been or will be temporarily disturbed during construction. All such areas shall be revegetated using the native shrubs and herbaceous species that are dominant within project designated Open Space lands. Native species also are to be used to the greatest extent possible throughout areas of formal landscaping within the project area.

Implementation measure 3b(2): 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. Prior to issuance of any building or grading permits, the project proponent shall submit a detailed landscape plan to the Mono County Planning Department for review and approval. The species of native vegetation and how they will be procured and introduced (seeding, transplanting) will be included in the landscaping plan and subject to approval. Revegetation methods detailed in the landscape plan shall be in substantial conformance with the conceptual landscape standards and objectives contained in Table F- Mono Basin

Implementation measure 3b(3): 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.

Implementation measure 3b(4): 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.

Implementation measure 3b(5): 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.

Implementation measure 3b(6): 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, at the access points from Vista Point Drive into the gas station and into the hotel, and at the access road leading to the full-service restaurant.

Implementation measure 3b(7): To minimize mule deer mortality along US 395 adjacent to the project site, the corridor between US 395 and all Tioga project elements (see Exhibit 4-2 below) shall remain 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 revegetation of native plant materials. This measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.



**EXHIBIT 4-2. Protected Corridor Location**

**Policy 3c:** Utilize introduced vegetation that at maturity will provide additional screening to aid in the visual blending of the project into the natural landscape.

*Implementation measure 3c(1):* The landscaping plan shall include a map that shows all existing project site trees. Existing trees shall be retained on site and incorporated when consistent with the landscaping standards in Policy 3e.

~~*Implementation measure 3c(2):* The landscaping plan shall specify use of locally adapted species and appropriate plant husbandry that will cause the most rapid possible attainment of mature screening height or bulk in the Mono-Basin climate.~~

*Implementation measure 3c(2):* All The landscaping plan shall be in accordance with the Conceptual Landscaping standards outlines in identify visually prominent areas where vegetation can be effectively used for screening and visual blending of the project into the native landscape. Landscape techniques in these areas shall include transplanting and focused husbandry of nursery grown native shrubs and trees to the greatest extent possible. Plant irrigation and protection from herbivory will be provided to the greatest extent possible to enhance survivorship and growth. This landscaping will be designed to screen or block views of the project from passenger vehicles on Highways 120 and 395, and shall be employed in the restaurant



~~parking area, so that screening becomes effective within three to seven years after construction is completed-Table 4-12).~~

**TABLE 4-12. Conceptual Landscaping Standards**

FORMAL LANDSCAPING	NATURAL LANDSCAPING
<p><b>Lawn Areas:</b> Landscaped areas planted with lawns or grasses shall be limited to cultivars requiring reduced or limited irrigation needs. The preference shall be for using grasses that will not invade into the project area's native plant communities. Lawn areas shall be irrigated, kept free of invasive weeds, and maintained in a firesafe manner. Because avoiding lawn grasses that could spread and increase fire danger is a primary landscaping objective, it will be appropriate to consult Mono County Community Development Department when selecting grass species for introduction in landscaped areas. Landscape lawns and other areas that will be stabilized by introduced grasses will be planted within 9 months of the completion of project-related disturbance.</p>	<p><b>Shrublands:</b> Project areas that are temporarily disturbed during construction and that are intended as formal landscaping shall be returned to natural vegetation as rapidly as feasible. Such areas are to be revegetated utilizing native species, either through seeding or by transplanting of nursery-grown shrubs. The revegetation species palette shall include at least five native perennial shrub and grass species so as to emulate the Great Basin Mixed Scrub that remains onsite. Seeding and planting will not commence until the species palette has been approved by Mono County Community Development Department. The objective is to rapidly restore a native shrublands appearance to temporarily disturbed project areas. Therefore, where feasible, more mature nursery-grown transplants and applied irrigation will be utilized in addition to seeding. Revegetation at areas that will be stabilized by native plants will commence within 9 months of the completion of project-related disturbance</p>
<p><b>Shrubs, Flowers and Screening:</b> The formal gardens and landscape areas around structures are intended to provide color, special attractions, and a degree of limited contrast to the colors of the natural environment. Another objective is to provide seasonal shading for residences and common areas. The intent is to have an attractive facility that would encourage walking and relaxation in the project area. Screening trees and shrubs shall be planted to provide a visual break of the views of the facilities from the Highway. The objective is to reduce the appearance of residence height and bulk as seen from the scenic highways.</p>	<p><b>Other Vegetation:</b> Areas that currently are visibly scarred by wildfire will be seeded with native species, emphasizing bitterbrush. Conifers of the existing onsite tree species shall be introduced in a random pattern in reserve lands between the new and existing housing. The objective is to provide a "blended" appearance of native and created landscapes from the scenic highways.</p>

Implementation measure 3c(3): The Plant Palette for all landscaped areas shall be in conformance with Table 4-13.

**TABLE 4-13. Tioga Specific Plan Amendment #3 Plant Palette**

Landscape Stratum	Species – Common Name	Species – Scientific Name
tree	Jeffrey Pine	<i>Pinus jeffreyi</i>
tree	Single-leaf Pinyon	<i>Pinus monophylla</i>
tree (irrigated during summer)	Quaking Aspen	<i>Populus tremuloides</i>
shrub	Mountain Mahogany	<i>Cercocarpus ledifolius</i>
shrub	Desert Peach	<i>Prunus andersonii</i>
shrub	Yellow Rabbitbrush	<i>Chrysothamnus viscidiflorus</i>
<a href="#">shrub</a>	<a href="#">Bitterbrush</a>	<a href="#">Purshia tridentata</a>
shrub	Wild Buckwheat	<i>Eriogonum fasciculatum</i> , and/or <i>E. umbellatum</i> , <i>E. microthecum</i>
shrub (irrigated during summer)	Willow	<i>Salix exigua</i>
shrub (irrigated during summer)	Wild Rose	<i>Rosa woodsii</i>

herb	Silvery Lupine	<i>Lupinus argenteus</i>
herb	Chicalote	<i>Argemone munita</i>
herb	Douglas' sedge	<i>Carex douglasii</i>
herb	Basin Wildrye	<i>Elymus cinereus</i>
herb	Needlegrass	<i>Stipa hymenoides and/or</i> <i>S. comata, S. occidentalis</i>
herb (irrigated during summer)	Needlegrass	<i>Stipa occidentalis</i>

**Policy 3d: Properly maintain all onsite vegetation.**

Implementation measure 3d(1): Ensure that introduced landscaping plants are irrigated, fertilized and maintained as necessary to prevent plantings from failing or becoming weedy.

Implementation measure 3d(2): The landscaping plan shall describe adaptive contingency measures should planting fail to thrive. Vegetation in formal landscaping areas shall be maintained in a vigorous and healthy condition for the life of the project. Routine project operations shall include at least weekly inspection and repair of irrigation and diligent removal of non-native plant growth. Introduced landscaping that does not survive shall be replaced using the species and husbandry techniques that are described in the approved landscaping plan.

Implementation measure 3d(3): 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 shrubs listed on the amended Plant Palette, Specific Plan Table 8-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover to allow drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush & 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, see Specific Plan Exhibit 8-2) 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 application prior to flowering and seed production. 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.

**Policy 3e:** Provide attractive landscaped areas for picnicking, walking and relaxation.

*Implementation measure 3e(1):* Picnic and walking areas shall be landscaped in accordance with the Conceptual Landscaping Standards outlined previously in Table 4-12. ~~using locally adaptive native vegetation to the maximum possible extent.~~ The design for picnic and walking areas within developed portions of the project shall serve to implement water conservation, enhance visual attractiveness, and provide a visual complement to the area. Final plans shall be submitted for the approval of the planning director prior to use or occupancy of the WorkforceCommunity Housing component.

**Policy 3f:** Ensure a visually attractive development.

*Implementation measure 3f(1):* All structures – including residences – shall be constructed in conformance with the appearance of the structures and architectural elevations that are a part of the Specific Plan.

*Implementation measure 3f(2):* All exterior materials shall be in harmony with the theme of a rustic, alpine appearance.

*Implementation measure 3f(3):* The roof materials shall be constructed of materials with a dull finish and dark muted subtle colors, such as and not limited to “earthtone” or “green.” Visible chimney materials shall be limited to stone or wood in conformance with appropriate fire codes. Tones shall be muted or earthtone in theme.

*Implementation measure 3f(4):* Dark or neutral colors found in the immediate surroundings should be used for vertical surfaces and structures. All east facing walls of the Community Housing shall be painted in ‘Shaker Gray.’

**Policy 3g:** All exterior lighting shall comply with Mono County Land Use Element Chapter 23 (Dark Sky Lighting Requirements), and Chapter 8 (Scenic Combining District and State Scenic Highway 395), and the Outdoor Lighting Plan as approved by Mono County Community Development Department.

*Implementation measure 3g(1):* All onsite exterior lighting (including existing and proposed exterior light sources) shall comply fully with requirements of the Mono County Scenic Combining Element (General Plan *Land Use Element* Chapter 8) and with requirements of the Mono County Dark Sky Regulations (General Plan Chapter 23), and with requirements of the Outdoor Lighting Plan as outlined in Table 4-14 below and detailed in Mitigation Measure AES 5.12(c-2).

<b>TABLE 4-14. Outdoor Lighting Plan</b>	
<b>Fixtures</b>	<u>Manufacturer-provided information shall be provided showing fixture diagrams and light output levels. The fixture type exceptions listed under Chapter 23.050.E(1, 2 and 3) will be prohibited in this project. Only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted.</u>
<b>Fixture Locations</b>	<u>The Outdoor Lighting Plan shall the proposed location, mounting height, and aiming point of all outdoor lighting fixtures</u>
<b>Accent Lighting</b>	<u>Accent lighting under Chapter 23.050F is limited to residential accent lighting required for safety; any up-lighting is prohibited.</u>
<b>Elevation Drawings</b>	<u>Drawings for all relevant building elevations shall be provided to show 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.</u>
<b>Seasonal Lighting</b>	<u>The project shall be prohibited from allowing 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.</u>

<u>Accent Lighting</u>	<u>Accent uplighting of architectural features and/or landscape features shall be prohibited.</u>
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#### 4.4.4.4 Natural Environment

##### Goal 4: Conserve habitat and forage areas on the site.

**Policy 4a:** Provide wildlife habitat through retention of naturally vegetated areas. Maintain open space areas where mule deer can forage and find concealing cover.

*Implementation measure 4a(1):* During project design and implementation, all reasonable efforts shall be undertaken to avoid the habitat with the greatest value to deer. The construction plans and disturbance limits as marked in the field shall clearly identify areas of the project where the soil and vegetation will not be disturbed. Native vegetation in all areas that are not converted into project structures, roads and landscaping shall be retained to provide forage for deer throughout the lifetime of the project.

*Implementation measure 4a(2):* The landscaping plan shall include any developed paths outside the housing development and indicate that they have been designed to avoid deer foraging areas. Informational signs explaining the purpose of the path system, the need to protect deer foraging areas, and the requirement for leashing of pets, shall be placed at pathway entry points.

**Policy 4b:** Livestock grazing shall continue to be precluded from the site.

**Policy 4c:** Avoid potential construction-related interference with local mule-deer migration. Avoid creating barriers or other construction-related impacts that would redirect deer movements onto the highways at any time of year.

*Implementation measure 4c(1):* Construction activities shall be limited to daylight hours. Implementation will be further accomplished by clearly marking the limits of construction zones and by instructing construction personnel to recognize areas in which ground-disturbing activities and vegetation removal can take place. Construction personnel will also be instructed to leash any dogs brought onto the site. Night lighting will not be allowed in Open Space-Reserve designated areas during the critical migration times of April through June and October through November. At all times of year, linear barriers shall not be permanently or temporarily installed anywhere within the Open Space area lying between Tioga Inn project elements and the highways.

**Policy 4d:** Prohibit unauthorized off-road vehicle activity.

*Implementation measure 4d(1):* Road construction shall be limited to the areas identified on the approved land use plan (Figure 7). Public vehicle access shall not be permitted off of paved roads anywhere within areas designated as Open Space. In lieu of fences or other linear barriers, natural material shall be employed to block access. Large stones will be stockpiled during construction for distribution to areas of potential unpermitted vehicle access. Any incidence of unpermitted access will be mitigated by redistributing the stones.

**Policy 4e:** Provide facilities for pets to prevent domestic animals from wandering loose on the property.

*Implementation measure 4e(1):* Place limitations to exclude pets belonging to facility customers and guests from becoming a limiting predatory influence in the surrounding environment. Leases for tenants at the residential areas shall include a requirement that pets be contained in an enclosed area. Outdoor kennels serving guests and residents shall be provided within a central portion of the hotel and housing areas. The designated tenant and guest pet containment areas shall be fenced sufficiently to prevent pets from roaming unattended outside the human habitats of the project.

*Implementation measure 4e(2):* Pets including service animals shall be kept on leashes or otherwise restrained to prevent free roaming when not in a fencing containment area. Tenants shall agree to pet leashing rules as a condition of rental, and shall be evicted for noncompliance following two notifications by the housing manager. Signs that state the requirement for leashing will be maintained at the housing area and at any walking trails that are established within the project area.

**Policy 4f:** Avoid becoming an “attractive nuisance” for local wildlife.

*Implementation measure 4f(1):* To exclude wildlife from access to trash and to food items stored by residents, all waste receptacles will be fitted with exclusion devices sufficient 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 of the residences (including in vehicles) for any substantive length of time.

#### 4.4.4.5 Traffic and Circulation

**Goal 5:** Maintain safe traffic access.

**Policy 5a:** Conform to the requirements of Caltrans for project access.

*Implementation measure 5a(1):* Prior to issuance of any permits for use or occupancy, the Planning Department shall receive a copy of the approved encroachment permit issued by the California Department of Transportation.

*Implementation measure 5a(2):* Other than access for authorized personnel to parcels adjacent to US 395, or emergency use, there shall be no access to the project from US 395.

**Policy 5b:** Internal traffic circulation shall conform to County and fire safe requirements.

*Implementation measure 5b(1):* Roads shall be constructed in conformance with standards identified in Table 4-15, and shall be designed to maintain safe access through all seasons.

TABLE 4-15: Road Standards			
ROAD CLASSIFICATION	EASEMENT	PAVEMENT WIDTH	SPECIAL NOTES
Main Access Road	60 feet	24 feet	3 foot shoulder
Residential Access Road	40 feet	16 feet	10% grade
Utility/Facility Access Roads	Driveway	12 feet <sup>15</sup>	No public use

*Implementation measure 5b(2):* All publicly-accessible roads shall be paved in conformance with the requirements of the Mono County Code for parking areas and parking access.

*Implementation measure 5b(3):* Parking shall be provided in accordance with this Specific Plan Amendment #3. If not specified herein, parking shall be in accordance with the Mono County Code. Additional parking may be allowed in appropriate locations following review and approval of the Planning Director in order to accommodate future demand.

**Policy 5c:** Provide a regular and convenient means of access between the project site and destinations in Lee Vining.

*Implementation measure 5c(1):* A shuttle service shall be provided between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. 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

<sup>15</sup> 12 feet of surface width, no paving.

than Labor Day. The shuttle service will be available for use by hotel guests and residents of the Community Housing Complex.

#### 4.4.5 Master Sign Program

**6a) *Intent:*** The Master Sign Program is a requirement and mitigation measure of the Tioga Inn Specific Plan. The Specific plan requires that all signs be coordinated in design and concept with all other facility signs. The Master Sign Plan will coordinate design, theme and placement of signs within the Tioga Inn Specific Plan area. This Specific Plan is one site with four separate parcels. All signs are required to be on site.

**6b) *General Provisions:*** These provisions apply to all signs within the Tioga Inn Specific Plan.

- Signs and sign faces will be constructed with natural materials like stone, wood and other natural materials to enhance the overall architectural theme of the Tioga Inn. Plastic, metal, and other materials may be used but should not be the dominant feature of any sign or sign face. The exceptions to this are directional signs which may be plastic or metal.
- Background or unused portions of the sign facing will be painted in muted earth-tone colors or left in a natural state.
- The sign area is calculated as the area that would enclose all words and letters of a sign face. The portions of the sign enclosed by the decorative border or frame and the foundation are not calculated as sign area.
- Illumination for all signs shall be indirect or back-lit channel letters.

**6c) *Permitted Signs.***

- Monument Signs – The Tioga Inn Specific Plan is permitted three monument signs for the three commercial land uses. These signs will be visible to travelers on Highways 120 and 395. The maximum height will not exceed 10 feet. The total facing area for all three signs combined will not exceed 64 square feet. Approximately 21 square feet will be allocated for each commercial use (convenience store/deli/fuel sales, hotel, and full-service restaurant).

The three monument signs are permitted within the Tioga Inn Specific Plan on the 30-acre Hotel parcel. One sign may be installed along the Highway 120 corridor approximately 150 feet east of the gas station. Two monument signs may be installed below the restaurant knoll, as close as possible to the US 395 right-of-way. These signs are not permitted to be silhouetted against the skyline or located on top of the knoll. In compliance with Mitigation Measure 5.3(d-3) prohibiting brightly lit signs, all new signage along the US 395 and SR 120 scenic corridors shall be limited to a maximum 100 cd/m<sup>2</sup>.<sup>16</sup>

A fourth monument sign is permitted in the vicinity of the hotel entrance site. This sign is an interior monument sign and will be used to primarily direct visitors to the various facilities within the Tioga Inn Specific Plan site. This sign will generally not be visible to travelers on SR 120.

- Directional Signs – Signs for air and water, registration, observation deck, parking, office or deliveries shall be permitted with a maximum area of three (3) square feet per sign facing. Directional signs may be combined subject to Director Approval.
- Other Signs
  1. Convenience store/fuel sales – Signs identifying the property, name ownership and amenities shall be limited to a maximum of forty-eight (48) total square feet.
  2. Hotel – Signs identifying the property, name, ownership, and amenities shall be limited to a maximum of sixty-four (64) total square feet.
  3. Restaurant – Signs identifying the property, name, ownership and amenities shall be limited to a maximum of forty-eight (48) square feet.
  4. Required Signs – Signs mandated by federal, state or local agencies (i.e., display of gas prices)

<sup>16</sup> Luminance (also known as brightness) is the level of light emitted by an LCD display. Luminance is measured in candelas per square meter (cd/m<sup>2</sup>). One candela is equal to one cd/m<sup>2</sup>; <https://www.lrc.rpi.edu/programs/solidstate/pdf/Freyssinier-SPIE6337-52.pdf>.



**6d) Prohibitions.**

- No temporary signs shall be permitted within the residential or [workforcecommunity](#) housing land use areas.
- No monument or freestanding signs shall be permitted off the Tioga Inn Specific Plan site.

**4.4.6 Financing the Specific Plan**

The Specific Plan represents a private project for which no public monies have been used; the proponent has to date been responsible for obtaining all funds for development. In conjunction with the [workforcecommunity](#) housing associated with Amendment #3, the applicant may seek funding in support of the [workforcecommunity](#) housing component and/or amenities to better serve the [workforcecommunity](#) housing component. The application for funding would follow, and be subject to prior approval of, Amendment #3. The implementation program contains components that tie use and occupancy of the project to completion of the various infrastructure, landscaping, and mitigation programs.

## TIOGA COMMUNITYWORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.1 GEOLOGY AND SOILS

#### 5.1.1 INTRODUCTION AND SUMMARY

The following discussion is drawn from detailed Alquist-Priolo fault studies conducted in 1991 by GeoSoils, Inc. for the 1993 FEIR, as well as a Groundwater Resources Assessment and Peer Review of the 1991 GeoSoils, Inc. studies, prepared in 1992 by Kleinfelder. The 1991 GeoSoils, Inc. Geologic Investigation is provided as Appendix C. Appendix D provides the 1992 Groundwater Assessment and GeoSoils Peer Review prepared by Kleinfelder. None of the scoping meeting or written comments on the NOP referenced issues pertaining to soils and geology. Key findings are summarized below.

#### SUMMARY OF IMPACTS AND MITIGATIONS

<b>IMPACT GEO 5.1(a):</b>	<b><u>RISK OF STRONG GROUND SHAKING, GROUND FAILURE, LANDSLIDE</u></b>
Mitigation GEO 5.1(a-1):	Site Specific Soils Report during Structural Design
Mitigation GEO 5.1 (a-2):	Debris flow mitigation
Mitigation GEO 5.1(a-3):	Further investigation if grading exposes fault traces
Significance:	Less than significant with mitigation
<b>IMPACT GEO 5.1(b):</b>	<b><u>RISK OF SOIL EROSION, LOSS OF TOPSOIL</u></b>
<u>Amended</u> Mitigation GEO 5.1(b):	Low Impact Development Best Management Practices
Significance:	Less than significant with mitigation
<b>IMPACT GEO 5.1(c):</b>	<b><u>RISK OF LIQUEFACTION, COLLAPSE, LANDSLIDE, SOIL EXPANSION</u></b>
Mitigation GEO 5.1(c):	Supplemental Geotechnical Studies prior to Grading Permit
Significance:	Less than significant with mitigation
<b>IMPACT GEO 5.1(d):</b>	<b><u>SOILS INCAPABLE OF SUPPORTING SEPTIC OR ALTERNATIVE WASTEWATER TREATMENT</u></b>
Mitigation:	No mitigation required
Significance:	Less than significant impact
<b>IMPACT GEO 5.1(e):</b>	<b><u>LOSS OF MINERAL RESOURCES</u></b>
Mitigation:	No mitigation required
Significance:	Less than significant impact
<b>IMPACT GEO 5.1(f):</b>	<b><u>IMPACTS TO PALEONTOLOGICAL RESOURCES</u></b>
Mitigation & Significance:	Please see discussion in EIR §5.4 (Cultural Resources)

#### 5.1.2 EXISTING CONDITIONS

##### 5.1.2.1 Regional Hydrogeology<sup>1</sup>

The project site is located on the eastern edge of the Sierra Nevada at the boundary of the Sierra Nevada and the Basin and Range geologic provinces. The Sierra Nevada is an uplifted and tilted block of Mesozoic-age igneous rocks, overlain by older sedimentary and metamorphic units. Tertiary and Quaternary-age volcanic rocks are also present in the Lee Vining area, associated with the Mono/Inyo Craters volcanic chain.

Earth materials in the Lee Vining area comprise recent-age soils, Quaternary-age colluvium and alluvium, Quaternary and Tertiary-age volcanic rocks associated with the Mono Craters volcanic chain, and Paleozoic and Mesozoic-age

<sup>1</sup> *Surface Water & Groundwater Availability Assessment – Lee Vining Area*, 27 Sept. 2006. Prepared by Team Engineering, California Geologic Survey, *Geologic Map of California, Mariposa Sheet*: <http://www.quake.ca.gov/gmaps/GAM/mariposa/mariposa.html>.

metamorphic and igneous rocks associated with the Sierra Nevada. The recent-age soils (primarily evident as surface deposits) are underlain by Quaternary-age unconsolidated deposits (glacial till, colluvium and alluvium) resulting from erosion and deposition. The glacial till consists of poorly sorted and unconsolidated deposits found along the base of the Sierra Nevada. The colluvium consists of hillside-related deposits (such as talus slopes), and the Quaternary-age alluvium consists of the remaining unconsolidated deposits that comprise basin fill. The alluvium is interbedded with fine-grained lake sediments that increase in thickness and proportion toward Mono Lake. The surficial deposits are underlain by tertiary volcanic rocks and Paleozoic and Mesozoic-age metamorphic and igneous rocks. In general, the alluvium comprises the most important aquifer materials in the area. Groundwater flow in the metamorphic and igneous rocks is controlled by fracturing, and flows can be significant in areas of highly fractured rock, though generally less than flows in the alluvial aquifer.

#### 5.1.2.2 Site Topography<sup>2</sup>

The project site is a trapezoidal parcel located just southeast of the intersection of SR 120 with US 395. Elevations rise from the north to the south (leading up to the Sierra Nevada), with the lowest points on the northwest (elevation of approximately 6,800') and the highest points on the southwest (elevation of about 7,200').

#### 5.1.2.3 Seismicity, Volcanic Activity, and Hydrogeology

The Mono County *Multi-Jurisdictional Local Hazards Mitigation Plan* provides a comprehensive assessment of the risks and vulnerabilities affecting the region, as well as mitigation strategies and actions to reduce or eliminate the risks or vulnerabilities. The Plan is currently being updated to include the Town and the County, and will include a Community Wildfire Protection Plan for both jurisdictions (the final plan is expected to be completed in May 2018). The current 2006 Plan notes that Mono County is in an area of California with a major fault system known as the Eastern California Shear Zone (ECSZ), one of two systems (along with the San Andreas Fault system) that account for most of the movement between the Pacific and the North American plates; about 10mm/year (~0.4"/year) of slip occurs on faults east of the Sierra Nevada (see Figure 4.5-3 below). The Mono County MEA (XII-Geology) notes that Mono County is located at a stress point, where the earth's crustal plates exert opposite pressures against each other. This combination creates both "tectonic" earthquakes (land mass movement) and volcanic activity that can trigger earth shaking. The primary seismic hazard is strong to severe ground-shaking: Mono County is in Seismic Zone 4, which has an associated ground acceleration of 0.40 'g' and requires stringent engineering and construction for new and existing structures (per CGC §8875, existing buildings that may be subject to seismic hazards must now comply with requirements of the unreinforced masonry building law).

The Mono County General Plan *Safety Element*<sup>3</sup> notes that the entire County is located in Seismic Zone D, the zone of greatest hazard as defined in the California Building Code. All new construction must comply with stringent engineering and construction requirements. Active faults in the region are shown in Table 5.1-1 below.

<b>TABLE 5.1-1. Active Fault Zones in the Study Region</b>		
<b>Fault Name</b>	<b>Slip Rate (mm/yr)</b>	<b>Max. Magnitude</b>
Hilton Creek	2.5	6.7
Hartley Springs	0.5	6.6
Silver Lake	2.0	7.5
Mono Lake/Lee Vining	2.5	6.6
Laurel-Convict	NA	6.8
Round Valley/Wheeler Crest	1.0	6.8
Owens Valley	1.5	7.6
Volcanic Tableland/Fish Slough	0.2	6.6
White Mountain	1.0	7.1
Long Valley Caldera	NA	7.0

<sup>2</sup> Tioga Inn Conceptual Grading Plan, prepared by Triad Associates, May 2016.

<sup>3</sup> Mono County *Safety Element*, 2001 and 2015.

The Mono Lake Fault is closest of the faults noted above, passing through the northwestern portion of the project site. The Mono Lake Fault is classified as having an estimated slip rate of 2.5 millimeters per year and is capable of producing a magnitude 6.6 earthquake. As with other area faults, the Mono Lake fault generally trends north-northwest. The fault forms the front scarp of the Sierra Nevada in the Lee Vining area, and likely includes subordinate parallel faults along the trace. The fault places relatively impermeable bedrock units against basin-fill deposits. The extent to which this and other area faults inhibit groundwater flow is not known.

The Mono Basin has been identified by the United States Geological Survey (USGS) as an area with potential for future volcanic activity, and the Mono-Inyo craters are considered to hold the highest statistical probability for eruption in the near future. USGS has developed an eruption alert system; based on past eruptions, such an event would likely be of a rhyolitic and explosive nature preceded by a phreatic (i.e., steam-powered) event.<sup>4</sup> The 1993 EIR noted that then-recent information from the Division of Mines and Geology showed a potential fault zone trending toward the project site.<sup>5</sup> Two geologic studies were conducted for the 1993 EIR, and both reports concluded that there is no potential of surface rupture or soil displacement on the project site. The 1991 report by GeoSoils, Inc. was prepared to satisfy requirements of the Alquist-Priolo special studies zone act, based on previously-mapped faults on the project site. The report concluded that active faulting was not encountered, nor were adverse geologic features identified that would preclude the feasibility of the Tioga Inn development.<sup>6</sup> The report concluded that potential impacts would be less than significant with mitigations including adherence to the latest Uniform Building Code standards. The California Geologic Survey has recently updated the Alquist-Priolo Earthquake Fault Zone maps;<sup>7</sup> faulting in the vicinity of the Tioga ~~Workforce~~ Housing project remains as shown and as investigated for the 1993 Final EIR (see discussion under Impact 5.1(a).

#### Exhibit 5.1-1. Faults in Site Vicinity

#### Project Site



#### 5.1.2.4

#### Mineral Resources

The Mono County General Plan notes that significant mineral resources are present throughout Mono County. Gold and silver mining once attracted early settlers to Mono County, but mining now has only a small role in the Mono County economy, primarily related to pumice (the most valuable mineral commodity), clays, chalk, sand and gravel, with occasional exploration for precious metals in the Bodie Hills. Several active pumice mines and processing operations are located near the Tioga Inn project site, including the U.S. Pumice Company c/o Tilden (which has two claim sites in the area and processes pumice on SR 120 just east of US 395), and U.S. Pumice Supply Company (near Panum Crater).

The Surface Mining and Reclamation Act (SMARA) requires the state geologist to classify areas that are threatened by land uses that

would jeopardize or preclude mining activities; the designations are developed through mineral land classification surveys. The small portion of Mono County that has been officially classified (see the Dept. of Conservation's *Mineral*

<sup>4</sup> Elizabeth Nixon, *Geologic History of the Mono Basin*, 2012: <http://www.indiana.edu/~sierra/papers/2012/Nixon.pdf>

<sup>5</sup> Alquist-Priolo Website, Lee Vining Map: [http://gmw.conservation.ca.gov/SHP/EZRM/Maps/MONOCRTR5\\_NE.PDF](http://gmw.conservation.ca.gov/SHP/EZRM/Maps/MONOCRTR5_NE.PDF)

<sup>6</sup> GeoSoils Inc., Preliminary Geologic Investigation, 83±-Acre Parcel, Tentative Parcel Map No. 34, Lee Vining Area, Mono County, CA. 4 April 1991, Report W.O. 431-A-RC.

<sup>7</sup> Department of Conservation, Earthquake Fault Zone Maps: <https://maps.conservation.ca.gov/cgs/EOZApp/app/>

*Land Classification of the Eureka, Saline Valley Area, Mono and Inyo Counties*) does not include the project site or other areas around Mono Lake. Mining-sponsored land classification studies have shown the Mono Basin as having potential gold-production zones.

### 5.1.3 APPLICABLE REGULATIONS GOVERNING GEOTECHNICAL ISSUES

#### 5.1.3.1 Federal Regulations

**The U. S. Department of Agriculture Natural Resources Conservation Service (NRCS):** NRCS produces soil surveys that assist planners in determining which land uses are suitable for specific soil types and locations.

**Earthquake Hazards Reduction Act:** Congress passed the Earthquake Hazards Reduction Act in 1977 (amended in 1990 by the National Earthquake Hazards Reduction Program Act) to reduce seismic risks. The Act focuses on establishing and maintaining the National Earthquake Hazards Reduction Program (NEHRP). NEHRP goals are to strengthen the understanding, characterization, and prediction of earthquake hazards and vulnerabilities; improve building codes and land use practices; reduce risk through post-earthquake investigations and education; improve design and construction techniques; improve mitigation capacity; and accelerate the application of research findings. FEMA (the Federal Emergency Management Agency) is the designated NEHRP lead agency; other participating agencies include the National Institute of Standards and Technology, the National Science Foundation, and USGS.

#### 5.1.3.2 State Regulations

**Alquist-Priolo Earthquake Fault Zoning Act of 1972:** The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act pertains only to hazards associated with surface fault rupture. The Mono County Multi-Jurisdictional Local Hazard Mitigation Plan notes that Alquist-Priolo Fault Hazard zones occur in a number of Mono County areas, particularly along the base of the Sierra Nevada and White Mountains. Seismic ground failure includes liquefaction, lateral spreading, lurching, and differential settlement, all of which usually occur in soft, fine-grained, water-saturated sediments. During the 1980 Mammoth Lakes earthquake sequence, ground failure was prevalent at Little Antelope Valley, along Owens River in upper Long Valley, along the northwest margins of Lake Crowley, and Hot Creek Meadow.

**California Geological Survey (CGS):** The California Geological Survey (CGS) provides regulatory information pertaining to soils, geology, mineral resources, and geologic hazards. CGS maintains and provides information about California's nonfuel mineral resources. California ranks second in the United States in nonfuel mineral production. In 2007, more than 30 nonfuel commodities were produced from 660 California mines (CGS 2008a). CGS also offers information about handling hazardous minerals and Surface Mining and Reclamation Act (SMARA) mineral land classifications. Information about CGS's role in the handling of hazardous minerals is provided in Chapter 4.16, "Hazards and Hazardous Materials." Information about SMARA mineral land classifications is provided directly below.

**California Surface Mining and Reclamation Act (SMARA).** SMARA was enacted by the California Legislature in 1975 to regulate activities related to mineral resource extraction. The act requires the prevention of adverse environmental effects caused by mining, the reclamation of mined lands for alternative land uses, and the elimination of hazards to public health and safety from the effects of mining activities. At the same time, SMARA encourages the conservation and the production of extractive mineral resources, requiring the State Geologist to identify and attach levels of significance to the state's varied extractive resource deposits. Under SMARA, the mining industry in California must plan for the reclamation of mined sites for beneficial uses and provide financial assurances to guarantee that the approved reclamation will actually be implemented. The requirements of SMARA must be implemented by the local lead agency with permitting responsibility for the proposed mining project (see discussion below under 'Local Regulations'). Lands with identified mineral resources are classified MRZ-2. If a proposed use would threaten the potential recovery of minerals from an area classified as MRZ-2, SMARA requires that the jurisdiction prepare and provide public notice of a justification statement, and forward a copy of the statement to the State Geologist and the State Mining and Geology Board (PRC §2762). Notably, California is alone among the 'lower 48 states' in not regulating surface mine reclamation at the state level; permitting authority is decided by Lead Agencies at the local level. Mono County is one of 113 California lead agencies under SMARA (52 counties, 50 cities, and the State Mining & Geology Board). SMARA makes no

distinction between exploration and actual mining. Activities below the defined threshold (disturbance of more than 1 acre and/or displacement of more than 1000 cubic yards of material) are exempt from regulation, while those exceeding the threshold are regulated. Mining projects on federal land in Mono County are required to meet NEPA provisions for environmental review with BLM or USFS serving as lead agency.

**California Geological Survey Strong Motion Instrumentation Program (CSMIP).** Through the CSMIP, the California Geologic Survey installs earthquake-monitoring devices in structures (buildings, hospitals, dams, industrial facilities, etc.). Data collected from those devices are used both for earthquake emergency response and for engineering and scientific research. Sites are selected according to long-term strategies developed in consultation with the Strong Motion Instrumentation Advisory Committee, a committee of the Seismic Safety Commission. SMIP stations in Mono County are maintained at Lake Crowley (Hwy 395 bridge, Long Valley Dam), Mammoth Lakes (Convict Creek, Fire Dept., High School), Chalfant (Zack Ranch), June Lake (Fire Station), Benton, Lee Vining (Tioga Pass), Bridgeport and Walker.

**Division of Mines and Geology (DMG).** DMG operates within the Department of Conservation and is responsible for assisting the Department in the beneficial utilization of mineral deposits and identification of geological hazards.

**State Geological Survey.** The California Geological Survey is responsible for assisting in the identification and proper utilization of mineral deposits, as well as the identification of fault locations and other geological hazards.

**California Building Standards Code (CBC).** California provides minimum standards for building design through the CBC (CCR Title 24). The CBC applies to all occupancies throughout the state unless local amendments have been adopted, and includes regulations for seismic safety, excavation of foundations and retaining walls, and grading activities including drainage and erosion control and construction on unstable soils. The CBC, most recently updated in 2016, uses Seismic Design Categories A through F (where F requires the most earthquake-resistant design) to provide structural protection through “collapse prevention” at the maximum potential level of ground shaking. CBC Chapter 16 specifies how each seismic design category is to be determined for a site, based on soil characteristics and proximity to potential seismic hazards. Chapter 18 regulates the excavation of foundations and retaining walls, specifies conditions that require special studies (preparation of a preliminary soil report, engineering geologic report, geotechnical report, and supplemental ground-response report), and describes methods for analyzing expansive soils and determining depth to groundwater. For Seismic Design Category C, Chapter 18 requires analysis of slope instability, liquefaction, and surface rupture attributable to faulting or lateral spreading. For Categories D, E, and F, Chapter 18 requires these same analyses, plus evaluation of lateral pressures on basement and retaining walls, liquefaction and soil strength loss, and lateral movement or reduction in foundation soil-bearing capacity. It also addresses mitigations to be considered in structural design, such as ground stabilization, selecting appropriate foundation type and depths, selecting appropriate structural systems to accommodate anticipated displacements, or a combination of these measures. The potential for liquefaction and soil strength loss must be evaluated for site-specific peak ground acceleration magnitudes and source characteristics. Mono County complies with the adoption cycle for the CBC (currently being updated to a new 2019 edition, effective January 2020) and has adopted design standards specific to local climate and topography.

**Seismic Hazards Mapping Act.** The 1990 Seismic Hazards Mapping Act addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically-induced landslides. Under the Act, the State Geologist maps seismic hazard zones to assist local governments in land use planning. The program and actions mandated by the Seismic Hazards Mapping Act closely resemble those of the Alquist-Priolo Earthquake Fault Zoning Act (which addresses only surface fault-rupture hazards). The State Geologist is required to delineate the various “seismic hazard zones” that are used by local permitting authorities to regulate projects in the zones; development permits can be issued only after site geologic and soil conditions are investigated and appropriate mitigations incorporated. Additional regulations, policies and criteria are provided by the State Board of Mining and Geology, which also provides guidelines for preparation of Seismic Hazard Zone Maps and evaluating and mitigating seismic hazards. Sellers (and their agents) of real property in a mapped hazard zone must disclose that the property lies within such a zone at the time of sale.

#### 5.1.3.3 Local Regulations

**Mono County General Plan Safety Element.** To mitigate seismic hazard risks, the Mono County General Plan Safety Element regulates development near active faults, seismic hazard zones and other geologic hazards as required by the



provisions of the Alquist-Priolo Special Studies Zone Act and the Seismic Hazard Mapping Act. Policies in the County Safety Element require projects in Alquist-Priolo fault hazard zones, seismic hazard zones, or other known geologic hazard areas, to provide a geologic or geotechnical report prior to project approval. County Safety Element policies also encourage applicants to design or redesign their projects as necessary to avoid unreasonable risks from seismic hazards and specify that the County will deny applications for planning permits where geologic studies provide substantial evidence that the proposed project will be exposed to unreasonable risks from seismic hazards. Projects that include mitigation measures to reduce risks to acceptable levels may be approved.

**Land Clearing, Earthwork, and Drainage Facilities Regulations.** This County ordinance, more commonly known as the Grading Ordinance (Ch. 13.08 of the Mono County Code) regulates grading, cut and fill, and drainage facilities for new development and improvements to existing development. The intent of the regulations is to ensure the safety and stability of development and to prevent on- and off-site erosion impacts. The ordinance requires a soils report prepared by a soils engineer for grading in, on, under, over or adjacent to old fills, swamp, marshlands, or in areas known or believed to be potential slide areas. Areas with expansive soils also require a soils report prepared by a soils engineer.

**Land Development Regulations.** Mono County Land Development Regulations restrict site disturbance in certain land use designations in order to protect environmentally sensitive areas and reduce landslide risk.

**Unreinforced Masonry Mapping Program.** In compliance with State law and Safety Element policies, the Mono County Building Dept. has identified potentially hazardous buildings and initiated a housing conditions survey as part of a mitigation program. The 2006 Multi-Hazards Plan notes that there is currently no comprehensive structural survey to facilitate the identification of structurally hazardous areas and allocation of rehabilitation and replacement funding.

#### 5.1.4 SIGNIFICANCE CRITERIA

Consistent with Appendix G of the CEQA Guidelines, the proposed RTP/General Plan update project will be considered to have a significant impact on soils, geologic and mineral resources if it will:

- a) **Directly or indirectly cause potential substantial adverse effects involving:**
  - i) Rupture of a known Alquist-Priolo earthquake fault?
  - ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?
  - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, or be located on expansive soil creating substantial risks to life or property?
- d) Have soils unsuitable for the use of septic tanks or alternative waste disposal systems, and where sewers are not available for wastewater disposal?
- e) Result in the loss of availability of a known mineral resource or an identified locally important mineral resource that would be of value to the region and to residents of the state of California?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

#### 5.1.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

**IMPACT GEO 5.1(a):** Is there a substantial risk of rupture of an Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides?

**LESS THAN SIGNIFICANT WITH MITIGATION:** A *Preliminary Geotechnical Investigation for Specific Plan 03-02* was conducted on this site in 1991, as part of the 1993 Final EIR, to evaluate the presence of a mapped fault trace in the Alquist-Priolo special studies zone. The investigation was in compliance with a requirement that fault investigations must be conducted for mapped 'Earthquake Zones of Required Investigation.' As noted in Conservation Dept. *Special*

*Publication 42*, mapped earthquake fault zones do not constitute site-specific fault investigations, but rather indicate where investigations are required.<sup>8</sup>

The 1991 geologic investigation (presented in its entirety in Appendix C) concluded that ground acceleration potential at the project site is similar to acceleration potential through the eastern Sierra Nevada region as a whole. It identified Mono Valley Fault as the "design fault" for the project site, indicating a maximum credible earthquake of 8.0 M (with peak horizontal ground accelerations exceeding 1.0g), and a maximum probable earthquake of 6.5 M. The estimated horizontal design criteria for repeatable acceleration was estimated to be about 0.49g, with an estimated duration of strong shaking in the range of 18-34 seconds, and a large-event recurrence interval on the order of 100,000 years.

The report indicates that ground lurching or shallow ground rupture could occur on the site, as in most of the Mono Basin, from an earthquake originating on the Mono Valley fault or other nearby faults (the report cites 6 active or potentially active faults within 50 miles). Earthquake-induced slope stability problems (such as landslides) may also occur, most likely where earth materials are highly weathered or unsupported bedding planes are present. There were no indications of deep-seated landsliding, significant slope creep or surficial failures on the site during the review, and the potential for seismically induced landsliding is considered low. However, the potential for earth flows on the site is moderate, particularly in the colluvium-filled swales.

Groundwater was not observed during the 1991 investigation, and there were no indications of seeps, springs, or high regional groundwater levels. Liquefaction potential is related to numerous factors, of which depth to groundwater is primary; liquefaction has a relatively low potential where ground water is greater than 30 feet deep and is virtually unknown when groundwater is 50 feet or more below surface. Based on well records, which indicate that groundwater levels are very deep in this location, site liquefaction potential is considered low to nil under current conditions.

The 1991 report also examined adverse geologic structures and seismically induced landsliding. Seismically-induced landslide potential was considered low due to the relatively granular nature of onsite materials and the lack of adverse geologic structures, but the report recommended further evaluation during grading. The report concluded that with mitigation, the project site is geologically suitable for development, noting that seismic shaking and volcanic activity are the primary geologic developmental considerations affecting the site. Mitigation recommendations, briefly summarized below, would reduce impacts to ***less than significant*** levels.

### **MITIGATION MEASURES – SEISMICITY**

**MITIGATION GEO 5.1(a-1) (Seismicity):** Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that said improvements are being designed.

**MITIGATION GEO 5.1(a-2) (Debris Flows):** Debris flow mitigation (use of debris/desilting/retention basins and/or rip rap or other mitigative measures) shall be employed in any canyon or gully areas where structures would be located.

**MITIGATION 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 exposes fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.

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### **IMPACT GEO 5.1(b): Result in substantial soil erosion or the loss of topsoil?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** Project approval would result in additional grading, soil preparation and construction on the project site, as necessary to develop the new uses proposed in the current application. Project engineers estimate that site preparation earthwork for the new uses would generate 67,920 cy of cut material, and

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<sup>8</sup> Conservation Dept. *Special Publication 42, Earthquake Fault Zones – A Guide for Government Agencies, Property Owners/ Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California*, Revised 2018; and communication with Tim Dawson, Senior Engineering Geologist, Dept. of Conservation, U.S. Geologic Survey, 29 March 2018.

52,600 cy of fill material. Most of the cut (60,800 cy) will occur in grading for the ~~workforce~~ housing area (particularly along the southwest boundary), and most of the fill (45,030 cy) will be deposited along the northern edge of the hotel. All cut and fill will be balanced onsite; there will be no import and no export of soils. Calculations assume that the volume of cut materials will be reduced to the volume of fill materials through shrinkage (15% loss) and surface area distribution (5-10% loss). The Grading Plan is provided in Exhibit 5.1-2 (at the end of EIR §5.1).

Onsite soils consist of fill materials, colluvium, fluvial glacial deposits, and alluvium, with moderate to high potential for erosion. Earthwork activities would expose soils to weathering from wind and water, increasing the risk of erosion and sedimentation and thus the potential to pollute surface waters and contribute to the transport of pollutants suspended in the stormwater runoff (please see §5.2 for a more detailed discussion of water quality impacts).

The area of direct earthwork disturbance for construction of project infrastructure will exceed 1 acre, which indicates that the project will be subject to NPDES requirements for construction projects. These requirements are enforced by the Lahontan Regional Water Quality Control Board and include preparation of a Storm Water Pollution Prevention Plan (SWPPP) with Low Impact Development Best Management Practices (LID BMPs) to reduce potential erosion and sedimentation to **less than significant** levels, as outlined in Mitigation Measure 5.1(b) below.

### **MITIGATION MEASURES – EROSION**

**AMENDED MITIGATION GEO 5.1(b) (Low Impact Development):** In compliance with Mono County General Plan Appendix §25.010, the A-Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. during all construction stages, including pre construction and postconstruction practices for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: (1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) regular inspection and maintenance of all equipment used during construction. The project shall comply with requirements to obtain a General Construction Stormwater Permit, and prepare a Stormwater Pollution Prevention 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 listed below.

<b>Low Impact Development BMP Program Components</b>	
<u>NATURAL DRAINAGE CONTROLS</u>	<u>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</u>
<u>RUNOFF COLLECTION AND TREATMENT</u>	<u>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.</u>
<u>ONSITE FLOW RETENTION</u>	<u>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</u>
<u>INFILTRATION</u>	<u>Use of rock swales &amp; collection features to enhance filtration of pollutants.</u>
<u>ROAD/PATH RUNOFF SEPARATION</u>	<u>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</u>
<u>ROAD DESIGN</u>	<u>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.</u>
<u>CLUSTER DESIGN</u>	<u>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</u>
<u>VEGETATION RETENTION</u>	<u>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</u>

<a href="#">SCREENING</a>	<a href="#">The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</a>
<a href="#">WATER USE FOR LANDSCAPING</a>	<a href="#">The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</a>

**IMPACT GEO 5.1(c): Risk of soils that are or may become unstable and thereby result in landslide, liquefaction, expansion, spreading, subsidence or collapse?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** As noted in the 1993 FEIR and discussed above under Impact 5.1(a), two geologic studies<sup>9</sup> were prepared to determine whether there is a risk of fault rupture on the project site. The reports found that there is no potential for surface rupture or for soil displacement on the project site. The 1993 report states that the areas of the hotel and full-service restaurant are underlain by very fine to fine sands, and fine to medium grained pebbly to cobbly sands, with lenses of medium to coarse grained sands. Soils were moderately loose to medium dense in consistency, and slightly moist with slight to moderate organic content in the upper 12-18" of soil. Onsite soils were found to be suitable for foundation support. The report provided detailed recommendations for site preparation, foundation and slab design, slabs on grade and seismicity, paving, temporary excavation and grading, observation and testing, and post-grading criteria. The 1992 Kleinfelder Report provided additional information concerning the geologic setting, noting that the site is located in a transition area between the Sierra Nevada geologic province to the west, and the Basin and Range province to the east. The Sierra province is comprised of predominantly granitic materials, whereas the Basin and Range province is comprised of primarily volcanic rock materials. The Mono Basin is characterized by Quaternary age volcanic activity that has resulted in widespread area deposits of lava, ash and cinders. As with most of the land around Mono Lake, the site is predominantly underlain by alluvial deposits and glacial till. As noted above, both reports concluded that the site would be suitable for development as proposed given adherence to the recommended methods for site preparation. There is no evidence or expectation that onsite soils are or would become unstable and result in landslide, liquefaction, expansion, spreading, subsidence or collapse. Potential impacts would be **less than significant** with implementation of Mitigation Measure Geo 5.1(c).

**MITIGATION MEASURES – UNSTABLE SOILS**

**MITIGATION GEO 5.1(c) (Supplemental Geotechnical Studies):** Additional geotechnical studies shall be prepared prior to grading permit review to examine subsurface soil and groundwater conditions on all proposed 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 replacement water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system modifications.

**IMPACT GEO 5.1(d): Have soils unsuitable for the use of septic tanks or alternative waste disposal systems, and where sewers are not available for wastewater disposal?**

**LESS THAN SIGNIFICANT IMPACT.** Consistent with the 1993 approvals, all sewage disposal on the project site was to be accomplished by standard septic tank and leach field systems for each separate land use area in conformance with Mono County Health Department and Lahontan Regional Water Quality Control Board (RWQCB) standards. The disposal leach fields were designed with a one hundred percent expansion field area for all onsite facilities.

To accommodate the proposed [workforce](#) housing development and meet water quality standards, the project proposal incorporates an Orenco Systems AdvanTex AX-Max package wastewater treatment plant (WWTP). Effluent water quality would meet LRWQCB antidegradation requirements and comply with all applicable water quality standards

<sup>9</sup> Preliminary Geotechnical Investigation for Specific Plan 03-02, Sierra Geotechnical Services, Inc., March 1991, and Modified Phase I Groundwater Resources Assessment & Review of a Fault Investigation Report for the Tioga Inn Specific Plan, August 1992.

including nitrate and total suspended solids. Treated effluent would be distributed to a subsurface irrigation system during the late spring, summer and fall months (about 7 to 8 months of the year), with use of a Geoflow subsurface drip irrigation system. The existing septic tank will be eliminated, and the existing leachfield will be used 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. The drip system will connect directly to the AX-Max treatment system; the drip line will be placed 6-10" below surface and distributed throughout the landscaped areas of the site (including areas planted with native materials). System flows return to the treatment tank in a closed loop that is regularly flushed. Quality of the irrigation water will be the same as the quality of the tank effluent. An Antidegradation Analysis prepared for this project concluded that the proposed system would conform to applicable standards. **No significant impacts** have been identified.

### **MITIGATION MEASURES – SEPTIC SYSTEMS**

**GEO 5.1(d) (Wastewater Treatment):** No significant impacts have been identified with respect to the proposed package wastewater treatment system or subsurface treated effluent irrigation system, and no mitigation measures are required.

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#### **IMPACT GEO 5.1(e): Result in the loss of availability of a known mineral resource or locally important mineral resource?**

**NO IMPACT.** The Mono County *General Plan* states that significant mineral resources are present in Mono County, and the MEA (Ch. XII-Geology) indicates that alluvial fans at the base of the mountains often contain abundant sand and gravel resources. Several areas around Mono Lake are designated as MRZ-2 including large zones north of the lake (just south of Bodie), a large pocket north of Lundy Canyon, an area located near Lee Vining Peak, and a large area extending south from the Mono Basin National Forest Scenic Area. Small areas of MRZ-3 and MRZ-4 are located around the lake, with a large area designated as MRZ-1 around most of the lake margin. Pumice is widely available in the project area as well; the U.S. Pumice and Supply Company is a producer deposit site located directly adjacent to the Tioga Inn site on the northwest side of the junction of US 395 and SR 120. There are no mining activities on the Tioga site, and the project applicant indicates that required construction soils and fill materials would be balanced onsite, with no requirement for the import or export of materials from the site. **No significant impacts** on mineral resources are foreseen, and no mitigation is required.

### **MITIGATION MEASURES – MINERAL RESOURCES**

**GEO 5.1(e) (Mineral Resources):** No significant impacts to mineral resources have been identified, and no mitigation measures are required.

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#### **IMPACT GEO 5.1(f): Directly or indirectly destroy a unique paleontological resource or site or geological feature?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** Please see discussion in DSEIR §5.4 (Cultural Resources), Impact 5.4(b), paleontological resources.

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## **5.1.6 SIGNIFICANCE AFTER MITIGATION**

All potential project impacts associated with geologic conditions on the site would be reduced to **less than significant** levels through adoption and implementation of the mitigation measures identified above.







## TIOGA COMMUNITY HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.2

## HYDROLOGY, WATER QUALITY & SUPPLY, WASTEWATER

### 5.2.1 INTRODUCTION AND SUMMARY

This section discusses existing hydrologic conditions in the Lee Vining region and on the Tioga project site, and assesses potential impacts of the proposed project on hydrology, water quality and water supplies. The discussion of local and regional water supply is based in part on a 2017 Well Test conducted by Sierra Geotechnical Services, Inc. (SGSI) to assess potential project impacts on area wells and water supply. Because the SGSI report was prepared for the project applicant, this EIR includes a peer-review by Resource Concepts, Inc. (RCI) to provide independent verification of the report adequacy and completeness. A response to the peer review, prepared by SGSI, is also provided. The 2017 SGSI Well Test Technical Memorandum is provided in Appendix E1 along with a Supplemental 2019 Technical Memorandum in Appendix E2. The RCI Peer Review is provided in Appendix F, and the SGSI response to the RCI peer review is provided in Appendix G.

This section also addresses hydrologic issues raised in the NOP comment letters and agency scoping communications, including the Regional Water Quality Control Board-Lahontan Region (LRWQCB), the Mono Lake Committee, and numerous area residents. Issues raised in the comment letters and communications included potential project impacts on groundwater levels and Lee Vining Creek and area springs, water conservation and demand sustainability, adequacy of fire flow, stormwater controls and low-impact development with minimal hydromodification, water quality objectives and standards, significance thresholds and beneficial uses, and water quality impacts of the wastewater treatment and subsurface irrigation system (including a required Antidegradation Analysis). LRWQCB noted that the water and sanitation components of this project may be subject to multiple discretionary actions, as listed in Project Description Table 3-7.

Key findings of the §5.2 impact analysis and recommended mitigating policies are summarized in the table below. **NOTE** that LRWQCB has withdrawn its NOP request for a jurisdictional delineation based on the County's finding that there are no surface waters or meadow areas on the project site (see LRWQCB Waiver in Appendix H1).

#### SUMMARY OF GENERAL PLAN IMPACTS & POLICY MITIGATIONS FOR HYDROLOGY

<b>IMPACT HYDRO 5.2(a):</b>	<b><u>VIOLATE WATER QUALITY OBJECTIVES</u></b>
Mitigation HYDRO 5.2(a-1):	Slope Restoration and Monitoring
Mitigation HYDRO 5.2(a-2):	Construction Buffer Zone and Exclusion Fencing to protect surface waters
Mitigation HYDRO 5.2(a-3):	Minimal Vegetation Clearing
Mitigation HYDRO 5.2(a-4):	Spill Prevention and Response
Mitigation HYDRO 5.2(a-5):	Onsite Storm Flow Retention
<a href="#">New Mitigation HYDRO-5.2(a-6):</a>	<a href="#">Low Impact Development Program (see Mitigation GEO 5.1(b))</a>
<a href="#">New Mitigation HYDRO 5.2(a-7):</a>	<a href="#">Best Management Practices for Spills and Leaks</a>
Significance:	Less than Significant Impact with above Mitigation Measures
<b>IMPACT HYDRO 5.2(b):</b>	<b><u>VIOLATE WASTEWATER TREATMENT OR DISCHARGE REQUIREMENTS</u></b>
Mitigation HYDRO 5.2(b-1):	Proper Septic System Decommissioning, Sizing of Proposed New Leachfield
<a href="#">Amended</a> Mitigation HYDRO 5.2(b-2):	Leachfield Percolation Standards, Minimum Depth to Groundwater
Mitigation HYDRO 5.2(b-3):	Package Plant Effluent Treatment Standards
Mitigation HYDRO 5.2(b-4):	Title 22 Verification from Division of Drinking Water
<a href="#">New Mitigation HYDRO 5.2(b-5):</a>	<a href="#">Groundwater Monitoring Wells</a>
<a href="#">New Mitigation HYDRO 5.2(b-6):</a>	<a href="#">Nitrogen Removal</a>
Significance:	Less than Significant Impact
<b>IMPACT HYDRO 5.2(c):</b>	<b><u>JEOPARDIZE WATER SUPPLY AVAILABILITY</u></b>
Mitigation HYDRO 5.2(c-1):	Groundwater Level Monitoring
Recommendation HYDRO 5.2(c-2):	Well Monitoring for Sand Content

Recommendation HYDRO 5.2(c-3):	Well Pump Video Survey prior to occupancy
Residual Significance:	Less than Significant Impact with above Mitigation Measures
<b>IMPACT HYDRO 5.2(d):</b>	<b>INCREASED RISK OF EROSION OR SILTATION</b>
Mitigation:	No significant effects identified and no mitigation required
Significance:	Less than Significant Impact
<b>IMPACT HYDRO 5.2(e):</b>	<b>PLACE STRUCTURES IN A 100-YEAR FLOOD HAZARD ZONE</b>
Mitigation:	No significant effects identified and no mitigation required
Significance:	Less than Significant Impact
<b>IMPACT HYDRO 5.2(f):</b>	<b>EXPOSE PEOPLE OR STRUCTURES TO DAM FAILURE &amp; OTHER FLOODING</b>
Mitigation:	No significant effects identified and no mitigation required
Significance:	Less than Significant Impact
<b>IMPACT HYDRO 5.2(g):</b>	<b>EXPOSE PEOPLE OR STRUCTURES TO SEICHE, TSUNAMI OR MUDFLOW</b>
Mitigation:	Small but Significant Mudflow Risk from Volcanic Eruption is Unavoidable
Residual Significance:	SIGNIFICANT and Unavoidable

### 5.2.2 KEY TERMS USED IN THIS SECTION

**Antidegradation Policy.** A policy adopted by the State Water Resources Control Board (SWRCB) in 1968 that is designed to protect high quality waters. The policy states that when the existing quality of water is better than required by Basin Plan objectives (both narrative and numerical), such existing quality shall be maintained unless appropriate findings are made under the policy.

**Beneficial Uses.** Aquatic ecosystems and underground aquifers provide many different benefits to the public; beneficial uses define the resources, services, and qualities of these aquatic systems that are the ultimate goals of protecting and achieving high water quality. The SWRCB identifies 23 beneficial uses of waters of the state.

**Low Impact Development (LID).** LID is a stormwater management approach designed to maintain a landscape that is functionally equivalent to predevelopment hydrologic conditions with minimal generation of non-point source pollutants. LRWQCB has identified LID as the foremost method of reducing impacts to watersheds from urban development.

**Nitrification.** Nitrification is the oxidation of ammonia with oxygen into nitrite followed by the oxidation of these nitrites into nitrates that can be taken up from soils by plants. Nitrification is carried out in soil by the action of nitrifying bacteria on decaying organic matter.

#### CONVERSION FACTORS

1 million gallons per day (mgd) = 1.547 cubic feet per second (cfs)  
 1 mgd = 3.08 Acre-Feet (AF) per Day = 1,123.4 AF per Year (AFY)  
 1 acre-foot (AF) = 43,560 cubic feet = 324,900 gallons  
 1 cfs = 450 gallons per minute = 1.983 AF per 24 hours = .646 mgd  
 1 AF is about the amount of water needed to supply a family of 4 for 1 year

### 5.2.3 OVERVIEW OF EXISTING CONDITIONS

#### 5.2.3.1 Beneficial Uses and Water Quality Standards<sup>1</sup>

The State Water Resources Control Board (SWRCB) *Water Quality Control Plan for the Lahontan Region* (known as the 'Basin Plan') designates beneficial uses for waters of the state of California, along with water quality objectives to protect those beneficial uses. Three beneficial uses are not found in the Lahontan Region: 'Marine Habitat,' 'Estuarine Habitat,' and 'Shellfish Harvesting.' However, since the plan was first adopted in 1975, the California Regional Water Quality Board, Lahontan Region (LRWQCB) has added several beneficial uses for the Region, bringing the number of beneficial uses recognized in the Lahontan Region to a total of 22; designations include agricultural supply (AGR), aquaculture (AQUA),

<sup>1</sup> LRWQCB, *Water Quality Control Plan for the Lahontan Region*, March 1995 (as amended).

preservation of biological habitats of special significance (BIOL), cold freshwater habitat (COLD), commercial and sportfishing (COMM), flood peak attenuation/flood water storage (FLD), freshwater replenishment (FRSH), groundwater recharge (GWR), industrial service supply (IND), migration of aquatic organisms (MIGR), municipal and domestic supply (MUN), navigation (NAV), hydropower generation (POW), industrial process supply (PRO), rare/threatened/endangered species (RARE), water contact recreation (REC-1), non-contact water recreation (REC-2), inland saline water habitat (SAL), spawning/reproduction/development (SPWN), warm freshwater habitat (WARM), wildlife habitat (WILD), and water quality enhancement (WQE). Water Quality Objectives for surface waters are divided into 3 categories:

- **Objectives that apply to all surface waters**, including standards for Ammonia, Bacteria (Coliform), Biostimulatory Substances, Chemical Constituents, Chlorine (Total Residual), Color, Dissolved Oxygen, Floating Materials, Oil and Grease, Non-degradation of Aquatic Communities & Populations, Pesticides, pH, Radioactivity, Sediment, Settleable Materials, Suspended Materials, Taste and Odor, Temperature, Toxicity and Turbidity.
- **Objectives for certain water bodies**, comprising standards that supersede the objectives for all surface waters and are designed to protect surface waters (including wetlands) in specific areas. In Mono County, these objectives apply to the Mono HU, West Walker River HU, East Walker River HU, and the Owens HU.
- **Objectives for fisheries management** activities using the fish toxicant Rotenone. Rotenone is a fish toxicant used by DFW for fishery management purposes. When used, rotenone can cause several water quality objectives to be temporarily exceeded. The additional narrative water quality objectives that apply in these areas include color, pesticides, toxicity, and species composition.

The Basin Plan frequently identifies multiple beneficial uses for a given water body, with water quality objectives that protect the most sensitive of the designated uses. Unless specifically exempted, all waters are designated for municipal and domestic supply (MUN). Several beneficial uses apply to only portions of a stream or surface water or under certain conditions; these temporary designations include IND, PRO, GWR, FRSH, NAV, POW, WARM, COLD, SAL, MIGR, SPWN and WQE. Most Mono County hydrologic units have subunits and drainage features with specific beneficial use designations. Table 5.2-1 (on the next page) identifies designated beneficial uses of surface waters in the Mono Hydrologic Unit. As shown, Mono Lake and the Mono Lake wetlands have an exceptionally wide range of beneficial uses (15 of the 22 listed uses) including five uses that are not present in any other Mono HU drainage features: 'industrial supply,' 'aquaculture,' 'preservation of biological habitats of special significance,' 'inland saline water habitat,' and 'rare, threatened or endangered species.' Beneficial uses in Lee Vining Creek are similarly wide ranging, covering fully half of the possible designations.

The Basin Plan also contains two categories of water quality objectives for ground water, including objectives that apply to all groundwaters (including standards for Bacteria, Chemical Constituents, Radioactivity and Taste and Odor), and objectives that apply to specific groundwater basins; there are no Mono County ground water basins subject to these special objectives.

The Regional Board is responsible for implementing state and federal antidegradation policies, which state that when the existing quality of water is better than needed to protect all existing and probable future beneficial uses, the existing high quality shall be maintained until or unless it has been demonstrated to the State that any change in water quality will be consistent with the maximum benefit of the people of the State, and will not unreasonably affect beneficial uses of such water. When determined that some degradation is in the best interest of California residents, an increase in pollutant levels may be appropriate. The *Basin Plan* notes, however, that such increases may not cause adverse impacts to the beneficial uses of waters. *Basin Plan* implementation occurs through multiple channels, and the *Plan* identifies many implementing procedures that involve local agencies including:

- **Stormwater Discharges:** Local governments have authority to control stormwater discharges, subject to a number of State and local laws and regulations with important implications for stormwater control (e.g., CEQA, Grading Ordinance, Subdivision Map Act). The *Basin Plan* recommends that all local governments in the Lahontan Region place a high priority on the prevention and control of development-related stormwater discharges, and encourages local agencies to apply for funding assistance through federal stormwater control grants.
- **Waste Disposal Systems:** Some local agencies have adopted, through Memoranda of Understanding, waste disposal criteria that are as or more stringent than the Regional Board criteria. In these instances, the local agency is fully responsible for issuing permits for developments with domestic waste only.

- Alternative Individual Waste Disposal Systems: In areas where conditions do not support the use of conventional individual subsurface waste disposal systems (e.g., septic systems), the use of engineered alternative systems can be considered subject to approval by the Local Health Officer.
- CEQA. CEQA compliance is required for any action to be taken on water quality certification.
- Control Measures for Ground Water Protection and Management: The Regional Board generally waives its regulation of individual waste disposal systems where the systems will be regulated by a local agency; terms of regulation are included in a Memoranda of Understanding. Other agencies that regulate waste discharges include the California Integrated Waste Management Board (CIWMB) and the Dept. of Toxic Substance Control.

### 5.2.3.2 Surface Water and Groundwater Management Planning<sup>2</sup>

**Hydrologic Units and Watersheds in Mono County.** The California Water Quality Control Board (along with many state and federal agencies) uses Hydrologic Units to identify and classify drainage basins in the state. Situated in the southern portion of the Lahontan Region, Mono County contains portions of 7 Hydrologic Units and all or part of 10 watersheds. The Tioga project site is located in the Mono Hydrologic Unit and the Mono Valley watershed.<sup>3</sup>

**Water Quality and Mono Lake as an Outstanding National Resource Water Body.** Waters in most of the Inyo-Mono region are of very high quality, with limited potential for contamination compared to other parts of the state; water-quality issues in the planning area generally result from naturally-occurring minerals. The *Basin Plan* does include several waters in the region on the Category 5 List of Impaired Water Bodies, a program established under the Clean Water Act for water bodies that do not meet water quality standards. Category 5 includes water-quality-limited segments where standards are not being met and a Total Maximum Daily Limit (TMDL) is required; Mono Lake is not included among the Category 5 listed waters, and there are no Mono County surface waters listed under Category 4A (Water Quality Limited Segments that are being addressed through approved TMDLs).

Mono Lake is among several Mono County surface waters on the 4B list (segments being addressed by actions other than TMDLs). Mono Lake is listed for chlorides, TDS and salinity. These concerns are being addressed through SWBCB Water Rights Decision 1631, which designated Mono Lake as an Outstanding National Resource Water with exceptional ecological significance. The designation includes special regulatory water quality thresholds: *"The water quality which existed in November 1975 when the federal antidegradation regulation was enacted must be maintained and protected. To maintain the salinity of Mono Lake at 85 g/l or lower would require that the water level of the lake be raised and maintained at 6,379.3 feet or higher. The [Basin Plan] for the South Lahontan Basin was adopted by LRWQCB and approved by the SWRCB in 1975;...designated beneficial uses...include saline water habitat, wildlife habitat, and water contact recreation. The water quality objective for salinity set by the 1975 plan is 76 g/l...would correspond to a lake level of approximately 6,386 feet... The adopted water quality objective of 76 g/l is reasonably necessary to protect the designated beneficial uses of Mono Lake."*<sup>4</sup>

Mono Lake is not among the many Mono county water bodies that are listed under Category 3 (insufficient information to assess beneficial uses), nor is it listed under Category 2 (waters supporting some beneficial uses); an 11-mile segment of Lee Vining Creek is included on the Category 2 list for flow alterations, temperature and water.<sup>5</sup>

<sup>2</sup> Mono County Powerpoint Presentation, *The Sustainable Groundwater Management Act of 2014* (undated; prepared during 2014.)

<sup>3</sup>Water Quality Control Plan for the Lahontan Region (Basin Plan), Plates 1A, 1B, 2A, and 2B (Surface Water Hydrologic Units and Groundwater Basins), [https://www.waterboards.ca.gov/lahtontan/water\\_issues/programs/basin\\_plan/references.shtml](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/basin_plan/references.shtml)

<sup>4</sup> SWBCB Water Rights Decision 1631, September 1994: <https://www.monobasinresearch.org/images/legal/d1631text.php>

<sup>5</sup> LRWQCB, [https://www.waterboards.ca.gov/lahtontan/water\\_issues/programs/tmdl/303d\\_305b/2012/docs/apxd.shtml](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/tmdl/303d_305b/2012/docs/apxd.shtml)

TABLE 5.2-1. Beneficial Uses of Surface Waters of the Mono Hydrologic Unit

Drainage	Type	BENEFICIAL USES - 601.00 – Mono Hydrologic Unit																							Receiving Water
		MUN	AGR	PRO	IND	GWR	FRSH	NAV	POW	REC1	REC2	COMMA	AQUA	WARM	COLD	SAL	WILD	BIOL	RARE	MIGR	SPWN	WQE	FLD		
Rush Ck (abv Grnt)	Peren. Strm	X					X		X	X	X	X			X		X				X			Grant Lake	
Rush Ck (bel Grant)	Peren. Strm	X	X			X	X			X	X	X			X		X				X			Mono Lake	
Grant Lake	Lake	X								X	X	X			X		X				X			Mono Lk/ Aqdct	
Silver Lake	Lake	X								X	X	X			X		X				X			Rush Ck.	
Gull Lake	Lake	X						X		X	X	X			X		X				X			Reversed Ck.	
June Lake	Lake	X						X		X	X	X			X		X				X			Reversed Ck.	
Fern Lake	Lake	X	X					X		X	X	X			X		X				X			Reversed Ck.	
Reversed Ck	Per. Stream	X								X	X	X			X		X				X			Rush Creek	
Agnew Lake	Lake	X							X	X	X	X			X		X				X			Rush Creek	
Gem Lake	Lake	X							X	X	X	X			X		X				X			Rush Creek	
Alger Lakes	Lakes	X								X	X	X			X		X				X			Silver Lake	
Mill Creek	Per. Steam	X	X			X	X		X	X	X	X			X		X				X			Mono Lake	
Lundy Lake	Lake	X						X	X	X	X	X			X		X				X			Trib to Mill Ck.	
Blue Lake	Lake	X								X	X	X			X		X				X			Trib to Mill Ck.	
Crystal Lake	Lake	X								X	X	X			X		X				X			Trib to Mill Ck.	
Oneida Lake	Lake	X								X	X	X			X		X				X			Trib to Mill Ck.	
Lee Vining Ck (above divrsn.)	Perennial Steam	X	X			X	X		X	X	X	X			X		X				X			Grant Lake via aqueduct	
Lee Vining Ck (below divrsn.)	Ephemeral Stream	X				X	X		X	X	X	X			X		X				X			Mono Lake	
SADDLEBAG LK	Lake	X							X	X	X	X			X		X				X			Trib to LV Ck.	
TIOGA LAKE	Lake	X						X	X	X	X	X			X		X				X			Trib to LV Ck.	
ELLERY LAKE	Lake	X						X	X	X	X	X			X		X				X			Trib to LV Ck.	
KIDNEY LAKE	Lake	X							X	X	X	X			X		X				X			Trib to LV Ck.	
GIBBS LAKE	Ephem.Lk.	X							X	X	X	X			X		X				X			Trib to LV Ck.	
Walker Ck/Lk	Peren.Strm.	X	X			X	X			X	X	X			X		X				X			Trib to Owens	
Parker Creek	Peren. Strm.	X	X			X	X			X	X	X			X		X				X			Trib to Owens	
Mono Lk WtLnds.	Wetlands									X	X					X	X	X			X	X	X	via Aqueduct	
Mono Lake	Saline Lk.	X	X		X			X		X	X	X	X			X	X	X	X		X			Internal drain	
Minor Surf. Wtrs.		X	X							X	X	X			X		X								
Minor Surf. Wtrs.		X	X			X	X			X	X	X			X		X				X				
Minor Wetlands	Sprngs/Seeps	X	X			X	X			X	X	X			X		X				X	X	X		

- Control Measures for Ground Water Protection and Management: The Regional Board generally waives its regulation of individual waste disposal systems where the systems will be regulated by a local agency; terms of regulation are included in a Memoranda of Understanding. Other agencies that regulate waste discharges include the California Integrated Waste Management Board (CIWMB) and the Dept. of Toxic Substance Control.

### 5.2.3.2 Surface Water and Groundwater Management Planning<sup>6</sup>

**Hydrologic Units and Watersheds in Mono County.** The California Water Quality Control Board (along with many state and federal agencies) uses Hydrologic Units to identify and classify drainage basins in the state. Situated in the southern portion of the Lahontan Region, Mono County contains portions of 7 Hydrologic Units and all or part of 10 watersheds. The Tioga project site is located in the Mono Hydrologic Unit and the Mono Valley watershed.<sup>7</sup>

**Water Quality and Mono Lake as an Outstanding National Resource Water Body.** Waters in most of the Inyo-Mono region are of very high quality, with limited potential for contamination compared to other parts of the state; water-quality issues in the planning area generally result from naturally-occurring minerals. The *Basin Plan* does include several waters in the region on the Category 5 List of Impaired Water Bodies, a program established under the Clean Water Act for water bodies that do not meet water quality standards. Category 5 includes water-quality-limited segments where standards are not being met and a Total Maximum Daily Limit (TMDL) is required; Mono Lake is not included among the Category 5 listed waters, and there are no Mono County surface waters listed under Category 4A (Water Quality Limited Segments that are being addressed through approved TMDLs).

Mono Lake is among several Mono County surface waters on the 4B list (segments being addressed by actions other than TMDLs). Mono Lake is listed for chlorides, TDS and salinity. These concerns are being addressed through SWBCB Water Rights Decision 1631, which designated Mono Lake as an Outstanding National Resource Water with exceptional ecological significance. The designation includes special regulatory water quality thresholds: *"The water quality which existed in November 1975 when the federal antidegradation regulation was enacted must be maintained and protected. To maintain the salinity of Mono Lake at 85 g/l or lower would require that the water level of the lake be raised and maintained at 6,379.3 feet or higher. The [Basin Plan] for the South Lahontan Basin was adopted by LRWQCB and approved by the SWRCB in 1975;...designated beneficial uses...include saline water habitat, wildlife habitat, and water contact recreation. The water quality objective for salinity set by the 1975 plan is 76 g/l...would correspond to a lake level of approximately 6,386 feet... The adopted water quality objective of 76 g/l is reasonably necessary to protect the designated beneficial uses of Mono Lake."*<sup>8</sup>

Mono Lake is not among the many Mono county water bodies that are listed under Category 3 (insufficient information to assess beneficial uses), nor is it listed under Category 2 (waters supporting some beneficial uses); an 11-mile segment of Lee Vining Creek is included on the Category 2 list for flow alterations, temperature and water.<sup>9</sup>

Unpaved roads are a principal source of sediments throughout the Sierra Nevada. Erosion potential is increased by activities that compact or expose soils to rainfall and runoff; the eroded materials are often transported into streams. Petroleum- and rubber-based materials wash off paved roads into small channels, and nitrogen and phosphorus enter streams from varied sources including septic system leaks, overuse of fertilizers, pet wastes and others.

Pathogens such as *E. coli* enter surface waters from septic and sewage system leaks, pets and livestock, and human waste from the flushing of RV waste tanks. SWRCB in June 2012 issued a *Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS)*. The policy identifies impaired water bodies where OWTS is likely to be a contributing source of pathogens or nitrogen; no Mono County water bodies are included on that list. In addition to *Basin Plan* water quality objectives, EPA has promulgated standards and numeric

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<sup>6</sup> Mono County Powerpoint Presentation, *The Sustainable Groundwater Management Act of 2014* (undated; prepared during 2014.)

<sup>7</sup>Water Quality Control Plan for the Lahontan Region (Basin Plan), Plates 1A, 1B, 2A, and 2B (Surface Water Hydrologic Units and Groundwater Basins), [https://www.waterboards.ca.gov/lahtontan/water\\_issues/programs/basin\\_plan/references.shtml](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/basin_plan/references.shtml)

<sup>8</sup> SWBCB Water Rights Decision 1631, September 1994: <https://www.monobasinresearch.org/images/legal/d1631text.php>

<sup>9</sup> LRWQCB, [https://www.waterboards.ca.gov/lahtontan/water\\_issues/programs/tmdl/303d\\_305b/2012/docs/apxd.shtml](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/tmdl/303d_305b/2012/docs/apxd.shtml)



criteria for priority toxic pollutants in freshwater and saltwater bodies of California.<sup>10</sup> For freshwater bodies, the standards cover a total of 21 criterion maximum concentrations and 22 continuous concentrations, and cover a wide range of metals and toxic organic compounds.

**Sustainable Groundwater Management Act.** In 2014, the California legislature passed the Sustainable Groundwater Management Act, a major piece of legislation with wide ramifications for future management of water resources. The Act requires establishment of groundwater sustainability agencies (GSAs) consistent with the resources and needs of their communities, with the goal of managing water supplies in a manner that anticipates drought and climate change, thereby enhancing reliability under varied weather patterns.

The Act requires that Counties manage 'high' and 'medium priority' basins through groundwater sustainability plans (to be adopted by January 31, 2022), and encourages that low and very low priority basins also be managed under the sustainability plan. Using identified ranking criteria, the Department of Water Resources (DWR) has assigned a priority status to each of Mono County groundwater basins. Mono Basin is classified as a 'Very Low Priority Basin' (along with Slinkard Valley, Antelope and Little Antelope Valleys, Sweetwater Flat, Bridgeport Valley, Adobe Valley and Long Valley). Fish Lake Valley is the only Low Priority Basin in Mono County, and Owens Valley is the sole Medium Priority Basin. No Mono County basin has been identified as 'high priority'<sup>11</sup> nor are there any basins subject to critical overdraft conditions. Plans have been prepared for most watersheds in Mono County; plans for Mono Basin are briefly reviewed below.

**Mono Basin Watershed Management Plan (Mono County, 2007).**<sup>12</sup> The 2007 Watershed Management Plan was based on results of a 2006 watershed assessment for the Mono Basin that sought to describe and determine causative factors for known water quantity and quality problems. The plan has no authority in itself; implementation of suggested policies and actions depend on decisions of local jurisdictions, agencies, non-profit organizations, and private citizens. A primary recommendation is that the Mono County Collaborative Planning Team assumes the role of overseeing implementation and revision of this plan. The assessment found that the Mono Basin has very good water quality but has serious habitat problems resulting from water diversions. The report identifies maintaining the current high quality of waters as a primary challenge, noting that water quality and aquatic habitat are at risk from careless development and road construction.

Report recommendations include: (a) Water supply for the June Lake area: continue and expand water conservation efforts of the June Lake Public Utility District; (b) Conversion of wetlands: emphasize the importance of wetlands in the Mono County General Plan, Develop and implement a tracking system between Mono County, LRWQCB, and the Army Corps of Engineers (USACE) to ensure regulatory compliance, and use the BLM-initiated land-tenure adjustment program to trade privately-owned wetlands for publicly-owned parcels that could be developed with minimal environmental consequences; (c) Excessive sediment in tributaries: reroute roads away from riparian zones, close rarely used roads, stabilize fords, culverts, and bridges to reduce impact of road-related erosion, and implement low impact development guidelines; (d) Degradation of riparian habitat: move roads, trails, and facilities out of riparian zones, implement low-impact development guidelines; (e) Fecal contamination: build additional outhouses and RV dumps in high-use areas, and educate the traveling public about sanitation principles similar to wilderness users; (f) Contamination from fertilizers & pesticides: educate public to reduce use of household & horticultural chemicals; and (g) Threat of catastrophic wildfire: Expand the Inyo National Forest (INF) fuels management program and the community-based fire-safe program, adopt recommendations of the 2006-2007 wildfire hazard study project.

The report identifies potential future problems including (a) Erosion from OHV use in channels and riparian areas; (b) Mining; (c) Small-hydroelectric proposals; (d) Leaching of pollutants from Pumice Valley landfill; (e) Failure of poorly located and/or poorly maintained septic systems, and (f) Groundwater contamination by gasoline from historic tanks

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<sup>10</sup> EPA, Federal Register, 40 CFR Part 131, Water Quality Standards, Establishment of Numeric Criteria for Priority Toxic Pollutants for California, Rule. May 2000.

<sup>11</sup> The Owens Valley Watershed has been proposed by the Department of Water Resources for redesignation as 'high priority' though the final outcome is uncertain.

<sup>12</sup> *Mono Basin Watershed Plan Management Plan* March-2007.

and spills. All five specific report recommendations (including a General Plan emphasis on ecological stream values, a requirement that new development guarantee replacement water supplies if existing users are impacted; riparian protections; establishment of a wetlands tracking system; funding for an on-staff low-impact development specialist; and plans to accommodate added growth in the Bridgeport region) were incorporated as goals of the 2015 Mono County *General Plan Update*.

**North Mono Basin Watershed Analysis Inyo National Forest (2001).**<sup>13</sup> The North Mono Basin Watershed Analysis compiles and analyzes technical information about the north basin watershed and landscape. The report includes an exhaustive list of information sources, an assessment of hydrologic conditions, a spreadsheet of flows in Mill and Wilson Creeks during dry, wet and normal year conditions, (d) an analysis of north Basin roads, (e) description of riparian vegetation, (f) description of wildlife species in Conway Ranch; and (g) a census of birds in Thompson Ranch.

**Mono Basin Watershed Assessment (Mono County, 2007).**<sup>14</sup> This report assesses Mono Basin watershed impacts on the quantity and quality of flows into Mono Lake. Public perceptions are summarized, and issues addressed including: (a) Water Quantity: this primary issue concerns how water flows into hypersaline Mono Lake influence the rise and fall of the lake level. The report notes that from 1941 through 1989, most flows from the main tributaries were diverted to Los Angeles, and the lake level fell from an elevation of 6,417 feet to 6,372 feet in 1982. After diversions were curtailed, the lake level rose to 6,385 feet by 2006. More recently, concern has been expressed over the distribution of water between Mill Creek and Wilson Creek in the northwestern part of the basin; (b) Water Quality: issues include sedimentation in Silver Lake, contamination of Mono City drinking water supplies, and microbial pollution of backcountry streams. (c) Aquatic Habitat: aquatic habitat degradation was a key reason for curtailing diversions since many stream reaches were left without water; subsequent efforts have restored affected channels; (d) Recreation: water-related recreation issues in Mono Basin include recreational fishing in Rush and Lee Vining creeks and management of Grant Lake Reservoir water levels; (e) Wildlife: fire suppression during the 20th century has allowed fuel loads to build, increasing potential for catastrophic fires and associated sedimentation and erosion and sediment transport in parts of Mono Basin; (f) Invasive Species: invasive species in the Mono Basin include salt cedar, soapwort, woolly mullein, Russian thistle, cheatgrass, Russian olive and others; all have implications for terrestrial and aquatic ecosystems. Concerns include water availability for community infill, water quality in individual wells and community supplies, the effectiveness of septic tanks and leach fields, and erosion from construction activities.

**Integrated Regional Water Management Plan (IRWMP).**<sup>15</sup> The IRWMP is a collaborative and comprehensive program with broad goals for sustainable use of water, reliable water supplies, improved water quality, environmental stewardship, efficient urban development, sustainable agriculture, and a strong economy. The IRWMP incorporates a process to gather, maintain and monitor data, tools for responsible interagency governance, resource management strategies, financing methods and sources, a detailed implementation plan, a list of specific projects, and objectives and policies to achieve the broad goals noted above. The 2005 Lahontan 'Basin Plan' is the foundational reference document for the IRWMP. Major drainage systems in Mono County include Walker and Owens River; Mono Lake is the largest natural lake in the region.

Water storage and transfers in the Inyo-Mono IRWM planning area are dominated by the Los Angeles Aqueduct system, and Los Angeles' land and water ownership underlie many IRWMP water management issues. LADWP diversions from the Mono Basin began in 1941 and increased following completion in 1970 of the second Owens Valley aqueduct. Diversions were halted by court order from 1989 to 1994, but resumed in 1995 under SWRCB Decision 1631. LADWP exports averaged about 356,000 acre-feet (AF) between 1970-2011, but have been well below that level since the dry period of 1987 to 1992. The IRWMP notes that runoff in the eastern Sierra Nevada is dominated by snowmelt from April through July. Following low discharge during autumn and early winter, the winter snowpack usually begins to

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<sup>13</sup> Inyo National Forest, *North Mono Basin Watershed/Landscape Analysis Appendices*, 2001. Prepared by Rick Kattleman: <http://inyo-monowater.org/resources/library/>.

<sup>14</sup> Mono Co. Planning Department, *Mono Basin Watershed Assessment*, 2007:: <http://inyo-monowater.org/resources/library/>.

<sup>15</sup> Inyo-Mono Regional Water Management Group, DWR, CalTrout, *Integrated Regional Water Management Plan*, October 22, 2014.

accumulate in November, and attains maximum water storage in late March or early April. There are about 60 distinct groundwater basins in the IRWMP region, including the 270 square mile<sup>16</sup> Mono Valley basin.

**Lee Vining Public Utility District (LVPUD).** Lee Vining PUD, one of six public water systems in Mono County, provides water and sewer services to the Lee Vining townsite. As a PUD, the district is also authorized to provide lighting, power, heat, transportation, telephone and other communication services, garbage disposal, golf courses, fire protection, mosquito abatement, parks and recreation, building for public purposes, and drainage improvements.

Most areas are served by a community or mutual water system or by private wells. More than 100 small independent governmental and privately-owned water systems are in operation throughout Mono County. These range from systems operated by USFS at its campgrounds, to a private system at Tom's Place.

### 5.2.3.3 Hydrologic Threats and Hazards

**Flood Risk.** The *Mono County Multi-Jurisdictional Local Hazard Mitigation Plan* (LHMP) states that flood hazards are among the most prevalent natural hazards in Mono County “*due to their repeated occurrence, the damage they have caused in the past, and the large number of developed parcels within flood hazard areas.*” The *Safety Element* notes that all three Mono County watersheds (Mono Lake, Owens River and Walker River) and numerous streams, rivers and lakes are subject to flooding. FEMA has prepared Flood Insurance Rate Maps showing 100-year flood hazard areas (i.e., areas with a 1% probability of flooding in any given year). Community areas most likely to be impacted by a 100-year flood include properties along the East and West Walker Rivers, Reversed Creek, and Spring Canyon Creek. Flood Insurance Rate Maps prepared by FEMA show a majority of the Tioga project site as an ‘Area of Minimal Flood Hazard’; the convenience store and hilltop residences are classified as Zone D, Area of Undetermined Flood Risk.<sup>17</sup>

**Dam Failure Hazards.** Twenty-one dams are located in Mono County, including ten dams that drain into Mono Lake (Agnew, Ellery Lake, Gem Lake, Grant Lake, Lundy Lake, Saddlebag Lake, Sardine Lake, Tioga Lake, Waugh Lake and Walker Lake) as shown in Table 5.2-2 below, including the ten dams that drain into Mono Lake (Agnew, Ellery Lake, Gem Lake, Grant Lake, Lundy Lake, Saddlebag Lake, Sardine Lake, Tioga Lake, Waugh Lake and Walker Lake). Non-federal dams in California are regulated through the DWR Dam Safety Program to prevent failure, safeguard lives and protect property. The law requires (a) examination and approval or repair of dams completed before August 1929, (b) approval of plans and specs and construction supervision for new dams, (c) enlargement, alteration, repair, or removal of existing dams, and (d) supervision of all dams under the state’s jurisdiction.

TABLE 5.2-2: Dams and Reservoirs above Mono Lake					
Reservoir	Dam	Acre Feet Impounded	Stream/River	Owner	Location
Agnew Lake	Agnew	810	Rush Creek	SCE	June Lake
Ellery Lake	Rhinedollar	749	Lee Vining Creek	SCE	Lee Vining
Gem Lake	Gem	17,298	Rush Creek	SCE	June Lake
Grant Lake Res.	Grant	47,171	Rush Creek	LADWP	June Lake
Lundy Lake	Lundy	4,113	Mill Creek	SCE	Mono Basin
Saddlebag Lake	Saddlebag	10,077	Lee Vining Creek	SCE	Lee Vining
Sardine Lake	Sardine	385	Walker Creek	LADWP	Mono Basin
Tioga Lake	Tioga	1,254	Lee Vining Creek	SCE	Lee Vining
Waugh Lake	Rush Ck Mdws	5,277	Rush Creek	SCE	June Lake
Walker Lake	Walker	540	Walker Creek	LADWP	Mono Basin
SCE = Southern California Edison; LADWP = Los Angeles Department of Water and Power.					

The greatest threat for dam failure in Mono County occurs in late spring when eastern Sierra reservoirs are typically full; dam failures could also be triggered by large earthquakes, major warm storms that rapidly increase runoff, and lack of

<sup>16</sup>CA Groundwater Bulletin 118-80, Water Library: <http://wdl.water.ca.gov/groundwater/bulletin118/basindescriptions/6-09.pdf>.

<sup>17</sup>FEMA, Flood Map Service Center, <https://msc.fema.gov/portal/search>.

proper maintenance or operation. Dam failure has been very rare throughout California, and there have been no dam failures in Mono County. The Mono Lake Committee, in its comments on the 2015 *General Plan Draft EIR*, noted that spring snowmelt floods are the most common type of flooding in Mono County, occurring almost yearly on all snowmelt-fed county streams.

**Climate Change.** In 2009, a number of agencies convened under the Dept. of Interior, EPA and the Council on Environmental Quality ('Task Force') to analyze and identify key concepts and actions required to ensure that water resources in the US are managed to support adaptation to a changing climate. During their study, the Task Force developed a series of specific recommendations and actions to support planning and management for climate change risks to freshwater resources. The report findings are consistent with IRWMP and SNC reviews and include: (a) warmer temperatures will increase precipitation in the form of rain instead of snow, (b) earlier melting of snowpacks, (c) decreases in snowpack size, (d) earlier runoff, and (e) reduced water supply reliability. The report referenced a finding of the U.S. Global Change Research Program that snowpack reductions will be largest in lower elevation mountains of the Pacific Northwest and California where snowfall occurs at temperatures close to the freezing point; the report also forecasts with a relatively high level of confidence that California, Nevada and Utah will experience an overall 10-20% reduction in runoff, coupled with more intense storms including a 9% increase in heavy rainfall events in California.

#### 5.2.3.4 Surface and Storm Water Drainage<sup>18</sup>

The Town of Mammoth Lakes is the only area in Mono County with a formal *Master Plan of Drainage*.<sup>19</sup> Storm Drain improvements outside of Mammoth Lakes are limited. June Lake Village has a limited storm drain system (catch basins, grates and culverts) that was constructed by Caltrans,<sup>20</sup> and limited storm drain systems/facilities have been developed for projects approved under specific plans, including the Tioga Inn property as well as the Highlands in June Lake and the Sierra Business Park on US 395 across from the Mammoth Yosemite Airport. Lee Vining and Bryant Field Airport facilities both have improvements to divert flows off the runways. Storm runoff in other areas of the County either percolates into the ground or flows into nearby streams.

#### 5.2.3.5 Mono County Low Impact Development (LID) Regulations

Mono County has adopted Low Impact Development standards as an appendix of the General Plan Land Use Element. LID goals 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. These goals are achieved by substantially reducing the volume of runoff water, which can be accomplished only through use of one or more of three methods that include infiltration, evapotranspiration, or capture and reuse. Although compliance with the Low Impact Development regulations is optional, the ordinance provides incentives to encourage use of the LID standards.

#### 5.2.3.6 Project Area Hydrogeology<sup>21</sup>

The project site is located in the westernmost portion of the Basin and Range physiographic province, and adjacent to the uplifted fault block of the Sierra Nevada. The site is immediately underlain by Pleistocene Till of the Tahoe Glaciation that consists largely of interbedded sands, gravel, granitic boulders and some clay, to a depth of at least 630.' A thin layer of quaternary alluvium, consisting of sand and clay, overlies the glacial till at the well sites but has not been recorded in the Project area west of US 395. Mapped faults in the site vicinity include one predominant fault that runs along the western edge of the site in a north-northwest orientation. This fault has historically resulted in uplift of the

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<sup>18</sup> Mono Co. Public Works, *Capital Facilities Plan by Service Category*, Sept. 2005.

<sup>19</sup> Town of Mammoth Lakes, 2005 Storm Drain Master Plan Update, Boyle Engineering. May 2005. Mammoth Lakes Website: <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/569/2005-Storm-Drain-Master-Plan-Update?bidId=>

<sup>20</sup> Mono County, June Lake MEA, 2002; obtained at Mono County website: [http://www.monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/1745/june\\_lake\\_master\\_environmental\\_assessment\\_2002.pdf](http://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/1745/june_lake_master_environmental_assessment_2002.pdf)

<sup>21</sup> Discussion is drawn from Wildermuth Environmental, Antidegradation Analysis (see Appendix [H2f](#)).

metamorphosed sedimentary rocks of the Log Cabin Mine Roof Pendant (west of the site), but has not been active within the Holocene age and is concealed in the site area.

Two water production wells are in operation on the project site including one well that was installed in 1984, and a second well that was installed during December 2017. Groundwater stabilized at water supply Well #1 at a depth of 340'; at Well #2, groundwater stabilized at a depth of 345 feet. The vadose zone thickness is therefore estimated to be between 340 and 380 feet thick. An aquifer pump test was performed on Well #1 in June 1992. Pump test results indicated that groundwater occurred under unconfined conditions at a depth of about 340.' In addition, the aquifer testing indicated the presence of a recharge boundary. Aquifer Transmissivity (T) before the boundary was calculated to be about 15,600 gallons per day per foot (gpd/ft). After adjusting for the influence of the boundary condition, aquifer T was calculated to be about 31,800 gpd/ft.

## 5.2.4 REGULATORY SETTING

### 5.2.4.1 Federal Regulations

**Clean Water Act.** The Clean Water Act (CWA, 1972) is the primary federal law that governs and authorizes water quality control activities of the Environmental Protection Agency (EPA). EPA is the federal agency responsible for water quality management, and EPA water quality regulations are published in the Code of Federal Regulations, Volume 40. The CWA sets water quality standards, permit and discharge monitoring requirements, and tools to manage polluted runoff with the goal to restore and maintain the chemical, physical, and biological integrity of surface waters. EPA has delegated to California the authority to implement and oversee most CWA implementation.

**Water Quality Criteria & Standards.** CWA §303 requires states to adopt water quality standards for all surface waters of the US. The standards consist of designated beneficial uses for surface water bodies, and criteria that protect the designated uses. §304(a) requires EPA to publish advisory water quality criteria that reflect the latest scientific understanding of impacts to health and welfare; where multiple uses exist, water quality standards must protect the most sensitive use. §303(d) mandates creation of a list of waterbodies and associated pollutants.

**National Pollutant Discharge Elimination System Permit Program (NPDES).** The NPDES permit program regulates municipal & industrial discharges to surface waters. NPDES permits generally identify effluent and receiving water limits for pollutants; prohibitions on discharges not allowed under the permit; and actions required of the discharger (industrial pretreatment, pollution prevention, self-monitoring, etc.). The prohibitions and limitations for wastewater treatment plants are intended to maintain public health and safety, protect receiving water resources, and safeguard designated beneficial uses. In 1990, EPA established NPDES permit requirements for municipal and industrial stormwater discharges. The program is implemented by the Regional Boards; Mono County is part of Lahontan Region 6, as discussed further under State Regulations.

**Section 401 Water Quality Certification or Waiver.** CWA §401 requires applicants for a §404 permit (to discharge dredged or fill material into waters of the US) to obtain a certificate stating that the fill is consistent with state water quality standards and criteria. In California, the authority to grant water quality certification or waive the requirements is delegated by the SWRCB to the nine regional boards.

**Federal Antidegradation Policy.** This policy directs states to adopt a statewide policy with the following primary provisions: (1) water quality standards to protect existing in-stream uses; (2) protection of high water quality waters (i.e., better than required) unless the state finds that allowing lower water quality is necessary for important local economic or social development; and (3) protection of waters of exceptional recreational or ecological significance.

**Safe Drinking Water Act (SDWA).** EPA administers the Safe Drinking Water Act (Public Law 93-523), to regulate contaminants that pose a public health threat and constituents that alter the aesthetic quality of the water (taste, appearance etc.). SDWA regulations apply to treated water supplies delivered to a distribution system. Maximum allowed contaminant levels (MCLs), as well as the process for setting these standards, are reviewed triennially. EPA has delegated to the California Dept. of Public Health (CDPH) the responsibility for administering California's drinking-water program. CDPH is accountable to EPA for program implementation and for adopting standards and regulations that as



or more stringent than those developed by EPA. Applicable state primary and secondary MCLs are set forth in CCR Title 22 (Division 4, Chapter 15, Article 4), discussed more fully under the discussion of State Regulations.

**§303(d) Impaired Waters List.** CWA §303(d) requires states to develop lists of water bodies that would not attain water quality objectives even after routine treatment by municipal and industrial point source dischargers. The state is required to develop a total maximum daily load (TMDL) for contributing pollutants in 303(d) water bodies. TMDL is the amount of loading the water body can receive and still comply with water quality objectives. Also required is a plan to reduce total loading of the identified pollutant(s) to meet water quality objectives. The TMDL must include an analysis demonstrating the link between loading reductions and attainment of water quality objectives. EPA must either approve a state's TMDL or issue its own. NPDES permit limits for listed pollutants must comply with the waste load allocation prescribed in the TMDL. Mono Lake is not on the 303(d) list of impaired water bodies.

**Federal Emergency Management Agency (FEMA).** FEMA administers the National Flood Insurance Program (NFIP) which offers subsidized flood insurance to communities that comply with the FEMA objective to limit development in floodplains; Mono County is a participant in the NFIP. FEMA also issues Flood Insurance Rate Maps (FIRMs) to identify land areas that are subject to flooding, provide flood information and identify flood hazard zones. FEMA sets flood protection design standards with a minimum protection level for a flood that would occur, on average, once in 100 years (the '100-year flood'). NFIP participants must also meet mandated floodplain management criteria. FEMA is also responsible for updating the FIRMs in conjunction with the local agencies that participate in the NFIP.

**National Flood Insurance Program (NFIP).** The NFIP was created through the National Flood Insurance Act of 1968 with three fundamental purposes: to better indemnify individuals for flood losses through insurance; to reduce future flood damages through State and community floodplain management regulations; and to reduce federal expenditures for disaster assistance and flood control. Although the Act originally allowed provision of subsidized flood insurance for existing structures, FEMA later adopted regulations to make the provision of flood insurance contingent on local adoption of floodplain regulations.

**Executive Order 11988 (Floodplain Management).** Executive Order 11988 addresses floodplain issues related to public safety, conservation, and economics. It generally requires federal agencies operating in a floodplain (i.e. constructing, permitting, or funding a project in a floodplain) to avoid incompatible floodplain development, comply with NFIP standards and criteria, and restore and preserve natural and beneficial floodplain values.

**Flood Disaster Protection Act (FDPA).** The FDPA of 1973 was developed to address shortcomings of the NFIP, with new provisions prohibiting Federal assistance in the delineated floodplains of non-participating NFIP communities. The changes also mandated that participating communities carry flood insurance for all acquisitions or developments in Special Flood Hazard Areas, with standards for improvements, construction, and development.

**Disaster Relief Act of 1974 and Stafford Act of 1988.** The Disaster Relief Act of 1974 expanded federal assistance (preparedness, grants, disaster declarations, disaster relief and loans) to individuals, states, and local communities recovering from disasters. FEMA was subsequently established in 1979, and in 1988, Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to improve the efficiency of state and federal-level involvement. The Stafford Act provides statutory authority for most Federal disaster response activities (especially as they pertain to FEMA and FEMA programs) and includes disaster housing and community development programs unique to FEMA, as well as relief programs administered by Housing and Urban Development Department (HUD).

**U.S. Army Corps of Engineers (USACE).** USACE oversees dams, canals and flood protection in the US, but also manages public works projects world-wide. USACE issues permits, under CWA §401 and §404, for the discharge of dredged or fill material into waters of the US, including wetlands, and for water supply projects that involve instream construction, such as dams and diversion structures. USACE also is responsible for flood control planning and assisting state and local agencies with the design and funding of local flood control projects. The determination of whether an area is a wetland, and applicable permit requirements, is made by the appropriate Corps office; Mono County is part of the Southern California Area Office located in Palmdale. The Corps uses 3 wetlands characteristics (vegetation, soil and hydrology) to make wetland determinations; all three characteristics must be present.



**Federal Agency Climate Change Adaptation Planning.** The 2010 Progress Report of the Climate Change Adaptation Task Force recommended that agencies integrate adaptation into routine planning to optimize resource investment and ensure that Federal programs remain effective in a changing climate. The Council on Environmental Quality (CEC) issued implementing instructions in March 2011, including a requirement that agency-specific climate change adaptation plans be published by June 2012, guided by the National Action Plan for freshwater resources.

**Flood Control Act of 1936.** The Flood Control Act authorized civil engineering projects such as dams, levees, dikes, and other flood control measures through the USACE and other Federal agencies. It is one of a number of Flood Control Acts passed on a regular basis by Congress. FCA 1936 placed Federal flood control investigations and improvements under jurisdiction of the War Department; The Dept. of Agriculture oversees watersheds, waterflow retardation, and soil erosion prevention. In whole, this Act established a major federal commitment to protect people and property on roughly 100 million acres. Since 1936, Congress has authorized USACE to construct hundreds of miles of levees, flood walls, channel improvements and reservoirs, an infrastructure rivaled only by the highway system.

**The Federal Energy Regulatory Commission (FERC).** FERC is an independent federal agency that regulates the interstate transmission of electricity, natural gas, and oil, reviews proposals to build liquefied natural gas terminals and interstate natural gas pipelines, and licenses hydropower projects. The Energy Policy Act of 2005 gave FERC numerous additional responsibilities for regulation, review and/or approval of (a) transmission and wholesale sales of electricity in interstate commerce; (b) certain mergers and acquisitions and corporate transactions by electricity companies; (c) transmission of natural gas for resale in interstate commerce; (d) interstate pipeline transportation of oil; (e) siting and abandonment of interstate natural gas pipelines and storage facilities; (f) siting applications for some electric transmission projects; (g) safe operation and reliability of LNG terminals; (h) private, municipal, and state hydroelectric projects; (i) high voltage interstate transmission system; and (j) energy markets. Regulatory requirements are enforced through civil penalties and other means.<sup>22</sup> FERC has issued three licenses in the Mono Basin (Rush Creek, Lee Vining Creek and Mill Creek); these licenses establish parameters within which SCE must operate.

#### 5.2.4.2 State Regulations

**Sustainable Groundwater Management Act of 2014 (SGMA).** The SGMA is a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource. The Act requires the formation of local groundwater sustainability agencies (GSAs) to assess conditions in their local water basins and adopt locally-based management plans. The Act allows a 20-year time frame for GSAs to implement the plans and achieve long-term groundwater sustainability. It protects existing surface water and groundwater rights and does not impact current drought response measures. Designed to ensure the reliability of future water supplies, the SGMA is part of a larger, comprehensive water plan for California that includes investments in water conservation and recycling, expanded water storage, safe drinking water, wetlands and watershed restoration. The legislation creates a process and timeline for local authorities to achieve sustainable management of groundwater basins, and also provides tools, authorities and deadlines to take the necessary steps to achieve the goal.

**Assembly Bill 162 (AB 162).** This bill requires that General Plan Land Use Elements identify and annually review areas that are subject to flooding as identified in FEMA maps or by the Department of Water Resources (DWR). The bill also requires that the Conservation Element identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for groundwater recharge and stormwater management, and that the Safety Element provide information about flood hazards and establish comprehensive goals, policies, and objectives to protect the community from the unreasonable risks of flooding.

**Assembly Bill 70 (AB 70).** AB 70 requires a local government to share in the state's liability for flood damages when that local agency's actions increased the state's exposure to flood damages (i.e., as a result of approving new development without considering flood risks). AB 70 imposes the shared liability on the basis of "regulatory liability" wherein local governments have liability only if they fail to do something the law requires. AB 70 gives discretion to the courts to require a city or county to contribute a fair and reasonable share of the property damage (but not including personal

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<sup>22</sup> FERC Website: <http://www.ferc.gov/>.

injury damages) caused by a flood if certain conditions are met. The contribution amount is tied to the extent to which the city or county has increased the state's exposure to liability.

**State Water Resources Control Board (SWRCB).** SWRCB (the 'State Board') and 9 Regional Water Quality Control Boards have primary responsibility for protecting water quality in California. SWRCB sets policy for implementing state and federal laws and regulations, and the Regional Boards adopt and implement Water Quality Control Plans (Basin Plans) to address regional variations in water quality, beneficial uses, and water quality problems. Mono County is in the Lahontan Region (LRWQCB), which extends from the Oregon border to the northern Mojave Desert and includes all of California east of the Sierra crest. Most waters of the North Lahontan region (including Mono County) drain into closed basins that were previously part of Lake Lahontan. Waters of the South Lahontan Basin drain into closed basin remnants of prehistoric lakes. Other state agencies with jurisdiction over water quality regulation include the Dept. of Public Health, Dept. of Pesticide Regulation, CDFW, and the Office of Environmental Health & Hazard Assessment.

**California Government Code (CGC).** The Senate and Assembly bills identified above have resulted in various changes and additions to the California Government Code. Key sections require that revised safety elements must include maps of any 200-year flood plains and levee protection zones within the planning area; lands having inadequate flood protection (as determined by FEMA or DWR) must be excluded from land identified as suitable for urban development within the planning area. In Mono County, FEMA has prepared a 200-year floodplain map for Tri-Valley area.

**Potential Flooding-Dam Inundation Act.** This act requires owners of dams to prepare maps showing potential inundation areas in the event of dam failure. A dam failure inundation zone is different from a flood hazard zone under the National Flood Insurance Program (NFIP). NFIP flood zones are areas along streams or coasts where storm flooding is possible from a "100-year flood." In contrast, a dam failure inundation zone is the area downstream from a dam that could be flooded in the event of dam failure due to an earthquake or other catastrophe. Dam failure inundation maps are reviewed and approved by the California Office of Emergency Services (OES). Sellers of real estate within inundation zones are required to disclose this information to prospective buyers

**Porter-Cologne Water Quality Control Act.** The Porter-Cologne Act is California's statutory authority for the protection of water quality. Under the act, the state must adopt water quality policies, plans, and objectives that protect the state's waters for the use and enjoyment of the people. The act obligates the SWRCB and RWQCBs to adopt and periodically update Basin Plans, required by both the CWA and Porter-Cologne Act, to establish beneficial uses, water quality objectives, and implementation programs for each of the 9 regions in California. The act also requires waste dischargers to notify the RWQCBs of their activities by filing of reports of waste discharge (RWDs), and authorizes the SWRCB and RWQCBs to issue and enforce waste discharge requirements (WDRs), NPDES permits, §401 water quality certifications, and others. RWQCBs have authority to waive RWD and/or WDR requirements for broad categories of "low threat" discharge activities with minimal potential for adverse water quality effects.

**Water Quality Control Plan for the Lahontan Basin ('Basin Plan').** The Lahontan region includes over 700 lakes, 3,170 miles of streams and 1,581 square miles of ground water basins, with 12 major watersheds (known as "hydrologic units") in the North Lahontan Basin and 3 major surface water systems (Mono Lake, Owens River, and Mojave River watersheds) in the South Lahontan Basin. Most high elevation waters have very good or excellent quality, though soils and waters of the Sierra Nevada have low buffering capacity for acids and the lakes and streams are sensitive to acidification due to deposition of pollutants from urban areas. Many desert waters have naturally high concentrations of salts and minerals (such as arsenic and selenium), and these threats to beneficial uses can be aggravated by geothermal and agricultural discharges, ground water overdraft (which concentrates salts), and disposal of stormwater under conditions where it is unlikely to receive adequate treatment by soils and vegetation. LRWQCB notes the need for careful consideration of the relationships between water quality and water quantity in future planning due to projected population increases and associated demands for water, possible future water shortages (due to drought, climate change, and water contamination by toxics), and increasing awareness of the environmental values associated with natural water volumes in streams, lakes, wetlands and ground water aquifers. The Basin Plan contains narrative and numeric water quality objectives for physical properties (e.g., temperature, dissolved oxygen, turbidity and suspended solids), biological constituents (e.g., coliform bacteria), and chemical constituents of concern including inorganic parameters and trace metals and organic compounds. Water quality objectives for toxic priority pollutants are included in the Basin Plan and the California Toxics Rule (see below). LRWQCB works with the Sierra Business Council on the

Rivers and Ranches Project, a water quality improvement project for private lands impacted by grazing operations (see discussion of the Sierra Business Council under Local Regulations).

**California Toxics Rule.** In 2000, EPA set numeric water quality criteria for priority toxic pollutants and other water quality standards to be applied to waters in the state of California. EPA took this step based on a determination that numeric criteria are necessary in California to protect human health and the environment. The rule fills a gap in California water quality standards that was created in 1994 when a state court overturned the state's water quality control plans containing water quality criteria for priority toxic pollutants. Since that time, the State has been without numeric water quality criteria for many priority toxic pollutants required by the Clean Water Act. These federal criteria are legally applicable in the State of California for inland surface waters, enclosed bays and estuaries for all purposes and programs under the Clean Water Act.

**State Nondegradation Policy.** In 1968, the SWRCB adopted the Nondegradation Policy as a means to maintain the high-quality waters in California. The Nondegradation Policy states that the disposal of wastes into state waters shall be regulated so as to achieve the highest water quality consistent with maximum benefit to the people of the state and so as to promote the peace, health, safety, and welfare of the people of the state. The policy prescribes the following: Where the existing quality of water is better than required under existing water quality control plans, such quality would be maintained until it has been demonstrated that any change would be consistent with maximum benefit to the people of the state and would not unreasonably affect present and anticipated beneficial uses of such water. Any activity which produces waste or increases the volume or concentration of waste and which discharges to existing high-quality waters would be required to meet waste discharge requirements which would ensure (1) pollution or nuisance would not occur and (2) the highest water quality consistent with the maximum benefit to the people of the state would be maintained.

**California Water Conservation Act.** Senate Bill X7-7, enacted in 2009, requires all water suppliers to increase water use efficiency. The legislation is divided into two sectors -- Urban Water Conservation and Agricultural Water Conservation. For urban areas, the legislation goal is to reduce per capita water use by 20% by the end of 2020, with interim goals and enforcement tools to achieve this reduction. Agricultural suppliers are required to adopt water management plans by the end of 2012, to update those plans by the end of December 2015, and every 5 years thereafter, with enforcement tools to achieve the planned reductions. An urban water supplier is defined as a water supplier (publicly or privately owned), that provides more than 3,000 AF of water annually at wholesale for potable municipal purposes; an agricultural water supplier is a supplier (public or private) that provides water to 10,000 or more irrigated acres (excluding recycled water) and includes distributions for resale to customers. The act applies to regional water resources including stormwater, recycled water, desalination from brackish water, and conjunctive use of surface water and groundwater to maintain safe yield.

**Title 22.** Water quality standards are enforceable limits that identify the designated beneficial uses of water and establish numeric or narrative criteria to protect those beneficial uses. The Porter Cologne Act identifies municipal and domestic supply as a "beneficial use" that must be protected against water quality degradation. Maximum contaminant levels (MCLs) adopted by CDPH pursuant to the California Safe Drinking Water Act, are set forth in CCR Title 22, Div. 4, Ch. 15 (Domestic Water Quality and Monitoring). CDPH is also responsible for secondary drinking water standards, established primarily for reasons of consumer acceptance (i.e., taste). Drinking water MCLs apply to water supply systems at the point of customer use (e.g. home, office, etc.), and are enforced by CDPH and Mono County Health Dept. California MCLs are directly applicable when they are specifically referenced in the Basin Plan as water quality objectives. In such cases, MCLs become enforceable by the State and Regional Water Boards. Regional Water Boards may also apply more stringent limits to protect all beneficial uses.

**Outstanding National Resource Waters (ONRWs).** ONRWs are US waters with such high quality that they are designated as an outstanding National resource. ONRWs include waters of the National and State parks and wildlife refuges, and waters of exceptional recreational or ecological significance. As an ONRW, ONRW waters are afforded the greatest protection under the Clean Water Act, through implementation of federal Antidegradation policy (40CFR131.12) which prohibits lowering of water quality in an ONRW except for activities that result in temporary and short-term water quality change. Mono Lake is one of only two ONRWs in California (Lake Tahoe is the other).

**Consumer Confidence Reports.** CCR Title 22 requires all public water systems to prepare a Consumer Confidence Report for distribution to customers and to the DHS. The Report provides information about the quality of potable water provided by the water system. It also includes information on water sources, any contaminants detected in the water, the maximum contaminants levels set by regulation, violations and actions taken to correct them, and opportunities for public participation in decisions that may affect the quality of the water provided.

**California Department of Health Services (DHS).** The DHS Division of Drinking Water and Environmental Management regulates public water systems, certifies drinking water treatment and distribution operators, and provides support for small water systems including subsidized funding for water system improvements under the State Revolving Fund ("SRF") and Proposition 50 programs. The Drinking Water Program also oversees water recycling projects, permits water treatment devices, supports and promotes water system security, and oversees the Drinking Water Treatment and Research Fund for MTBE and other oxygenates.

**Irrigated Lands Regulatory Program.** Water discharges from agricultural operations in California include irrigation runoff, flows from tile drains, and stormwater runoff. These discharges can affect water quality by transporting pollutants, including pesticides, sediment, nutrients, salts, pathogens, and heavy metals, from cultivated fields into surface waters. Many surface water bodies are impaired because of pollutants from agricultural sources. Groundwater bodies have suffered pesticide, nitrate, and salt contamination. The Irrigated Lands Regulatory Program (ILRP) was initiated in 2003 to regulate agricultural discharges and prevent such discharges from impairing receiving waters.

**California Department of Water Resources (DWR).** DWR is responsible for preparation of the California Water Plan, management of the State Water Project (SWP), regulation of dams, provision of flood protection, and other functions related to surface water and groundwater resources. These other functions include helping water agencies prepare their UWMPs, which are discussed in §4.13 "Public Services and Utilities."

**Recycled Wastewater Requirements.** Wastewater recycling in California is regulated by CDPH under CCR Title 22, Division 4. The intent of these regulations is to ensure protection of public health associated with the use of recycled water. Title 22 regulations establish acceptable levels of constituents in recycled water for a range of uses and stipulate means for ensuring reliability in the production of recycled water.

### 5.2.4.3 Local Regulations

**Sierra Business Council.** In collaboration with LRWQCB and UC Davis, the Sierra Business Council has established the Rivers and Ranches Project<sup>23 24</sup> to monitor water bodies that may be impacted by grazing operations on private lands, and to help landowners implement management practices that reduce pollutant discharges to surface waters. Participating watersheds in Mono County include Walker River and the Owens River. Project activities include microbial source tracking and monitoring of enteric pathogens and bacterial indicators to identify pollution sources, and collaboration with landowners to provide financial and technical assistance for implementation of sustainable grazing management practices.

**Mono County Environmental Health Department.** The Environmental Health Department provides programs for all environmental health disciplines. Services include planning, inspections, enforcement, and public education in the regulation of food establishments, sewage disposal facilities, water systems, well construction, swimming pools, recreational health facilities, occupied housing, underground storage facilities, solid waste facilities, land use development, rabies and vector control, and the management of hazardous wastes and materials.

**Public Works Land Clearing, Earthwork and Drainage Facilities Ordinance.** This ordinance (known as the Mono County Grading Ordinance) regulates development activities to prevent erosion and damage to off-site property.

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<sup>23</sup> Sierra Business Council, <http://sierrabusiness.org/what-we-do/projects/336-rivers-and-ranches-project>

<sup>24</sup>LRWQCB website: [http://www.swrcb.ca.gov/rwqcb6/publications\\_forms/publications/prop84fs.pdf](http://www.swrcb.ca.gov/rwqcb6/publications_forms/publications/prop84fs.pdf)

### 5.2.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offer the following criteria for determining the significance of impacts to hydrology and water quality. A project would have a potentially significant impact on hydrology if it would:

- a) Violate any water quality standards, with a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality.
- b) Violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities.
- c) 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. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- d) Substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems.
- e) 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.
- f) 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.
- g) Expose people or structures to inundation by seiche, tsunami, or mudflow.

### 5.2.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT 5.2(a):** Would project implementation result in a violation of water quality standards, or water quality control plan, or sustainable groundwater management plan?

**LESS THAN SIGNIFICANT WITH MITIGATION.** Approval and implementation of the Tioga Workforce-Community Housing project would result in a variety of activities (grading, excavation, removal of vegetation cover, and related construction activities) that have potential to increase runoff, erosion, and sedimentation and thereby adversely impact water quality. Because the project disturbance area exceeds one acre, it would be subject to the requirement for preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) under the General Permit for Discharges of Storm Water Associated with Construction Activity. Construction activities subject to this permit include clearing, grading and ground disturbance (such as stockpiling and excavation). The SWPPP details site perimeters, drainage patterns, structures, lots, roadways, and storm water collection and discharge points, and lists the Best Management Practices (BMPs) that will be used to protect storm water runoff. The SWPPP also provides visual and chemical monitoring programs to respond if one or more BMPs fail (a sediment monitoring plan is also required where the site discharges directly to a water body on the 303(d) list for sediment, which would not apply to the Tioga project). Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.<sup>25</sup>

In its comments on the NOP, LRWQCB requested that the EIR identify site specific water quality standards (based on beneficial uses and water quality objectives) and use those standards as significant thresholds for impacts. The LRWQCB noted that the site is in Mono Hydrologic Unit 601.00, and overlies Mono Valley Groundwater Basin No. 6-9. Table 5.2-3 (below) identifies the water quality objectives for certain water bodies in the Mono Hydrologic Unit (note that Table 5.2-1 in the baseline discussion listed the designated beneficial uses of surface waters in the Mono Hydrologic Unit).

<sup>25</sup>State Water Resources Control Board: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

**TABLE 5.2-3. Water Quality Objectives for Certain Water Bodies, Mono Hydrologic Unit**  
(annual average value/90<sup>th</sup> percentile value)

Surface Waters	Total Dissolved Solids (TDS)	Chloride (Cl)	Sulfate (SO <sub>4</sub> )	Fluoride (F)	Boron (B)	NO <sub>3</sub> -N (Nitrate as Nitrogen)	Total N (Total Nitrogen)	PO <sub>4</sub> Orthophosphate Dissolved
<b>Mono Lake</b>	76,000/ 80,700	17,700/ 18,000	11,000/ 12,000	48/ 52	348/ 3555	37/ 47	--	66/ 75
<b>June Lake</b>	200/ 225	--	--	--	--	--	0.3/ 0.5	0.06/ 0.08
<b>Reversed Ck. (Gull Lk inlet)</b>	130/ 160	--	--	--	--	0.1/ 0.1	0.4/ 1.0	0.24/ 0.34
<b>Gull Lake</b>	120/ 140	--	--	--	--	--	0.3/ 0.8	0.11/ 0.17
<b>Reversed Ck. (Silver Lk inlet)</b>	100/ 130	--	--	--	--	0.1/ 0.1	0.2/ 0.4	0.16/ 0.35
<b>Rush Creek (SCE inlet)</b>	41/ 60	--	--	--	--	0.1/ 0.1	0.1/ 0.2	0.02/ 0.07
<b>Silver Lake</b>	45/ 60	--	--	--	--	--	0.1/ 0.2	0.06/ 0.09
<b>Rush Ck. (Grant Lk inlet)</b>	58/ 70	--	--	--	--	0.1/ 0.1	0.2/ 0.2	0.07/ 0.09
<b>Grant Lake</b>	37/ 46	2.0/ 4.0	4.0/ 8.0	0.10/ 0.20	0.05/ 0.08	--	0.4/ 0.9	0.07/ 0.15

**Water Quality Impacts.** On a long term basis, many activities and developments allowed or proposed under Tioga Specific Plan would have potential to impact waters of the state. Concerns would center on the introduction into state waters of constituents associated with urban runoff (sediments, petroleum hydrocarbons, pesticides, fertilizers, and some heavy metals including lead, zinc, and copper) that tend to accumulate during dry months, and are often carried in comparatively high concentrations early in the wet season (i.e., the “first flush” of storm events).

In its comments on the NOP, LRWQCB made special note of the adverse impacts of hydromodification, including stream channel instability, degraded water quality, changed recharge processes, degraded aquatic habitat, and potential separation of a stream channel from its floodplain. LRWQCB recommended use of “Low Impact Development” (LID) strategies to minimize these adverse effects. LID strategies focus on practices that mimic natural runoff processes through infiltration, evapotranspiration and use of stormwater to protect water quality and aquatic habitat (collectively known as “green infrastructure”). LID principles include the preservation or recreation of natural landscape features, minimizing impervious acreage, and development of green site drainage (i.e., with bioretention facilities, rain gardens, vegetated rooftops, rain barrels and/or permeable pavements). These practices facilitate the maintenance (or restoration) of the watershed's hydrologic and ecological functions.

Mono County is a participating agency in the comprehensive Inyo-Mono Integrated Regional Water Management Plan. Additionally, as noted in the baseline discussion, Mono County has adopted Low Impact Development standards as an Appendix of the General Plan Land Use Element. The standards include multiple options as summarized below:

- Maintain natural onsite flows of water as much as possible;
- Manage runoff and excess water onsite,
- Use of rain gardens to filter pollutants and thereby manage pollutant loads;
- Use of channels and swales to convey excess water for onsite treatment and to separate roads and pedestrian paths;
- Divert runoff into onsite filtration or retention basins;
- Maintain pervious surface area to avoid an increase in net runoff volumes;
- Regularly maintain and repair drainage and erosion control features;
- Restabilize eroded slopes;



- Minimize road widths, rights of way, and layout; incorporate traffic calming features (e.g. curvilinear design);
- Use compact cluster design layouts that preserve open space and natural vegetation and minimize heat loss;
- Preserve mature vegetation;
- Minimize grading to reflect natural contours;
- Incorporate passive solar energy techniques to optimize solar exposure.

Compliance with the LID regulations is optional. However, the ordinance provides incentives to encourage use of the LID standards. The incentives for use of LID standards include:

- *Minimum Lot Size Flexibility:* Minimum lot sizes may be reduced for projects with Open Space/Cluster design.
- *Use of Open Space:* Trails, pedestrian paths and LID techniques may be used inside of dedicated open space.
- *Road Widths:* Road widths may be minimized to reduce paving costs and increase developable land area, provided such reduction is not incompatible with fire equipment access requirements.
- *Use of Pervious Materials:* Areas paved with pervious materials count at 75% (v. 100%) in the lot coverage calculation.

The project incorporates a number of the County's voluntary LID standards, as listed in Table 5.2-4.

<b>TABLE 5.2-4. Low Impact Development Features of the Tioga <del>WorkforceCommunity</del> Housing Project</b>	
<b>NATURAL DRAINAGE CONTROLS</b>	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.
<b>ONSITE FLOW RETENTION</b>	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.
<b>INFILTRATION</b>	Use of rock swales & collection features to enhance filtration of pollutants.
<b>SEPARATION OF ROAD AND PATH RUNOFF</b>	Channels and/or swales will be used to create a separate between roads and pedestrian paths.
<b>ROAD DESIGN</b>	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,
<b>CLUSTER DESIGN</b>	Onsite uses will feature compact cluster design layouts that preserve open space and natural vegetation, and minimize energy costs.
<b>VEGETATION RETENTION</b>	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.
<b>SCREENING</b>	The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.

In addition to the design elements above, a LID Best Management Practices program will be implemented to minimize the short-term impacts of construction as well as the long-term impacts associated with the use of project facilities by visitors, and the onsite residency of an estimated 300 future ~~workforce~~ housing occupants. [Details of the LID Program are as discussed in DSEIR/FSEIR 5.1 \(Geology and Soils\) and Mitigation GEO 5.1\(b\).](#)

**Impacts to Mono Lake as an Outstanding National Resource Water Body.** As noted in the baseline discussion, Mono Lake and Lake Tahoe are the only water bodies in California identified in the *Lahontan Regional Water Quality Control Plan* as Outstanding National Resource waters. No water quality deterioration is permitted under this designation. Mono Lake is identified in the *Basin Plan* as a water body of poor chemical quality, noting that "some waters with poor chemical quality may support important ecosystems (e.g., Mono Lake)."<sup>26</sup>

<sup>26</sup> LRWQCB, *Basin Plan*, Chapter 3 (Water Quality Objectives) page 3-15.

Mono County, responsible for drainage standards, does not specify further controls for Mono Lake, but follows general drainage law in requiring that new projects maintain pre-project conditions in terms of runoff rate and water quality. Consistent with LRWQCB requirements, the County uses a standard that focuses on containment of 'first flush' (the surface runoff from the first storm or storms of the season). Due to the accumulation of pollutants over the dry season months, first flush stormflows typically carry pollutant loads that are more concentrated than runoff during later stages of a storm, particularly where the drainage area contains a high proportion of impervious surfaces. The County standard is that, *"Drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch (2.5 cm) of rainfall."*<sup>27</sup>

The Mono County Department of Public Works notes that the potential for increased salinity levels may be another factor weighing against strict limits on inflows to Mono Lake. Consistent with County recommendations, the project will incorporate sediment traps and filtration devices, and detention basins will be designed to accommodate the increase in flows associated with the project proposal; all other flows will be allowed to enter drainages that flow to Mono Lake. The increase in runoff will be calculated (using a regression analysis) as the difference between historic runoff and total runoff on the new construction and newly paved project areas. To stay within historic limits and avoid damage to existing drainage channels, the outfall will be designed to work within the existing channels and culverts. **The mitigation measures provided below would reduce the potentially significant project impacts on water quality to less than significant levels.**

**Groundwater Management Planning.** As noted in the baseline discussion, the Sustainable Groundwater Management Act requires the establishment of groundwater sustainability agencies to manage water supplies to anticipate drought and climate change, and ultimately enhance reliability under varied weather conditions. The Act mandates that Counties must manage 'high' and 'medium priority' basins through groundwater sustainability plans (to be adopted by January 31, 2022), and encourages that low and very low priority basins also be managed under the sustainability plan. Using identified ranking criteria, the Department of Water Resources (DWR) has assigned a priority status to each of Mono County groundwater basins. Mono Basin is classified as a 'Very Low Priority Basin.' To date, no Mono County basin has been identified as 'high priority,' nor are any basins subject to critical overdraft conditions. Impacts would be **less than significant**, and no mitigation is required.

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## **MITIGATION MEASURES – WATER QUALITY**

**MITIGATION HYDRO 5.2(a-1) Slope Restoration and Monitoring:** A Revegetation Plan shall be prepared as described in Measure BIO 5.3(a-1). This Plan shall include a map of all temporarily disturbed areas in the Project and shall outline how all temporary impacts to water resources and upland areas will be restored (recontoured) to approximate pre-project grade and drainage conditions. The Plan shall provide performance criteria and measures, and adaptive management procedures to be taken in the event hydrologic goals are not being met. Annual reports of monitoring results prepared for transmittal to Mono County prior to December 1 shall include evaluation of drainage performance relative to Plan criteria, and photographs of drainage features, for a period of no less than three years.

**MITIGATION 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.

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<sup>27</sup> Correspondence from Paul Roten, P.E., Sr. Engineer, Mono County Public Works Dept., 24 July 2018. Note: this is a conservative standard: the NOAA Point Precipitation Frequency Estimate for a 25-year, 60-minute storm event in Lee Vining is 0.907" of rainfall with a 90% confidence interval ranging from 0.753-1.10." [https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html).

**MITIGATION 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 HYDRO 5.2(a-4) Spill Prevention and Response:** A Spill Prevention and Response Plan shall be prepared that outlines project best management practices to prevent hazardous material spills, and the steps to contain and cleanup a hazardous material spill should one occur.

**MITIGATION HYDRO 5.2(a-5) Onsite Storm Flow Retention:** 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.

**NEW [MITIGATION GEO-HYDRO 5.2\(a-6\) Low Impact Development Program.](#)** [A Low Impact Development Best Storm-water Management Practices Program \(LID BMP\) shall be implemented throughout the life of the Tioga Specific Plan as outlined in DSEIR/FSEIR §5.1 \(Geology and Soils\), MITIGATION GEO 5.1\(b\).](#)

**NEW MITIGATION HYDRO 5.2(a-7) (BMPs for Spills and Leaks):** 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. The plan will ensure that onsite facilities have in place containment and other controls to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.

**TABLE 5-4. Spill and Leak Best Management Practices of the Tioga Community Housing Project**

<b><u>SPILLS</u></b>	<a href="#">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.</a>
	<a href="#">Drip pans and funnels shall at all times be readily available to gas station customers and staff for use when draining or pouring fluids.</a>
	<a href="#">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</a>
	<a href="#">Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff and 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.</a>
<b><u>LEAK CONTROLS</u></b>	<a href="#">Drip pans and funnels shall at all times be readily available and accessible for use with stored vehicles.</a>
	<a href="#">Drip pans shall be placed under the spouts of liquid storage containers.</a>
<b><u>TRAINING</u></b>	<a href="#">All gas station employees, as well as the housing manager, shall be trained on spill and leak prevention practices annually.</a>
	<a href="#">Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</a>
<b><u>FUELING</u></b>	<a href="#">Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</a>
	<a href="#">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.</a>
	<a href="#">Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</a>
	<a href="#">Rags and absorbents shall at all times be readily available for use by gas station staff and customers in case of leaks and spills.</a>
	<a href="#">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.</a>
<b><u>WASTE-</u></b>	<a href="#">WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained</a>

<b><u>WATER TREATMENT PLANT</u></b> <sup>28</sup>	<u>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 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.</u>
<b><u>WASHING</u></b>	<u>No vehicle washing shall be permitted at the gas station or housing area, unless a properly designed wash area is provided and designated on the project site.</u>
	<u>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, and 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.</u>
	<u>Detergents sold and used at the gas station shall be biodegradable and free of phosphates.</u>

**IMPACT 5.2(b): Would implementation of the proposed Tioga [CommunityWorkforce](#) Housing Project violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities?**

**LESS THAN SIGNIFICANT.** The Tioga [CommunityWorkforce](#) Housing project proposal incorporates installation of a new Orenco Systems AdvanTex AX-Max package wastewater treatment plant (WWTP). The new package wastewater treatment plant will replace the existing septic system for all wastewater treatment.

LRWQCB policy concerning package treatment plants is set forth in *Basin Plan* Chapter 4. The policy emphasizes the importance of daily maintenance by a certified plant operator to avoid significant problems with water quality and waste discharge compliance, nuisance conditions and odors. The operator must be certified in California for all appropriate process classifications and LRWQCB must be notified of operator identity. Further, package plants must be owned or controlled by a public agency or private entity with adequate financial and legal resources to assume responsibility for waste discharges; this requirement recognizes that the owner is ultimately responsible for plant performance, and also fully responsible for operational oversight (adding capacity and/or renovations as needed, maintaining supplies, supervising operator performance and securing outside assistance when required).

LRWQCB approval of wastewater treatment plants requires that discharges comply with a maximum total nitrogen level of 10 mg/l and other criteria including design for peak daily flow estimates, odor controls, adequate storage for waste sludge, duplicate onsite equipment components for failure response, compliance with individual waste disposal system requirements for leach field disposal, compliance with all current Regional Board standards, and other requirements where applicable.

All package treatment plants are subject to LRWQCB individual waste discharge requirements. The requirements identify effluent limitations, and outline monitoring and reporting requirements. Recycling is recognized as an important resource in water-limited regions, as outlined in the 1977 State Board "Policy with Respect to Water Reclamation in California" and the related "Action Plan for Water Reclamation in California." The policy directs the regional board to encourage and promote reclamation where consistent with beneficial use designations and water quality objectives. Regional Board approval of reclamation proposal is granted only after determining that the project will not compromise water quality<sup>29</sup> and public safety. Waste discharge requirements for the proposed Tioga package

<sup>28</sup> Sources for the WWTP BMPs include EPA Guidance Manual for Developing BMPs (<https://www3.epa.gov/npdes/pubs/owmo274.pdf>) and New Hampshire Dept. of Environmental Services Emergency Response Planning Guide (<https://www.des.nh.gov/organization/divisions/water/wweb/documents/emergency-response-guide.pdf>).

<sup>29</sup> Note: the Water Code allows issuance of water recycling requirements to projects that violate only the salinity objectives.

wastewater treatment plant will be governed by requirements set forth in State Water Resources Control Board Order WQ 2014-0153-DWQ.<sup>30</sup>

The proposed onsite AX-Max WWTP system is comprised of individual containerized and fully plumbed treatment components ("tanks"). Each component consists of an entire treatment system (treatment, recirculation, discharge) built inside an insulated fiberglass tank ranging from 14' to 42' in length. The tanks will be installed underground approximately 50 feet from the northwest corner of the hotel. An onsite certified operator will be retained to manage the system, and Orenco (designed of the system) will provide 24/7 real-time telemetry monitoring via a dedicated phone line or Ethernet connection.

Subsurface irrigation would be accomplished via a Geoflow Subsurface Drip System. The drip system will connect directly to the AX-Max treatment system with both an outflow supply line and a separate flush return line. The drip line is made of flexible ½" polyethylene tubing (with an antibacterial coating on the inside). Factory-installed drippers are spaced evenly along the tubing; a pump will be included in the system to circulate the supply.

The drip line would be placed 6-10" below surface. Effluent is pumped on a time-activated dose cycle through a self-cleaning filter out to the dripfield. At the end of each cycle, system flows will return to the treatment tank in a closed loop that is regularly flushed. Quality of the irrigation water will be the same as the quality of the tank effluent. Treated effluent would be distributed to a subsurface irrigation system during the late spring, summer and fall months (7 to 8 months of the year) through a Geoflow subsurface drip irrigation system.

Upon installation of the new wastewater treatment system, the existing septic tank will be decommissioned and the existing leachfield will be removed to construct the hotel. A new shallow leachfield will be constructed north of the hotel, as well as a new winter disposal leachfield to be located east of the ~~workforce~~ units. The winter leachfield will be used only for disposal of treated effluent during months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leachfield size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent. Soil percolation on the project site is very fast (1 minute per inch or less), and the project engineers anticipate that LRWQCB may allow an effluent application rate on the order of 10 gallons per square foot per day which would require a leach field area of 2,200 square feet to accommodate the anticipated 22,000 gpd maximum winter daily wastewater generation rate.

Note that the Concept Plan shows an alternate winter leachfield location in the vicinity of the shallow leachfield (north of the hotel). The alternate winter leachfield site would be used instead of the proposed winter leachfield site if the SWRCB Division of Drinking Water requires additional separation between the winter leachfield and the water supply wells that are located east of US 395. The Site Context Map (Exhibit 3-3, in the Project Description) shows the location of (a) the existing and proposed sanitation system elements, (b) the proposed shallow leachfield and the winter leachfield, and (c) the alternate winter leachfield.

In compliance with LRWQCB, leachfield percolation rates will meet all applicable LRWQCB procedures and standards, including a requirement for a minimum 40 foot separation distance from the anticipated level of high groundwater. LRWQCB has indicated that one or more groundwater monitoring wells may be required to monitor the immediate impact of discharges. This requirement would be imposed, if applicable, through the LRWQCB Waste Discharge Permit (WDR) process if the proposed Tioga ~~CommunityWorkforce~~ Housing project is approved.

**Project Water Supplies:** Water supplies for the project site are obtained from groundwater pumped through two wells (including one well that was constructed during 2017) that are located on project land east of US 395. Anticipated water demands for the previously approved uses is estimated to be 12,835 gpd (about 5.9 AF) for the winter period from November through March, and about 23,800 gpd (about 15.6 AF) for the high season months of April through October. Total annual water demand for the approved uses is estimated to be about 21.5 AFY.

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<sup>30</sup> SWRCB: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2014/wq02014\\_0153\\_dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wq02014_0153_dwq.pdf)

Water supply for the proposed ~~Workforce Housing~~ project would also come from the two wells located east of US 395. Future water demands (including the proposed ~~Community Workforce~~ Housing Project) are estimated to be 22,000 gpd (about 10.2 AF) for the period from November through March. For the period from April through October, water demands are estimated at 40,800 gpd (about 26.8 AF). Total annual water demand for all uses would be about 37 AFY, and consumptive use is assumed to be negligible. Total annual demands for the proposed project alone (not considering previously approved elements) would be about 15.5 AFY.

The daily flow of 40,800 gpd is estimated as maximum day demand for purposes of sizing the package wastewater treatment plan. Irrigation is expected add 50% to this demand to a WWTP, which would yield an estimated 'worst case' Maximum Day demand of 60,000 gpd. As noted, most of the irrigation demand will be met through the subsurface irrigation system using treated effluent from the package plant.

The construction of groundwater production wells is a ministerial action in Mono County, and does not require permitting. Once installed, however, the wells are subject to regulation based on the scale and type of existing uses. The two groundwater wells are currently classified by the Mono County Health Department as a 'Transient Non-Community Water System.' If the proposed ~~workforce~~-housing project is approved, the existing permit will require revision to a Non-Transient Non-Community Water System or a Community Water System permit. Information required at that time would include 'TMF' verification (i.e, a demonstration of technical, managerial and financial capability), as well as water quality parameters and verification of compliance with the applicable state and federal water system classification requirements, as well as the maximum day demand provided above for source supply, and the water quality parameters provided in the Antidegradation Analysis (Appendix [H2f](#)).<sup>31</sup> The 1993 EIR and the current Subsequent EIR would fulfill CEQA compliance requirements for permit classification changes.

**Antidegradation Analysis:** LRWQCB requested that the SEIR provide an antidegradation analysis for the proposed project. The antidegradation policy requires that the quality of existing high quality waters of the state must be maintained, even when the quality is higher than required to protect beneficial uses, unless it can be demonstrated that the water quality changes will be of benefit to California residents and will not unreasonably impact beneficial uses. Absent these conditions, water quality goals are set by the background water quality concentrations. With respect to Mono Lake, the *Basin Plan* objective is further clarified as follows: "*The Regional Board generally considers "natural high quality water(s)" to be those waters with ambient water quality equal to, or better than, current drinking water standards. However, the Regional Board also recognizes that some waters with poor chemical quality may support important ecosystems (e.g., Mono Lake).*"

The third part requires that the water quality of any designated 'outstanding national resource' be maintained and protected; no permanent or long term reduction in water quality is allowable. Mono Lake (along with Lake Tahoe) has been designated as an Outstanding National Resource Waters, and is therefore subject to the highest level of water quality protections. Although identified as an Outstanding National Resource, and although no water quality deterioration is permitted, Mono Lake is specifically identified in the *Basin Plan* as a water body of poor chemical quality: "*The Regional Board generally considers "natural high quality water(s)" to be those waters with ambient water quality equal to, or better than, current drinking water standards. However, the Regional Board also recognizes that some waters with poor chemical quality may support important ecosystems (e.g., Mono Lake).*"<sup>32</sup>

Consistent with the LRWQCB request and ONRW requirements, an Antidegradation Analysis has been prepared for the project by Wildermuth Environmental Inc. ('WEI'). The full report, provided as DSEIR Appendix [H2f](#), includes all assumption and calculations used for the analyzed scenarios. Results are summarized below (note that baseline and groundwater conditions were described in §5.2.3.6).

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<sup>31</sup> Correspondence from Jon Drodz, Mono County Environmental Health Specialist, 23 May 2019.

<sup>32</sup> LRWQCB Basin Plan (p. 3-15): [https://www.waterboards.ca.gov/lahtontan/water\\_issues/programs/basin\\_plan/docs/ch3\\_wqobjectives.pdf](https://www.waterboards.ca.gov/lahtontan/water_issues/programs/basin_plan/docs/ch3_wqobjectives.pdf)



To assess both the direct and cumulative project impacts on water quality, two scenarios were evaluated in the Antidegradation Analysis: 1) project buildout under the 1993 Project Approvals ('Approved Project') and 2) project buildout under the Proposed Project (Proposed Project).

The Basin Plan objective for TDS is 500 milligrams per liter (mg/l) and for nitrate the objective is 10 mg/l. Based on recent water quality measurements, TDS and nitrate concentrations in the project water supply wells are estimated to be about 200 mg/l and 0.2 mg/l. The TDS concentration in wastewater produced for the Approved and Proposed Project scenarios was assumed equal to the existing Tioga water supply TDS, plus a TDS waste increment; the analysis assumes a TDS waste increment of 250 mg/l for both scenarios. The total nitrogen concentration in septic tank discharges to groundwater is assumed to be fully nitrified prior to reaching groundwater, and is assumed to be 30 mg/l for the Approved Project, and 10 mg/l for the Proposed Project. Package plant performance for BOD, TSS, T-N and other constituents shall meet the secondary treatment standards established by USEPA.

Upgradient of the project site, groundwater flows in a southwest to northeast direction in a defined bedrock channel. Wastewater from the Project will be discharged into this groundwater flow system. Because there are few wells with groundwater level data in the project area, WEI estimated groundwater flows in the site vicinity by multiplying the width of the valley opening (about 4,000', see Appendix [H2d](#)) by the saturated thickness of the aquifer penetrated by wells #1 and #2 (about 250') to determine the cross-sectional areas of the aquifer. Hydraulic conductivities were determined by dividing the 1992 T values by the saturated aquifer thickness penetrated by wells 1 and 2. The groundwater gradient in the area was calculated using two methods, and flow was then calculated using an equation.<sup>33</sup> The resulting groundwater flow calculations are summarized in Table 5.2-5. Note that no losses in nitrate or TDS concentrations were assumed as the wastewater percolates through the vadose zone to the saturated zone; this assumption is conservative and results in overestimation of TDS and nitrate impacts to groundwater.

<b>TABLE 5.2-5. Projected Impacts from the Discharge of Project Wastewater (mg/l)</b>		
	<b>TDS</b>	<b>Nitrate Nitrogen</b>
Basin Plan Objective (to protect beneficial uses)	500	10
Baseline Concentration	200	0.20
Assimilative Capacity without Project	300	9.80
Project Ambient with Approved Project Elements	202 – 208	0.43-1.12
Assimilative Capacity remaining with Approved Project	298– 292	9.57 – 8.88
Assimilative Capacity used by Approved Project	0.63 – 2.57%	2.30% - 9.37%
Project Ambient with Proposed Project Elements	203 – 213	0.33 – 0.72
Assimilative Capacity with Proposed Project	297 – 287	9.67 – 9.28
Assimilative Capacity used by Proposed Project	1.08 - 4.40%	1.30 - 5.28%

From the groundwater impact computations (provided in Appendix [H2d](#)) and the project impacts presented in Table 5.2-5 above, the analysis concluded that groundwater discharges approaching the project site from the south west are projected to range from about 700-2,850 AFY, with TDS and nitrate concentrations of about 200 mg/l and 0.2 mg/l

<sup>33</sup> The equation used by WEI was  $Q=kiA$ , where  $Q$  = flow,  $k$  = hydraulic conductivity,  $i$  = hydraulic gradient, and  $A$  = saturated cross-sectional area of the aquifer

respectively. Without the project, there is about 300 mg/l of assimilative capacity for TDS and 9,8 mg/l of assimilative capacity for nitrate.

Under the **Approved Project** scenario, after receiving about 21.6 AFY of wastewater:

- The TDS concentration in groundwater will increase and range between 202-208 mg/l (using between approximately 0.63%-2.57% of the pre-Project assimilative capacity for TDS); and
- The nitrate concentration in groundwater will increase and range between 0.43-1.12 mg/l (using between ~ 2.30%-9.37% of the pre-Project assimilative capacity for nitrate).

Under the **Proposed Project** scenario, after receiving about 37 AFY of wastewater:

- The TDS concentration in groundwater will increase and range between 203-213 mg/l (using between approximately 1.08%-4.40% of the pre-Project assimilative capacity for TDS); and
- The nitrate concentration in groundwater will increase and range between 0.33-0.72 mg/l (using between ~ 1.30%-5.287% of the pre-Project assimilative capacity for nitrate).

Based on the projected TDS and nitrate impacts outlined above, and the conservative assumptions and calculations provided in Appendix [H2f](#), answers to the three-part questions in the Antidegradation process are provided below:

1. **Will the discharge lower baseline water quality? YES.** The baseline TDS concentration is about 200 mg/l, and the TDS concentration is projected to increase 2 to 8 mg/l under the Approved Project and 3 to 13 mg/l under the Proposed Project. The baseline nitrate nitrogen concentration is about 0.2 mg/l, and the nitrate nitrogen concentration is projected to increase 0.23 to 0.92 mg/l under the Approved Project and 0.13 to 0.52 mg/l under the Proposed Project.
2. **Is the water quality better than necessary to support beneficial uses? YES.** The baseline water quality is better than necessary to support beneficial uses. The water quality impact of the Proposed Project on groundwater, relative to the Approved Project, is a slight increase in TDS concentration (water quality degradation) and a slight decrease in nitrate concentration (water quality improvement), and beneficial uses will remain fully protected.
3. **Is the water body an Outstanding Natural Resource Water? NO.** Although Mono Lake is a designated Outstanding Natural Resource Water, the receiving water body for wastewater discharges from the approved and proposed project element is groundwater underlying Lee Vining Creek; the groundwater underlying Lee Vining Creek is not an ONRW.

The analysis concludes that the wastewater impact to groundwater for TDS and nitrate for the Approved and Proposed Projects will utilize a small fraction of the available assimilative capacity, the absolute impacts are small, and beneficial uses are fully protected. With the Proposed Project, less than ten percent of the total assimilative capacity for TDS and nitrate will be used by the Project. The nitrate impacts to groundwater with the Proposed Project will be less than the Approved Project because the existing septic tank system will be replaced with a package treatment plant that will limit the nitrogen concentration in the discharge to groundwater to 10 mg/l.

Information contained in the Antidegradation Analysis indicates that project impacts will be **less than significant**. However, the Lahontan Regional Water Quality Control Board will have final authority to determine whether to allow the proposed action based on the information provided in the Antidegradation Analysis; their decision will be made after the CEQA process is completed.<sup>34</sup> In preliminary review comments, LRWQCB has indicated that Water Reclamation Requirements for Recycled Water Use, Order WQ 2016-0068-DDW, or Individual Water Reclamation Requirements may be required by the State Water Resources Control Board Division of Drinking Water. LRWQCB has also indicated that discharges from the package treatment plant will likely be regulated by General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (Order WQ 201400153-DWQ).<sup>35</sup> The proposed subsurface reclamation system may require that the State Water Resources Control Board Division of Drinking Water (DDW) issue Water

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<sup>34</sup> Under the Local Agency Management Program (LAMP), Mono County Community Health Department has jurisdiction for sewage discharges up to 10,000 gpd. Since project discharges would exceed this volume, the jurisdictional authority will rest with LRWQCB.

<sup>35</sup> Correspondence from Dr. Woonhoe Kim, Water Resource Control Engineer, 19 April 2019.

Reclamation Requirements for Recycled Water Use (per Order WQ 2016-0068-DDW) or Individual Water Reclamation Requirements may be required.

LRWQCB further noted that the project will require either DDW approval of a Title 22 Engineering Report, or a letter from DDW indicating that the project does not need to satisfy Title 22. The Title 22 review would occur following EIR certification, if the project is approved. As noted previously, the Concept Plan designates an alternative winter leachfield in the vicinity of the shallow leachfield (north of the hotel). The alternative winter leachfield would be used instead of the proposed winter leachfield site (located east of the [workforce](#) housing) if the Title 22 review results in a requirement for additional separation distance between the package treatment plant leach field and the existing water supply wells.

**Compliance with General Plan Policies:** The Mono County General Plan Land Use Element Mission statement identifies the provision of high quality services as a key component of the Countywide Vision. This priority is reflected in the adopted Countywide Land Use Policies. Goal 1 is to “*Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.*” This goal is supported by Objective 1.A (“*Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services*”) and Policy 1.A.2 (“*Assure that adequate public services and infrastructure are available to serve planned development*”). The three actions listed for Policy 1.A.2 are as shown below:

- **General Plan Countywide Action 1.A.2.a.** Require that necessary services and facilities, including utility lines, are available or will be provided as a condition of approval for proposed projects.
- **General Plan Countywide Action 1.A.2.b.** Require that new development projects adjacent to existing communities be annexed into existing service districts, where feasible.
- **General Plan Countywide Action 1.A.2.c.** Through permit conditions and mitigation measures, require development projects to fund the public services and infrastructure costs of the development. In accordance with State law (GC §53077), such exactions shall not exceed the benefits derived from the project.

For several reasons, the applicant is not proposing to annex into the Lee Vining Public Utilities District (LVPUD) for water or sanitation services. The Tioga project site is separated from LVPUD water and sanitation facilities by Lee Vining Creek; new conveyances across Lee Vining Creek would be required in order to extend the PUD water and sanitation facilities to serve the Tioga project. Construction of the conveyances would be subject to potentially significant environmental issues, and separate review under CEQA. The LVPUD treatment facility consists of a 3-tank septic system with 5 percolation ponds. The peak water and sanitation system demands associated with the Tioga project (including approved and proposed elements) would more than double existing demands within the LVPUD service area, which had 100 sewer service connections as of 2009.<sup>36</sup> Thus an extension of PUD facilities to serve the Tioga project site would require expansion of the LVPUD system as a whole, again with potentially significant environmental ramifications and CEQA review requirements. The proposed Tioga package treatment plant incorporates a subsurface irrigation system that would be eliminated if the site were served by the PUD, requiring use of potable water supplies for irrigation on the Tioga site. Finally, the 2009 Municipal Services Review (MSR) prepared by the Local Agency Formation Commission (LAFCO, op cit.) notes that LVPUD has no long-term planning documents or other reports to indicate how it will meet future water and sewer demands in Lee Vining. The above considerations indicate that annexation to the Lee Vining PUD would be infeasible at this time.

## **MITIGATION MEASURES – WATERWATER TREATMENT**

**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.

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<sup>36</sup> Mono County LAFCO website: [https://www.monocounty.ca.gov/sites/default/files/fileattachments/local\\_agency\\_formation\\_commission\\_lafco/page/3562/leeviningpublicutilitydistrict\\_02.2009.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/local_agency_formation_commission_lafco/page/3562/leeviningpublicutilitydistrict_02.2009.pdf).

**AMENDED 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. [The location and 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 high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600 feet of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MP 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 the LRWQCB permitting process.](#)

**HYDRO 5.2(b-3) 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 goal (e.g., BOD, TSS, T-N, coliform, etc.) shall meet the US EPA secondary treatment standards.

**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 Community](#) Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.

**NEW HYDRO 5.2(b-5) Groundwater Monitoring Wells:** [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.](#)

**NEW 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.](#)

**IMPACT 5.2(c):** Would implementation of the proposed Tioga [WorkforceCommunity](#) Housing Project 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 nearby wells? Would sufficient water supplies be available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

**LESS THAN SIGNIFICANT WITH MITIGATION.** Numerous comments on the NOP requested analysis of the potential impact of project water demand impacts on surrounding wells and water features. In response, a well pump test was conducted during the summer of 2017 by Sierra Geotechnical Services, Inc. (SGSI). The SGSI analysis was subsequently peer reviewed by Resource Concepts, Inc. Results of the pump test and peer review are summarized in this section; SEIR Appendix E1 provides a complete copy of the original 2017 SGSI analysis, Appendix E2 provides a copy of the Supplemental Technical Memorandum prepared by SGSI in March 2019 to reclassify an earlier mitigation measure (for a well pump video survey) as a recommendation; [the recommended video survey was subsequently deleted because it was not enforceable.](#) Appendix F presents a complete copy of the RCI Peer Review assessment, and Appendix G provides SGSI's response to the Peer Review.

The Tioga site is served by two water wells, both located on the portion of parcel 2 that is east of US 395; one of the wells was constructed in 1984, and the second well was installed during the summer of 2017 (subsequent to the pump test). The SGSI pump test measured conditions in the original well, and also included monitoring of water levels in a nearby observation well (the 'Winston Well'). The 1984 well was previously tested by Kleinfelder during 1992 studies conducted for the Tioga Inn Specific Plan EIR. The 1992 test had 3 steps: the first two steps were pumped continuously for 2 hours, and the third step was pumped continuously for just under 22 hours, with average pumping rates of 38, 91 and 132.5

gallons per minute (gpm). The initial pre-test static water level (SWL) was 339 feet below ground surface, and the calculated specific well capacities were 11.14 gallons per minute per foot of water level drawdown (gpm/ft dd), 9.00 gpm/ft dd, and 7.52 gpm/ft dd respectively. Based on the 1992 test results, Kleinfelder recommended a final pumping rate of 400 gpm.

The test conducted during 2017 was a constant rate pumping test during which both the Tioga well and the offsite well were equipped with a pressure transducer to record water level changes before, during and after the test. Results indicated a pretest SWL of 351.5' below the wellhead reference point (brp). After 24 hours of continuous pumping at an average rate of 102 gallons per minute, a maximum pumping water level depth of 388.9 ft brp was recorded, for a maximum water drawdown level of 37.4 feet. Based on test results, SGSI concluded that the specific capacity of the well for the 24-hour test period was 2.73 gpm/ft dd, which was significantly lower than the specific capacities calculated during the 1992 tests by Kleinfelder. The well transducer in the observation well recorded no changes in water levels, and there were no adverse field observations concerning water clarity, entrained air, and/or sand content in the Tioga well. A final water level recovery measurement was recorded by SGSI approximately 24 hours after the test concluded; the final water level measurement in the Tioga well as 352.2 ft brp, which was 0.2 feet deeper than the pretest measurement. Because the maximum was slightly lower at the end of the test than the beginning, cascading water conditions occurred and can be anticipated to occur in the future during normal well operation (particularly during extended periods of pumping). Based on test results, SGSI concluded that the well is capable of pumping at a sustained rate of 100 gpm (even with the cascading effect) without impacting Lee Vining water supply wells or the springs that feed Mono Lake.

Mono County submitted the SGSI report to Resource Concepts, Inc. (RCI) for an independent peer review. The RCI evaluation concluded that the SGSI analysis was reasonable and technically sound. The peer review noted, however, that the SGSI report did not discuss potential interaction between Lee Vining Creek and the underlying aquifer, and thus it was not possible to determine if or how much stream depletion might occur from Lee Vining Creek due to project water demands.

To address this unanswered question, SGSI subsequently undertook additional analyses (see Appendix G). The supplemental review noted that flows in Lee Vining Creek are controlled chiefly by SCE and LADWP releases from upstream reservoirs (see Table 5.2-2). Minimum water flows in the Creek are set by and mandated under Decision D1631; SWRCB Order 98-05. Currently, minimum and maximum flows are required between 25 to 35 cfs, depending on time of year and snowpack.

To estimate the potential effect of project-related groundwater production on Lee Vining Creek, SGSI performed the calculation presented in Table 5.2-6 below. Note that the calculation is conservative in that it does not account for variables (such as distance from the creek, geology, transmissivity or usage) that would reduce the estimate of potential impacts on the creek.

<b>TABLE 5.2-6. Potential Effect of Project Groundwater Production on Lee Vining Creek</b>
<b>Assumed Flow Rates</b> <ul style="list-style-type: none"> <li>102 gpm constant rate flow from Tioga Well.</li> <li>25 cfs daily required minimum flow.</li> </ul>
<b>Daily Effect</b> <ul style="list-style-type: none"> <li>102 gpm x 60 min x 24 hours = 146,850 gpd.</li> <li>146,850 gpd = 0.23 cfs</li> <li>0.23cfs/25cfs = 0.9 percent daily usage</li> </ul>
<b>Annual Effect</b> <ul style="list-style-type: none"> <li>146,850 gpd X 365 days = 53,600,250 gpy</li> <li>25 cfs = 16,154,761 gpd = 5,896,487,765 gpy</li> <li>53,600,250gpy/589,648,740gpy = 0.9 percent yearly usage</li> </ul>

Based on the values shown in Table 5.2-6, SGSI concluded that the potential for stream depletion on Lee Vining Creek from pumping of the well would be less than 1% per year, and that the potential would be further reduced by factors (distance, geology, transmissivity, and usage) that were not considered in the calculations.

[Comments on the DSEIR noted that new and widely-supported SWRCB-mandated Stream Ecosystem Flows \(SEFs\) for Lee Vining Creek began in 2019 in order to better mimic the natural hydrograph in accordance with State Water Board-mandated stream restoration. The new flows are part of a larger settlement agreement in which winter base flows are reduced compared to previous flow regimes in Lee Vining Creek. The question was raised as to whether the DSEIR pump test analysis and peer review should be reconsidered in light of this change. It was also noted that the lower reach of Lee Vining Creek is a transition zone between a gaining stream and a losing stream, and suggested that groundwater pumping could convert the reach from gaining to losing \(depending on pumping and season\) with implications for water temperatures \(loss of gaining cooler groundwater\) if the gaining/losing boundary moves significantly upstream.](#)

[The project hydrologist has considered the new flows that are part of a larger Mono Lake settlement agreement under State Water Board guidance, and finds that the DSEIR conclusions are unchanged.<sup>37</sup> The considerations underlying this determination include: \(1\) the 3000'+ distance between the Tioga wells and Lee Vining Creek, \(2\) the fact that that Tioga wells are not located between Lee Vining Creek and the spring-fed Tufa towers, \(3\) the comparatively low volume of pumping at the Tioga wells \(current and forecast\), and \(4\) the fact that Lee Vining Creek is armored in the section between the range-front faults and areas where the Tioga wells might otherwise have influenced creek flows.](#)

[With respect to the concern that water temperature may influence water quality and thus impair fishery conditions in Lee Vining Creek \(as raised by the Mono Lake Committee in Letter #12, Comment I.B.2\), the factors noted above are similarly altered under existing management conditions. An alteration to creek temperatures could cause the fish to move upstream to cooler water temperatures, but could also cause the fish to move downstream where flows are warmer and food supplies are more plentiful. In any scenario, the fish in Lee Vining are 'planted' on a weekly basis during the summer months.](#)

Based on these considerations, potential impacts associated with the adequacy of water supplies to serve the proposed project were found to be less than significant, provided mitigation measures (including groundwater level monitoring and a well pump video survey) were implemented as outlined in the 2017 Technical Memorandum. The project applicant subsequently installed a second water supply well adjacent to the original well. SGSI issued a supplemental memorandum (see Appendix E2) that reclassified ~~one of the earlier mitigation calling for measures (the a well pump video survey) as a recommendation; this recommendation was subsequently deleted since it was not enforceable. Based on the reviews conducted, it is concluded that project impacts on groundwater supplies would be less than significant with implementation of the mitigation measure outlined below. Implementation of Recommendation 5.2(c-3) below would increase the life span of the older well, but would not be required to reduce impacts to less than significant levels; this measure is included as an optional item and will not be included with the final EIR Mitigation Monitoring and Reporting Program.~~

[Several comment letters on the DSEIR raised the question of whether the Tioga project wells may have contributed to the need for a neighboring property owner on an Indian Allotment to install a deeper well \(the 'Andrews well'\). To respond to concerns raised, a letter was sent on August 27 to Michael Godbe, Tribal staff attorney, requesting data for the Kinerson and Andrews family allotment wells that are located about 1 mile south of the Tioga wells.<sup>38</sup> In a 12 September reply, Mr. Godbe indicated that the requested data does not exist for the Kinerson allotment's well, but that at least some of the requested data might be available for the Andrews' allotment well through Maranatha Drilling \(the company that installed the Andrews well\). From this source it was possible to obtain a fair amount of information about the Andrews well. Drilling did not reach groundwater in the first attempt \(during 1980\) to install a well at a depth of 250 feet on the Andrews property. Maranatha subsequently drilled through the bottom of the original hole to a new depth](#)

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<sup>37</sup> Correspondence from Roger Smith, SGSI hydrologist, 2 October 2019 and 11 October 2019.

<sup>38</sup> The requested data included: mapped location of the well(s) on the neighboring tribal lands; static water levels for the identified well(s); drawdown from pumping the well(s); water production rates from the well(s); and the completed depth of the well(s) in question, particularly the dry well.



of 370 feet in 1992. With the second effort, Maranatha did reach groundwater at a depth of 230 feet, and the new well produced groundwater at an estimated rate of 30 gpm. As we understand it, the Andrews well has remained at the 370-foot depth since this second drilling, and it is also our understanding that the well continues to produce groundwater.

The original Tioga well predates the successful allotment wells. The first Tioga well was drilled in 1984 with the pump intake depth at 598' below ground surface. The Tioga well has since produced groundwater at a rate of 100-150 gpm independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.). The new Tioga well (well #2), was drilled by Maranatha Drilling in 2018 and is located in the same location as the original well (on the project parcel east of US 395).

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. In combination, the available facts concerning area geology and the allotment well history suggest that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well). In addition, the pump test showed no interference with the Winston well located nearly the same distance away to the northwest and within the same groundwater basin as the Tioga well. Even if no recharge to the basin occurred in a given year, it is highly unlikely that there would be a noticeable drop in the groundwater levels within the surrounding wells solely due to the annual production from the Tioga well. Based on these data, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews wells resulting from groundwater production in these two wells.

An additional area of concern raised in comments on the DSEIR pertained to groundwater conditions during dry years (including multiple dry year scenarios). With respect to groundwater conditions following a period of multiple dry years, the May 2017 groundwater pump tests were done after a record season of winter snowfall. However, recharge of the groundwater basin had only begun as of May, since there is typically a 6 to 9 month delay between snowmelt and peak recharge. More significantly, the 2017 test was conducted following a sustained drought: the Public Policy Institute of California cites the 4-year period between fall 2011 and fall 2015 as the driest since record keeping began in 1895 [<https://www.ppic.org/publication/californias-latest-drought/>].

The tests conducted in 1992 and the tests conducted in May 2017 were conducted under substantially similar baseline conditions. However, the 1992 tests were done when the well casing was fairly new (having been installed in 1984), and the well itself was producing at a higher rate of transmissivity. Sierra Geotechnical Services, Inc., as project hydrologist, indicates that a 0.2' or 0.3' difference in static water levels would not be significant, and that testing protocols allow for completion of data gathering after the well has recovered to within 5% of the static water level.

Most groundwater basins have some degree of annual water level fluctuation, due mainly to seasonal precipitation and recharge rates. The Tioga well has produced groundwater at an unvarying rate of 130 gpm since 1984, independent of external variables (e.g., precipitation amounts, new wells, changes in water demands, etc.). The Tioga wells are not considered substantial by any definition (1,000 gpm would be substantial) and will not impact the levels in Mono Lake or its recovery in any way. The water will not be exported from the basin.

LRWQCB has indicated that groundwater monitoring will be required for this project to verify that discharges from the Wastewater Treatment Plant comply with applicable water quality standards. This requirement is addressed in Mitigation Hydro 5.2(c-1) below. The applicant plans to use the monitoring well to keep track of static water levels.

### **MITIGATION MEASURE – GROUNDWATER AND SAND CONTENT MONITORING**

**MITIGATION 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.

### MITIGATION RECOMMENDATIONS FOR OLDER WELL MONITORING AND VIDEO SURVEY

**MITIGATION HYDRO 5.2(c-2). Well Monitoring for Sand Content:** Monitoring for possible pumping of sand may also be performed on a semi-annual basis at the discretion of the applicant.

**MITIGATION HYDRO 5.2(c-3). Well Pump Video Survey:** To determine the degree of corrosion, the buildup of organic material and/or precipitates in the perforated intervals, and the current depth of the sediment fill in the bottom of the casing, the well pump may be removed and a video survey performed at the discretion of the applicant.

**IMPACT 5.2(d): Would implementation of the proposed Tioga [WorkforceCommunity](#) Housing Project alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or polluted runoff, or exceed the capacity of existing or planned drainage systems?**

**LESS THAN SIGNIFICANT IMPACT.**<sup>39</sup> As noted in the baseline discussion (§5.2.3.2), Mono Lake is identified in the *Basin Plan* as an Outstanding National Resource waterbody. Further, the *Basin Plan* states that waters throughout most of the Inyo-Mono region are of very high quality, with limited potential for contamination compared to other parts of the state; water-quality issues in the planning area generally result from naturally-occurring minerals.

Although identified as an Outstanding National Resource, and although no water quality deterioration is permitted, Mono Lake is specifically identified in the *Basin Plan* as a water body of poor chemical quality. Mono County Public Works Department notes although LRWQCB has not established specific standards for Mono Lake, discussion in the *Basin Plan* points to a goal of limiting runoff into Mono Lake in order to prevent increased salinity levels. For this reason, and consistent with Mono County goals, the drainage system for this project will allow runoff above the 20-year storm flow volume to continue to the lake but only after passing through a sediment trap and filtration device, storing only the increased runoff in a detention basin (the increased runoff is the difference between current runoff and future runoff with the newly paved roads and building areas). Also per Mono County requirements, the outfall has been designed to work within existing channels and culverts.

Mono County Public Works Department requires that projects maintain existing conditions with respect to runoff rate and quality, and in some instances requires that drainage facilities are designed to catch First Flush pollutants. First flush containment typically collects the types of surface contaminants and sediments that accumulate between storms, particularly during the dry season. The first flush standard, which would apply to the Tioga Project, requires that, "Drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site." As shown in the project Concept Drainage Analysis (Appendix J) a 20-year, 1-hour design storm for the Lee Vining Mammoth Lakes area is equal to 0.84" of rainfall.<sup>40</sup>

The stormwater retention system proposed for the project utilizes engineering design based on the Town of Mammoth Lakes' 1984 Storm Drain Design Manual, [as well as a detailed updated Drainage Analysis that was conducted by Triad Holmes Associates during November 2019; the analysis is provided in FSEIR-DSEIR Appendix H3. The Town of Mammoth Lakes' 1984 Stormdrain Design Manual,](#)<sup>41</sup> which requires retention of a 20-year 1-hour storm event or 1 inch of precipitation from the impervious surfaces. The precipitation depth for the 20-year 1-hour event on the project site is 0.84 inches. Based on this factor, the hotel requires a retention volume of 9,947 cf (cubic feet), and the Community Housing and restaurant require a combined retention volume of 11,246 cf.

[Sizing of the retention facility was based on storm water volume less storm water infiltration. A conservative infiltration rate of 5 minutes per inch was used to calculate retention volume. Calculations indicate that the housing site and hotel will require three 48" perforated storm drain pipes with a total basin length of 188 feet to retain the required stormwater](#)

<sup>39</sup> Discussion in this section is based on a Concept Drainage Analysis prepared by Triad Holmes Associates for the Tioga Inn Revised Specific Plan (see Appendix J) and communication with Paul Roten, Senior Engineer, Mono County Public Works, 24 July 2018.

<sup>40</sup> Point Precipitation Frequency Estimates, National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Vol. 6, Version 2.

<sup>41</sup> [The manual was developed to meet requirements of LRWQCB and Mono County as well as the Town of Mammoth Lakes.](#)

volume. The hotel site will also require three 48" pipes with the total basin length of 167 feet. The proposed location for the retention systems are shown on Exhibit 5-1 (the Conceptual Drainage Plan for preferred Alternative 6, shown at the end of this §5.2). Treatment will be provided by the 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.

Three primary categories of hydrologic data (surface water runoff, precipitation, and drainage basin characteristics) were evaluated to determine the capacity of area culverts. The housing project improvements fall in the tributary areas of two culverts (Culverts A and B) that are located under US 395 northeast of the project site. Culvert A is a 30" corrugated metal pipe located north of the hotel and restaurant sites. Culvert B is a 36" corrugated metal pipe located northwest of the Community Housing site. Approximately 65 acres is tributary to Culvert A and 100 acres is tributary to Culvert B. The hotel and restaurant sites are located in Area A, which total 3.7 acres of impervious area. The Community Housing site is located in Area B, and encompasses 3.8 ac of impervious surface.

Since retention systems are proposed to attenuate flow from the housing site, hotel and restaurant, a dimensionless hydrograph was used to determine whether the future project would contribute additional flows to the culverts. As noted above, the planned housing/restaurant retention system would be capable of storing 11,246 cf, and the hotel retention system would be sized to store 9,947 cf. Stormwater volumes at the time of concentration for the peak 100-year flow (the Tc of 33 min) are calculated to be 3,465 cf tributary to Culvert A (hotel and restaurant) and 3,765 cf tributary to Culvert B (Community Housing). These volumes are significantly less than the capacity of the future retention system as described in the first paragraph above. Therefore, there will be no increase in flow during a design 100-year event from the future development. Installation of the retention system will result in a decrease in the 100-year storm event flows at the two culverts. The existing and future project flows at each culvert are shown in Table 5-7. The revised drainage analysis for the Tioga project is provided in FSEIR-DSEIR Appendix H3.

<u>TABLE 5-7. Existing and Post-Project Stormwater Flows on the Tioga Site</u>		
	<u>Q100 (Existing)</u>	<u>Q100 (with Project)</u>
<u>Culvert A (hotel and restaurant)</u>	<u>47 cfs</u>	<u>36 cfs</u>
<u>Culvert B (Community Housing)</u>	<u>61 cfs</u>	<u>49 cfs</u>

The system is designed to accommodate uses now proposed (as analyzed in the current EIR) as well as the previously approved but unbuilt hotel and promontory restaurant. Retention volume calculations are based on storm water volume less storm water infiltration. Onsite soils are sandy, and a conservative infiltration rate of 5 minutes per inch was used to calculate retention volumes. The resulting retention volume calculations include 11,246 cubic feet for the workforce housing and restaurant components, plus 9,947 cubic feet for the hotel. The report notes that if the restaurant is constructed separate from the housing, separate retention basins will be installed for each use. Three 48" storm drain pipes will be installed for the hotel (with a total basin length of 167'), and 3 48" pipes will be installed for the workforce housing (with a total basin length of 188 feet). Storm drain pipes will be perforated.

Runoff treatment will be accomplished in four bioswales that will be located in landscaped areas of the parking lot. The bioswales will be constructed in accordance with standard LID design, and planted with drought-tolerant plant species. Other means of treatment may include installation of oil removal inserts into the inlets, or a separate oil treatment unit.

**MITIGATION MEASURES – DRAINAGE**

**WQ 5.2(d) (Drainage):** No significant impacts have been identified, and no mitigation measures are required.

**IMPACT 5.2(e):** Would implementation of the proposed Tioga Workforce Housing Project 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?

**LESS THAN SIGNIFICANT IMPACT.** As noted in the baseline, FEMA Flood Insurance Rate Maps show a majority of the Tioga project site as an 'Area of Minimal Flood Hazard.' The convenience store and hilltop residences are classified as Zone D (Area of Undetermined Flood Risk).<sup>42</sup> All of the proposed project elements would be located inside the designated area of minimal flood hazard.

Note that the existing water storage tank is located in the Zone D area of undetermined flood risk. FEMA defines the Zone D designation as an area where no analysis of flood hazards has been conducted. As part of the project proposal, the existing water storage tank will be demolished and replaced by a new tank in the same area, but slightly to the east, on a site that the FEMA map shows as an 'Area of Minimal Flood Hazard.' The above information indicates that project approval and implementation would not place housing or structures in a 100-year flood hazard area; impacts are ***less than significant***, and no mitigation is required.

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### **MITIGATION MEASURES – FLOOD HAZARDS**

**WQ 5.2(e) (Drainage):** No significant impacts have been identified, and no mitigation measures are required.

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**IMPACT 5.2(f):** Would implementation of the proposed Tioga WorkforceCommunity Housing Project 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?

**LESS THAN SIGNIFICANT IMPACT.** The Tioga WorkforceCommunity Housing site is downstream of several dams along the Lee Vining Creek system, including dams located on Ellery Lake, Saddlebag Lake and Tioga Lake. Water from all three dams is released to generate hydropower at the Poole power plant operated by SCE. Before the dams were constructed, peak flows in Lee Vining Creek would reach up to 650 cfs; dam storage has reduced maximum peak flow below Ellery Lake to 475 cfs.<sup>43</sup> Since 1941, LADWP has directed water from Lee Vining Creek into the Los Angeles aqueduct system; the diversion dam is located just upstream from the Lee Vining Ranger Station. Diversions resulted in nearly dry stream conditions, until a 1986 court order mandated continuous low flows.

The Mono County Emergency Operations Plan notes that failure of any of the dams located in Mono County has the potential to cause flooding, and the Multijurisdictional Local Hazards Mitigation Plan indicates that average annual flow in Lee Vining Creek is 49,000 AFY. However, even during the floods of 1997, when peak flow in Lee Vining Creek reached 700 cfs (about 507,500 AFY), the flows caused only minor damage to LADWP's aqueduct system.<sup>44</sup>

In the event of dam failure, floodwaters would flow along Lee Vining Canyon, which flows northwest of and roughly parallel to SR 120 in the vicinity of the Tioga project site. The Tioga site is located at an elevation several hundred feet higher than Lee Vining Creek in this reach, and would not be impacted by flooding from Lee Vining Creek.

The above considerations indicate that the project would have a low potential to 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 dam. Impacts are ***less than significant***, and no mitigation is required.

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### **MITIGATION MEASURES – DAM FAILURE FLOODING**

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<sup>42</sup> FEMA, Flood Map Service Center, <https://msc.fema.gov/portal/search>.

<sup>43</sup> Mono Basin Research website: <https://www.monobasinresearch.org/data/mbtrdframes.htm>

<sup>44</sup> Mono County Multijurisdictional Local Hazard Mitigation Plan, October 2006: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/10087/adopted\\_haz\\_plan.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/10087/adopted_haz_plan.pdf)

**WO 5.2(f) (Flooding):** No significant risk of flooding from failure of a levee or an impoundment has been identified, and no mitigation measures are required.

**IMPACT 5.2(g):** Would implementation of the proposed Tioga WorkforceCommunity Housing Project expose people or structures to inundation by seiche, tsunami or mudflow?

**POTENTIALLY SIGNIFICANT AND UNAVOIDABLE (MUDFLOWS).** Seiches are earthquake-generated waves that occur in enclosed or restricted bodies of water such as lakes and reservoirs. Much like the sloshing of water in a bucket when shaken or jarred, seiches can overtop dams and pose a hazard to people and property. The *Mono County Safety Element* states that there is no available evidence that seiches have occurred in Mono County lakes and reservoirs. In its comments on the General Plan Draft EIR, however, the Mono Lake Committee notes that although no large and damaging seiches have occurred in Mono County Lakes and reservoirs, small seiches (often one to two tenths of a foot in amplitude) are common on Mono Lake during windstorms. Mono Lake is currently at an elevation of about 6,400 feet above sea level, while the Tioga project site elevation is approximately 6,800' at its lowest point. Due to the differences in elevation, the Tioga project would not be exposed to inundation by seiches.

Tsunamis are unusually large sea waves that are produced by an undersea earthquake (also known as a 'seaquake') or undersea volcanic eruption. All of Mono County is separated from the Pacific Ocean by several hundred miles and an intervening mountain range (the Sierra Nevada) and not at risk of a tsunami. Impacts pertaining to seiche and tsunami are **less than significant**, and no mitigation is required.

Mudflows involve very rapid downslope movement of saturated soil, sub-soil, and weathered bedrock. The 2006 Multi-Hazard Plan indicates that potentially hazardous mudflows occur every year in the eastern Sierra County, and can occur in areas with a slope of 15% or more. The 2012 Mono County Safety Element references a 2012 FEMA study that examined County areas of special flood hazard. However, the study did not provide thorough information regarding alluvial fans and mudflow hazards, and the County has identified a significant need to update the flood hazard maps to correct these deficiencies. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons.

Mudflows can also be triggered by volcanic eruptions, which in Mono County have ranged from small to cataclysmic. When an eruption does break out, its impact will depend on the location, size, and type of eruption as well as wind direction. An eruption during winter months could melt heavy snow packs, generating mudflows and locally destructive flooding. 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 such an event and 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.

The US Geological Survey (USGS) operates Long Valley Observatory to monitor the Long Valley Caldera; the observatory provides a warning system to alert residents of potential threats. 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**.<sup>45</sup>

## MITIGATION MEASURES – SEICHE AND MUDFLOW

<sup>45</sup> U.S. Geological Survey Fact Sheet 073-97, Version 1.1 <https://pubs.usgs.gov/dds/dds-81/Intro/facts-sheet/futureeruptions.html>

**WO 5.2(g-1) (Seiche and Tsunami):** No significant risk of seiche or tsunami has been identified, and no mitigation measures are required.

**WO 5.2(g-2) (Mudflow):** A small but significant potential exists for damaging mudflows on the project site resulting from volcanic eruptions during winter months and associated snowmelt. USGS monitors the Long Valley Caldera for volcanic earthquakes (which often provide an initial sign of volcanic unrest<sup>46</sup>), and may provide early warning of impending eruptions. Additionally, the previously presented Mitigation Measure GEO 5.1(a-2) will attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows. However, ***no mitigation measures have been identified*** to reduce the risks of eruption-related mudflows to less than significant levels. Exposure of people and structures to mudflows from winter volcanic eruptions is therefore considered to be a ***significant and unavoidable impact*** of project approval.

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#### 5.2.7 SIGNIFICANCE AFTER MITIGATION

Potential project impacts associated with hydrology, water quality, groundwater and surface water supplies, and wastewater treatment, would be reduced to less than significant levels through adoption and implementation of the mitigation measures identified above. Impacts associated with water quality, drainage, flooding, seiche and tsunami would be less than significant, and no mitigation is required. The potential impacts associated with mudflow resulting from winter volcanic eruptions are identified in this EIR as significant and unavoidable impacts of project implementation.

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<sup>46</sup> USGS Volcanic Hazards Program, *Seismic Monitoring at Long Valley Caldera*, 2015: [https://volcanoes.usgs.gov/volcanoes/long\\_valley/monitoring\\_earthquakes.html](https://volcanoes.usgs.gov/volcanoes/long_valley/monitoring_earthquakes.html).



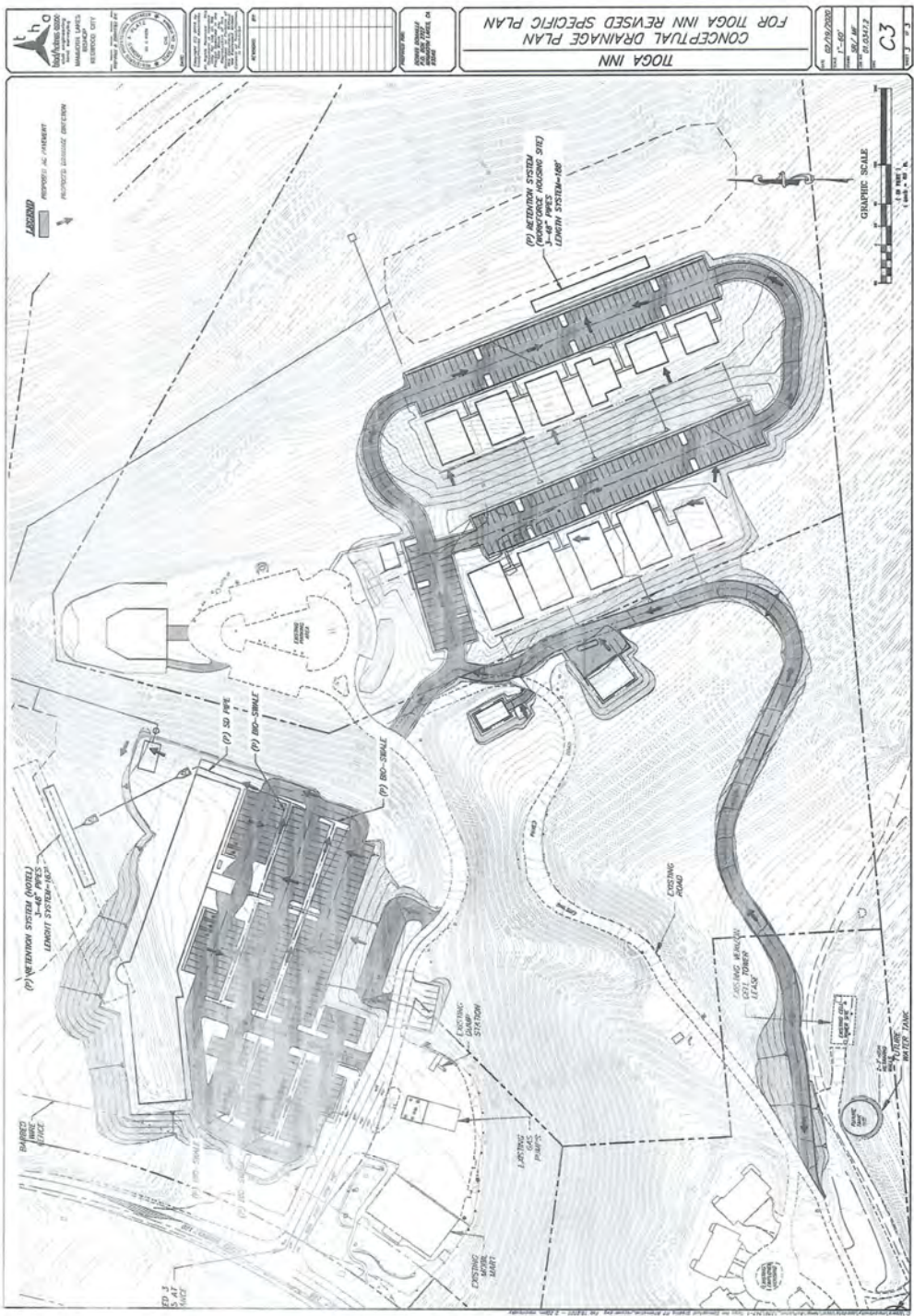


EXHIBIT 5.2-1 Conceptual Drainage Plan for Alternative 6

**TIOGA COMMUNITY HOUSING PROJECT**  
**REVISED DRAFT/FINAL SUBSEQUENT EIR**



**SECTION 5.3**  
**BIOLOGICAL RESOURCES**

### 5.3.1 INTRODUCTION AND SUMMARY

Discussion in this section is drawn from a Biological Assessment prepared for this project by Dr. James Paulus. The complete Biological Assessment is provided as Appendix I to this Draft Subsequent EIR. The assessment addresses a wide range of issues, including the many topics raised in NOP comment letters including requests that the report consider local and regional habitat types with an updated list of plant and animal species, that landscaping be comprised of drought-resistant native materials, that the report consider a wildlife corridor that crosses the eastern end of the site, that restoration plans be prepared by qualified individuals, verification that the project will comply with the Migratory Bird Treaty Act and other applicable laws, consideration of wildlife in Lee Vining Canyon with mitigations to minimize impacts of increased human use, and provide an updated wildlife study that considers potential project-related changes in mule deer use. Key findings in this section are summarized below.

**SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES FOR BIOLOGICAL RESOURCES**

<b>IMPACT BIO 5.3(a):</b>	<b><u>POTENTIAL IMPACTS ON CANDIDATE, SENSITIVE OR SPECIAL STATUS SPECIES</u></b>
Mitigation BIO 5.3(a-1):	Shrubland revegetation
Mitigation BIO 5.3(a-2):	Fencing for rockcress protection
Mitigation BIO 5.3(a-3):	Pre-disturbance bird survey
Mitigation BIO 5.3(a-4):	Pre-disturbance badger <u>and fox</u> survey
Mitigation BIO 5.3(a-5):	Pet enclosure(s), pet leashing, eviction for noncompliance
<u>Mitigation BIO 5.3(a-6):</u>	<u>Revegetation Plan for Temporarily Disturbed Areas</u>
<u>Mitigation BIO 5.3(a-7):</u>	<u>'Do Not Feed the Wildlife' signage to be posted</u>
Significance:	Less than Significant with Mitigation.
<b>IMPACT BIO 5.3(b):</b>	<b><u>POTENTIAL IMPACTS ON RIPARIAN OR OTHER SENSITIVE NATURAL COMMUNITIES</u></b>
Mitigation:	Less than Significant; no mitigation required
Significance:	Less than Significant
<b>IMPACT BIO 5.3(c):</b>	<b><u>POTENTIAL IMPACTS ON WETLAND RESOURCES</u></b>
Mitigation:	Less than Significant; no mitigation required
Significance:	Less than Significant
<b>IMPACT BIO 5.3(d):</b>	<b><u>POTENTIAL IMPACTS ON WILDLIFE MOVEMENT OR NURSERY SITES</u></b>
Mitigation BIO 5.3(d-1):	Shielding of night-lighting
Mitigation BIO 5.3(d-2):	Burn area revegetation
Mitigation BIO 5.3(d-3):	Corridor along US 395 to be free of barriers, bright signs, new structures (1 exception)
Mitigation BIO 5.3(d-4):	Design of Waste Receptacles to prevent access by bears and ravens
<del>HUD</del> Mitigation BIO 5.3(d-5):	<u>No feasible mitigation for cumulative project impacts on deer migration Grant application for development of deer passage in tandem with safe pedestrian access from site to Lee Vining</u>
Significance:	Less than Significant Direct Impacts; <b>SIGNIFICANT &amp; Potentially Unavoidable Cumulative Impacts</b> related to unsafe deer crossings
<b>IMPACT BIO 5.3(e):</b>	<b><u>POTENTIAL IMPACTS ON LOCAL POLICIES OR ORDINANCES</u></b>
Mitigation:	Less than Significant; no mitigation required
Significance:	Less than Significant
<b>IMPACT BIO 5.3(f):</b>	<b><u>POTENTIAL IMPACTS ON HABITAT CONSERVATION PLANS</u></b>
Mitigation:	Less than Significant; no mitigation required
Significance:	Less than Significant

### 5.3.2 BASELINE BIOLOGICAL RESOURCES ON THE PROJECT SITE

The project site is located at the base of the steeply sloping Sierra Nevada eastern flank, where the mountainous terrain transitions to the Mono Basin. The site is entirely east of the riparian forest corridor along Lee Vining Creek. No tributaries to Lee Vining Creek occur in the study area, and there are no natural channels that exhibit bed and banks or other evidences that flows are conveyed in the study area.

Because the project, coupled with existing and previously-approved project elements, will substantially fill in the parcels lying west and south of US 395, the habitat areas that occur in adjacent highway Caltrans Right-of-Way corridors (areas will not be directly impacted) will become ecologically isolated. These areas were therefore added to the study area for biological resources that may be impacted by the project.

Project area soils are mainly granitic sands and gravels. The steepest site slopes, found near the planned restaurant and near the existing hilltop housing units, are often stony and sometimes densely covered by relic lakeshore cobbles. Soils on the project area have been strongly influenced by local volcanic activity, which is evident throughout the site as significant deposits of pumice-based sands and gravels.

The highly traveled SR 120 and US 395 function to some degree as ecological barriers to wildlife use of the study area's northern and western portions. At present, a relatively unaltered ecological connection to the expansive Mono Basin shrublands appears to be maintained only at the portion of the study area that lies east and north of US 395. Slopes of the southern portion of the study area, away from the highways, also retain some sense of open space. Changes that have occurred since 1993 in this southern area include substantial increases in daily human activity, new night lighting and landscape irrigation, increased noise, new food subsidies for wildlife that attract predators and increase roadkills, the presence of domestic animals including dogs, and large-scale removal of native vegetation by a wildfire in Lee Vining Canyon around and on the site.

#### 5.3.2.1 Existing Vegetation

Available literature was reviewed and local agency staff were interviewed to develop a list of potentially occurring special status plant and animal species at the site, as detailed below. Findings obtained during studies previously conducted at this location by biologists M. Bagley and T. Taylor (1992) were incorporated into the current review. Lists of the potentially occurring special status plants and animals, and sensitive plant communities of the Lee Vining area, were also provided by Mono County (2015). Field studies were performed in May and June 2017. The review of potentially occurring special status species was performed prior to field work in 2017 and subsequently repeated in November 2018. Potentially occurring special status species that as of November 2018 are known to occur (or have occurred) within 15 miles of the project and in habitats that are similar to those currently provided within the project area were included in the current investigation.

#### Study Area Plant Communities and Species

Plants and plant communities that currently exist in the study area are relatively undisturbed, or are slowly recovering from wildfire that occurred nearly twenty years ago or, in very limited areas, exhibit evidence of having been mechanically disturbed/devegetated. A list of special status plant species that may occur in the habitats available at the project site was compiled, based on a review of regional data, published regional floras, and botanical surveys performed for nearby projects; results are shown in Table 5.3-1. The literature review also included a June 2018 search of the CNDDDB records, and Consortium of California Herbaria records for the Western Mono Basin (north to Conway Grade). Potentially occurring plant species were considered to be "special status" if they have state or federal status as rare, threatened or endangered, or are included in the CNDDDB list of special plants, or are listed by CNPS in their inventory of sensitive California plants, or are included in the most recent Sensitive plant list prepared by Inyo National Forest.

**TABLE 5.3-1. Special Status Plant Species that Potentially Occur at the Project Site.<sup>1</sup>**

Scientific Name Common Name Life Form	Rank or Status				Typical Habitat	Flowering Period
	USFS	CDFW	CNPS	NDDB		
<i>Allium atrorubens</i> var. <i>atrorubens</i> Great Basin onion bulbiferous perennial			2B.3	S2	scrub, woodland, sandy or rocky	May-June
<i>Astragalus monoensis</i> Mono milkvetch herbaceous perennial	S	R	1B.2	S2	open gravel or pumice soils	June-August
<i>Boechnera bodiensis</i> Bodie Hills rockcress herbaceous perennial	NL	NL	1B.3	S3	sagebrush scrub	June-July
<i>Boechnera cobrensis</i> Masonic rockcress herbaceous perennial	NL	NL	2B.3	S3	sagebrush scrub	June-July
<i>Chaetadelpa wheeleri</i> Wheeler's dune broom herbaceous perennial	NL	NL	2B.2	S2	sandy scrub, often alkaline	May- September
<i>Cusickiella quadricostata</i> Bodie Hills cusickiella herbaceous perennial	NL	NL	1B.2	S2	sagebrush scrub, often clay soil	May-June
<i>Eremothera boothii</i> ssp. <i>boothii</i> Booth evening primrose herbaceous annual	NL	NL	2B.3	S2	sagebrush scrub	April- September
<i>Eriastrum sparsiflorum</i> few-flowered woollystar herbaceous annual	NL	NL	4.3	S4	open scrub, sandy	May-July
<i>Lupinus duranii</i> Mono Lake lupine herbaceous perennial	S	NL	1B.2	S2	open scrub, pumice	May-August
<i>Mentzelia torreyi</i> Torrey blazing star herbaceous perennial	NL	NL	2B.2	S2	sagebrush scrub	June-August
<i>Streptanthus oliganthus</i> Masonic Mountain jewelflower herbaceous perennial	S	NL	1B.2	S3	xeric woodland, rocky slopes	June-July
<i>Tetradymia tetrameres</i> dune horsebrush shrub	NL	NL	2B.2	S2	sagebrush scrub, dunes	May- September
<i>Thelypodium integrifolium</i> ssp. <i>complanatum</i> foxtail thelypodium herbaceous perennial	NL	NL	2B.2	S2	sagebrush scrub, xeric woodland	June-August

<sup>1</sup> Flowering period data is from CNPS. None of these species are federally listed. A key to rank or status symbols follows the table. NL = not listed.



**TABLE 5.3-1. Special Status Plant Species that Potentially Occur at the Project Site.<sup>1</sup>**

<i>Thelypodium milleflorum</i> many-flowered thelypodium herbaceous perennial	NL	NL	2B.2	S <sub>3</sub> ?	sagebrush scrub, rocky	April- August
<i>Viola purpurea</i> ssp. <i>aurea</i> golden violet herbaceous perennial	NL	NL	2B.2	S <sub>2</sub>	sandy sagebrush scrub	April-June
<p>Rank or status, by agency:</p> <p><b>USFS</b> = US Forest Service, Inyo National Forest, Bishop Office (2013): S = Sensitive List.</p> <p><b>CDFW</b> = California Department of Fish and Wildlife listings under the Native Plant Protection Act and the California Endangered Species Act (CDFW, 2018a): R = Rare.</p> <p><b>CNPS</b> = California Native Plant Society listings (CNPS, 2001, 2018): 1B = rare and endangered in California and elsewhere, 2B = rare, threatened or endangered in California, but more common elsewhere, 4 = plants of limited distribution in California – watchlist species.</p> <p>Threat Code extensions: .1 is Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat), .2 is Fairly endangered in California (20-80% of occurrences threatened), .3 is Not very endangered in California (&lt; 20% of occ's threatened or no current threats known).</p> <p><b>CNDDDB</b> = California Natural Diversity Data Base rankings (CDFW, 2018b): S<sub>1</sub> is &lt; 6 occurrences or &lt; 1000 individuals or &lt; 1000 acres, S<sub>2</sub> is 6-20 occurrences or 1000-3000 individuals or 2000-10000 acres, S<sub>3</sub> is 21-100 occurrences or 3000-10000 individuals or 10000-50000 acres, S<sub>4</sub> is apparently secure in California. ? indicates CNDDDB uncertainty in status.</p>						

This review was initially performed in April 2017 immediately prior to field surveys. When repeated in November 2018, two changes in status or known species distribution were identified resulting in the addition of few-flowered woollystar and Bodie Hills rockcress to the search list (Table 5.3-1). The 2018 literature review and CNDDDB records search indicate that 15 special status plant species and the sensitive plant community Mono Pumice Flats occur within 15 miles of the project and in habitats that bear some resemblance to those available in the project area. Previously documented occurrences of special status plant species or sensitive communities within the study area were not found in CNDDDB records or other available literature, including the 1993 Final EIR review of the Tioga Inn project. This does not signify special status species absence; it merely is evidence that none have been reported.

Potentially occurring special status plant species (Table 5.3-1) exhibit an herbaceous perennial or shrub growth habit, except the annual herbs Booth's evening primrose and few-flowered woollystar. The perennials would be expected to be bearing leaves and flowers at the time of the May-June surveys, and some would be expected to be exhibit developing fruits. The expected phenologies of the annuals Booth's evening primrose and few-flowered woollystar would be bearing leaves, flowers, and mature fruits. These annuals are the only special status species that have some likelihood to occur in mechanically disturbed habitats. None of the potentially occurring plant species is federally listed or a candidate for listing. Mono milkvetch is state listed as Rare. Mono milkvetch is endemic to the Mono Lake Basin and a few other nearby depressions where vegetation is sparse and nutrient-poor, pumice gravel soil is present.

### Vegetation Inventory

An inventory of plant species and vegetation community types present in the entire study area was completed using transect-style field surveys conducted on May 17-21 and June 4-5, 2017. Buffer areas (Figure 1) were included in the search for special status populations. All plant species encountered along wandering transects spaced at 50 feet intervals were identified to the level of taxa that was sufficient to determine special-status species presence or absence. Any species that were not at once recognized were keyed by the consulting botanist using The Jepson Manual. The methods that were employed comply with CDFW guidelines for floristic survey. May and June fall within the potentially occurring species'

flowering periods. The documented high diversity of occurring plant species, especially among native annuals that established high abundances, suggests that the complete flora was represented well at the time of survey, due to favorable climate during the early portion of the growing season in 2017.

Species composition including non-native presence was recorded along the transects. Plant communities were separated for mapping by using shifts in the frequencies of dominant species to define associations, which then were grouped within the upland shrublands Alliance types defined by Sawyer, *et al.*, (2009). Boundaries mapped at burn scar edges were abrupt. Boundaries otherwise were clearly discernible in the field, but changes in the relative frequencies of shrub dominants among the occurring associations were typically not abrupt. Each mapping unit was characterized based upon rapid belt transect counts to estimate the relative frequencies of dominants, and ocular estimation ( $\pm 10\%$ ) of total cover and average height.

### Plant communities

Plant community boundaries were identified within the entire 67.8 acres of the four affected parcels, and within 13.5 acres at adjacent Caltrans ROW areas (Exhibit 5.3-1). Vegetation cover in an undisturbed condition remains throughout most the study area where conversion to elements of Tioga Inn has not been already implemented. This cover appears as upland scrub of varying species compositions, with a canopy that is consistently dominated by native shrubs.

In 1992, local cover was described using the classification of “uniform scrub”, prior to any Tioga Mart construction. Since then, notable changes (apart from elements of the Tioga project) include widening of US 395 to four lanes, which necessitated slope recontouring in the Caltrans ROW, and complete vegetation removal in the eastern margin of the site that occurred when wildfire burned much of lower Lee Vining Canyon in May 2000 (see Figure 5.3-1). These areas currently support some native scrub species, but the recovering canopy is less uniform. As of 2017, most warrant classification as alliances that distinctly differ from those found in undisturbed portions of the site. In the burn zone especially, the slowly recovering vegetation is now of low diversity, and usually dominated by invasive, non-native grasses. The contiguous fire scar extends 3000-4000 feet southward and eastward, and about two miles westward into Lee Vining Canyon. In comparison to the relatively uniform and undisturbed vegetation that was found in 1992, the scars represent the likely most significant change: nearly two decades of ongoing contrast at the landscape level. The project area has become isolated in a landscape where the vegetation cover’s ability to provide resources and other ecological functions has become significantly reduced.

Pumice-dominated soils were encountered frequently along vegetation survey transects. No strictly pumice-associated plant communities occur (these types are considered uncommon). There are no scrub canopy openings that feature flats or internally drained basins, nor any species assemblages that are dominated by western needlegrass or Parry rabbitbrush, as would be expected if the sensitive community Mono Pumice Flat occurs.

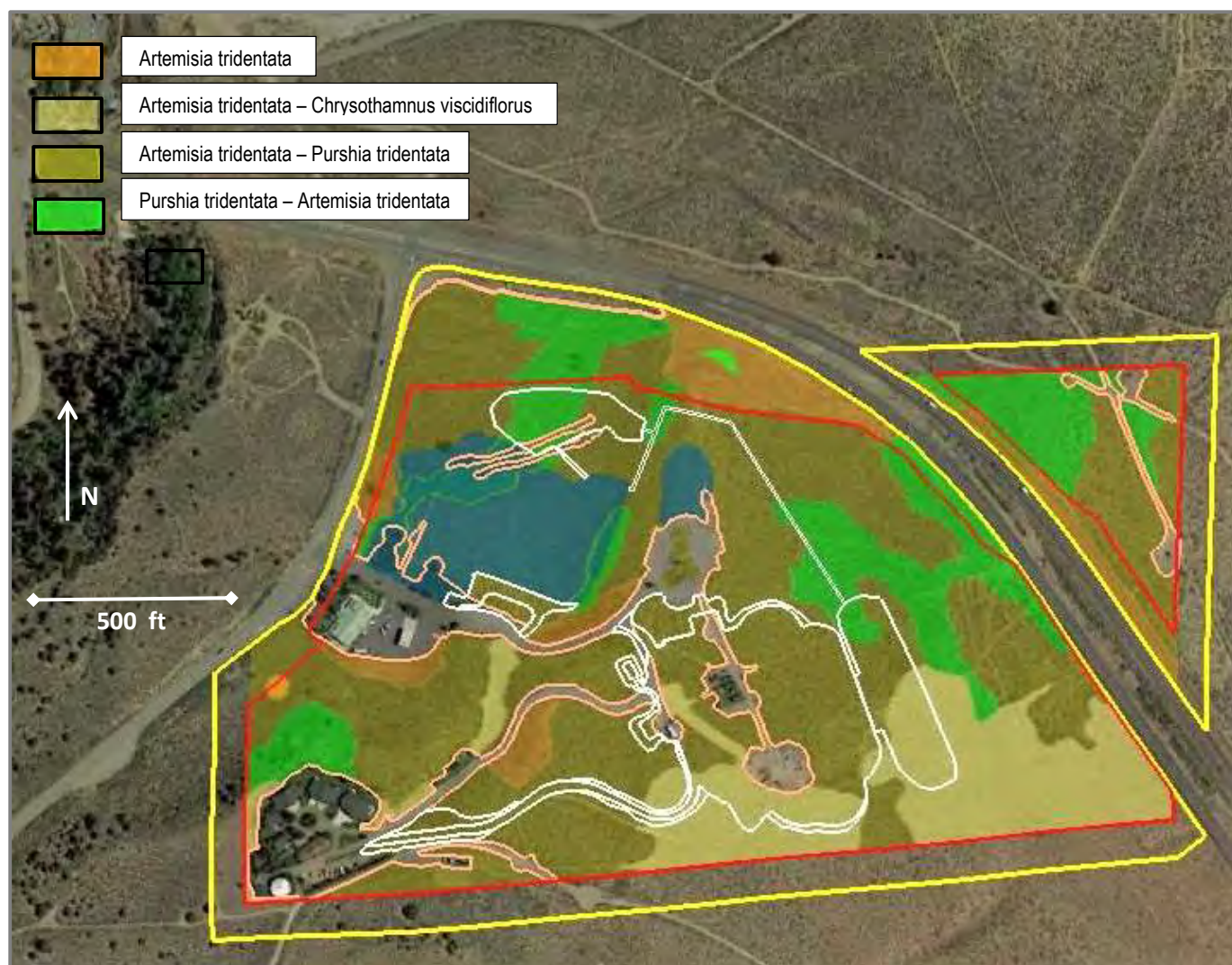
### Big Sagebrush Scrub

Big sagebrush is dominant or co-dominant throughout the majority of the study area. Three Big Sagebrush Scrub alliances were mapped in June 2017 (Table 5.3-2), distinguishing stands where big sagebrush was the only dominant shrub in the canopy from stands that are co-dominated by antelope bitterbrush or by yellow rabbitbrush at somewhat lesser frequencies. Big Sagebrush Scrub canopies on average are 2-3 feet tall and provide 20-30% absolute living cover.

Absolute live cover provided where Big Sagebrush Scrub has re-established within the wildfire scar is a comparably patchier 1-10%. The community’s height also is reduced, averaging 1-2 feet in the wildfire scar mainly due to the increased prevalence of low-statured yellow rabbitbrush. Big Sagebrush Scrub is a common and widespread plant community that occurs throughout Mono County and the Great Basin.

Within the study area, yellow rabbitbrush distribution as a canopy co-dominant is restricted to slopes that were revegetated by wildfire in 2000. Rubber rabbitbrush and desert peach, which are typically minor shrub canopy components, also have become established at higher relative frequencies in burned areas. However, bitterbrush recruitment subsequent to burning has been consistently low, and this shrub’s frequency within the wildfire scar is now consistently less than 1% of the total living shrub canopy.





**FIGURE 5.3-1. Plant communities that occur within private lands where housing and associated infrastructure at the Tioga Inn development have been proposed.** [Existing site improvements are shown in pink outlines, the locations of previously approved but as yet unbuilt project elements (hotel and restaurant) are shaded blue, and the vegetation that will be permanently or temporarily displaced by the proposed project is shown in white outlines.]

**Table 5.3-2. Project Area Plant Communities that were Mapped during 2017. <sup>2</sup>**

Holland name and CDFW classification number	Alliance and primary association names	acreage in study area
Big Sagebrush Scrub 35.110.02	Big Sagebrush Shrubland <i>Artemisia tridentata</i>	5.3
Big Sagebrush Scrub 35.110.07	Big Sagebrush Shrubland <i>Artemisia tridentata</i> - <i>Purshia tridentata</i>	41.6

<sup>2</sup> Four parcels that may be affected by the project include 10.8 acres that have been converted to houses, roads, and other impervious or devegetated surfaces. Community names are cross-referenced to the CDFG classification and Sawyer, *et al.* Alliance classification. \* are designated "sensitive" by CDFW (CDFG, 2010).

Big Sagebrush Scrub 35.110.12	Big Sagebrush Shrubland <i>Artemisia tridentata-Chrysothamnus viscidiflorus</i>	11.0
Great Basin Mixed Scrub 35.200.00*	Bitterbrush Shrubland <i>Purshia tridentata-Artemisia tridentata-Salix exigua</i>	0.1
Great Basin Mixed Scrub 35.200.02*	Bitterbrush Shrubland <i>Purshia tridentata-Artemisia tridentata</i>	12.5

Trees are a minor component of the native vegetation, occurring in Big Sagebrush Scrub as scattered Jeffrey pines or singleleaf pinyon. The only other trees that were noted within the study area are the numerous sapling to mature-sized quaking aspen that have been planted into irrigated landscape areas around existing roads and buildings. Riparian zone dominant trees that are present within the nearby Lee Vining Creek riparian zone are otherwise absent from the habitat occupied by Big Sagebrush Scrub, which is entirely upland in character. Native pines near 10% canopy closure only in one small patch north of the existing hilltop housing, in a steeply sloping area where relatively high floral diversity including one special status plant species was observed (see Special Status Plant Species). The current project will not directly impact any native trees.

Herbaceous species were present in abundance throughout Big Sagebrush Scrub in 2017. The most conspicuous annuals were several species of cryptanthas, bicolored phacelia, blazing stars, pussypaws, and summer snowflakes, adding cheatgrass in the wildfire scar. Native perennial herbs include scattered populations of rockcress, and the upland habitat-adapted Douglas' sedge in pumice gravel soil. Hard fescue, a non-native perennial grass, attains up to 70% cover among the shrubs nearest some existing roadways, but only under applied irrigation. It has spread relatively sparsely into nearby native scrub. Perennial grasses otherwise comprised no more than 5%, and most often less than 1% of total vegetative cover.

### Great Basin Mixed Scrub

Shrublands elsewhere in the study area (Figure 5.3-1) were classified as Great Basin Mixed Scrub. This vegetation escaped wildfire in 2000. No examples of seral return to this type were found within the 14.8 acres of mapped fire scar. The presence of bitterbrush as the most important component of the cover distinguishes Great Basin Mixed Scrub from the surrounding Big Sagebrush Scrub. In contrast to Big Sagebrush Scrub, it exhibits denser cover, greater height, and more uniform stand maturity. Great Basin Mixed Scrub and areas that are separated here as Big Sagebrush Scrub alliances were previously classified as Great Basin Sagebrush Scrub using an older system; differences in naming do not indicate a known substantial change in stand characteristics since the 1993 EIR. Great Basin Mixed Scrub is considered Sensitive by CDFW. There has been a regional trend toward loss of this community due to wildfires in Mono County.

Total living cover in Great Basin Mixed Scrub, which generally was classifiable as an antelope bitterbrush – big sagebrush alliance in the study area, was 30-40% in June 2017. Average height was 3-4 feet. Bitterbrush distribution is uniform, appearing dense, with individuals occasionally reaching a height of 10 feet. Ecotones with Big Sagebrush Scrub are diffuse but visibly evident, becoming abrupt only at fire scar edges. In 2017, native annual and perennial herbs and grasses observed to be abundant in Big Sagebrush Scrub were equally represented in the Great Basin Mixed Scrub understory, but the overall observed diversity was lower.

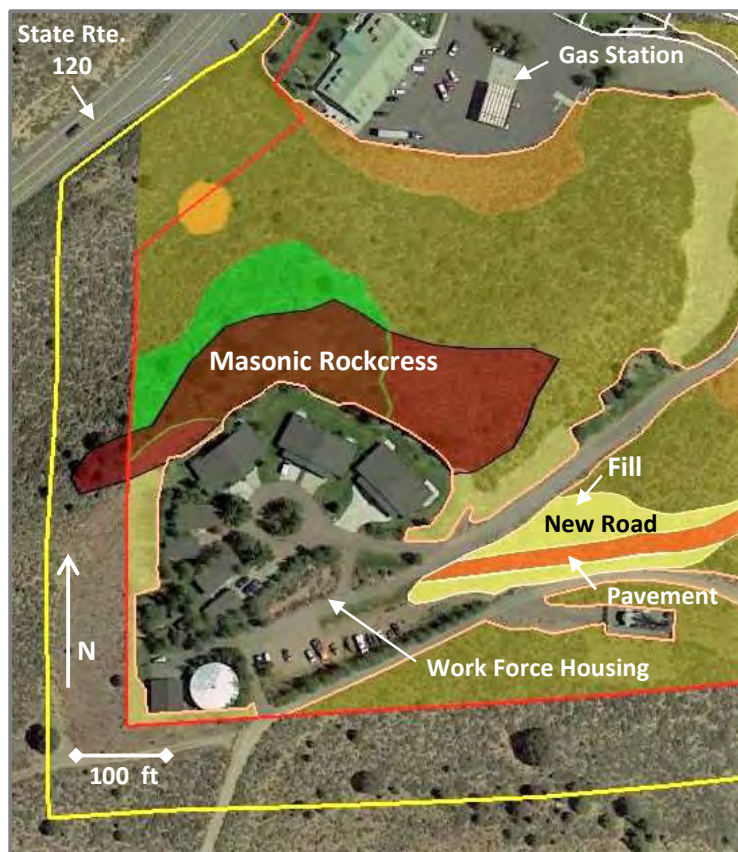
One isolated occurrence of Great Basin Mixed Scrub located between the site of the restaurant and the southern edge of US 395 (Figure 5.3-1) is locally unusual due to the presence of sandbar willow in the shrub canopy. Sandbar willow and big sagebrush are the co-dominant species with antelope bitterbrush. This alliance is not found elsewhere within the study area. The occurrence is mid-slope within a large area (about 2.3 acres) that was devegetated and re-contoured to accommodate US 395 widening in the early 2000's. Sandbar willow is considered to be facultatively adapted to wetlands habitat conditions. Its presence likely signals that an area of groundwater accumulation was intercepted during recontouring. The willow stems at this occurrence may represent a single, clonally reproducing individual, which in 2017 exhibited poor vigor and some dieback. There were no indications that would suggest this assemblage signals the presence of seasonal or even ephemeral artesian spring flow, as there were no surface moisture changes, ponding

depressions, animal trails, or incised discharge and outflow areas indicating spring function, despite local precipitation prior to the survey that during October 2017 through May 2018 neared 200% of the normal annual amount.

### Special Status Plant Species

Few-flowered woollystar were detected at two locations north of US 395, among extensive annual woollystar populations that included spotted woollystar, and also diffuse woollystar. Plants bearing the stalked glands expected of *E. sparsiflorum* were not found among several that were checked south of US 395. There is some possibility that the local population does not extend south of US 395 in the study area. Recent separation of *E. signatum* from *E. sparsiflorum* has led to the formerly considered common *E. sparsiflorum* being added to CNPS' watchlist for species that currently are considered limited in distribution at least within California, having no current known threats to continued existence in the state. Few-flowered woollystar, which apparently is secure from extinction in California has no additional legal status under the state or federal Endangered Species Acts.

One distinct population of Masonic rockcress was found near the northern edge of the existing workforce housing, on the steep slope between the housing and the existing gas station (see Exhibit 5.3-2). Individuals were found in relatively open Big Sagebrush Scrub as well as in partial shade cast by Jeffrey pines in denser Great Basin Mixed Scrub. It was possible to map the extents of this population with good accuracy, as the plants' rosettes are distinctive and most individuals were blooming at the time of survey. A total of 132 individuals were found in an area of 1.2 acres on May 19, 2018. Masonic rockcress identification and separation from other rockcress species occurring within the study area was based in large part on the plants exhibiting relatively small, white petals (consistently < 8 mm), and spreading-descending fruits borne on glabrous pedicels, a combination of characteristics that is not expected of other locally occurring *Boechera* species.



**EXHIBIT 5.3-2. Onsite Extent of the Single Masonic Rockcress Population** (in the southwestern corner of the study area). The project will approach to within 100' of the current population extent.



No other populations of special status plant species were found. Other species observed in 2017 are considered locally and regionally common in uplands habitats. No members of the distinctive genera *Allium*, *Chaetodelpha*, *Cusickiella*, *Eremothera*, *Streptanthus*, *Tetradymia*, or *Viola* were found during the May-June survey. All occurring species were identified by Dr. Paulus, a locally experienced botanist, to the level of taxa necessary to distinguish common species from potentially occurring special status species. In all, 86 species including 8 non-native species, representing 22 plant families, were encountered in 2017.

### Non-Native Plants (Weeds)

Non-native plants are prominent in the study area, especially in areas that have been mechanically disturbed and in the wildfire scar. Non-natives that are restricted to roadsides and other highly disturbed areas are in the minority. Hard fescue is a perennial landscape grass that historically was applied near developed portions of the study area, likely for slope stabilization. In recent decades, it has spread only slightly out beyond the reach of overhead irrigation, and likely would not persist if irrigation ceased for one or two growing seasons. Hornseed buttercup, and common knotweed populations are currently abundant but their distributions are restricted to roadsides along SR 120 and US 395.

Except for hard fescue, these and all other non-native species present in the study area are considered to have become firmly established all along the alignment of US 395 in the Lee Vining area and elsewhere in Mono County. Because there is no foreseeable plan or method to control populations associated with the public transportation corridors that abut and cross through the study area, it is very likely that any control efforts applied to seek eradication of the existing weed populations within the study area would be ultimately frustrated by a constant and unmanageable restocking of the weed seedbank.

**TABLE 5.3-3. Non-Native Species Observed in the Survey Area in 2017.**

Non-Native Species			Weed Rating
	cheat grass	<i>Bromus tectorum</i>	Cal-IPC High
	tansy mustard	<i>Descurainia sophia</i>	Cal-IPC Limited
	redstem filaree	<i>Erodium cicutarium</i>	Cal-IPC Limited
†	hard fescue	<i>Festuca trachyphylla</i>	
†	hornseed buttercup	<i>Ranunculus testiculatus</i>	
†	common knotweed	<i>Polygonum aviculare</i>	
	Russian thistle	<i>Salsola tragus</i>	Cal-IPC Limited USDA Noxious list C
	tumble mustard	<i>Sisymbrium altissimum</i>	
† indicates species present only at roadsides and within other recently disturbed locations. Other species are found throughout the study area in native upland habitats or in irrigated (landscaped) habitats. Weed rating is potential invasiveness as rated by the California Integrated Plant Council, and federally recognized noxious weed rating (USDA, 2010).			

Five of the eight non-native species that were found in 2017 have already invaded into plant communities of the relatively less disturbed portions of the study area, and so are becoming members of the upland assemblage. The project has some potential to cause the further spread of tansy mustard, Russian thistle, redstem filaree, and tumble mustard, which currently are present in sparse numbers generally near existing study area developments and the adjacent public transportation corridors. All are annual species that produce abundant, easily transported seed. Some of these species are considered noxious or invasive by the California Department of Food and Agriculture or California Invasive Plant Council. The naturalized annual cheat grass has invaded American West landscapes totaling millions of acres. This grass is associated with increased fire spread and frequency in native shrublands. Its abundance in the study area in 2017 was far greater than any other species, native or non-native, and it has locally attained a distribution that encompasses the entire study area and the nearby landscape.

Vegetative return or succession to the condition of self-sustaining Big Sagebrush Scrub or Great Basin Mixed Scrub appears to be delayed or patchily arrested in areas with the heaviest cheat grass infestation. This condition was observed

within much of the study area mapped (Figure 5.3-1) as seral Big Sagebrush Scrub, especially where *Artemisia tridentata*-*Chrysothamnus viscidiflorus* alliance stands have developed. This species was present in 1992 at relatively low abundance. In the 18th growing season following fire, the cheat grass population now remains far more robust than any other species that has colonized the burned area. The 2017 survey found that cheat grass forms nearly pure stands of up to 2 acres in the wildfire scar, which are assumed to be (slowly) transitioning to native scrub (studies describing long-term response monitoring of this problem in the Mono Basin could not be found). Such patches would be classifiable as Non-Native Annual Grassland in more permanent contexts in central California.

### 5.3.2.2 Existing Wildlife

#### Literature Review – Special Status Animal Species

Based upon the available uplands scrub vegetation types identified within the Tioga Inn study area habitats, there are eight special status animal species that have some potential to den, nest or otherwise have a presence in the area and possibly be affected by the project (Table 5.3-4). Long-eared owl, although not listed in CNDDDB records for the region, was added due to recent reporting of an individual near the western shore of Mono Lake, about two miles north, where a young individual was seen perching in a mesic willow stand adjacent to Hwy 395 in June 2012 (Caltrans, 2012).

The Parker Meadows population of the greater sage grouse Bi-State DPS is known to use riparian meadow habitat within five miles of the study area for breeding and chick-rearing. Nest sites are chosen in scrub vegetation having isolation from human activity and predators, and sufficient density to provide concealing cover, a setting that is absent from the study area. Movement from Parker Meadows into on-site and nearby habitats in support of early chick-rearing (conservatively, mid-March through late August) is unlikely, as there are no moist, insect-filled meadows that chicks could utilize. No meadows that would be suitable for young chick maintenance occur between the project site and the nearest moist Parker Meadows habitat, a distance of 2.2 miles.

TABLE 5.3-4. Special Status Wildlife Species that may Occur in the Proposed Site.			
Species status is defined below, NL = not listed.			
SPECIES	STATUS		HABITAT
	State	Federal	
Birds			
<i>Asio otus</i> long-eared owl (nesting)	SSC	NL	sagebrush scrub
<i>Centrocercus urophasianus</i> greater sage grouse (nesting, leks)	SSC	BLM = S USFS = S	sagebrush scrub
<i>Spizella breweri</i> Brewer's sparrow (nesting)	NL	BCC	sagebrush scrub
Mammals			
<i>Brachylagus idahoensis</i> pygmy rabbit	SSC	BLM = S USFS = S	dense sagebrush scrub, loamy soil
<i>Eumops perotis californicus</i> western mastiff bat	SSC	BLM = S	roosts in crevices, buildings
<i>Lepus townsendii townsendii</i> white-tailed jackrabbit	SSC	NL	sagebrush scrub
<i>Myotis yumaensis</i> Yuma myotis	NL	BLM = S	roosts in crevices, buildings near water
<i>Taxidea taxus</i> American badger	SSC	NL	sagebrush scrub
<i>Vulpes vulpes necator</i> Sierra Nevada red fox	Thr	USFS = S	all habitats
Rank or status, by agency:			
State = CDFW listings under the state Endangered Species Act (CDFW, 2018a, 2018d).			

Thr = Threatened  
 SSC = Species of Special Concern  
**Federal** = USFWS under the federal Endangered Species Act (CDFW, 2018d).  
 BCC = Birds of Conservation Concern,  
 BLM = S Species is considered Sensitive by Bureau of Land Management,  
 USFS = S Species is considered Sensitive by U.S. Forest Service.

Brewer's sparrows forage and nest in open sagebrush habitat, which is present in much of the undeveloped portion of the study area. While somewhat difficult to distinguish visually from other potentially occurring sparrows of the genus *Spizella*, their calls while establishing breeding territories in early spring are distinctive. Nests are constructed in larger, relatively densely foliated shrubs. The local nesting season for all bird species has been conservatively defined as the period February 15 – September 15.

Pygmy rabbit, a CDFW Species of Special Concern due to limited distribution and loss of sagebrush habitat, are locally widespread in the Mono Basin. Study area scrub vegetation averages 20-40% total cover, attaining the 50% or greater cover that is most likely to support pygmy rabbit in Mono County only in larger Great Basin Mixed Scrub stands near US 395. Pygmy rabbits are distinguished from locally occurring mountain cottontail and black-tailed jackrabbit by clear size differences both for individuals and for the fecal pellets they produce. While their colonial burrow systems are typically found within "islands" of suitably dense cover, pygmy rabbits are known to be adaptable to a wide variation in sagebrush cover and height, and can even occur in willow, bitterbrush, or rabbitbrush-dominated scrub in the Mono Lake area, as long as the soil is deep and loamy enough for burrowing.

Western mastiff bats forage over a wide variety of habitats. Yuma myotis bats are comparably restricted to habitats over and very near surface waters. Western mastiff bats have been detected over riparian habitat along Lee Vining Creek, less than four miles upstream from where it passes near the study area. Yuma myotis have been detected at the Mono Lake shore. These colonial bats may use structures with suitable crevices, especially buildings that are not regularly used by humans, for day roosting or natal colony establishment. There are no caves or culverts within the study area that could harbor roosting or breeding bats, but there are existing structures that would be removed within the area where new work force housing is proposed.

Western white-tailed jackrabbit, American badger, and Sierra Nevada red fox are highly mobile animals. Western white-tailed jackrabbit populations are in serious decline throughout their distribution in North America. Adult western white-tailed jackrabbits are generally solitary and, unlike pygmy rabbits, do not spend time underground in burrows and so are less vulnerable to construction-related soil disturbance. American badger are predators that characteristically excavate the burrows of small mammalian prey. Their typical prey species include Beechey ground squirrel, which were found to be widely present within the study area in 2017. While considered active all year, American badgers may also spend long periods in resting torpor underground, and also raise litters in underground dens. Sierra Nevada red fox, which are state listed as Threatened, are often considered to be very rare animals restricted to high elevations, generally much higher than the 6940' average elevation of the study area. However, a relatively recent occurrence documented within sight of the study area (an individual killed while trying to cross US 395 near Lee Vining Creek) is evidence that lower elevation habitats may be used in the local environment. Denning has been documented in rock fall settings but it is possible that the poorly understood Sierra Nevada red fox sometimes uses enlarged earthen burrows.

The study area provides no aquatic habitat for regionally occurring special status fish, amphibians, or mollusks. Nesting riparian birds including willow flycatcher (state and federally listed as Endangered) and yellow warbler (CDFW Species of Special Concern and USFWS Bird of Conservation Concern) would not be present. At its closest, riparian vegetation at Lee Vining Creek is located 900 feet from the area that will be disturbed by project construction. Bald eagles have been known to winter in small numbers along the western shore of Mono Lake and have been observed perching at the mouth of Lee Vining Creek. While they may forage along Lee Vining Creek and over the study area's scrub vegetation, it is very unlikely that eagles or other large raptors would nest in the study area because the forested habitat and large trees where nests are typically built are absent. The nearest large trees occur in the overstory of the narrow Lee Vining Creek riparian forest corridor. Peregrine falcons were re-introduced to upper Lee Vining Creek Canyon in 1988; however, none have subsequently appeared in CNDDDB records for the Mono Basin region, and there are no cliff habitats within the study area that could be used by this species or by prairie falcons for nesting.



### Methods Used to Survey for Special Status Animal Species

Upland scrub throughout the survey area was surveyed for the presence of enlarged or networked (warren) burrows that potentially could be occupied by special status mammals. On May 17-21 and June 4-5, 2017, the GPS coordinates ( $\pm 1$  meter) of all such burrows, apparently occupied or not, were recorded while walking parallel, wandering survey transects. Transects were spaced at intervals of 50 feet across the entire study area (Figure 2). Signs of recent wildlife use were recorded at each burrow. All species that were identified through sightings or by studying sign while walking transects were recorded.

Occurring birds were inventoried during plant and wildlife transect surveys. Directed surveys were also performed to determine which populations were using project area habitats for nesting. Beginning at dawn on the successive mornings of May 21- 24, 2017, on-site breeding populations were identified and mapped where possible, based upon observations of territorial display and calling, and repeated flight to a likely suitable nest site. All large trees, as well as the existing wireless telecommunications tower and power transmission poles in the area, were checked during the 2017 field surveys for large stick nest structures attributable to raptors. Existing buildings (some with bird feeding stations) that are located in and near the project area were checked for bird nests or exhibitions of nesting behavior. During the evening hours of May 21, the aerial habitat where new work force housing has been proposed was surveyed for bat presence. Existing buildings in this area were subsequently checked for crevice habitat that could be occupied by day-roosting bats or used as natal sites, and guano accumulations that could signal current use.

### Wildlife on the Project Site

A diverse assemblage of wildlife species was indicated by direct observation or inferred from sign found in native scrub habitats remaining within the study area. Highest native diversity was found among the birds, with 25 species total and four identified as breeding including the special status taxon Brewer's sparrow (see Special Status Species, below). Occurring lizards, which were consistently identified as the common species sagebrush lizard, were abundant throughout the study area in 2017. Mammals were identified mainly through characteristic sign and in the case of burrowing mammals by burrow size and configuration. Tracks indicated that mule deer continue to frequent the area, as reported by Taylor. Mule deer have been regularly observed among the existing housing during spring and summer months, foraging at irrigated lawns.

Birds in particular have become adapted to the availability of foraging "habitat" and nesting opportunities provided by the existing Tioga Inn food vending and housing facilities. Common ravens and California gulls spend much time on-site, especially in the western portion of the study area. Potential nesting sites for ravens occur in the study area in the form of scattered trees, a telecommunications tower with no deterrents installed, and power transmission poles, but no raven or raptor nests were found in 2017. House sparrow, a non-native species, was found only in the human-built environment, nesting there also in 2017 at both the store and the hilltop housing. One kestrel pair was observed foraging in the study area, later using a nest box attached to a housing unit that overlooks the gas station.

### Special Status Animal Species

Brewer's sparrows were the only special status birds that were observed during biological resources surveys conducted in May and June 2017. No owls or owl packets were seen during evening surveys or upon searching structures and trees. Sage grouse were absent on all survey dates.

It is possible, although unlikely, that greater sage grouse foraging adults enter the area incidentally when using the suitably vegetated Mono Basin sagebrush habitats that occur off-site across US 395 to the north and east. However, the locally extensive destruction of sagebrush by wildfire, with only sparse re-growth, has altered much of the terrain abutting the study area with regard to utility for sage grouse. Furthermore, pine trees, buildings, light poles, and overhead power pole lines are already present. Scattered trees and other relatively lofty perch positions are thought to deter grouse use, because their predators gain advantage in such situations. If foraging grouse enter the area, it would be most likely to occur during over-wintering (late August through mid-March), in order to access exposed sagebrush re-growth for food and cover.

Brewer's sparrows exhibited territorial behavior throughout the eastern and northeastern portions of the property, including the areas where new housing and a road have been proposed. Aggressively calling birds responded to recorded call playbacks by approaching or calling, and the boundaries of individual territories could be roughly mapped after some observation of site fidelity and patterned posting (see Exhibit 5.3-3). Green-tailed towhee were the only other birds that exhibited typical breeding territorial behaviors during surveys of native scrub habitats in the study area. On May 21-24, the observed breeding behaviors did not include definite patterns of return flights that would suggest nest construction or brooding had begun. It appeared that breeding territories were being established within or overlapping into every scrub vegetation type that was identified within the study area. Some included areas of wildfire scar where native shrubs remain sparse. The density and abundance of potential nesting sites identified in 2017 in and near where the native vegetation will be removed indicates that nesting populations of Brewer's sparrows, green-tailed towhees, and other migratory birds may be negatively affected by the project. Construction could cause nest abandonment or failure prior to fledging due to mechanical nest destruction. There may be substantial increases in parent harassment and nest predation if construction occurs during the breeding season. Residents of the new housing may release domestic dogs and cats into the unfenced environment surrounding the project, leading to significantly increased ongoing predation of nests and adult birds.

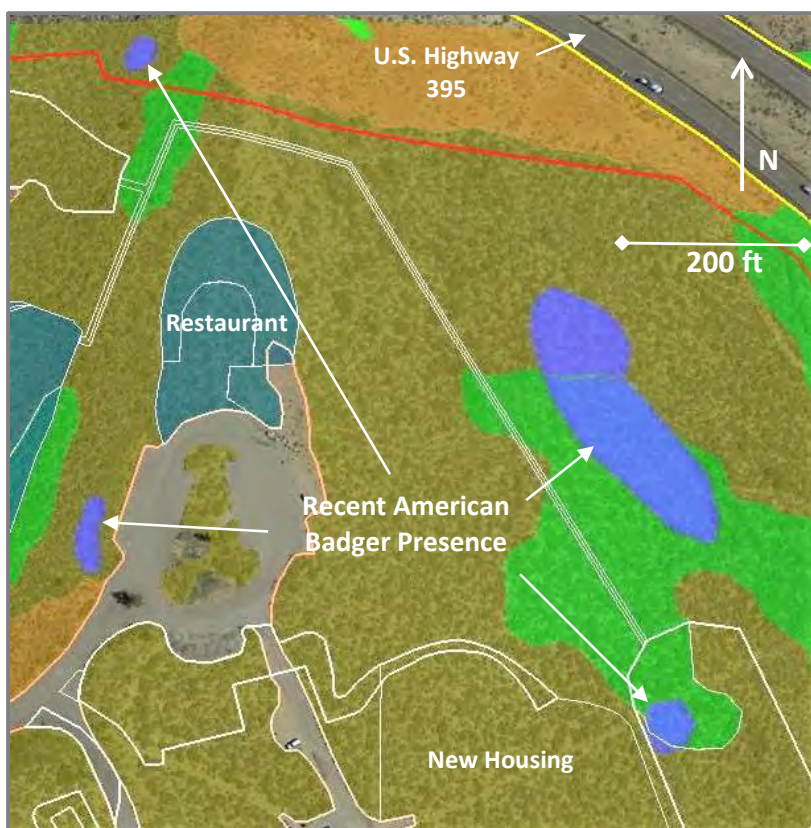


**EXHIBIT 5.3-3. Approximate Study Area Arrangement of Dense Brewer's Sparrow Breeding Territories.** May 21-24, 2017. Green-tailed towhee were also observed exhibiting territorial breeding behaviors in this same general area, where the vegetation is dominated by sparse to dense sagebrush and other upland shrubs. Seven separate potential nesting locations were mapped (blue polygons).

American badger were the only special status mammals that were evidenced as recently or currently using project area habitats. Burrowing activity was observed in Big Sagebrush Scrub and Great Basin Mixed Scrub habitats in and very near where the project will cause soil and vegetation disturbance (Figure 5.3-4). Bats were commonly observed foraging over the project area during early morning and evening surveys. However, no evidence of bat colony roosting or the

establishment of satellite roosts was found when the existing structures within the project area were searched for habitable crevices and guano accumulations. Burrows found on the property with larger diameter openings were invariably ascribed to Beechey ground squirrel. A few had been widened by predatory digging, which likely had occurred during both 2016 and 2017. Due to the presence of large, parallel claw marks made while widening squirrel burrow openings, the predatory activity was assigned to American badger. Sign at these burrows did not include tracks, neonatal scat, or other indications of recent occupation for denning by larger mammalian predators such as badger or Sierra Nevada red fox. Rockfall habitat that may be more typical for special status fox denning does not occur within the study area or nearby.

No rabbit warren areas or subcanopy forms that would indicate larger lagomorph presence were detected during transect surveys. Friable, loamy soils that are generally present where warrens have been found locally are not present except the lowest elevations of the study area near US 395. Scrub stands with greater than 50% cover were not present, and patch-sized areas of such density are very uncommon, so searching each dense area thoroughly was possible. Rabbit pellets observed in the study area were consistent with the presence of mountain cottontail rabbit, a common species. The sizes of these pellets (9-10 mm) was not consistent with the 4-6 mm diameter that would be expected if pygmy rabbit were present, or with the 10-11 mm diameter that would be expected of western white-tailed jackrabbit.



**EXHIBIT 5.3-4. Four locations where recent widening of Beechey ground squirrel burrows was attributed to foraging activity by American badger.** The activity is thought to have occurred during the period 2016 to as recently as early 2017.

American badger are highly mobile and adaptive animals. It is unlikely that the removal of a small area of potential foraging habitat will significantly affect the local population. Direct impact to a new residence burrows and to badgers that may be day-denning in enlarged rodent burrows can be avoided if the project footprint and corridors for construction equipment access are checked for newer rodent burrows excavation or other signs of predatory digging. The holes and excavated dirt piles created by badgers are large and conspicuous, so impact to individuals due to ground disturbance can be readily avoidable if the pre-survey is conducted immediately prior to the start of soil disturbance.

## Mule Deer

Mule deer are considered important harvest species by the CDFW. Mule deer herds in Mono County are defined by their pattern of movement between summer and winter ranges. Lee Vining Canyon in the vicinity of the Tioga Inn project site is used for migration by a significant fraction of the Casa Diablo Herd. Detailed, repeated-measures study of the magnitude and spatial patterns of deer movement both in and near the project area has identified a traditional migration corridor that passes within one-half mile to the south. The project area and nearby slopes are not within an identified migrational holding area, but it is known that summer residency is normal in lower Lee Vining Canyon. It is possible that some deer use the remaining habitat at Tioga Inn for spring and fall migration during the periods April to June and October to November, and for foraging during summer residency. Studies in support of the original EIR for Tioga Inn found that the project area, in contrast to the identified migration corridor, is not highly used and itself “is of little importance” as a migration corridor. At that time, the perception of a diminished pattern of deer use in the project area was attributed to disturbance caused by on-site tourists and the lack of required concealing cover.

It is reasonable to assume that deer use of the project area has not increased either for migratory passage or for summer residency in the interval since the prior on-site study. As in 1992, deer trails were not found during thorough survey of the entire property in 2017. Deer sign was scattered, and only one individual was seen in the project area. More generally, negative impacts to the available habitat have brought about changes that do not favor deer use. Uniform scrub dominated by bitterbrush, as described on-site in 1992, has been displaced and has become highly fragmented due to prior phases of Tioga Inn development. Habitat that has become degraded due to wildfire extends well off-site, and concealing cover provided by the pinyon woodland of upper slopes adjacent to the project has not recovered. The grouping of occupied residences located near US 395 at a distance of 2500’ outside of the study area has expanded, potentially creating new restrictions for wildlife access to the project site from the south. US 395 has been expanded and widened, now presenting a divided, four-lane barrier to wildlife movement to and from the study area. The disturbed and increasingly isolated habitat in and immediately adjacent to the site appears now to only marginally provide for the requirements of mule deer that reside in the area or that pass through during migration.

### 5.3.3 REGULATORY SETTING

The regulatory setting sections describes relevant federal, state, and local laws, regulations and policies pertaining and applicable to environmental impacts within the Planning Area.

#### 5.3.3.1 Federal Regulations

**Federal Endangered Species Act (ESA).** The USFWS administers the Federal ESA. The ESA provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The ESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its known geographic range. A “threatened” species is a species that is likely to become endangered. A “proposed” species is one that has been officially proposed by the USFWS for addition to the federal threatened and endangered species list. Per §9 of the ESA, “take” of threatened or endangered species is prohibited. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

**Federal Clean Water Act-§404.** The USACE administers CWA §404. This section regulates the discharge of dredge-and-fill material into waters of the U.S. USACE has established a series of nationwide permits that authorize certain activities in waters of the US, if a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of waters of the US. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. USACE also has discretionary authority to require an EIS for projects that result in impacts to an area between 0.1 and 0.5 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.



**Clean Water Act - §401.** Per §401 of the CWA, “any applicant for a Federal permit for activities that involve a discharge to waters of the State, shall provide the Federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal CWA.” Thus applicants must apply for and receive a §401 water quality certification from the RWQCB before the USACE will issue a §404 permit. §404 Nationwide Permits (NWP) are required for discharge of any dredged or fill material into waters of the United States.

**Waters of the United States.** Waters of the U.S., as defined in CFR §328.3, include all waters or tributaries to waters such as lakes, rivers, intermittent and perennial streams, mudflats, sand-flats, natural ponds, wetlands, wet meadows, and other aquatic habitats. Frequently, waters of the US, with at least intermittently flowing water or tidal influences, are demarcated by an ordinary high water mark (OHWM). The OHWM is defined in CFR §328.3(e) as the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. In this region, the OHWM is typically indicated by the presence of an incised streambed with defined bank shelving. In 2010 the USACE South Pacific Division issued a Regional Supplement to the USACE Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, one of a series of Regional Supplements to the USACE Wetland Delineation Manual designed to provide technical guidance and procedures for identifying and delineating wetlands that may be subject to CWA §404 or §10 of the Rivers and Harbors Act. The Supplement applies to the Western Mountains (including the Sierra Nevada), Valleys, and Coast Region portions of, California and 11 other western states.

**Migratory Bird Treaty Act.** The Migratory Bird Treaty Act (MBTA) protects all common wild birds found in the US except the house sparrow, starling, feral pigeon, and resident game birds (e.g. pheasant, grouse, quail, and wild turkey); each state manages resident game birds separately. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs. USFWS has formulated a list of suggested conservation measures for migratory birds as part of their Migratory Bird Program. The citation for this program’s website has been added to the listing of referenced materials.

### 5.3.3.2 California Regulations

**California ESA.** CDFW administers the California ESA. The State of California considers an “endangered” species one whose prospects of survival and reproduction are in immediate jeopardy. A “threatened” species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A “rare” species is one present in such small numbers throughout its portion of its known geographic range that it may become endangered if its present environment worsens. The rare species designation applies to California native plants. State threatened and endangered species are fully protected against take, as defined above. The term “species of special concern” is an informal designation used for some declining wildlife species that are not state candidates for listing. This designation does not provide legal protection but signifies that these species are recognized as sensitive by CDFW.

**California Fish and Game Code §1600 to §1603.** The California FCFG Code mandates that “it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.” CDFW jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by the presence of hydrophytic vegetation, the location of definable bed and banks, and the presence of existing fish or wildlife resources. Furthermore, CDFW jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function as part of the riparian system. Historic court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdiction. However, CDFW does not regulate isolated wetlands (those that are not associated with a river, stream, or lake).

**Porter-Cologne Water Quality Act.** The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, within any region that could affect the water of the state” (Water Code §13260(a)), pursuant to

provisions of the Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (Water Code §13050 (e)).

**Regional Water Quality Control Board.** Under §401 of the CWA, the RWQCB regulates all activities that are regulated by the USACE. Additionally, under the Porter-Cologne Water Quality Act, the RWQCB regulates all activities (dredging, filling, or discharge of materials into waters of the state) that are not regulated by the USACE due to a lack of connectivity with a navigable water body and/or lack of an OHWM.

**California Fish & Game Code - §3503 & §3511.** The CDFG administers the California Fish and Game Code (CFG Code). There are particular sections of the CFG Code that are applicable to natural resource management. For example, §3503 of the CFG Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird that is protected under the MBTA. CFG Code §3503.5 further protects all birds in the orders Falconiformes and Strigiformes, birds of prey such as hawks and owls, and their eggs and nests from any form of take. CFG Code §3511 lists fully protected bird species where the CDFG is unable to authorize the issuance of permits or licenses to take these species.

### 5.3.3.3 Local Regulations

**Mono County General Plan.** A number of policies contained in the existing Mono County *Open Space and Conservation Element* as well as other General Plan elements provide protections for natural resources.

## 5.3.4 IMPACTS AND MITIGATION MEASURES

### 5.3.4.1 Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the proposed Tioga ~~Workforce~~Community Housing Project will be considered to have a significant impact on biological resources if it will:

- a) 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?
- b) 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?
- c) Have a substantial adverse effect on a state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

## 5.3.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

**IMPACT BIO 5.3(a):** Would the project 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?                   ?

**LESS THAN SIGNIFICANT WITH MITIGATION:** Project construction will directly affect plant and wildlife habitats in a substantial portion of the 67.8 acres that comprise the Tioga Inn development. Currently, the existing facilities and other areas lacking cover by native vegetation total 10.6 acres. The approved but as yet unbuilt hotel and restaurant, ancillary buildings, and new parking will convert an additional 4.7 acres and will temporarily disturb (with restoration to native vegetation) an area totaling 1.4 acres. The newly proposed ~~workforce~~ housing, sewage treatment and disposal systems, and road portions of the Tioga Inn project (i.e., elements that were not proposed in 1993) will cause another 6.5 acres of new, permanent habitat conversion and 5.0 acres of temporary devegetation and soil disturbance, as shown in Table 5.3-



5. Operation of the new ~~workforce~~ housing facilities could have impacts that will reach beyond the construction footprint, mainly due to expected changes and increases in human activity.

TABLE 5.3-5. Summary of Acreages Impacted by Tioga <del>Workforce</del> Housing Project			
	Type of Impact		Total
	Permanent (Acres)	Temporary (Acres)	
Current Converted	10.5	0.1	10.6
Has Prior Approval	4.7	1.4	6.1
Newly Proposed	6.5	5.0	11.5
Total	21.8	6.4	28.2

The acreages shown in Table 5.3-5 include (a) developed areas of the site that have previously been converted to paved or otherwise devegetated surfaces (existing store and gas station, roads and parking, ~~workforce~~ housing) based on the 1993 approvals, (b) areas where the 1993 development approvals have been obtained but the disturbance to native vegetation have not yet occurred (hotel, restaurant), and (c) areas of current native vegetation cover where new project elements are now proposed (new ~~workforce~~ housing, new road, new wastewater treatment/subsurface irrigation water and septic disposal system, ancillary features). Impacts that are associated with devegetation and soil disturbance have been grouped either as permanent (conversion to buildings and other impermeable surfaces, conversion to non-native landscaping) or as temporary (areas subject to planting and restoration to native habitat). [To address the impacts associated with devegetation and soil disturbance, and in response to comments received on the DSEIR, a new mitigation measure has been incorporated into this FSEIR to require specific protections for all project areas where temporary disturbance occurs due to earthwork and grading. Mitigation Measure BIO 5.3\(a-6\) includes provisions for stockpiling and reuse of topsoils, landscaping that will maximize visual screening and provide for optimal growth, use of bitterbrush as a dominant component of the plant palette, use of a specific seed mix adjacent to roads, weed controls, and monitoring.](#)

The temporary impacts recognize that installation of the wastewater treatment and subsurface irrigation components will require removal of vegetation, but may benefit native plant cover in some areas due to long-term irrigation using effluent from the proposed new wastewater treatment and subsurface irrigation system. At the same time, impacts to existing plant communities associated with the construction of new housing and other buildings and roads will permanently reduce their acreage (see Table 5.3-5), and may diminish their current ecological functions, such as support of existing special status plant populations.

As noted in the baseline discussion, candidate, sensitive, or special status species that may occur on this site include the few-flowered woollystar, Masonic rockcress, Brewer's sparrows, American badger and mule deer. The few-flowered woolly star was detected at two locations north of US 395, and is on the CNPS watchlist for species that are limited in distribution in California, but there are no current known threats and this species has no additional legal status under the state or federal Endangered Species Acts. Additionally, a distinct population of Masonic rockcress is located near the hilltop residences. As of June 2017, the population consists of 132 plants occurring in the southwestern corner of the study area, with scattered individuals elsewhere on the site. The proposed ~~Community Workforce~~ Housing project will approach to within 100 feet of the current population extent.

Construction-related direct impacts to the occurring Masonic rockcress population are very unlikely, but the emplacement of the new road will approach to within 100 feet. The annual few-flowered woollystar population is very unlikely to be affected by the removal of a small area of potential habitat (in 2017, plants were found near but not within the area where vegetation will be displaced by the project).

Shrublands in the project area are relatively undisturbed, long-standing and well-developed, unlike shrublands in the surrounding areas which have failed to recover due mainly to the 2010 wildfire. The project will temporarily disturb 1.1 acres of shrublands dominated by bitterbrush with a lesser presence by co-dominant big sagebrush, a plant community type that is considered sensitive by the State of California. This disturbance will be required in order to install a leach field for the proposed new housing. Permanent conversion of native vegetation (6.5 acres) will occur only where the regionally common community type Big Sagebrush Scrub is dominant. In addition, 3.9 acres of Big Sagebrush Scrub temporary disturbance will occur.

As noted, Brewer's sparrows were the only special status birds that were observed during the surveys of May and June 2017. No owls or owl packets were seen, and sage grouse were absent on all survey dates. Brewer's sparrows exhibited territorial behavior throughout the eastern and northeastern portions of the property, and it appeared that breeding territories were being established in or overlapping into every scrub vegetation type identified on the site (including areas in the wildfire scar).

The density and abundance of potential nesting sites identified in 2017 in and near where native vegetation will be removed indicates that nesting Brewer's sparrows, green-tailed towhees, and possibly other birds may be negatively affected by the project. Construction could cause nest abandonment or failure prior to fledging due to mechanical nest destruction. There may be substantial increases in parent harassment and nest predation if construction occurs during the breeding season.

Domestic pets, especially dogs and cats, are expected with the new housing tenancy. It is unrealistic to expect that these animals will be restrained, and wandering pets potentially will be an important new predatory limitation that is imposed on the environment stretching for some distance beyond the project footprint. Cats, for example, could extirpate the breeding Brewer's sparrow population that currently appears to utilize scrub just outside the project area to the north and east. Dogs could harass terrestrial wildlife including American badger and mule deer, and cause increased crossings and potential for collision at US 395.

Nesting birds are protected under CDFW code and by Migratory Bird Treaty provisions, and construction can be routinely halted in order to avoid nest destruction or abandonment if it is scheduled to occur during the locally recognized nesting period. Surveys that would be intended to minimize or avoid the potential for impacts to nesting birds would be effective only if they are performed immediately prior to the start of the disturbance, by a biologist who is qualified and knowledgeable of local avifauna.

Surveys conducted in 2017 found recent sign of burrowing by American badger, which is a CDFW Species of Concern. It is possible that individuals will den temporarily or while raising young within the project area, occupying enlarged burrows such as those found in 2017. Badgers are highly mobile animals as adults, and can escape construction-related direct impacts. Burial of natal den areas would be fatal for young badgers but can be avoided if surveys to detect badger presence are conducted immediately prior to the start of project ground-disturbing activities.

The potential presence of the Sierra Nevada Red Fox in the project region is noted in DSEIR Appendix I (the full Biological Assessment): "Sierra Nevada red fox, which are state listed as Threatened, are often considered to be very rare animals restricted to high elevations, generally much higher than the 6940' average elevation of the study area (USFWS, 2015). However, a relatively recent (20 year-old) occurrence documented within sight of the study area – an individual killed while trying to cross Hwy 395 near Lee Vining Creek (CDFW, 2018c) – is evidence that lower elevation habitats may be used in the local environment. Denning has been documented in rock fall settings (CDFW, 2018c), but it is possible that the poorly understood Sierra Nevada red fox sometimes uses enlarged earthen burrows."

The Assessment also notes that burrows found on the property did not include tracks, neonatal scat, or other indications of recent occupation for denning by larger mammalian predators such as badger or Sierra Nevada red fox, and rockfall habitat that may be more typical for special status fox denning does not occur within the study area or nearby. For these reasons, no mitigation was proposed in the DSEIR for the Sierra Nevada Red Fox.

However, information provided in a comment letter on the FSEIR indicates additional regional sightings of the Sierra Nevada Red Fox, including one documented sighting in Yosemite National Park during 2014-2015, and a second potential sighting at the southern end of Lee Vining (about one mile from the project site) in October 2018. In recognition of the recent sightings, Mitigation Measure BIO 5.3(a-4) has been amended to require that the pre-disturbance survey of denning badger also include a pre-disturbance survey of denning fox. The amended measure is provided below and has been incorporated into the Mitigation Monitoring and Reporting Program (FSEIR/DSEIR §10.0).

### **MITIGATION MEASURES – SPECIAL STATUS SPECIES**

**MITIGATION BIO 5.3(a-1) (Shrubland Revegetation):** 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.

**MITIGATION BIO 5.3(a-2) (Rockcress Protection):** 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 BIO 5.3(a-3) (Nesting Birds):** 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.

**AMENDED MITIGATION 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 site will be halted pending consultation with CSFW regarding buffering and avoidance.

**MITIGATION 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 requiring the 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.

**NEW MITIGATION 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 shrubs listed on the amended Plant Palette, Specific Plan Table 8-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover to allow drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush & 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, see Specific Plan Exhibit 8-2) 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.

**NEW MITIGATION BIO 5.3(a-7)(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, at the access points from Vista Point Drive into the gas station, the hotel, and at the access road leading to the full-service restaurant.

**IMPACT BIO 5.3(b):** Would the project 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?

**LESS THAN SIGNIFICANT.** The project study area is located east and outside the riparian forest corridor that follows Lee Vining Creek's perennial flow. No tributaries to Lee Vining Creek occur on the site, and the site contains no natural channels that exhibit bed and banks or other evidences of flows (seasonally or otherwise). No impacts are foreseen, and no mitigation measures are required.

### **MITIGATION MEASURES – EROSION**

**BIO 5.3(b) (Riparian Resources):** No significant impacts to riparian resources have been identified, and no mitigation measures are required.

**IMPACT BIO 5.3(c):** Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**LESS THAN SIGNIFICANT IMPACT.** One isolated occurrence of Great Basin Mixed Scrub located between the site of the restaurant and the southern edge of US 395 is locally unusual due to the presence of sandbar willow in the shrub canopy. Sandbar willow and big sagebrush are the co-dominant species with antelope bitterbrush. This alliance is not found elsewhere in the study area. The occurrence is mid-slope within an area of about 2.3 acres that was revegetated and re-contoured to accommodate US 395 widening in the early 2000's. Sandbar willow is considered to be facultatively

adapted to wetlands habitat conditions. There were no indications that this assemblage signals the presence of seasonal or even ephemeral artesian spring flow, as there were no surface moisture changes, ponding depressions, animal trails, or incised discharge and outflow areas indicating spring function, despite local precipitation prior to the survey that during October 2017 through May 2018 neared 200% of the normal annual amount. No impacts are foreseen, and no mitigation measures are required.

### **MITIGATION MEASURES – WETLANDS**

**BIO 5.3(c) (Wetlands):** No significant wetlands impacts have been identified and no mitigation measures are required.

**IMPACT BIO 5.3(d):** Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**SIGNIFICANT AND POTENTIALLY UNAVOIDABLE ADVERSE IMPACT.** Domestic pets, especially dogs and cats, are expected with the new housing tenancy. It is unrealistic to expect that these animals will be restrained, and wandering pets potentially will be an important new predatory limitation that is imposed on the environment stretching for some distance beyond the project footprint. Cats, for example, could extirpate the breeding Brewer's sparrow population that currently appears to utilize scrub just outside the project area to the north and east. Dogs could harass terrestrial wildlife including American badger and mule deer, and cause increased crossings and potential for collision at US 395.

Mule deer were observed on-site, and their tracks or droppings were seen in all habitat types. The project incrementally narrows one possible route that deer of the Casa Diablo Herd could use to move into and out of Lee Vining Canyon during migration. Effective closure will be somewhat more extensive, given that the new housing and increased tourist visits will add noise, necessitate night lighting, and introduce free-roaming pet dogs to the habitat formerly available for relatively unobstructed deer use. Meanwhile, forage and concealing cover availabilities have declined since 1992, when detailed study concluded that on-site deer use is generally low and ancillary to a major movement corridor that is located well off-site to the south and east.

It is possible that the mortality of deer that enter the property could be increased as a result of project effects that increase crossings of the highways, especially the 4-lane US 395. Collision, especially along US 395, is considered one of the main causes of deer mortality in Mono County. CDFW has developed specific plans for deer herd management that emphasize the importance of designing projects with a minimum of new barriers to migration are emplaced. The proposed project will create a significant new physical barrier to deer movement. Housing and tourism-based facility operations will increase daily human activity, and generate noise and new night lighting. Domestic dogs off-leash will tend to harass wildlife and drive deer onto roadways. Provided below are measures that would reduce potential impacts to less than significant levels.

Other wildlife, including locally occurring coyote and bears, could be subject to increased mortality due to highway crossings if the new project residences and facilities create an attraction such as a dependable or even occasional food source. Attractions could include household garbage, domestic pets, or stored food items. Diligent exclusion is the only effective means to avoid creating an attractive but dangerous new resource for opportunistic wildlife. As can be seen in Appendix I, the Biological Assessment included a mitigation measure that would establish a protected corridor, redesignated FROM Open Space-Facilities TO Open Space-Preserve, between US 395 and all project elements. The corridor location would be as illustrated very generally in Exhibit 5.3-5 below.



EXHIBIT 5.3-5. Corridor to be maintained as Open Space.

Before release of the Draft SEIR, these mitigation recommendations were incorporated into the project proposal resulting in a changed Land Use and Open Space Plan as shown in Exhibit 5.3-6 on the following page ([NOTE that Exhibit 5.3-6 does not show the modifications associated with proposed Alternative 6, but is accurate with respect to overall land use and open space](#)).

Designation of the protected corridor as 'Open Space-Preserve' indicates that uses in this area shall consist of improved or undisturbed landscaped areas consisting of native materials, wherein physical development will (with the exception of one reclaimed water pump station) be limited exclusively to underground utilities as well as any existing improvements and prior entitlements; note that the projected corridor applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses. As noted in the Biological Assessment, this protected corridor in tandem with the Pet Kennel and Pet Leashing requirements in Mitigation Measure 5.3-(a-5) will redirect deer movements to the east and south of the new housing area (rather than back across highways) and reduce potential project impacts to ***less than significant levels***.

Note that implementation of the protected corridor will not be sufficient to reduce 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, ~~as outlined below in Mitigation Measure BIO 5.3(d-5). Because there is no assurance that efforts will be successful to obtain funding for a deer passageway, this cumulative impact is considered ***significant and potentially unavoidable***.~~

[In its comment letter on the DSEIR, Caltrans stated that "there is currently no nexus for a deer passage at the US 395/ Lee Vining Creek culvert" and referenced the 2016 Wildlife Vehicle Collision Reduction Feasibility Study Report. 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 \('hotspots'\), each of which is tabulated and ranked in Table 5.3-6 in terms of deer mortality per mile.](#)

[The US 395 segment between Mt. Morrison Road and Benton Crossing Road \(in the vicinity of the Mammoth-Yosemite Airport\) is the segment with top priority for a wildlife crossing, followed by the other five hotspots shown in Table 4-4. The project area is not a hot spot, and so it is not identified by Caltrans as a priority for wildlife crossings in Mono County due to the relatively low number of deer-vehicle collisions in this area compared to other segments of US 395, and the priority to use funding resources where deer-vehicle collisions are highest. Deer mortality rates on US 395 in Mono County from 2002-2015 are shown in Exhibit 4-6 on the following page. Note that there are currently no deer under-crossings in Mono County. The US 395/SR 120 intersection is located at US 395 Post Mile 50.744.](#)





**NEW TABLE 5.3-6. US 395 Deer Mortality Hot Spots in Mono County (2002-2015)**

Hot Spot Ranking	Name	Location by Post Mile <sup>3</sup>	Hotspot Length (miles)	Total Mortality	Mortality per Year	Mortality per Year per Mile	Comments
1	Mt. Morrison Rd - Benton Crossing Rd	19.7-20.3	0.47	79	6.1	12.93	Located within the focus area
2	McGee	18.6-19.6	0.43	55	4.2	9.84	Located just north of McGee Maintenance Sta. & in the focus area
3	Hot Creek Hatchery Road	22.83-23.24	0.41	34	2.6	6.38	Just North of Hot Creek Hatchery Rd.; south end of snow fence
4	Buckeye Road	80.75-81.49	0.74	58	4.5	6.03	Located 0.4 miles north of Buckeye Road
5	Junction US395/SR203	25.6-26.0 0.4 26 2 5	0.4	26	2	5	Between the SR203/US 395 intersection & Mammoth Creek
6	Bodie Road (SR 270)	69.41-69.85 0.44 26 2 4.5	0.44	26	2	4.5	Jct. Bodie Rd & US 395 & .35 miles s/o Bodie Rd

The project area is thus not among the areas that will be considered for a future wildlife passageway. Caltrans has also indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority location, due to difficult US 395 roadway geometrics, and SCE facilities along Utility Road. Based on the foregoing, the intent to seek grant funding for construction of a wildlife crossing is no longer part of the project proposal, and DSEIR Mitigation BIO 5.3(d-5) has been deleted. This FSEIR retains the DSEIR conclusion that the direct project impacts on deer movement would be less than significant, and that the cumulative impacts would be significant, adverse and unavoidable.<sup>4</sup>

### **MITIGATION MEASURES – MIGRATORY AND RESIDENT SPECIES**

**MITIGATION 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 revegetation 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 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,

<sup>3</sup> The project site is located at US 395 Post Mile 50.744.

<sup>4</sup> Note that the significance determination is based on a conservative understanding of available information. The 1993 EIR Biological Assessment, prepared by Tim Taylor, stated that "Detailed, repeated-measures study of the magnitude and spatial patterns of deer movement both within and near the project area has identified a traditional migration corridor that passes within one-half mile to the south" [[of the project site]], and "Studies in support of the original environmental impacts analysis for Tioga Inn found that the project area, in contrast to the identified migration corridor, is not highly used and itself 'is of little importance' as a migration corridor." (Taylor, 1992) Furthermore, Caltrans existing data shows that most deer movement does not conflict with the project area. Caltrans finds that there is little evidence to show that project buildout would create a significant, adverse, unavoidable impact to deer.

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 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 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.

~~**Mitigation BIO 5.3(d-5) (Deer Passage; Cumulative Impact Mitigation Measure):** Caltrans installation of a deer passage along the US 395 culvert at Lee Vining Creek would significantly reduce the frequency of unsafe deer crossings in the project area, and associated collision hazards to deer and to motorists. Caltrans has installed deer crossings at other streams along the migratory portion of US 395, with significant benefits. If the Tioga Workforce Housing Project is approved, the applicant intends to collaborate with Mono County Community Development Dept to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program. A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and the community of Lee Vining. This access route will be designed to incorporate a deer passage along the US 395 culvert at Lee Vining Creek.~~

**IMPACT BIO 5.3(e):** Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**LESS THAN SIGNIFICANT.** The *General Plan Conservation and Open Space Element* identifies a series of critical issues, opportunities and constraints that apply to biological resources in Mono County, as outlined in Table 5.3-76.

**TABLE 5.3-76. Biological Resource Issues, Opportunities and Constraints identified in the Mono County *Conservation and Open Space Element* of the General Plan**

<b>1</b>	Mono County's fish and wildlife populations and plant communities contribute substantially to the tourist based economy, recreation, and aesthetic enjoyment of the county's resources. These resources are important not only for their direct and indirect benefits to residents and visitors, but also for their inherent ecological value.
<b>2</b>	The biological resources in the county contribute to the local economy in several ways. Fishing, hunting, sightseeing, numerous recreational activities, agriculture and grazing are all directly dependent on the natural resources in the county.
<b>3</b>	The protection and enhancement of natural habitats is a critical element in preserving and restoring the long-term existence of local wildlife. Riparian woodlands, wetlands, migration corridors, sagebrush steppe, and wintering and summering grounds are recognized as critical, highly localized wildlife habitat. Increased recreational use in the county and increased development, particularly in areas outside existing community areas, creates potential impacts to the long-term sustainability of fish and wildlife populations and plant communities through degradation of resources and increased conflicts between wildlife and humans.
<b>4</b>	The cumulative impacts of increased development and recreational usage on natural habitats and local wildlife are a major concern. In particular, the cumulative impacts of development on deer herds and sage grouse are a concern throughout the county.

5	Resource management agencies have given special status to a number of plant and animal species that are known or expected to occur in the county. In addition, a number of locally significant species have been identified. The protection of these species is a concern.
6	Endangered and threatened species, and their associated listings under the Endangered Species Act (ESA), are becoming a greater concern in Mono County. These species are valuable to Mono County, directly contributing to the local economy and recreational aspects, and representing healthy natural resources and landscape that is critical to quality of life.
7	ESA listings often cause an immediate fear of overregulation and a sense that community needs are incompatible with species conservation. However, Mono County has recently been successful cooperating with conservation partners to preclude a listing because of adequate species protection, demonstrating human activity can be compatible with species conservation. Even when the County does not directly participate in conservation efforts, utilizing best-available science to meet both conservation and community needs is in the County's best interest.
8	A number of agencies are involved in wildlife resource management in the county, including the USFS, BLM, CDFW, and the US Fish and Wildlife Service. Each of these agencies has jurisdiction over certain aspects of the protection and enhancement of wildlife habitat and local wildlife populations. The County must work with these agencies and other agencies that are responsible for other areas of resource management, such as the Natural Resource Conservation Service (NRCS), Lahontan Regional Water Quality Control Board, and the USACE.
9	The protection and enhancement of streams, wetlands, and riparian areas is a critical element in preserving and restoring water quality and water supply, and addressing ecological functions such as erosion, sedimentation, fire risk, and wildlife habitat. Increased development, recreation, and water development and/or extraction has the potential to impact the long term health of these ecological communities.

The *Conservation Element* also provides goals, policies and actions to resolve identified constraints and opportunities. Table 5.3-87 lists goals, objectives and policies that are relevant to the proposed Tioga Workforce Housing project.

<b>TABLE 5.3-87. Biological Resource Protection Policies of the Mono County Conservation and Open Space Element of the General Plan</b>	
<b>Goals, Objectives and Policies</b>	<b>Project Status</b>
<b>GOAL 2. Maintain an abundance and variety of vegetation, aquatic and wildlife types in Mono County for recreational use, natural diversity, scenic value, and economic benefits.</b>	
<b>Objective 2.A. Maintain and restore botanical, aquatic and wildlife habitats in Mono County.</b>	
<b>Policy 2.A.1. Development projects shall avoid potential significant impacts to animal or plant habitats or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.</b>	Mitigation measures are provided in §5.3-6 of this DSEIR to reduce potential project impacts on plant and animal habitats to less than significant levels.
<b>Policy 2.A.2. Protect and restore threatened and endangered plant &amp; animal species and their habitats.</b>	As described in the Project Description, Specific Plan and other sections of this EIR, the project design and mitigation measures focus on resource protection and restoration. As described in this EIR §5.3-6, relevant mitigation measures include shrubland revegetation, rockcross protection, surveys for nesting birds and denning badgers, and specific design and operational measures to minimize predation by domestic pets.
<b>Policy 2.A.3. Protect and restore sensitive plants, wildlife and their habitat, and those species of exceptional scientific, ecological, or scenic value.</b>	
<b>Policy 2.A.6. During construction, utilize soil conservation practices and management techniques to conserve naturally occurring soils.</b>	EIR §5.2-6 (Hydrology) describes project elements that meet the County's voluntary Low Impact Development ('LID') standards. LID features include natural drainage controls, use of pervious materials, onsite flow retention, infiltration, separate of road and pathway runoff, cluster design, vegetation retention

Ordinances pertaining to environmental protection are contained in Title 16 of the Mono County Code. As stated in Chapter 16.04.010. The purpose of Title 16 is to "implement the requirements of the California Environmental Quality Act of 1970, as amended (Public Resources Code Sections 21000—21174), and the Guidelines for Implementation of the California Environmental Quality Act of 1970 adopted by the Secretary for Resources of the state. (Ord. 73-436 §1, 1973)." Chapter

16.04 includes provisions that (1) require compliance by all county offices and departments, (2) incorporate the CEQA Guidelines as adopted by the California Secretary for Resources, (c) require that measures be imposed to mitigate impacts of discretionary actions and allow use of Overriding Considerations by the Board of Supervisors, and (d) clarify that provisions of Chapter 16 shall govern in the event of a conflict with other regulations. This Draft Subsequent EIR is prepared in conformance with the requirements of the Mono County Code provisions.

The Mono County General Plan Final EIR notes that the County does not have and is not at this time proposing a formal tree preservation policy. The EIR also notes that several Mono County communities have large native trees that may be vulnerable to development; Lee Vining is not among the communities so identified. Trees are a relatively minor component of the native vegetation on this site, occurring in Big Sagebrush Scrub as scattered Jeffrey pines or singleleaf pinyon. The only other trees that were noted within the study area are the numerous sapling to mature-sized quaking aspen that have been planted into irrigated landscape areas around existing roads and buildings. Riparian zone dominant trees that are present within the nearby Lee Vining Creek riparian zone are otherwise absent from the habitat occupied by Big Sagebrush Scrub, which is entirely upland in character. Native pines near 10% canopy closure only in one small patch north of the existing ~~workforce~~-housing, in a steeply sloping area where relatively high floral diversity including one special status plant species was observed.

In summary, the project will not conflict with local policies or ordinances to protect biological resources. No supplemental measures are required to support the mitigations elsewhere in this EIR, as noted.

### **MITIGATION MEASURES – TREE PROTECTION ORDINANCES AND POLICIES**

**BIO 5.3(e) (Tree Protections):** No impacts have been identified, and no mitigation measures are required.

**IMPACT BIO 5.3(f):** Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**NO IMPACT:** There are currently no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans in Mono County. USFWS and LADWP have entered into a formal process to address threatened and endangered species and their habitat on all Los Angeles-owned lands throughout the Owens River Valley in Inyo County, but this is well south of the project area and the HCP for that area has not been completed or finalized. The project would not conflict with provisions of any Habitat Conservation Plans, Natural Community Conservation Plans, or other approved conservation plans, and no mitigation measures are required.

### **MITIGATION MEASURES – HABITAT CONSERVATION**

**BIO 5.3(f) (Habitat Conservation):** No significant impacts to habitat conservation efforts have been identified, and no mitigation measures are required.

## **5.3.6 SIGNIFICANCE AFTER MITIGATION**

~~The intent to collaborate with Mono County on a Sustainable Communities grant application would, if successful, address concerns regarding the potential for this project to result in increased unsafe deer crossings in the vicinity of US 395 and SR 120. However, only Caltrans has authority to create a deer passage along US 395. There is no assurance that that Caltrans would undertake this measure, nor can it be assured that the grant application will be successful. There is currently no nexus for a deer passage at the US 395 Lee Vining Creek culvert based on information based on information developed through Caltrans' 2016 Wildlife Vehicle Collision Reduction Feasibility Study Report. Based on information provided in this section, t~~The potential for increased deer mortality due to a directly project-related increase in unsafe highway deer crossings is therefore considered to be less than significant. The potential for a cumulatively significant increase in deer mortality is considered to be a significant and unavoidable adverse project

***impact.*** Implementation and enforcement of mitigation measures recommended above would reduce all other potential project impacts on biological resources to ***less than significant levels.***



## TIOGA COMMUNITY~~WORKFORCE~~ HOUSING PROJECT REVIED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.4 CULTURAL & TRIBAL CULTURAL RESOURCES

#### 5.4.1 INTRODUCTION AND SUMMARY

Cultural resources encompass archaeological, historical and tribal resources, including but not necessarily limited to buildings, structures, objects, districts, and sites. Paleontological resources have also long been part of this section, but were incorporated under Geologic Impacts as part of the most recent CEQA Update in December 2018; paleontological resources are still addressed in this section, but also referenced in §5.1 (Geology) to reflect the recently amended CEQA Guidelines. This EIR section summarizes the results of a thorough Archaeological Survey and analysis prepared by Trans Sierran Archaeological Resources (TSAR). A redacted version of the TSAR report is provided in full as EIR Appendix J1; the report findings and recommendations are summarized in this section. Appendix J2 provides a copy of correspondence received from the Native American Heritage Commission to assist in development of mitigation measures for this section. Appendix J3 provides copies of the Tribal Consultation letters sent by Mono County to the Washoe Tribe and to the Kutzadika Tribe, as well as a copy of the consultation request letter sent to Mono County by the Washoe Tribe.

One NOP comment letter addressed issues pertaining to cultural resources: the Mono Lake Committee requested that the EIR analyze project impacts in terms of the Mono Basin Community Plan goals and policies for protection of historical resources. Key findings of the §5.4 cultural impact analysis are summarized in the table below.

SUMMARY OF IMPACTS & MITIGATIONS FOR CULTURAL RESOURCES	
<b>IMPACT CULT 5.4(a):</b>	<b>IMPACTS TO PREHISTORIC OR HISTORICAL RESOURCES</b>
<u>Amended</u> Mitigation <u>CULT 5.4(a):</u>	<u>Voluntary compensation to Kutzadika'a Tribe for construction crew training or onsite monitoring (at their discretion) and</u> Construction Plan Statement and Process if Archaeological Resources are Found
Residual Significance:	Less than Significant
<b>IMPACT CULT 5.4(b):</b>	<b>IMPACTS TO PALEONTOLOGICAL RESOURCES</b>
Mitigation 5.4(b-1):	Construction Plan Statement and Process if Paleontological Resources are Found
Residual Significance:	Less than Significant with Mitigation
<b>IMPACT CULT 5.4(c):</b>	<b>IMPACTS TO HUMAN REMAINS, SACRED LANDS</b>
Mitigation 5.4(c-1):	Tribal Notification, Right to Monitor, Construction Plan Statement and Process if Tribal Resources found during construction
Residual Significance:	Less than Significant with Mitigation

#### 5.4.2 KEY TERMS USED IN THIS SECTION

**Prehistoric, Protohistoric, and Historic.** 'Historic' refers to recorded events of the past. 'Protohistoric' is a period during which a culture has not yet developed writing, but other cultures have noted its existence in their own writings. 'Prehistoric' (a term not often used today) refers to events prior to the existence of written records.

**Sacred Lands.** A place in the landscape that is especially revered by a people, culture or cultural group as a focus for spiritual belief and practice and likely religious observance.<sup>1</sup>

**Tribal Cultural Resource.** CEQA was expanded in 2014 to include tribal cultural resources among the categories of cultural resources evaluated in CEQA. Tribal cultural resources are defined as (1) "sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in or eligible for the state register, or included on a local register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register.

### 5.4.3 OVERVIEW OF BASELINE CONDITIONS

#### 5.4.3.1 Historical Background

When Euro-Americans first entered Mono Basin in the mid-nineteenth century, the area was occupied by the Kuzedika'a<sup>2</sup> (also known as the Mono Lake Paiute). They and their ancestors have lived in the area since time immemorial. The tribe's economy during the protohistoric and historic periods was based on hunting, gathering, and trade, and people moved seasonally to collect a wide variety of resources. Earlier economies may have depended more on specialized hunting and trade. The project area is located near or adjacent to dryland seed sources, pinyon groves, a deer migration route, and Native American trade and travel routes.

Lt. Tredwell Moore "discovered" Mono Basin in 1852 when he led a punitive expedition against the Yosemite Miwok. Following Moore's entry into the basin, gold was discovered; the towns of Dogtown, Monoville, and Aurora were built and later abandoned as gold deposits were depleted. One of the residents, Lee Vining, erected a sawmill along the creek that now bears his name to supply lumber to mining camps.

In the 1860s Euro-American settlers began establishing farms and ranches along the lower stretches of eastern Sierra streams, growing hay, alfalfa, wheat, barley, and oats, and raising cattle, sheep, and horses. The Kuzedika'a were forced out of favorite spring and summer camps, and the newcomers cut pinyon trees, a principle Paiute food source, for fuelwood. To survive, the Kuzedika'a adapted to the white farmers' and miners' economy, first trading traditional items like game and baskets, and eventually labor. At the same time, the Kuzedika'a continued many of their food-gathering and other traditions well into the twentieth century.

A major gold strike at Bodie in 1877 brought new waves of miners to the basin. Numerous mining districts were formed, and the Mono/Mammoth Toll Road was completed by 1880 along an alignment that may be the same as the dirt road that enters the northeast corner of the Tioga project area. Four thousand acres were being farmed in the Mono Basin by the 1890s, including 2 farms east of the project area. The 1901 Mt Lyell USGS topographic map depicts a ditch running through the Tioga parcel that was part of the Lee Vining ditch system. This feature is recorded as historic site CA-MNO-2764H. By the mid-1930s most of the Mono Basin farms were purchased by the City of Los Angeles for water rights.

The town of Lee Vining was founded in the 1920s by Chris Mattly, who subdivided his ranch and sold the lots beginning in 1926. The recently completed road over Tioga Pass brought new business into Lee Vining. The "Old County Road" from Bridgeport to Casa Diablo Hot Springs (recorded as CA-MNO-2761H) was aligned east of the current US 395, roughly following the earlier Mono Lake and Lake District Toll Road. In 1936, US 395 was constructed through what is now the Tioga Inn project area. The Tioga Pass road was realigned to its current location in 1970, and US 395 had been widened to four lanes by the early 1990s.

#### 5.4.3.2 Previous Investigations/Records Review

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<sup>1</sup> Definition obtained from *Sacred Lands* at <http://www.sacredland.org/home/resources/tools-for-action/protection-strategies-for-sacred-sites/what-is-a-sacred-site/>

<sup>2</sup> The spelling of 'Kuzedika'a' varies and includes the spelling used herein, as well as 'Kuzedika,' 'Kuzadika,' Kutzedika'a,' 'Kutzedika' and possibly other spellings as well.

When the project site was surveyed in 1984 (as part of the 1993 project review), one historic site and ten isolated artifacts were recorded. The historic site consisted of irrigation ditches and trash dumps; research suggested that the ditches could be late-nineteenth century or early-twentieth century, but the dumps were likely post-1900.

A December 2016 records search conducted by the Eastern Information Center of the California Historical Resources Information System indicated that 15 other cultural resources studies had been conducted within a half-mile radius of the project area. Ten of these studies included portions of the project area. Although some of the studies related to SCE utility and hydroelectric projects, most of the studies were conducted for the US 395 widening project.

Thirteen cultural resources properties have been recorded within a half-mile radius of the project area. The properties include Native American and Euro-American artifact scatters and features, with artifacts indicating use from as early as ca. A.D. 600 into the twentieth century. Only one of these properties (the ditches first recorded in the original survey for the Tioga Inn project), extends into the project area. The ditches are part of a system that took water from Lee Vining Creek to irrigate agricultural fields to the east and south of the Tioga Inn project area.

For the US 395 widening project, the ditch system was recorded as CA-MNO-2764H, and extensive historical research was conducted to determine whether the site was eligible for the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP). The upper ditch conveyed water from Lee Vining Creek northeasterly and then southerly along the hillside to the settlement of Crater on the Jake Mattly Ranch, and fields further south. The ditch was apparently constructed in the 1890s, when it brought water to various ranches along its route, and was abandoned sometime after the water rights of Lee Vining were acquired by Southern Sierras Power Company and its subsidiary, the Cain Irrigation Company.

Another part of the ditch system conveyed water southerly from Lee Vining Creek from a point slightly below the ditch described above. This water was dispersed into fields east of the present US 395 through a system of lateral irrigation ditches. This ditch was likely constructed in the early 1920s after the Cain Irrigation Company obtained control of most of the water rights in the area. This ditch appears on a 1934 map of the Cain Irrigation Company, which sold all its holdings and water rights to the City of Los Angeles in the mid-1930s. The ditch was abandoned sometime around 1970, when the second Los Angeles Aqueduct was completed. The southern segment of the ditch, south of Gibbs Creek, was utilized into the late twentieth century. In this last period of use, this ditch was charged with water from the Gibbs Siphon and used to irrigate lands leased by the LADWP to the Mono Sheep Company. CAMNO-2764H was determined ineligible for inclusion on the NRHP or the CRHR in 1996.

#### 5.4.3.3 Paleontology<sup>3</sup>

Limited information is available about paleontological resources in Mono County. The Mono County General Plan EIR references an undated UCLA study that found data indicating that a marine environment existed prior to and during the initiation of volcanic activity in the Early to Middle Triassic era. This finding is supported by a USGS study that concluded (based on drill cores and cuttings in the Long Valley Caldera) that *"paleontologic and isotopic data indicate that the change in secondary minerals with increasing depth is due to the older strata being deposited in a more saline environment."* Similarly, a study conducted by Caltrans in the area of Mono Lake concluded that although the Caltrans project site had no paleontologic sensitivity, geologic maps and literature indicate that numerous vertebrate fossils have been found in Trench Canyon (north of SR 167 near the Nevada border). A 2009 study by USGS and the Smithsonian Institution found fossil evidence of a small clam (the Mactrid bivalve) that requires an estuarine-like salinity regime for successful reproduction and recruitment, as well as fossil evidence of avian-assisted colonization of the Mono Basin.

#### 5.4.3.4 Mono County Sacred Lands

No specific sacred sites or lands have been identified in the project area; however, tribal communities carefully guard information concerning sacred sites. Planning efforts conducted for nearby public land administered by the Inyo National

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<sup>3</sup> Information in this section is drawn from the Mono County General Plan Draft EIR, §4.7, July 2015: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/8022/2\\_draft\\_eir\\_with\\_appendices\\_7.31.15.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/8022/2_draft_eir_with_appendices_7.31.15.pdf)

Forest have indicated that traditional gathering areas as well as indigenous archaeological sites may have religious and cultural significance to Native American tribes in the area. The Native American Heritage Commission (NAHC) has stated<sup>4</sup> that items in the NAHC Sacred Lands Inventory are confidential, and exempt from the Public Records Act (CGC §6254(r)). NAHC recommended that early consultation with Native American tribes in the project area is the best way to avoid unanticipated discoveries of cultural resources, burial sites and historic sites with religious and cultural significance.

#### 5.4.4 REGULATORY SETTING

##### 5.4.4.1 Federal Regulations

**Executive Order 13007, Indian Sacred Sites (1996).** This Executive Order requires agencies that manage federal lands to “*accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.*” The Order directs federal agencies to report to the President on procedures implemented or proposed to ensure that tribal members have safe access to sacred sites for cultural and religious purposes.

**The National Environmental Policy Act.** NEPA states explicitly that it is a national policy to “preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.” NEPA requires that any major federal actions significantly affecting the quality of the human environment be preceded by a detailed analysis of the impacts of the proposed action with the findings reported in an Environmental Impact Statement (EIS).

**National Historic Preservation Act (NHPA, 1966).** This Act requires federal agencies to consider the effects of proposed funding or permit actions on properties that may be eligible for or listed on the National Register of Historic Places. All cultural sites that may be affected must be inventoried and evaluated for NHPA eligibility. Properties that qualify for listing must meet at least one of the following criteria: 1) association with an event that has made a significant contribution to broad patterns of history; 2) association with significant persons in our past; 3) characteristic of a distinctive type, period, method of construction, or master, or containing high artistic value; and/or 4) offering information important to history or prehistory.

**Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).** NAGPRA provides a process for museums and federal agencies to return certain Native American cultural items (such as human remains, funerary objects, and sacred objects) to descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable items and for inadvertent discovery of Native American cultural items on federal and tribal lands, and sets penalties for noncompliance and illegal trafficking.

**American Indian Religious Freedom Act of 1978 (AIRFA).** AIRFA was created to protect and preserve the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts and Native Hawaiians, including access to sacred sites, repatriation of sacred objects in museums, freedom to worship, and use and possession of sacred objects.

**The Archaeological Resources Protection Act of 1979 (ARPA).** The intent of ARPA is to preserve and protect archaeological resources on public and tribal lands. ARPA includes a permitting process and mandates consultation with local tribes prior to the initiation of research on tribal lands or involving Native American archaeological resources.

**Antiquities Act of 1906.** The Antiquities Act was the first piece of federal legislation to protect cultural resources. The act allowed the president or Congress to create national monuments from federally owned land and restrict uses such as mining and grazing. The act also set punishments for those caught looting cultural resources in national monuments. Finally, the act restricted who could conduct research, helping to define the profession of modern archaeology.

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<sup>4</sup>GBUAPCD, Draft EIR/EIS for Casa Diablo IV Geothermal Development Project, 21 November 2012: [http://www.blm.gov/style/medialib/blm/ca/pdf/bishop/casa\\_diablo\\_40.Par.4399.File.dat/cd4\\_final\\_eir\\_volume\\_2\\_appendices\\_g-h.pdf](http://www.blm.gov/style/medialib/blm/ca/pdf/bishop/casa_diablo_40.Par.4399.File.dat/cd4_final_eir_volume_2_appendices_g-h.pdf).

**Historic Sites Act of 1935.** This act better organized federally owned properties and gave the federal government authority to carry out many historic preservation activities, including surveying and noting significant historic sites, a precursor to the National Historic Landmark Program.

#### 5.4.4.2 State Regulations

**CEQA and California Register of Historic Resources (CRHR).** PRC §15064.5 defines “historical resources” as any resource that is: a) listed in, or determined by the Historical Resources Commission to be eligible for listing in, the California Register of Historical Resources, b) included in a local register of historical resources, c) determined to be historically significant, provided the lead agency’s determination is supported by substantial evidence; and d) consistent with CRHR listing criteria, which include: 1) associated with events that have made a significant contribution to broad patterns of California’s history and cultural heritage; 2) associated with the lives of persons important in our past; 3) embodies distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or 4) likely to yield information important in prehistory or history. An archeological site that does not meet the definition of an “historical resource,” but does qualify as a “unique archeological resource” may still be treated as a significant resource if it meets certain additional criteria (important to science, possessing a unique and special quality, directly associated with an historic or prehistoric event).

**California Native American Historical, Cultural, and Sacred Sites Act.** This act, which applies to both state and private lands, establishes procedures in the event human remains are discovered. Upon such discovery, the activity must cease and the county coroner be notified. If the remains are of a Native American, the coroner notifies the NAHC, and NAHC then notifies those persons mostly likely to be descended from the Native American remains. The descendants may, with the permission of private landowners, inspect the site and make recommendations for treating or disposing of the remains and associated grave goods; the inspection must occur within 24 hours of NAHC notification. Additional provisions set guidelines for removal, or if the process fails in identifying remains, or if the landowner objects to the recommendations. The act directs NAHC to inventory Native American sacred places on public lands, and makes it a felony crime for anyone to knowingly or willfully possess or obtain any Native American artifacts or human remains from a Native American grave or cairn after January 1988.

**Tribal Consultation and Tribal Cultural Resources (AB52 of 2014).** Assembly Bill 52 (AB 52) requires that tribal cultural resources be considered under the California Environmental Quality Act. Tribal cultural resources often include archaeological sites, and can also include places, objects, sites, or landscapes that are not discernible to (or adequately evaluated by) archaeologists. The consultation process is intended to obtain otherwise undocumented information and concerns that should be considered in the environmental analyses. Tribal cultural resources include (1) “sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the state register. Under AB 52, a project that may cause a substantial adverse change in the significance of a tribal cultural resource is defined as a project that may have a significant effect on the environment. Where a project may have a significant impact on a tribal cultural resource, the environmental document must discuss the impact and identify feasible alternatives or mitigations to avoid or lessen the impact.

**Mills Act.** The Mills Act is a state law allowing cities to enter into contracts with the owners of historic structures. Such contracts require a reduction of property taxes in exchange for the continued preservation of the property. Property taxes are recalculated using a formula in the Mills Act and Revenue and Taxation Code. If the act is authorized, a property must be listed on an official historic register and can then enter into a contract with local government that will calculate property taxes based upon income potential rather than assessed market value.

**Senate Bill 18 (SB 18).** SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. SB 18 states that prior to the adoption or amendment of a general plan or specific plan, or designation of open space land proposed after March 2005, the city or county must consult with California Native American tribes for the purpose of preserving or mitigating impacts to Cultural Places. PRC §5097.9 and 5097.995 define a Cultural Place as a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine or a Native American historic, cultural, or sacred site, that is listed or may be

eligible for listing in the California Register of Historic Resources, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site. The intent of SB-18 is to establish early and productive consultation between tribal governments and local governments so that cultural places can be identified, preserved and protected through appropriate confidentiality of sensitive information about Cultural Place locations and uses.

**The California Historical Resources Information System (CHRIS).** CHRIS provides historical resources information to local, state and federal agencies, Native American tribes, the public, and individuals with responsibilities under CEQA, NEPA and the NHPA. CHRIS comprises 10 separate Information Centers (ICs), the California Office of Historic Preservation (OHP), and the State Historical Resources Commission (SHRC). OHP administers and coordinates CHRIS and presents proposed CHRIS policies to the SHRC, which approves these policies in public meetings. The CHRIS data base includes the State Historic Resources Inventory and numerous resource records and reports. The University of California at Riverside is Mono County's IC. Known as the Eastern Information Center, this office integrates data for all known historic resources in the region, supplies information to agencies as needed and maintains a list of consultants qualified to work in the region.

#### 5.4.4.3 Local Regulations

**County Historic Preservation Legislation.** Several counties have adopted local historic preservation ordinances establishing policies for preserving and protecting cultural resources. These ordinances establish a county Heritage Board, Historic Preservation Commission or Cultural Resources Commission, which researches and records county historical resources and make historic landmark designations. The board or commission also advises the County Board of Supervisors on the preservation and protection of cultural resources. Mono County General Plan policies call for developing such an ordinance and establishing a commission.

**Mono County General Plan.** One of the goals of the Mono County General Plan is to identify, preserve, restore, and interpret cultural resources in the County. Policy 22.C.1 states that "Future development projects shall avoid potential significant impacts to cultural resources or mitigate impacts to a level of non-significance, unless a statement of overriding considerations is made through the EIR process."

**Mono Basin Community Plan.** The June 13, 2012, final draft of the Mono Basin Community Plan recognizes that cultural resources can contribute to the social, cultural, environmental, and economic well-being of the community. Objective C of the Plan is to "preserve, protect, and restore (where appropriate) the cultural resources of Mono County." Policies and Actions stipulated to achieve this objective include requiring project applicants to fund an analysis of potential impacts to cultural resources, and avoiding or mitigating impacts to cultural resources to a level of non-significance, unless a statement of overriding considerations is made through the EIR process.

#### 5.4.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offer the following three criteria for determining the significance of RTP/General Plan Update impacts to cultural resources. A project would have a potentially significant impact on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a prehistorical or historical resource per §15064.5?
- b) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- c) Disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries?
- d) Would the project cause substantial change in the significance of a tribal cultural resource (i.e., a site, feature, place, cultural landscape that is geographically defined in terms of size and scope), landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in PRC §5020.1(k), or (ii) Determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1, with consideration of the resource significance to a California Native American tribe?

#### 5.4.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS



**IMPACT CULT 5.4(a):** Would implementation of the proposed RTP/General Plan Update cause a substantial adverse change in the significance of a prehistorical or historical resource as defined in § 15064.5?

**LESS THAN SIGNIFICANT IMPACT.** As discussed further in EIR §5.5 (Land Use), both the *Mono Basin National Forest Scenic Area Management Plan* and the *Mono Basin Community Plan* incorporate goals and policies pertaining to cultural resources, as shown in Table 5.4-1.

<b>TABLE 5.4-1. Cultural Resource Goals and Policies of the <i>Mono Basin National Forest Scenic Area Management Plan</i> and <i>Mono Basin Community Plan</i></b>	
<b>Mono Basin National Forest Scenic Area Management Plan, Guidelines for Inyo National Forest Lands</b>	
<p><b>CULTURAL RESOURCES GOAL:</b> Identify, evaluate, protect, and interpret the cultural and historic resources of the Scenic Area.</p> <ul style="list-style-type: none"> <li>Consult with local American Indian groups to insure protection of, and access to, traditional secular, religious, and ceremonial sites.</li> <li>Assess &amp; authorize appropriate requests by local American Indians for traditional &amp; religious uses of National Forest System lands.</li> <li>Consult with State Historic Preservation Officer and nominate appropriate cultural/historical sites to the National Register.</li> <li>Identify data and research efforts needed to develop more efficient inventory, evaluation, protection, compliance processing.</li> <li>Encourage and support in-service and private sector efforts to address these needs.</li> <li>Develop and implement appropriate management plans and strategies.</li> <li>Foster active research programs by issuing antiquity special-use permits, cooperative agreements, and volunteer agreements.</li> <li>Document inventories, site evaluations, impact assessments &amp; mitigations in EAs/EISs for Forest initiated/authorized/licensed activities.</li> <li>Treat Class II properties as if they were Class I until they are evaluated.<sup>5</sup></li> <li>Maintain the confidentiality of cultural resource site locations for their protection.</li> <li>Avoid cultural resource damage during fire suppression activities, and provide protection for known cultural resource values.</li> <li>Interpret cultural resources for the benefit of the public.</li> <li>Develop and implement strategies, including road closures, for the protection of cultural sites.</li> </ul>	
<b>Mono Basin Community Plan</b>	
<p><b>Objective 10.D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin.</b></p> <p>Policy 10.D.1: Coordinate with public agencies and other land-management organizations, such as the BLM, USFS, LADWP, CDFG, and U.S. Fish and Wildlife Service, to understand local policies and engage locals in the management of their lands.</p> <p><i>Action 10.D.1.a:</i> Request that resource agencies present information to and work with the Mono Basin RPAC and the community as public resource management issues arise.</p> <p>Policy 10.D.2: Support existing General Plan policies in the Cultural Resources section, Conservation/Open Space Element.</p> <p><i>Action 10.D.2.a:</i> Implement Objective B, Policy 1 and the associated actions to identify and inventory cultural and historic resources in the Mono Basin.</p> <p><i>Action 10.D.2.b:</i> Implement Objective C, Policy 1 and the associated actions to preserve, protect and restore (where appropriate) the cultural and historic resources of Mono County.</p> <p><i>Action 10.D.2.c:</i> Identify any cultural and historic resources that should be recognized and protected via registration with the State and/or National Register of Historic Places.</p> <p><i>Action 10.D.2.d:</i> Consult the Kutzadika's Mono Lake Indian Community on potential impacts to cultural and historic resources as described in Govt. Code §65352.3, which outlines local government requirements for tribal consultation.</p> <p>Policy 10.D.3: Support recreational activities and the ability to use and enjoy the land while protecting the natural environment.</p> <p><i>Action 10.D.3.a:</i> Identify recreation activity and access priorities, and work toward implementation.</p> <p><i>Action 10.D.3.b:</i> Coordinate with land management and transportation agencies, such as the BLM, Caltrans, ESTA, YARTS, USFS and LADWP, to ensure adequate access and responsible use.</p>	

<sup>5</sup> Mary Farrell of Trans Sierran Archaeological Resources ('TSAR'), Cultural Resource consultant on this project, suggested that this verbatim clause be further clarified as follows: Treat Class II properties (i.e., those that have not yet been evaluated for National Register eligibility) as if they were Class I properties (i.e., eligible for the National Register).

*Action 10.D.3.c:* Ensure new development does not impede, & preferentially enhances, existing recreation access and activities.

Policy 10.D.4: Review/discuss Conway Ranch operations including history, allowable uses, current uses & potential opportunities.

*Action 10.D.4.a:* Support aquaculture and other historic uses, such as sheep grazing and agriculture.

*Action 10.D.4.b:* Support facilities and infrastructure facilitating aquaculture and other historic uses, such as sheep grazing, agriculture, and the restoration of historic buildings.

*Action 10.D.4.c:* Support the full allotment of water to Conway Ranch.

Policy 10.D.5: Initiate a community conversation about upland water management.

*Action 10.D.5.a:* Convene RPAC and community members to draft a proposal to the LADWP requesting the irrigation of Thompson Meadow and explaining the benefits to LADWP.

*Action 10.D.5.b:* Support community conversations and planning efforts regarding issues such as Mill and Wilson creeks, and various ranches and meadows, for example Cain Ranch and Dechambeau Ranch.

Policy 6: Work with government and private property owners to create recreational trail segments connecting population centers with attractions and recreation access points.

*Action 10.D.6.a:* Identify trail segments that are supported by the community, and implement trail development.

*Action 10.D.6.b:* Identify & consider impacts to historic lifestyles and existing uses of any potential trail, and consult with the Kutzadika Tribe in particular.

As shown in Table 5.4-1, cultural resource goals outlined in the *Mono Basin National Forest Scenic Area Management Plan* focus on consultation with local American Indian groups, ensuring the confidentiality of resource locations, and providing protection for cultural resource values. Objectives outlined in the *Mono Basin Community Plan* focus on the identification and inventory of cultural resources, the preservation of cultural resources, State and/or Federal registration of eligible resources, consultation with local tribes consistent with State law, and consideration of historic lifestyles and land uses. As described below, these applicable goals and objectives have been implemented for the proposed project.

A comprehensive Cultural Resource analysis was prepared for the proposed project by Trans Sierran Archaeological Resources (TSAR). A redacted version of the TSAR report is provided as EIR Appendix J1; results are summarized below

The project site was surveyed on 25 November 2016 to assess whether additional archaeological sites had been exposed (since the earlier survey in 1984) by ground disturbance associated with erosion or development. Flat areas were inspected with parallel pedestrian traverses approximately 20m apart, with special attention to the proposed employee housing areas and more cursory inspection of steep slopes. Ground visibility was generally very good. Artifacts and features were plotted and photographed, and the surrounding area was examined carefully to determine if the artifact or feature was part of an archaeological site.

Eleven isolates were encountered, including four outside of the project area. The isolates consisted of a single artifact (such as an obsidian flake or tin can fragment) or, in one case, the stump of a logged tree. In addition, portions of the Lee Vining Ditch System and associated trash (CA-MNO-2764H) were noted. These were not recorded in detail because the site has already been recorded thoroughly and determined to be less than significant and ineligible for the California Register of Historical Resources or the National Register of Historic Places.

The California Office of Historic Preservation (2016) lists four criteria for designation as an 'historic resource':

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. Associated with the lives of persons important to local, California or national history.
3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

In addition, any resource that is eligible for the National Register of Historic Places, which has very similar criteria, would be considered a historic resource under CEQA.

The Lee Vining ditch system (CA-MNO-2764H, which crosses the project area), has previously been found ineligible for the California Register of Historic Places and National Register of Historic Places. None of the isolates meets the criteria

for eligibility for listing on the California Register of Historic Resources, and none meets the criteria for the National Register of Historic Places.

In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, Assembly Bill 52 requires special consideration of tribal cultural resources in CEQA analyses. PRC §21074 defines "Tribal cultural resources" as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - b. Included in a local register of historical resources as defined in subdivision (k) of §5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in §5024.1(c). In this instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources.

Based on the criteria listed above, and site survey results, it is concluded that there are no significant archaeological sites within the proposed Tioga ~~Workforce~~Community Housing project area. Neither previously recorded site CA-MNO-2764H nor the isolates are significant resources that would require further consideration under CEQA. Potential impacts would be **less than significant**, and no further archaeological work is recommended. However, ~~amended~~ Mitigation Measure 5.4(a) provides voluntary provisions allowing the Kutzadika'a Tribe to receive limited compensation for training of construction crew or onsite monitoring, at their discretion, and also would requires that construction plans contain an advisory statement noting the potential for discovery of such resources, with procedures to be followed in the event resources are found on the site.

### **MITIGATION MEASURES - HISTORY**

**AMENDED MITIGATION 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, aAll 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~~and~~ 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 the archaeologist conducts 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. Because archaeological resources are likely to also be tribal cultural resources, ~~e~~Evaluation and recommendations shall be developed in collaboration with the Kutzadika'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, tThe tribal monitor shall receive reasonable compensation<sup>6</sup> for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

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<sup>6</sup> 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.

**IMPACT CULT 5.4(b): Would implementation of the proposed RTP/General Plan Update directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**LESS THAN SIGNIFICANT WITH MITIGATION.** No paleontological resources have been identified or reported during prior earthwork and soil testing on the project site. However, the limited available information indicates that paleontological resources are likely to be present in numerous locations throughout Mono County, most particularly in the Mono Basin where preliminary evidence points to the possibility of an inland ocean in the early to mid-Triassic period.

Paleontological sensitivity is defined as the potential for a geologic unit (as a whole) to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing significant fossils, and recorded fossil localities from that unit. Paleontological sensitivity is assigned based on fossil data collected from an entire geologic unit (as opposed to a specific site). Within this context, the sensitivity ratings are as defined below:

- High Sensitivity: Fossils have been recently observed onsite, localities are recorded within the study area, and/or the unit has a history of producing numerous significant fossil remains.
- Moderate Sensitivity: Fossils in the unit are generally not unique or are so poorly preserved as to have only moderate scientific significance.
- Low Sensitivity: Indicates significant fossils are not likely to be found due to a random fossil distribution pattern, extreme youth of the rock unit and/or the method of rock formation, such as alteration by heat and pressure.
- No Sensitivity: Geologic materials (including high-grade metamorphic rocks, intrusive igneous rocks, and most volcanic rocks) are not conducive to the existence of organisms and/or preservation of fossils.
- Indeterminate Sensitivity: Unknown or undetermined sensitivity indicates the rock unit has not been sufficiently studied or lacks good exposures to warrant a definitive rating. An experienced, professional paleontologist can often determine whether the stratigraphic unit should be categorized as having high or low sensitivity after reconnaissance surveys including observations of road cuts, stream banks, and possible subsurface testing.

As noted in DSEIR §5.4.4.4, limited information is available about paleontological resources in Mono County. The Mono County General Plan references two studies (one by UCLA and one by USGS) indicating that a marine environment existed prior to and during the initiation of volcanic activity, as well as a study by Caltrans referencing geologic maps and literature indicating that numerous vertebrate fossils have been found north of SR 167 near the Nevada border (which has a different geologic history than the project site and is therefore not comparable), and a study by USGS and the Smithsonian Institution that found fossil evidence of a small clam as well as fossil evidence of avian-assisted colonization of the Mono Basin.

A 1991 Geotechnical Survey that was conducted for this site by GeoSoils, Inc. found that bedrock in most of the project vicinity consists of Triassic to Cretaceous-age plutons and overlying sedimentary or metamorphic rock of Paleozoic to Triassic-age. Relatively thin sedimentary and volcanic deposits of Tertiary and Quaternary age discontinuously overly and/or intrude the bedrock, most likely along fractures from the Sierra Nevada frontal fault system, and a magma chamber at depth. These tectonic and volcanic processes remain active today.

Based on the sensitivity ratings noted above, the upper soil layers (represented by recent-age soils deposits, unconsolidated glacial till, colluvium and alluvium) would indicate a "low sensitivity" for the production of scientifically significant fossils fossil due to their youth, the random distribution of fossil patterns, and the methods of rock formation. The Mesozoic and tertiary volcanic deposits that underlay the upper soils accumulated much more recently (between 2.6-199 million years ago) than the paleontologically rich Triassic period soil materials (199-251 million years ago). These materials are not conducive to the preservation of fossils, and would have 'no sensitivity' for the production of scientifically significant fossils.

The decision by Mono County not to require paleontological studies in the western Mono Basin reflects the low paleontological sensitivity of geologic materials in this portion of the basin as reinforced by information about the specific soils and geologic structures on the Tioga site. In combination with safeguards provided in Mitigation Measure CULT-

5.4(b)7, these facts provide substantial evidence for the EIR conclusion that potential impacts to paleontological resources would be less than significant.

~~Although no data have been found in the region or on the site that would allow a delineation of areas with the highest potential, the evidence clearly indicates a potential for adverse impacts to paleontological resources, a risk that is increased by the lack of cohesive information. Through analyses conducted for the current project as well as the 1993 project, the project is already in compliance General Plan Conservation/Open Space Element Objective 22, Policy 22.C.1, which requires that development projects undertake cultural resource studies through the EIR process, with mitigations are required. The county does not routinely require that paleontological assessments be conducted. However, in light of the elevated potential for paleontological resources in the Mono Basin, mitigation is provided below to guide activities in the event paleontological resources are uncovered during construction. Impacts would be less than significant.~~

### **MITIGATION MEASURES –PALEONTOLOGICAL RESOURCES**

**MITIGATION 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.

**IMPACT CULT 5.4(c,d):** Would implementation of the proposed RTP/General Plan Update disturb any tribal cultural resources, sacred lands, or human remains, including those interred outside of formal cemeteries? Would the project cause substantial change in the significance of a tribal cultural resource (i.e., a site, feature, place, cultural landscape that is geographically defined in terms of size and scope), landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in PRC §5020.1(k), or (ii) Determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC §5024.1(c), with consideration of the resource significance to a California Native American tribe?

**LESS THAN SIGNIFICANT WITH MITIGATION.** Tribes are recognized as having particular expertise to identify tribal cultural resources. Because of their proximity to the project area and their historical ties to Mono Basin, the Kutzedika'a Indian Community of Lee Vining and the Utu Utu Gwaitu Tribe of the Benton Paiute Reservation were contacted for this project. Following a request for notification under AB 52, the County sent formal AB 52 letters on 27 April 2018 to the Washoe Tribe of Nevada and California, and to the Kutzedika'a tribe. No written response was received from the Washoe or Kutzedika'a tribes. However, the Bridgeport Indian Colony informally requested to be consulted about the Tioga ~~WorkforceCommunity~~ Housing project.

In preliminary discussions, Joseph Lent, the Tribal Historic Preservation Officer of the Bridgeport Indian Colony, indicated that ancestral burials are considered tribal cultural resources. Burials were generally located away from villages and camps, and after many decades or centuries, they are no longer marked. Mr. Lent noted that there is a possibility that one or more burials could be in the project area. Such burials, if present, would not be discernible in a pedestrian survey, but could be encountered during ground disturbance and excavation. Mr. Lent recommended that a mitigation measure be included in the EIR to require that a Tribal monitor be present during ground disturbance activities.

7 Mitigation Measure CULT 5.4(b) calls for earthwork to be suspended, and a recovery plan prepared by a qualified paleontologist, in the event that paleontological resources are uncovered during earthwork.

During January 2019, Charlotte Lange (Tribal Chairperson of the Kutzedika'a Indian Community of Lee Vining) requested a meeting with Mono County. During the meeting (also in January 2019), Ms. Lange concurred strongly with the recommendation previously suggested by Mr. Lent, and also requested that Mono County provide email notification whenever AB 52 Consultation Letters are sent.

Based on results of the Archaeological site survey and analysis, there is no evidence of ancestral burials on the project site, and no tangible basis for the monitoring mitigation requirement. Mono County contacted the Native American Heritage Commission (NAHC) for guidance in determining the best course of action; a copy of the NAHC response is provided as Appendix J2.

Because there is a possibility that one or more undocumented Native American burials could be encountered during grading and excavation, Mitigation Measure 5.4(c) was developed for the protection of tribal cultural resources. This Mitigation Measure is consistent with the California Native American Historical, Cultural, and Sacred Sites Act, and with California Health and Safety Code §7050.5 and Public Resources Code §5097.98, which regulate the treatment of human remains discovered during construction. The measure is also consistent with written guidance provided by the Native American Heritage Commission (Appendix J). Implementation of Mitigation Measure 5.4(c) would reduce potential impacts on Tribal and cultural resources to *less than significant levels*.

### **MITIGATION MEASURES –TRIBAL RESOURCES AND HUMAN REMAINS**

**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 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.<sup>8</sup>

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## **5.4.7 SIGNIFICANCE AFTER MITIGATION**

All potential project impacts associated with cultural resources on the site would be reduced to *less than significant* levels through adoption and implementation of the mitigation measures identified above.

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<sup>8</sup> Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.



## TIOGA COMMUNITY HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.5 LAND USE, RECREATION AND PLANNING

#### 5.5.1 INTRODUCTION

The following section describes existing and planned land uses and planning initiatives within the project area as well as recreational elements. Comments received during scoping and in response to the NOP requested that the EIR assess the project in terms of goals and policies in the Mono Basin Community Plan and the Mono Basin National Forest Scenic Area, as well as impacts on tourist businesses in Lee Vining, and seasonal use characteristics. Impacts and mitigations are summarized in the text box directly below. Please note that habitat conservation planning is addressed in EIR §5.3, Biological Resources.

##### SUMMARY OF IMPACTS AND MITIGATIONS

<b>IMPACT LU 5.5(a)</b>	<b>Physically divide an established community</b>
Mitigation:	No impact; no mitigation required.
Significance:	Less than significant
<b>IMPACT LU 5.5(b):</b>	<b>Conflict with an applicable land use plan, policy or regulation</b>
<b><a href="#">New Mitigation LU 5.5(b-1):</a></b>	<b><a href="#">Determination regarding method of HMO compliance prior to first building permit</a> <del>Less than significant;</del> <del>no mitigation</del></b>
<b><a href="#">New Mitigation LU 5.5(b-2):</a></b>	<b><a href="#">Maintain onsite ESUSD and ESTA bus stop and turnaround areas</a></b>
Significance:	Less than significant
<b>IMPACT LU 5.5(c):</b>	<b>Impact recreational facilities or open space areas</b>
Mitigation:	Less than significant; no mitigation required
Significance:	Less than significant
<b>IMPACT LU 5.5(d):</b>	<b>Impact the acreage or function of designated Open Space</b>
Mitigation:	Less than significant; no mitigation required
Significance:	Less than significant

#### 5.5.2 EXISTING CONDITIONS

##### 5.5.2.1 Existing Site Land Uses

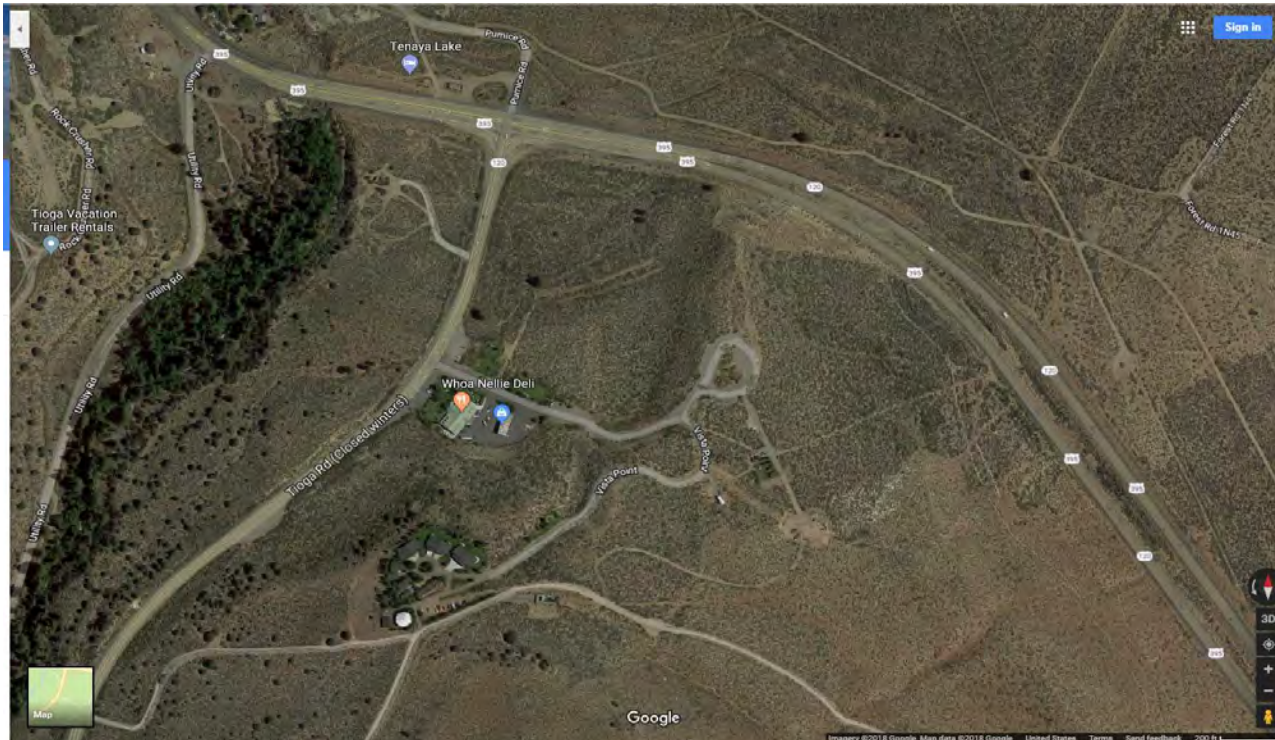
The project site is located at 22 Vista Point Road, directly south of the intersection of SR 120 and US 395, and about 1/2 mile south of Lee Vining. The property is the location of the Mobile Mart and 'Whoa Nellie Deli,' established by Dennis and Jane Domaille in 1996. From a regional perspective, the site is located at roughly the midpoint between the northern Mono County boundary at Topaz Lake and the southern County boundary at Round Valley (just north of Bishop). As a whole, the County is dominated by lands that are owned by the public and managed by federal, state, and local entities; the *General Plan* estimates that 94% of the county land area is publicly owned, including 88% that is managed by federal agencies. Most privately held property is concentrated in community areas.

The Tioga property consists of four parcels, one of which (Parcel #2) is bisected by US 395. The 4 parcels total 67.8 acres of land in an overall ownership area of roughly 74 acres (including an outparcel west of SR 120). As a whole, elevations on the property generally rise from east to west. Topographically, the site is characterized by a dominant ridge that spans roughly two thirds of the property (about 7,000' elevation, marked by a flagpole) with the toe of slope (about 6,800' elevation) along the US 395 right-of-way, and a smaller but higher ridge (about 7,200', marked by the existing Tioga employee homes) on the southwest.

The northwestern quadrant of the site (about 6,840', where the future hotel will be located) is characterized by a pronounced swale. There are no blue-line streams on the property.

Existing onsite features and land uses include a gas station with two islands, the Convenience Store and interior Deli (with exterior grass-planted picnic areas on the north and west sides), 8 hilltop residential units and a water storage tank located at the southern terminus of Vista Point, and several smaller residential structures and propane tank facilities and an equipment storage area just south of the promontory flagpole that overlooks US 395, with parking for automobiles, buses and larger trailer units in several locations throughout the site. The property also contains two water wells and ancillary features (both on the portion of Parcel 2 located east of US 395) that are owned and operated by the Domaille family. Exhibit 5.5-1 provides an aerial overview of the project location and onsite uses; Exhibit 5.5-2 depicts area land use designations as shown in the Mono Basin Community Plan.

#### EXHIBIT 5.5-1. Aerial Overview of Project Location and Existing Uses



#### 5.5.2.2 Surrounding Land Uses

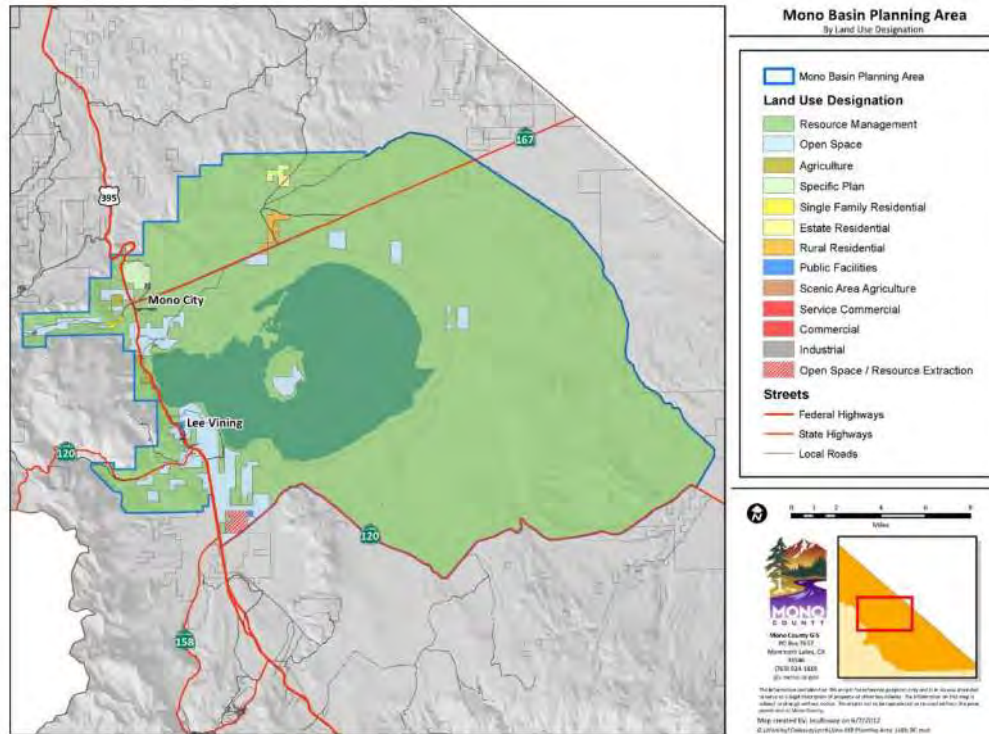
Mixed uses characterize surrounding parcels. Land to the north, east and west is owned by LADWP; adjoining acreage to the west is owned by Southern California Edison (SCE). The LADWP and SCE parcels are largely undeveloped but include a smattering of industrial uses, roads and utility improvements. The surrounding land ownership mirrors patterns in the larger region, which is dominated by public lands managed by federal and local agencies including USFS, BLM and LADWP. The extensive acreage of public land in the Mono Basin is a significant limiting factor for private enterprise and growth. Development is also limited by the number of special status species and habitats, the mule deer population, the Alquist-Priolo fault rupture hazards zone, and a designated flood zone along Lee Vining Creek.

The Mono Basin planning area as a whole encompasses the communities of Lee Vining and Mono City, as well as Basin residents that live outside of these two communities. The total population of the Mono Basin was about 446 in 2010, comprised of mainly lower-income and increasingly Hispanic residents with an emerging technology-based middle class (many of whom work from their homes).

## Mono Basin Community Plan



## MONO BASIN AREA PLAN MAPS



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**EXHIBIT 5.5-2. Land Use Designations in the Mono Basin**

The community of Lee Vining is located on US 395 along the southwest shore of Mono Lake. The town's 2016 population of 89, and 2010 population of 222, reflect continuing declines since 1990 when the population reached a peak of about 400 residents. The Town economy is largely tourism-dependent, supported by its proximity to important features including Mono Lake, SR 120 (the only east entry to Yosemite National Park), the nearby ghost town of Bodie, and many other nearby recreational and historic areas. Weather generally limits tourism to the summer months, although year-round visitation has increased in recent years. The town was named after its founder, Leroy Vining, who in 1852 established a mining camp. Mono City is a residential subdivision located north of Mono Lake, adjacent to the Mono Basin National Forest Scenic Area. Census data indicate that the 2010 was 172, up slightly from the 2000 population of 126. Like Lee Vining, Mono City is a census-designated place; it lies north of Mono Lake at the junction of US 395 and SR 167 (which leads to Hawthorne, NV).

**5.5.2.3 General Plan Land Use Guidelines<sup>1</sup>**

To set the framework for development of appropriate objectives, policies and actions, the General Plan identifies and evaluates issues, opportunities and constraints that shape development potential within the unincorporated area. The analyses include

<sup>1</sup> The summary of Mono Basin issues and opportunities is drawn from the Mono County General Plan and Mono Basin Community Plan: *Mono Basin Community Plan Final Draft*, June 2012: <https://monocounty.ca.gov/rpac-mono-basin/page/mono-basin-community-plan>.



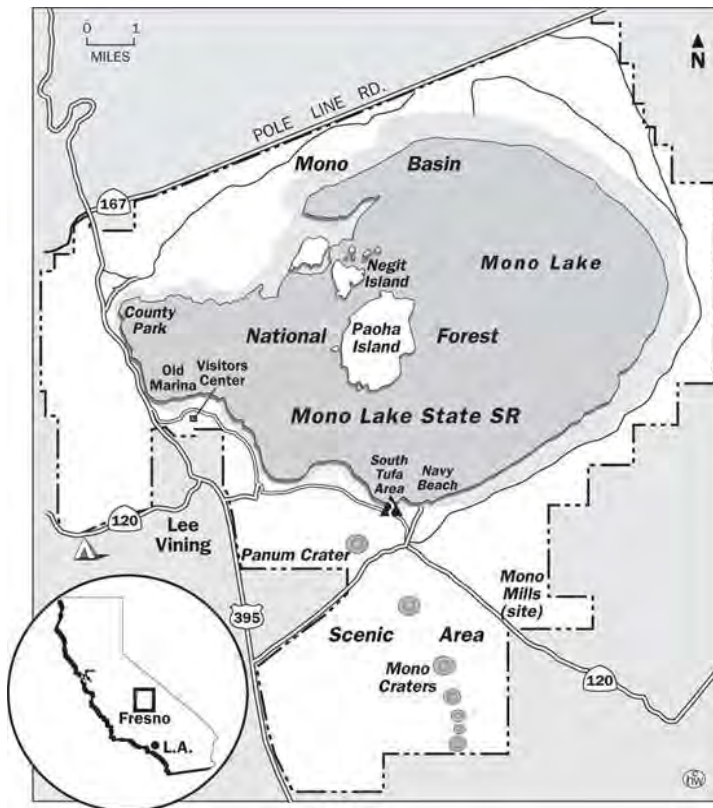
identification of issues that affect the county as a whole, as well as issues that are specific to land uses in the special planning areas including the Mono Basin, and those applicable to the county's Airport Land Use Plans for the airport facilities in Bridgeport, Lee Vining and Mammoth Lakes. The impact analysis in §5.5(b) evaluates the project in light of applicable issues, opportunities and constraints, as described in the *General Plan* for the county as a whole as well opportunities and constraints that have been identified for the Mono Basin (please also see Table 5.5-XX).

#### 5.5.2.4 Mono Basin Community Plan Land Use Guidelines

The Mono Basin Regional Planning Advisory Committee (RPAC) developed the Mono Basin Community Plan to provide detailed community-based land use guidance during the General Plan update, and to facilitate implementation of local planning goals in decision-making at all levels; goals and policies in the General Plan are the same as those stated in the Mono Basin Community Plan. The Plan sets forth a vision with 6 main pillars: (1) Small, compact communities; (2) Safe, friendly communities; (3) A sustainable economy; (4) Recreation opportunities and access; (5) A healthy natural environment; and (6) Historic uses and character that recalls and re-creates the vitality, strength and character of the Mono Basin. This vision is reflected in 3 primary General Plan goals, each supported by objectives, policies and actions. Impact §5.5(b), later in this section, evaluates the project in light of issues, opportunities and constraints described in the *Mono Basin Community Plan*.

#### 5.5.2.5 Mono Basin National Forest Scenic Area<sup>2</sup>

Established in 1984, the Mono Basin National Forest Scenic Area (MBNFSA) is the first National Scenic Area designated by congress. The designation reflected a desire to protect the geologic, ecologic, cultural, scenic, and other natural resources of the Mono Basin, while allowing a wide range of activities (recreational, scientific, and other) consistent with this goal. As shown in Exhibit 5.5-3, the project site is located adjacent to but not within the (light-green) MBNFSA boundary. The Scenic Area is part of the Inyo National Forest, and managed by the US Dept. of Agriculture, Mono Lake Ranger District.



**EXHIBIT 5.5-3. Mono Basin National Forest Scenic Area Boundaries ( = Project Site)**

The act required preparation of a Comprehensive Management Plan (CMP) that was subsequently completed in 1989 and remains effective to the present date. The CMP provides management direction based on various sources ranging from relevant federal laws and regulations to the Inyo National Forest *Land & Resource Management Plan*. Levels of direction include Scenic Area Goals, Legislative Direction, Forest Standards and Guidelines for Inyo National Forest as a whole, Scenic Area Standards and Guidelines, Management Prescriptions (for specific Scenic Area lands), and Action Items. For public lands in the Inyo National Forest but outside of the NFSA (including the project site), only the Forest Standards and Guidelines are relevant. The Forest Standards and Guidelines are summarized in Table 5.5-1. Although the project site is private land, and not part of the publicly owned INF, many of the prescriptions have value as guidelines for the project site and have been highlighted in Table 5.5-1.

<sup>2</sup> Mono Basin NFSA Comprehensive Management Plan, 1989: <https://www.monobasinresearch.org/images/legal/scenicareacmp.pdf>

**TABLE 5.5-1. Mono Basin National Forest Scenic Area Management Plan, Guidelines for Inyo National Forest Lands (not within the Scenic Area Boundary)**

<p><b>AIR QUALITY – GOAL:</b> Manage land to comply with applicable air quality regulations.</p> <ul style="list-style-type: none"> <li>• Coordinate with the GBUAPCD when developing guidelines for management programs on the Forest.</li> <li>• Obtain permits from the APCD prior to conducting prescription fire activities.</li> <li>• Burn only when fuel &amp; climatic conditions would assure rapid smoke dispersion and minimal total suspended particles/volatilized gases.</li> <li>• Use dust abatement procedures during construction or other Forest activity that generates significant dust.</li> </ul>
<p><b>CULTURAL RESOURCES - GOAL:</b> Identify, evaluate, protect, and interpret the cultural and historic resources of the Scenic Area.</p> <ul style="list-style-type: none"> <li>• Consult with local American Indian groups to insure protection of, and access to, traditional secular, religious, and ceremonial sites.</li> <li>• Assess &amp; authorize appropriate requests by local American Indians for traditional and religious uses of National Forest System lands.</li> <li>• Consult with State Historic Preservation Officer and nominate appropriate cultural/historical sites to the National Register.</li> <li>• Identify data and research efforts needed to develop more efficient inventory, evaluation, protection, compliance processing.</li> <li>• Encourage and support in-service and private sector efforts to address these needs.</li> <li>• Develop and implement appropriate management plans and strategies.</li> <li>• Foster active research programs by issuing antiquity special-use permits, cooperative agreements, and volunteer agreements.</li> <li>• Document inventories, site evaluations, impact assessments &amp; mitigations in EAs/EISs for Forest initiated/authorized/licensed activities.</li> <li>• Treat Class II properties as if they were Class I until they are.</li> <li>• Maintain the confidentiality of cultural resource site locations for their protection.</li> <li>• Avoid cultural resource damage during fire suppression activities, and provide protection for known cultural resource values.</li> <li>• Interpret cultural resources for the benefit of the public.</li> <li>• Develop and implement strategies, including road closures, for the protection of cultural sites.</li> </ul>
<p><b>FACILITIES - GOAL:</b> Maintain suitable transportation and access while protecting values of the Scenic Area. Maintain roads at assigned maintenance levels. Maintain other facilities to standards appropriate to the planned use, safety of users, and protection of resources.</p> <ul style="list-style-type: none"> <li>• Provide distinctive non-interpretive signing only to the extent necessary to , identify the Scenic Area as a component of the National Forest System, and to provide for the safety of visitors, protection of resources, and basic directions.</li> <li>• Provide additions to the transportation system for resource development.</li> <li>• Provide public access to public land and developed recreation sites consistent with Forest goals and objectives.</li> <li>• Reconstruct roads and regulate traffic as needed for public safety and/or resource protection.</li> <li>• Eliminate concerns for public safety &amp; resource protection through road closures, relocation, or reconstruction within available budgets.</li> <li>• Maintain facilities to established standards, make them energy efficient, and/or replace them if necessary.</li> <li>• Provide trails for hikers, skiers, equestrians, bicyclists, snowmobilers, the handicapped, and off-highway vehicle users where compatible with user needs, level of development, and Forest goals and objectives.</li> <li>• Maintain trails to assigned maintenance levels.</li> </ul>
<p><b>FIRE AND PEST MANAGEMENT - GOAL:</b> Provide cost-efficient fire management that minimizes resource losses &amp; long-lasting adverse effects on Scenic Area resources. Control pests to so they do not impact resources &amp; are compatible with Scenic Area goals &amp; objectives.</p> <ul style="list-style-type: none"> <li>• Use Prescriptions, Management Area Direction &amp; fire management plans when determining appropriate wildfire suppression strategy.</li> <li>• Coordinate with local fire districts in the development of major new structural facilities on National Forest lands.</li> <li>• Use prescribed fire as a management tool.</li> <li>• Consider both existing conditions and the effect of future management activities in the area surrounding the project area, when developing treatment standards for activity fuels.</li> <li>• Coordinate pest control programs with the U.S. Fish and Wildlife Service, California Dept. of Fish and Game, California Dept. of Health Services, other Federal, state, and local agencies, and private sector groups as needed.</li> <li>• Use integrated pest management (IPM) in planning &amp; implementation of appropriate activities. Analyze, at a project level, a full range of IPM alternatives (cultural, biological, mechanical, chemical methods). Select method(s) via CEQA/NEPA alternative reviews that address environmental effects, treatment efficacy and cost effectiveness, with monitoring and enforcement plans.</li> </ul>
<p><b>MINERALS - GOAL:</b> Allow continued operation of valid claims but minimize adverse impacts. Eliminate all non-valid claims over time.</p> <ul style="list-style-type: none"> <li>• Administer mining laws &amp; regulations to permit uninterrupted mineral production while protecting resources &amp; environmental values.</li> <li>• Where valid rights are exercised in withdrawn areas, operating plans should conform to the purpose for which the area was withdrawn.</li> <li>• Coordinate the mineral management program with the Bureau of Land Management.</li> </ul>
<p><b>RANGE - GOAL:</b> Manage grazing to protect wetlands, springs, riparian zones, wildlife habitat. Allow improvements compatible with goal of a healthy ecosystem. Phase out grazing on NFS lands. Cooperate with LADWP, State, private land owners to reduce grazing impacts.</p> <ul style="list-style-type: none"> <li>• Manage grazing allotments according to a planned management system.</li> <li>• Develop range allotment management plans before term permits are issued where possible.</li> <li>• Incorporate in those plans provisions for implementing Best Management Practices for range management.</li> </ul>

- Use individual grazing allotment plans as the instrument to guide the avoidance of unacceptable damage to soil, water quality, and fish habitat and the resolution of incompatibilities between livestock and known key mule deer fawning areas.
  - Use positive measures (delayed grazing season, directing livestock away from riparian areas). Amend allotment plans to include adopted measures and mitigations. If unsuccessful in preventing damage, as a last resort, reduce or eliminate livestock grazing.
  - Schedule and review Allotment Management Plans per available funding; update on an average of every ten years.
- Consider deer forage requirements (five pounds per deer per day) in the allocation of livestock forage as part of range analysis.
- Consider the benefit to fisheries, wildlife, recreation, and watershed, as well as range, when designing range improvements.
- Graze meadows only when range ready as defined in Forest Service Handbook 2209.21.
- Conduct utilization checks annually on selected meadows and key wildlife habitats in grazing areas.
- Coordinate with the Bureau of Land Management for administration of shared grazing allotments (within the Scenic Area) to implement decisions in BLM's Benton-Owens Valley (and Bodie-Coleville) Management Framework Plans.
- Maintain rangeland in "satisfactory" condition as defined by applicable Handbook and rating systems.
- Where feasible, locate range improvements away from travel corridors, especially trails, popular fisheries, and other water courses.
- Allotment Management Plans will display use, improvement maintenance, and other management data.
- Establish/document use criteria for permissible grazing levels in each unit of each allotment, using soil & vegetation as resource standards.
- Inform the California Department of Fish and Game before planning and implementing revegetation projects.
- Locate salt and sheep bed-grounds outside riparian areas and at least 1/4 mile away if possible and reasonable.

**RECREATION AND INTERPRETATION - GOAL: Provide for low levels of overnight and day use facilities, and provide a balanced program on the Scenic Area ecological, cultural, and geologic values. Use the Visitor Center as a focal point for interpretation & discovery. Provide dispersed recreational opportunities including motorized use on designated routes; maintain solitude over major portions of the Scenic Area.**

- Construct and maintain facilities and sites to Regional standards. Construct and maintain sites and associated water systems and wastewater treatment plants to Facility Condition 1 as defined in RIM.
- Develop day use facilities, interpretive and information sites and trails and overnight campgrounds for a balanced facility package.
- Maintain activities and developments at levels that meet prescribed ROS classes as defined in the ROS Users Guide.
- Develop programs, displays, and publications to interpret Forest Service resource management and the natural and cultural environments. Design physical elements of the Interpretive Services program to harmonize with their setting.
- Formalize an interpretive plan of operation for each district based on interpretive composite plans.
- Design at least 10% of recreation units for use by the physically limited, in all new highly developed sites and in reconstructed sites with a capacity of more than 125. Consider the needs of the physically limited in toilet design for these sites where possible.
- Develop interpretive composite plans for major interpretive opportunities.
- Continue coordination with E. Sierra Interpretive Assn. to promote & facilitate eastern Sierra interpretation and education.
- Coordinate Forest OHV planning/funding with Federal, state, local agencies and private land owners where appropriate.
- Designate OHV/OSV trails and open areas to minimize conflicts.
- When necessary, close critical wildlife and fish habitat to OHV/OSV use.
- Do not permit recreational use of wheeled vehicles over snow except in designated areas.
- Permit OSV use only when there is sufficient snow cover to protect the soil and vegetative resources.

**GEOLOGICAL FEATURES - GOAL: Protect & maintain the integrity of geological features; provide opportunities for interpretation.**

- Design/construct structures or facilities located near active faults and/or areas of known seismic activity to stand seismic impacts.
- Relocate structures or facilities to less active sites where design and construction is not economically efficient.
- Cooperate with other agencies to ID geologic hazards in areas of roads or facilities; assess feasibility of hazard mitigation measures.
- Where appropriate include information about local geology & geological features in interpretive displays/programs and publications.

**SOILS - GOAL: Manage lands to maintain or improve soil productivity. Cooperate with agencies to stabilize non-vegetated relicited lands.**

- Reduce soil erosion resulting from management activities to natural background levels within 3 years after soil disturbing activity.
- Conduct a Soil Resource Inventory or investigation to evaluate areas set for modification or subject to concentrated use.
- Avoid the use of soil-disturbing equipment, OHV's and the trampling by livestock on wet or poorly drained soils whenever possible.
- Minimize dozer-constructed lines, with concurrent erosion control in areas of shallow, compacted, or highly erodible soils.
- Avoid land alterations that potentially cause significant soil erosion and loss of soil productivity.
- Apply BMPs for National Forest System Lands in California when implementing ground disturbing activities.
- Conserve surface mineral or surface organic layer of the soils by minimizing soil disturbance to maintain long-term productivity.
- Stabilize all areas disturbed by management activities to minimize soil erosion.
- Require an interdisciplinary review team to avoid or mitigate adverse impacts for any projects or activities proposed in areas identified in the soil resource inventories as having an erosion hazard rating of nine or greater.

**VISUAL RESOURCES - GOAL: Manage the Scenic Area to maintain and enhance the visual resource.**

- Obtain the Forest Supervisor's approval through the environmental analysis process for any deviations from assigned Visual Quality Objectives (VQO's) assigned in the prescription.



- Maintain or enhance the size and diversity of all riparian zones, aspen stands, meadows, and alpine tundra vegetation zones, where such zones are visible from sensitivity level 1 & 2 roads and trails, or where they receive significant recreation use.
- Rehabilitate and/or enhance the visual resource when implementing projects where appropriate as follows:
  - Rehabilitate the visual resource where the existing visual condition fails to meet the assigned VQO.
  - Enhance the resource where the existing visual condition appears monotonous, and where there is an opportunity to create visual variety in the landscape through planting, vegetation manipulation, or other accepted means.
  - Base rehabilitation & enhancement priorities on the assigned VQO, corridor viewshed plans, and the following considerations:
    - Relative importance of the area and the amount of deviation from adopted visual quality objective.
    - Length of time it would take natural processes to reduce visual impacts so they meet the adopted visual quality objective.
    - Length of time it would take rehabilitation measures to meet the adopted VQO.
- Coordination with the resources necessary to rehabilitate the project area. Maintain foregrounds and middlegrounds of scenic corridors of the following travel routes to retention and/or partial retention VQO as inventoried but not less than partial retention:
  - Highways officially designated by the State as California State and County Scenic Highways.
  - California State Scenic Highway System Routes (including State Highway 120 (West of 395), and U.S. 395).
- Meet the VQO of retention in all foreground zones of other sensitivity level 1 roads and trails, recreation sites, and within all concentrated recreation areas.

**WATER - GOAL:** Conduct activities to maintain or improve favorable waterflow conditions and to comply with water quality goals specified in State and Federal clean water legislation. Manage the lake level to protect ecological, geological, visual, air quality, recreational values.

- Maintain or improve water quality to meet State & Federal standards; coordinate with State & Federal agencies on planning projects.
- Implement BMPs to meet water quality objectives and maintain/improve the quality of surface water on the Forest. ID BMP methods and techniques during site level environmental analyses and incorporate into project plans & implementation documents.
- Secure water rights for existing and foreseeable future National Forest consumptive uses according to State law. Convert all National Forest System water uses into the name of the Forest Service where possible.
- Require the water-bar spacing on dozer constructed fire lines as shown in the Forest Plan.
- Do not channelize natural streams unless there are no other options available.
- Maintain instream flows needed to maintain stream channel competence.
- Design construction activities within streams to avoid sedimentation in the aquatic zone.
- Revegetate roads and trails when use is terminated.
- Return all lands in declining watershed condition to equilibrium.

**WILDLIFE/FISH/VEGETATION - GOAL:** Manage habitats to promote healthy ecosystems & diverse wildlife species. Maintain viable populations of native vertebrates/invertebrates & enhance habitat of native species of special interest to the Scenic Area. Provide fishery habitat in all streams (Rush, Lee Vining, Mill, Wilson). Manage vegetation for diverse species composition and structure.

Threatened, Endangered, and Sensitive Animal Species

- Consider threatened and endangered species as below viability until recovery is achieved. Emphasize habitat protection & improvement for threatened or endangered wildlife. Protect & enhance historical and threatened and endangered species habitat as necessary.
- Cooperate with USFWS and CDFW in managing threatened and endangered species and restoration of habitat. Submit proposals for actions that might affect the continued existence of a threatened or endangered species to USFWS for formal consultation.
- Permit scientific studies on sensitive species only if the studies would benefit the species.
- Develop & implement a sound strategy to manage sensitive species and their habitats so that Federal listing does not occur.

Bald Eagle:

- Manage for recovery. Recovery may require the management of potential sites as well as occupied sites.
- Use the presence of bald eagles and results of the habitat capability model for the species to establish the existing and potential wintering areas, including winter roosts, foraging areas, and daytime perches.
- Maintain the integrity of existing wintering areas.
- Do not establish new winter uses or recreation developments within 1/4 mile of such areas.
- Maintain/enhance fish, waterfowl, prey-based populations in winter foraging areas; Implement Pacific States Bald Eagle Recovery Plan.
- Prepare a local winter bald eagle management plan that tiers to the Pacific States Plan.

Peregrine Falcon: Implement the Pacific Coast American Peregrine Falcon Recovery Plan prepared by the USFWS.

Mule Deer:

- Maintain/enhance key mule deer wintering ranges, migration routes & fawning areas. Though management activities may allow some habitat alteration, the goal is to support deer populations consistent with herd management objectives.
- Strictly limit infringement on key mule deer fawning areas during fawning period (June 15-July 15); resolve conflicts in favor of fawning.
- Develop water sources where water is needed and opportunities are available.
- Recognize the importance of key deer habitat.
- Emphasize the protection of critical deer habitat when analyzing development proposals.
- Determine forage allocation for deer on the basis of five pounds of forage per deer per day.

- Coordinate with the CDFW in implementing existing deer herd plans and preparation of needed additional deer herd plans.

#### Sierra Nevada Mountain Sheep

- Maintain mountain sheep habitat. Where feasible, expand their ranges by transplanting animals to suitable unoccupied habitats per criteria stated in the Sierra Nevada Mountain Sheep Recovery Plan.
- Do not permit increased livestock use if shown to be deleterious to mountain sheep populations as defined in the Recovery Plan.
- If reintroduced mountain sheep establish themselves in drainages outside the reintroduction sites, take advantage of opportunities to extend mountain sheep range, consistent with other resource activities.

#### Riparian Areas

- Give emphasis to riparian dependent resources in the management of riparian areas.
- Protect streams, streambanks, shorelines, lakes, wetlands, and the plants and animals dependent on these areas.
- Use allotment management plans as the vehicle for ensuring protection of riparian areas from unacceptable impacts from grazing.
- Institute salting, herding, water developments, fencing, rest rotation, deferred rotation, and other grazing systems as mitigations. If mitigation does not prevent unacceptable riparian resource damage, limit or reduce livestock grazing in the affected areas.
- Limit wildfire control measures & activities that would adversely affect the riparian zone. Avoid dozer-built lines here where possible.
- Restore dozer impacts on riparian zones when rehabilitating fire sites, prioritize rehabilitation of riparian areas in improvement projects.
- Recognize the important and distinctive values of riparian areas when implementing management activities.
- Give preferential consideration to riparian-dependent resources in land use conflicts & remove livestock watering locations if feasible.

#### Sensitive Plants

- Develop and implement a sound program for sensitive plant species and their habitat so that Federal listing does not occur. Complete inventories of project sites and areas of disturbance if there is potential habitat or known population locations are identified.
- Allow no new disturbance of sensitive plant habitat without direction from Interim Management Guides, Species Management Guides, or an environmental analysis.
- Allow scientific studies when there is no detrimental effect on the species.

### 5.5.2.6 Overview of Airport Land Use Issues, Opportunities and Constraints

Mono County operates two public airports: the Lee Vining Airport, and Bryant Field in Bridgeport. California counties are required to prepare a comprehensive Airport Land Use Plan (ALUP) that addresses each public airport and airport environs within that county. CGC §65302.3 requires that the General Plan be consistent with the ALUP and requires that the general plan be amended within 180 days to be consistent with any amendment to an ALUP. Where a local airport may be impacted by a General Plan Amendment, the airport planning area must be reviewed by the Airport Land Use Commission and a determination made as to the consistency with the ALUP.

In 2002, the County completed a master plan for the Lee Vining Airport that details specifications, layout and other facility details. Lee Vining Airport is located on 59 acres of land with one paved runway, near the intersection of US 395/SR 120 just south of the Lee Vining community. The Airport Master Plan was updated in 2017.<sup>3</sup> As with other Mono County airports, this facility is primarily for general aviation activity (firefighting, emergency services, charter service, business or recreational use). The number of aircraft and aircraft operations have increased at Lee Vining Airport since 2000 (the facility had four single-engine aircraft as of 2015), but the level of use remain lows with approximately 7 daily flights at Lee Vining). Aviation services and existing airport infrastructure are vital for the movement of people and light cargo, firefighting, and emergency medical purposes. For visitors, the air services provide the only automobile alternate into Mono County, and residents rely on air services for a range of business, governmental, medical and emergency purposes. Mammoth Yosemite Airport is the only airport in Mono County that provides air cargo and FAA-certified commercial service.

### 5.5.2.7 Overview of the Specific Plan Land Use Designation

The County has assigned a land use designation for every parcel of land in unincorporated Mono County. The designations, shown on the General Plan maps available online at (<http://www.monocounty.ca.gov/planning/page/general-plan>), are based on an area's suitability for certain land uses, community support and consideration of criteria such as the presence of natural hazards and resources, existing land uses, infrastructure, open space values and community vision for the future.

<sup>3</sup>Mono County, Lee Vining Airport Master Plan, 2017: [https://monocounty.ca.gov/sites/default/files/fileattachments/public\\_works\\_-\\_facilities/page/4027/lee\\_vining\\_alp-2017.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/public_works_-_facilities/page/4027/lee_vining_alp-2017.pdf)

The land use designation of the Tioga Inn site is 'SP' – Specific Plan. The SP designation is based on approvals gained in the 1993 Tioga Inn development review and entitlement process. As described in the General Plan, Specific Plans are intended to *"function as implementation mechanisms for the General Plan and as a standard-setting mechanism for detailed land use designation, subdivisions, and use permits. A specific plan must be consistent with the General Plan and, once adopted, becomes a part of the General Plan."* The Specific Plan designation is generally reserved for planned development in areas outside of existing communities, or on large parcels in or adjacent to existing communities. The SP designation may also be applied to provide direction for potentially conflicting or incompatible land uses. Mono County has a number of adopted Specific Plans including the Tioga Inn project, Bodie RV Park, Crowley Lake Estates, the Highlands in June Lake, Mountain Vistas in Chalfant, Rock Creek Canyon in Paradise, Sierra Business Park in Long Valley, and others. Since each Specific Plan is tailored to the project and site and region in which it is located, the standards for each plan vary.

### 5.5.2.8 Overview of Existing Recreational and Trail Features

The project site is located adjacent to or near numerous recreational facilities, as listed in Table 5.5-2.

TABLE 5.5-2. Recreational Facilities in the Project Area		
FEATURE	TYPE	DESCRIPTION
Guss Hess Park	County Park	Established in 1975 on land leased from LADWP.
Lundy Canyon Campground	County Park	Established in 1961 on land leased from California Electric Power Company (now SCE)
Mono Lake Park	County Park	Established in 1970 on land leased from LADWP.
Mono Basin National Forest Scenic Area	Federal Scenic Area	Established in 1984 on public lands managed by the US Dept. of Agriculture
Yosemite National Park	Federal National Park	Established in 1890 on public lands managed by the US Forest Service

Large numbers of visitors are drawn each year to the diversity of Mono County recreational features. Table 5.5-3 summarizes recreational issues, opportunities and constraints that impact the Mono Basin and Lee Vining, as described in the Mono County Regional Transportation Plan (including the Trails Plan and the Bikeway Plan).

TABLE 5.5-3: Non-Motorized Trail and Recreational Issues in Mono County	
COMMUNITY	CONSTRAINTS & OPPORTUNITIES
<b>MONO BASIN</b>	<p>Additional pedestrian trails to and from local activity nodes such as the Visitor Center and Mono Lake.</p> <p>The concept of a sustainable, successful economy is supported, but the fear is that communities will need to become too big or "citified" to achieve this, sacrificing the rural characteristics and healthy natural environment valued by residents. The challenge is to appropriately balance economic development goals with the desired rural community characteristics and protection of the natural, scenic, historical and recreational values of the area. Growth does not necessarily mean becoming bigger; it could also mean improving what already exists within the current development footprint.</p>
<b>LEE VINING</b>	<p>There is a desire for pedestrian improvements throughout Lee Vining and adjacent areas, including:</p> <ul style="list-style-type: none"> <li>• Safe pedestrian crossings across US 395 in Lee Vining. Improvements to slow traffic may include variations in pavement surface, raised intersections, reconfigured traffic lanes, flashing caution lights, and crosswalk landmarks.</li> <li>• Post and enforce slow speed limits along US 395 within Lee Vining to minimize conflicts with pedestrians crossing the highway. Speeds on US 395 along Mono Lake should also be lowered to minimize conflicts with recreational visitors to the lake.</li> <li>• Additional pedestrian trails to and from local activity nodes, such as the Mono Basin Visitor Center and Mono Lake.</li> </ul> <p>There is need for bikeway improvements throughout the Mono Basin. There are opportunities to include wider shoulders adequate for bike use as part of scheduled road maintenance projects and to provide other improvements for bicyclists.</p>
	The Mono County Trails Plan notes that sightseeing is a major recreational activity in Mono County, particularly along US 395 (most of which is a state-designated Scenic Highway) and SR 120 (a National Forest Scenic Byway),

<b>SIGHTSEEING TRAILS – SCENIC BYWAYS</b>	as well as State Route 158 in the June Lake Loop, and State Route 270 (SR 270) to Bodie. The Coalition for Unified Recreation in the Eastern Sierra (CURES) has made interpretive improvements along US 395 and SR 120 to enhance the sightseeing experience.
	The Trails Plan states that pedestrian facilities in Lee Vining could be improved by streetscape improvements along the US 395 right of way and by provision of additional parking. The Mono Yosemite Trail Plan also identifies opportunity to connect Mono City to Lee Vining with trail access.
	The Trails Plan notes opportunities to extend the Lee Vining Creek trail (across SR 120 from the Tioga site) up Lee Vining Canyon to the campgrounds and other locations as specified in the Mono Yosemite Trail Plan.
	Access for pedestrians and equestrians along the west side of Mono Lake is limited to the shoulder of US 395 or to trails on the steep hillside to the west. Residents have expressed concern that access be improved along this portion of the highway.

Based on these findings, the Trails Plan identifies a series of community priorities, with a focus on project with the highest need. Community priorities for the Mono Basin as outlined in Table 5.5-4.

<b>TABLE 5.5-4. Trail Plan Priorities for the Mono Basin<sup>4</sup></b>	
<b>Priority #</b>	<b>Action</b>
<b>1</b>	Work with community groups to improve the sidewalk system along Main Street (US 395) in Lee Vining.
<b>2</b>	Work with USFS, community groups, and landowners to implement an extension of the community trail up Lee Vining Canyon and to provide interpretive signage along the trail per the Mono Yosemite Trail Plan.
<b>3</b>	Work with Caltrans to improve safety for sightseers, pedestrians, and bicyclists on US 395 along the west side of Mono Lake.
<b>4</b>	Investigate potential alignments for trail connections between Mono City and Lee Vining.

The Trail Plan also identifies a series of future regional and community trail routes in Mono County, including a 350-mile Eastern Sierra Regional Trail that would extend from Topaz Lake on the north to Round Valley on the south. For the Mono Basin, the recommended trail improvements include: (a) Sidewalk and streetscape improvements in Lee Vining: Pursue grant funding for a community Main Street planning effort to address detailed plans for sidewalk and streetscape improvements; (2) Lee Vining Trail extensions: From the south end of the Lee Vining Creek community trail up Lee Vining Creek to the campgrounds in Lee Vining Canyon, and (3) a trail from Mono City to Lee Vining, including investigation of potential alignments.

### 5.5.2.9 Overview of Existing Onsite Land Uses

Existing land uses on the Mobile Mart site include a gas station with 8 fuel pumps in two separate islands (each with canopies and an underground fuel storage tank), the convenience store, the deli with indoor seating plus outdoor picnic and deli seating areas, 8 hilltop residential housing units, 6 workforce-housing cabins, one water storage tank, two water supply wells, five propane tanks with a combined capacity of 2,500-gallons, septic tank and leach lines, SCE overhead power lines, one cellular transmission tower, one electric supply shed, one historical marker, ingress/egress and interior roads (paved and unpaved), a buried utility crossing under US 395 for the water and septic system, and parking areas for busses and vehicles and park and ride.

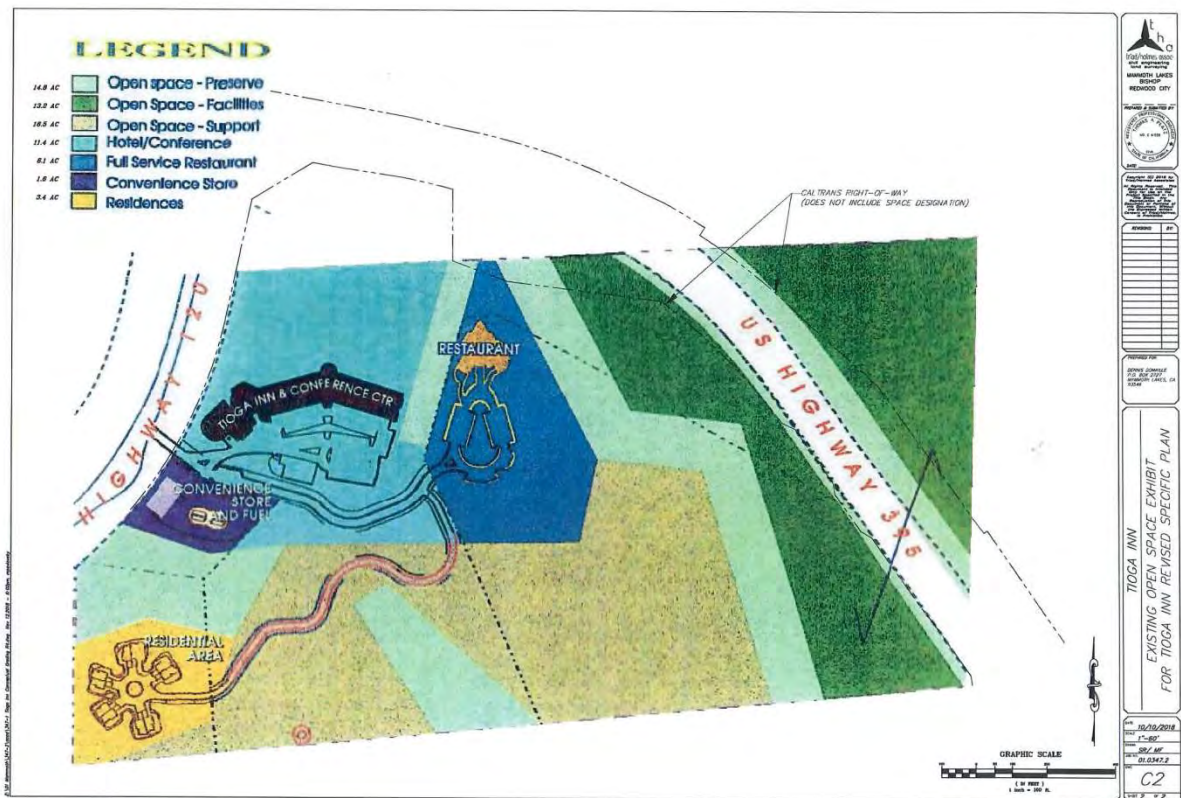
### 5.5.2.10 Overview of Designated Open Space on the Tioga Project Site

The Tioga Specific Plan incorporates three Open Space land use designations. As discussed in EIR §4.0 (Specific Plan), the Specific Plan designation allows development of use designations that are tailored to individual properties and may vary from the designations described in the Municipal Code. The Open Space land use designations identified for the Tioga Inn Specific Plan as part of the 1993 approvals are described below:

<sup>4</sup> Mono County General Plan Appendix G, Trails Plan: <https://www.monocounty.ca.gov/generalplan/appendix-g-mono-county-trails-plan>.

1. **Open Space-Preserve:** This designation permits improved landscaped areas and native or undisturbed areas retained as landscaping. Physical development in Open Space-Preserve areas is limited to underground utilities. Existing overhead utilities may be retained, but new overhead utilities lines are not permitted in this classification. Underground leach tanks are permitted, as are partially buried water storage tanks provided that introduced landscape screening is planted around view-sides of the tank. Snow storage is a permitted use. The 1993 Specific Plan included 14.8 acres of Open Space-Preserve land area.
2. **Open Space-Facilities:** This designation is intended to provide a land area for private utility service development. All uses permitted in open space are permitted in the Facilities designation, as are above-ground appurtenance structures, propane tanks, an onsite nursery, and other similar uses. The original Specific Plan included 13.2 acres of Open Space-Facilities land area.
3. **Open Space-Support:** this designation is intended for storage of supplies and equipment, a pet kennel, a stable or horse corral, parking area expansion, accessory buildings such as storage for snow removal equipment or products used in landscaping, for wastewater treatment, and irrigation supplies). The Open Space-Support designation allows for construction of small utility structures and storage sheds (provided that the facilities are not generally visible from the SR 120 and US 395 scenic view corridors), and an onsite nursery. The original Specific Plan included 18.5 acres of Open Space-Support land area.

Exhibit 5.5-4 below depicts the location and extent of the open space designations and other land uses approved in 1993.



### 5.5-3 REGULATORY SETTING

#### 5.5-3.1 Federal Regulations



**Federal Land Policy and Management Act (FLPMA).** FLPMA was enacted in 1976 to unify the management and preservation of public lands that have not been set aside for national forests and parks, wildlife preservation areas, military bases or other federal purposes. The guiding principle of FLPMA is to protect the quality of resources on such lands. BLM administers the FLPMA, and is required by the FLPMA to establish a management planning process that supports multiple uses and sustained yields of natural resources. BLM responsibilities include periodic inventory of public lands and resources thereon. The FLPMA sets a goal of preserving and protecting public lands in their natural condition to the extent possible, and retaining federal ownership of public lands unless their disposal would serve the national interest. Uses of lands managed by BLM include commerce (livestock grazing, mineral extraction, logging), recreation (fishing, hunting, birding, boating, hiking, biking, off-roading), and conservation (biological, historical, cultural resources).

**USDA Forest Service, Inyo National Forest Assessment.**<sup>5</sup> The Inyo National Forest Assessment fulfills a key step in the revision of the Inyo National Forest's *Land and Resource Management Plan*. It provides updated information about relevant ecological, economic, and social conditions, trends and sustainability, and their relationship to the current land resource management plan in the context of the broader landscape. Land and resource management plans establish requirements and constraints for management decisions in a national forest or grassland. The update process precedes revision of the *Land and Resource Management Plan*, followed by monitoring. The process takes an integrated approach that balances ecological processes with social and economic systems based on best available science, and emphasizes collaboration with stakeholders and transparency of process. The Assessment notes that declining budgets and increasing public demand have created greater need for collaboration between Inyo NF and its many partners, including Mono County. Partners support Inyo NF by offering interpretive programs, volunteer opportunities and citizen stewardship, and special events.

### 5.5.3.2 State Regulations

**California Government Code (CGC).** CGC §65300 requires cities and counties to prepare and adopt a "comprehensive, long-range general plan" to guide development. To achieve this long-range development mandate, the General Plan process requires a complex set of analyses, comprehensive public outreach and input, and public policy to guide a vast range of topic areas. State law identifies seven required General Plan elements including Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety, and Transportation. State law also specifies that a general plan must contain development policies, diagrams, and text that describe objectives, principles, standards, and plan proposals.

**California Airport Land Use Planning Handbook.** The State Aeronautics Act sets forth requirements for airport land use compatibility planning. The 2011 California Airport Land Use Planning Handbook (Caltrans 2011) provides guidance for determining consistency between a general plan and an Airport Land Use Commission's (ALUC's) Compatibility Plan. General Plan amendments must be consistent with any applicable Airport Land Use Plan unless a local government governing body overrules the plan by a 2/3 vote and makes certain findings (CGC §65302.3(a)).

**California Department of Parks and Recreation.** The mission of the Department of Parks and Recreation is to provide for the health, inspiration and education of residents by helping to preserve biological diversity, protect natural and cultural resources, and create opportunities for high-quality outdoor recreation. The park system includes two state parks in Mono County: Mono Lake Tufa State Natural Reserve (established to preserve the 'tufa towers,' the 65-square mile surface of Mono Lake, and wetlands and other habitat for the 1-2 million birds that annually feed and rest at Mono Lake), and Bodie State Historic Park (a gold-mining ghost town that is today preserved in a state of 'arrested decay').

**Military Land Use Compatibility Planning Requirements.** Pursuant to SB 1468 (2002), CGC §65302 requires local governments to consider impacts to military operations in the General Plan. CGC §65302 stipulates a notification process, and also requires that the General Plan Land Use Element (and other general plan elements) consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing or designating land uses on lands adjacent to military facilities and military aviation routes and airspace. The requirements of CGC §65302 are valid statewide.

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<sup>5</sup> USDA Forest Service, draft *Inyo National Forest Assessment*, November 2013.



**Natural Communities Conservation Plan.** The Natural Communities Conservation Plan (NCCP) program, which began in 1991 under the state's Natural Community Conservation Planning Act, is a broad-based ecosystem approach that identifies and provides for the regional or area-wide protection of plants, animals, and their habitats, while allowing compatible land use and economic activity. There are currently no adopted Habitat Conservation Plans (HCP), Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans in Mono County..

**State Lands Commission.** The State Lands Commission manages 4 million acres of tidelands and submerged lands and the beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits (collectively referred to as 'sovereign or public trust lands'). The Commission also monitors sovereign lands granted in trust to roughly 75 local jurisdictions, administers mineral rights on lands under the jurisdiction of other agencies, and manages lands granted by Congress to support California public schools. The Commission protects and enhances these lands and resources by issuing leases for use or development, resolving boundaries between public and private lands, promoting public access, and implementing regulatory programs to shield state waters from oil spills and invasive species. The Commission is involved in Mono Lake through its obligation to protect public trust resources and the lands beneath those waters (lakebed and streambeds). The state holds title to these areas. The State Lands Commission also has jurisdiction over 'relicted lands' (i.e., lands exposed by changes in water levels or locations). The relicted lands at Mono Lake include areas exposed by the diversion of Mono Basin streams to Los Angeles.

**Williamson Act.** The California Land Conservation Act of 1965, also known as the Williamson Act, enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or open-space use while promoting growth patterns consistent with local planning priorities. In return, landowners receive property tax assessments that are based on farming and open-space uses and thus lower than rates based on full market value. The minimum contract term is 10 years; contracts automatically renew on the anniversary date unless the landowner or local government initiates non-renewal procedures. There were approximately 12,500 acres of land in Williamson Act contracts in Mono County as of 2008; Mono County has not allowed any new Williamson Act contracts since approximately 2005.

**SB 99 - Active Transportation Program (ATP).** The ATP was passed in 2013 to encourage increased use of active transportation modes through the following program goals:

- Increase the proportion of trips accomplished by biking and walking;
- Increase the safety and mobility of non-motorized users;
- Advance the ATP efforts of regional agencies to achieve mandated greenhouse gas reduction goals;
- Reduce childhood obesity through programs eligible for funding (such as the Safe Routes to School Program);
- Ensure that disadvantaged communities fully share in program benefits; and
- Provide a broad spectrum of projects to benefit many types of active transportation users.

Small urban and rural areas with populations up to 200,000 receive 10% of program funding, and another 50% of ATP funding is awarded competitively on a statewide basis; 25% of both categories must benefit disadvantaged communities. The funding may be used for a wide variety of eligible infrastructure and non-infrastructure projects. Note that the criteria for successful applications currently are not well suited to rural areas such as Mono County.

### 5.5.3.3 Regional and Local Regulations

**Mono County Zoning Ordinance.** Mono County in 2000 integrated its Zoning Code into the General Plan Land Use designations. Thus the Mono County General Plan Land Use Element contains not only policies and land use designations, but also land development regulations. The land development regulations govern the use of buildings, signage, size and layout and intensity of uses, parking requirements, allowed lot coverage, setbacks and other similar standards. In concert, the policies, designations and regulations serve the General Plan goal to "maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors." They also serve the accompanying objective to "accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural and recreational resources and that is consistent with the capacities of public facilities and services."

**Mono County Bicycle Transportation Plan.** The General Bikeway Plan provides a comprehensive plan for bicycle facilities in communities throughout the county. The plan focuses on direct and convenient routing for the commuting bicyclist.

#### 5.5.4 THRESHOLDS OF SIGNIFICANCE<sup>6</sup>

Consistent with Appendix G of the CEQA Guidelines, the proposed RTP/General Plan update project will be considered to have a significant impact on land use and planning if it will:

- a) Physically divide an established community
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect
- c) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- d) Impact the acreage or function of designated open space.

#### 5.5.5 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES

##### IMPACT LU 5.5(a): Would project implementation physically divide an established community?

**NO IMPACT:** The Tioga Mart development is located about one-half mile south of the community of Lee Vining. The site is physically separated from Lee Vining and from Mono Lake by US 395 (which defines most of the northern property boundary) and by SR 120 (which defines most of the western property boundary). Proposed uses would be integrated into the layout of existing and approved onsite uses and none of the proposed uses would have the potential to physically divide established community areas in other locations. No impacts have been identified, and no mitigation is required.

##### MITIGATION MEASURES – COMMUNITY SEPARATION

**LU5.5(a) (Community Separation):** The proposed Tioga [WorkforceCommunity](#) Housing project does not have potential to divide an established community, and no mitigation measures are required.

##### IMPACT LU 5.5(b): Would project implementation conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**LESS THAN SIGNIFICANT IMPACT:** State CEQA Guidelines §15125(d) requires that an EIR analyze the potential for inconsistencies between a proposed project and other relevant plans, programs and regulations. For the proposed Tioga [WorkforceCommunity](#) Housing Project, the relevant planning documents (outside of the adopted Specific Plan) include the Mono County General Plan and the Mono Basin Community Plan. Since the General Plan and Community Plan were developed through a cohesive process, the documents reflect the same goals and policies. The following analysis is therefore based on comparing the proposed project with the land use issues identified in the General Plan, and with the goals and policies contained in the Mono Basin Community Plan. The Mono Basin National Forest Scenic Area Comprehensive Management Plan is also considered briefly in this section.

**Mono County General Plan.** As noted in the Land Use Baseline, the General Plan identifies and evaluates issues, opportunities and constraints that shape development potential within the unincorporated area. Tables 5.5-5 and 5.5-6 summarize applicable issues, opportunities and constraints described in the *General Plan* for the county as a whole and for the Mono Basin, and consider the degree to which the proposed project would be responsive to the identified issues, opportunities and constraints.

Table 5.5-5

<sup>6</sup> EIR §5.3 (Biology) discusses project potential to conflict with applicable habitat conservation or natural community conservation plans.

**PROJECT COMPARISON WITH COUNTYWIDE GENERAL PLAN LAND USE  
ISSUES/OPPORTUNITIES/CONSTRAINTS<sup>7</sup>**

COUNTYWIDE TOPIC	SUMMARY OF COUNTYWIDE ISSUES/OPPORTUNITIES/CONSTRAINTS	ANALYSIS OF PROPOSED PROJECT IN TERMS OF IDENTIFIED ISSUES
<b>DEVELOPMENT PRESSURE</b>	May result in shifting population distribution through the unincorporated areas of Mono County.	The newly proposed <del>workforce</del> housing will increase the resident population within the Mono Basin. The increase is within the population forecasts set forth in the Mono County General Plan for the Mono Basin, as discussed in EIR §5.6, Population. The proposal to provide onsite employee housing recognizes that the cost of housing is a significant limiting factor on economic development throughout Mono County.
<b>JOB-HOUSING SEPARATION</b>	Many residents do not work in their community of residence; the separation of jobs and housing may continue due to limited opportunities for economic expansion.	Though most project entitlements were established long ago, two approved elements have not yet been developed (the hotel and full-service restaurant). Both will draw a substantial number of new employees to the Tioga site. Provision for onsite employee housing will increase the likelihood that employees will have access to affordable housing near their place of work.
<b>LAND CONSTRAINTS</b>	Only 6% of county lands are privately owned and available for development; much of that land is in small parcels that cannot be used to resolve area-wide issues.	The project will not measurably increase the acreage of private ownership. While adding a new economic opportunity to the area, the project also provides employee housing to resolve the area-wide issue of a lack of employee housing.
<b>LAFCO POLICIES</b>	LAFCO policies favor expansion of existing communities over new development.	The proposed project would be part of a long-established development located near a long-established community.
<b>LAND OWNERSHIP PATTERNS</b>	The dispersed nature of private land ownership results in planning challenges, especially in environmentally sensitive areas.	The Tioga development was approved 25 years ago, is located adjacent to two major existing roads (US 395 and SR 120), and close to the existing Lee Vining community. Approval of the <del>workforce</del> housing proposal would not add to the planning challenges of checkerboard development.
<b>CONSTRAINTS ON LARGE PARCELS</b>	Infrastructure & service costs may be prohibitively high for development of large private parcels.	With the exception of the expanded wastewater treatment system (including treatment plant, subsurface irrigation system and expanded leach field), most of the project infrastructure is in place.
<b>INFRASTRUCTURE LIMITATIONS</b>	Development opportunities are constrained by the suitability of soils for septic systems, water quality standards, and access.	Onsite soils have accommodated septic system use for existing uses over the past two decades; studies conducted for this Subsequent EIR indicate that soils will be suitable for the expanded septic system (see EIR §5.2).
<b>NEED FOR INDUSTRY</b>	The countywide need for industry is complicated by the absence of environmentally suitable sites.	The project does not involve industrial development or require land designated for industrial uses.
<b>RURAL CHARACTER VALUES</b>	Most local residents and planning advisory groups support efforts to maintain rural character, limit growth, protect agricultural areas & maintain scenic values.	The newly proposed project uses and entitlements will not expand the growth boundary, or impact agriculture, or substantively change the rural character and scenic values of the site relative to existing approvals.
<b>ENVIRONMENTAL CONSTRAINTS</b>	Development opportunities are further constrained by resource conservation requirements and natural hazards.	The 1993 Final EIR & Specific Plan identified resource protection areas on the project site. The proposed project would modify but not reduce the acreage of the resource areas, while allowing for new <del>workforce</del> housing.
<b>ECONOMIC CONCERNS</b>	New development must pay its own way by generating adequate taxes to support service systems and maintain a diverse economy.	The Tioga development generates substantial tax revenues and is expected to generate additional tax revenues if the <del>workforce</del> housing project is approved and implemented..

**Table 5.5-6**

**GENERAL PLAN LAND USE ISSUES/OPPORTUNITIES/CONSTRAINTS IN THE MONO BASIN<sup>8</sup>**

TOPIC	SUMMARY OF MONO BASIN ISSUES/OPPORTUNITIES/CONSTRAINTS	ANALYSIS OF PROPOSED PROJECT IN TERMS OF IDENTIFIED ISSUES
<b>CONFLICTING VIEWS ON GROWTH</b>	Residents support sustainable economic development but not at the cost of a healthy rural environment; the emphasis is on enhancing existing resources.	The Tioga Mart is a well-established existing use and the hotel and restaurant are long-established entitlements. The proposed new elements will support and enhance the existing resources and entitlements.
<b>LIMITED LAND</b>	There is little private land for community expansion; land exchanges with USFS or LADWP may be feasible.	This issue is not directly applicable to the project, except to the extent that proposed <del>workforce</del> housing is made available to meet the needs of offsite businesses.

<sup>7</sup>Paraphrased from Mono Co. *Land Use Element*, Countywide Issues/Opportunities/Constraints (II-4 through II-7).

<sup>8</sup>Paraphrased from Mono Co. *Land Use Element*, Issues/Opportunities/Constraints – Mono Basin (II-8 through II-9).

<b>MAINTAIN EXISTING DEVELOPMENT BOUNDARY</b>	Residents seek to protect visual quality and the deer herd and limit traffic by maintaining the current subdivision limits.	The project will not alter the Mono Basin development boundary. Visual impacts of the new uses will be less than significant (see discussion in §5.14), as will be project impacts on the deer herd (see §5.3) and traffic (§5.11).
<b>WORKFORCE COMMUNITY HOUSING</b>	Workforce housing is needed to sustain the economy and allow people to live where they work.	The project will provide <u>workforce</u> housing and thereby contribute to economic sustainability and allowing employees the opportunity to live where they work.
<b>VISUAL APPEARANCE</b>	Residents are concerned about the town's appearance (vacant commercial properties, unattractive storage, and design of the built environment) and support high quality design and green-building practices.	Proposed new project elements will reflect the design concepts of the existing Tioga Mart land uses. Subsurface irrigation with treated wastewater and solar green-building practices will be integral to development design.
<b>PUBLIC SERVICES</b>	Residents support public service providers and service availability for all community segments & seek infrastructure that is compatible with rural, natural and scenic qualities of Mono Basin. Water & sewage treatment infrastructure are concerns.	Water and sanitation services will be provided privately, as will propane and most electricity. The applicant plans to make propane and water supplies available to the Lee Vining community if desired.
<b>BALANCING PUBLIC AND PRIVATE LAND USES</b>	Residents support the protections associated with public lands but are concerned about excessive fees and regulations and seek to balance the two.	This issue is not directly applicable, except for the possibility that the County & applicant may seek a Sustainability Community Grant to fund public-private trail elements linking the project to Lee Vining.
<b>AGRICULTURE AND GRAZING</b>	These uses, once common in Mono Basin, are now scarce. Still highly valued by some residents, there is a desire to adapt sheep grazing practices that would be compatible with resource protection and land management.	This issue is not applicable to the project; no grazing activities currently exist on the site and none are proposed for the future.
<b>VACANT COMMERCIAL PROPERTIES</b>	Priorities include commercial/Main Street revitalization and investment, a business friendly environment and protection of local economic assets as ways to reduce commercial property vacancies.	This issue is not directly applicable, except to the extent that the County and project applicant plan to apply for grant funding (if the project is approved) for establishment of safe pedestrian and cycling access between the site and the community; if realized, this access would potentially benefit commercial enterprises in downtown Lee Vining.
<b>LIMITATIONS POSED BY US 395</b>	The Main St. layout, bisected by a 5-lane highway, poses challenges for creating a vibrant, walkable, safe downtown with physical connectivity between uses east & west of US 395.	The project is bisected from the Lee Vining community by SR 120. If the County is successful in obtaining a Sustainability Grant as noted above, the intent is to use a portion of the funds to create a pedestrian/bike trail that safely links the project site and the community of Lee Vining. Outcomes will rely on state and federal agencies' decisions.
<b>JOB SCARCITY</b>	Residents seek increased job opportunities and a diverse economy to enable people to live in Lee Vining.	The Tioga Mart project is expected to provide a relatively small number of new jobs (see §5.6), but the <u>proposedworkforce</u> housing would, if approved and if units are available, be offered to Lee Vining residents as at present.
<b>EQUAL OPPORTUNITY</b>	Residents care deeply about maintaining a community that is culturally diverse and provides equal opportunity for all. Second home ownership is seen as a threat to these goals.	This issue is not directly applicable, although none of the onsite housing would be used for second homes and the Tioga development would continue to use fair employment practices for all existing and prospective workers.
<b>CONWAY RANCH</b>	Residents support Conway Ranch, including full water allotments, for its inclusion of sheep grazing, aquaculture and other historic agricultural uses and infrastructure, and support opportunities for expanded agriculture.	This issue is not applicable to the Tioga project.
<b>UPLAND WATER MANAGEMENT</b>	Residents support the management of water from the north (water distribution, potential dewatering of ranches and meadows and streams and riparian habitats), and maximizing water deliveries to Mono Lake and Conway Ranch.	This issue is not directly applicable to the Tioga project, except that water supplies from the Tioga wells would be made available to residents in Lee Vining if desired.

Mono Basin Community Plan Land Use Guidelines.<sup>9</sup> The Mono Basin Community Plan was developed by the community members of Lee Vining through an intense, facilitated process that included multiple meetings, surveys, and detailed consensus-based drafting and editing to achieve a final plan that most accurately represents the community of Lee Vining. As noted on Community Plan page 1, "the Mono Basin RPAC formed a Steering Committee of interested RPAC and community members to pursue a visioning effort and update of the Mono Basin Area Plan, with the update supported by the County Board of

<sup>9</sup> Mono Basin RPAC, *Mono Basin Community Plan Final Draft*, 13 June 2012. Available online at: <https://monocounty.ca.gov/rpac-mono-basin/page/mmono-basin-community-plan>

~~Supervisors" Mono-Basin RPAC to provide detailed community-based land use guidance during the Mono County General Plan update process, and to facilitate the achievement of local planning goals in decision-making at all levels.~~ The goals and policies for Mono Basin as stated in the General Plan are the same as those stated in the Mono Basin Community Plan.

The Plan sets forth a vision with 6 main pillars: (1) **Small, compact communities** with a clear edge between developed and natural areas,... a small-town rural character,...a vibrant and attractive commercial, ... aesthetically appropriate and energy-efficient building design, and connectivity through transit services and trails; (2) **Safe, friendly communities** where people interact and feel connected,...[where] children are safe and have access to a good education and opportunities, ..., and our elders are cared for and respected...diverse recreation and cultural activities enhance the quality of life [while] community events weave strong social connections; (3) **A sustainable economy** with diverse job opportunities that offers year-round employment and competitive wages [with] local products to grow profits,...encourage entrepreneurial efforts, and...foster home-based businesses. Housing is affordable so... families can continue to live here; (4) **Recreation opportunities and access** that highlight our exceptional outdoor venues; (5) **A healthy natural environment** with clean air and water, scenic grandeur, dark night skies, pristine wilderness and open space [achieved]...by minimizing the intrusiveness of structures, protecting our natural assets, and being environmentally responsible; and (6) **Historic uses and character** that recalls and re-creates the vitality, strength and character of the Mono Basin. This vision is reflected in 3 primary General Plan goals, each of which is supported by a series of objectives, policies and actions. Table 5.5-7 summarizes applicable policy directions and considers (in the yellow-highlighted boxes) how each would be impacted by the proposed project.

**Table 5.5-7**  
**MONO BASIN COMMUNITY PLAN APPLICABLE GOALS, POLICIES AND ACTIONS <sup>10</sup>**

**GOAL 10: MAINTAIN THE SPECTACULAR NATURAL VALUES OF THE MONO BASIN AND RURAL, SMALL-TOWN CHARACTER OF COMMUNITIES BY MANAGING GROWTH, ENSURING HIGH-QUALITY AESTHETICS, AND PROVIDING FOR COMMUNITY DEVELOPMENT TO ENHANCE THE QUALITY OF LIFE FOR RESIDENTS.**

***Objective 10.A: Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.***

Policy 10.A.1: Prioritize infill and rehabilitation of the existing built environment over the addition of private property.

Action 10.A.1.a: Explore options for encouraging and facilitating the use of vacant commercial space for new businesses.

Action 10.A.1.b: Pursue brownfields grants to assist with rehabilitation.

Policy 10.A.2: Where infill or rehabilitation is not viable, obtain adjacent lands for orderly expansion of the Lee Vining community.

Action 10.A.2.a: Work with appropriate agencies to provide for developable lands adjacent to Lee Vining. The Landownership Adjustment Project Final Report should be referenced for opportunities, policies and procedures.

Action 10.A.2.b: Designate lands adjacent to Lee Vining for community expansion in the Land Use Element.

Action 10.A.2.c: Work with service providers to ensure adequate infrastructure and service capacity for any expansions.

Policy 10.A.3: Support the acquisition of a land base for the Kutzadika Mono Lake Indian Community, consistent with Goal 12,

Objective 12.A, Policy 12.A.5, Action 12.A.5.a.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.A:** The project would be consistent with the objective to pursue orderly development in and around Lee Vining, as well as the policies to prioritize existing built uses over new lands. Water and propane services would be provided (if desired) to supplement existing infrastructure in Lee Vining.

***Objective 10.B: Manage buildout of the Mono City subdivision to retain its rural character.***

Policy 10.B.1: Limit the buildable area of Mono City to the existing subdivision footprint.

Action 10.B.1.a: Coordinate with the BLM to ensure the next update of the Bishop Resource Management Plan reflects the agreement to remove APN 019-110-010 from the BLM disposal list.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.B:** This objective is not applicable; the project site is located about 6 miles south of Mono City.

***Objective 10.C: Encourage building types, architectural design compatible with scenic & natural attributes of Mono Basin.***

<sup>10</sup> The Mono Basin goals and policies are drawn from the Mono County General Plan (op cit.), which in turn directly incorporates (with changes in numbering) the goals and policies stated in the Mono Basin Community Plan (op cit.).



Policy 10.C.1: Maintain a clear edge between developed areas and open space by ensuring future development outside existing communities is compatible with the scenic and natural attributes of the area.

*Action 10.C.1.a:* Encourage siting & design of buildings to complement the natural environment and preserve open space.

*Action 10.C.1.b:* Higher-intensity uses (e.g., limited commercial, industrial, and resource extraction) may be permitted if it can be demonstrated that the use cannot be accommodated in existing community areas, the use is incompatible with existing community uses, or that the use directly relies on the availability of unique on-site resources. Higher-intensity uses should not adversely impact the area's scenic, recreational, historical, and natural resources.

*Action 10.C.1.c:* Require preparation of a Specific Plan and environmental review in compliance with CEQA for subdivisions of ten (10) parcels or more that are not within or adjacent to Lee Vining or Mono City.

*Action 10.C.1.d:* Require preparation of a Specific Plan or PUD for development projects proposed on federal exchange lands (parcel maps are exempt from this requirement).

*Action 10.C.1.e:* Periodically review the Conway Ranch Specific Plan, Tioga Inn Specific Plan and any other future specific plans in the Mono Basin.

Policy 10.C.2: Support design practices that protect scenic vistas, energy efficiency, and "green" building practices.

*Action 10.C.2.a:* Encourage the siting and design of buildings to preserve scenic vistas.

*Action 10.C.2.b:* Designate public view corridors that visually connect the community to the natural environment and establish development standards to avoid impacts.

*Action 10.C.2.c:* Explore potential incentives related to energy efficiency and "green" building practices.<sup>49</sup>

*Action 10.C.2.d:* Support the expansion and promotion of recycling programs, and encourage the inclusion of recycling services in new commercial facilities.<sup>39</sup>

*Action 10.C.2.e:* County-owned buildings should set an example by implementing green building technologies.

Policy 10.C.3: Preserve the dark night sky of the Mono Basin.

*Action 10.C.3.a:* Require compliance with and enforce Dark Sky Regulations.

*Action 10.C.3.b:* Retrofit existing lights on County-owned properties, public rights of way to conform to Dark Sky Regulations.

*Action 10.C.3.c:* Outreach to other public agencies operating facilities within the Mono Basin about the benefits of Dark Sky regulations and to encourage the use of compliant light fixtures.

Policy 10.C.4: Support improving the visual appearance of Lee Vining.<sup>51</sup>

*Action 10.C.4.a:* Use Mono County Design Guidelines to promote architecture, site planning, and uses compatible with the surrounding visual and scenic environment within the communities of Lee Vining and Mono City.

Policy 10.C.5: Consider applying residential standards to parcels with a Commercial Land Use Designation in Lee Vining.

*Action 10.C.5.a:* Encourage applicants to meet residential standards to protect the character of residential areas in Lee Vining and facilitate compatible uses within the Commercial Land Use Designation.

Policy 10.C.6: Recognize that the Mono Basin National Forest Scenic Area Comprehensive Management Plan contains separate Guidelines that may impact development; encourage developers in this area to consult with Inyo National Forest during planning.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.C: New uses will incorporate the colors, materials and rustic design elements of the existing Tioga Mart development. The siting of new uses incorporates recommendations of the project biologist as well as visual perspectives gained from the schematic renderings. Green energy will be integral to project infrastructure. The workforce housing will be designed as a residential community located inside a commercial development. All project lighting will conform with dark sky regulations that were enacted after the original Specific Plan was approved.**

***Objective 10.D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin.***

Policy 10.D.1: Coordinate with public agencies and other land-management organizations, such as the BLM, USFS, LADWP, CDFG, and U.S. Fish and Wildlife Service, to understand local policies and engage locals in the management of their lands.

*Action 10.D.1.a:* Request that resource agencies present information to and work with the Mono Basin RPAC and the community as public resource management issues arise.

Policy 10.D.2: Support existing General Plan policies in the Cultural Resources section, Conservation/Open Space Element.

*Action 10.D.2.a:* Implement Objective B, Policy 1 and the associated actions to identify and inventory cultural and historic resources in the Mono Basin.

*Action 10.D.2.b:* Implement Objective C, Policy 1 and the associated actions to preserve, protect and restore (where appropriate) the cultural and historic resources of Mono County.

*Action 10.D.2.c:* Identify any cultural and historic resources that should be recognized and protected via registration with the State and/or National Register of Historic Places.

*Action 10.D.2.d:* Consult the Kutzadika Mono Lake Indian Community on potential impacts to cultural and historic resources as described in Govt. Code §65352.3, which outlines local government requirements for tribal consultation.

Policy 10.D.3: Support recreational activities and the ability to use and enjoy the land while also protecting the natural environment.

*Action 10.D.3.a:* Identify recreation activity and access priorities, and work toward implementation.



*Action 10.D.3.b:* Coordinate with land management and transportation agencies, such as the BLM, Caltrans, ESTA, YARTS, USFS and LADWP, to ensure adequate access and responsible use.

*Action 10.D.3.c:* Ensure new development does not impede, & preferentially enhances, existing recreation access and activities.

Policy 10.D.4: Review & discuss Conway Ranch operations including history, allowable uses, current uses & potential opportunities.

*Action 10.D.4.a:* Support aquaculture and other historic uses, such as sheep grazing and agriculture.

*Action 10.D.4.b:* Support facilities and infrastructure facilitating aquaculture and other historic uses, such as sheep grazing, agriculture, and the restoration of historic buildings.

*Action 10.D.4.c:* Support the full allotment of water to Conway Ranch.

Policy 10.D.5: Initiate a community conversation about upland water management.

*Action 10.D.5.a:* Convene RPAC and community members to draft a proposal to the LADWP requesting the irrigation of Thompson Meadow and explaining the benefits to LADWP.

*Action 10.D.5.b:* Support community conversations and planning efforts regarding issues such as Mill and Wilson creeks, and various ranches and meadows, for example Cain Ranch and Dechambeau Ranch.

Policy 6: Work with government and private property owners to create recreational trail segments connecting population centers with attractions and recreation access points.

*Action 10.D.6.a:* Identify trail segments that are supported by the community, and implement trail development.

*Action 10.D.6.b:* Identify & consider impacts to historic lifestyles and existing uses of any potential trail, and consult with the Kutzadika Tribe in particular.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.D:** No historic resources have been identified in the Cultural Assessment; however, the project site does have a cultural monument erected by the Bodie Chapter of E. Clampus Vitus that features 'little known and forgotten facts about Mono Lake.' The Kutzadika Indian Tribe of Lee Vining met with Mono County during January 2019 to discuss their history in the Mono Basin and their concerns about the project proposal (see EIR §5.4). Onsite trails will be provided, and the applicant and county have indicated they will jointly seek grant funding for safe trail linkage from the project vicinity to the Lee Vining Community.

**Objective 10.E: Promote well-planned and functional community uses that retain small-town character and increase the quality of life.**

Policy 10.E.1: Increase the housing supply available to the workforce, including rental units.

*Action 10.E.1.a:* Establish tenant eligibility criteria, including a time requirement as a local resident and/or local employee, for workforce housing units, and identify the entity that applies, manages and enforces the criteria.

*Action 10.E.1.b:* Explore siting workforce housing next to the Community Center (LADWP land), on the Lee Vining High School parcel, at the County and/or Caltrans yard, including evaluation of the suitability of each site and other opportunities.

*Action 10.E.1.c:* Consider acquiring and rehabilitating existing housing for workforce housing, as per Housing Authority policy.

*Action 10.E.1.d:* Promote workforce housing opportunities that connect the community with housing programs.

Policy 10.E.2: If the need is identified, provide a site for limited and/or cottage industrial uses, including road yards, heavy equipment storage, auto repair, and similar uses, proximate to Lee Vining.

*Action 10.E.2.a:* If need exists, identify new locations for limited/cottage industrial uses, potentially at the airport/pumice plant area or other appropriate site; develop necessary partnerships, conduct feasibility analyses, and secure financing.

*Action 10.E.2.b:* Limit footprint of the new industrial location to previously disturbed areas and consider impacts to viewsheds.

Policy 10.E.3: Continue community discussions and explore potential solutions for location of the County and/or Caltrans yards in order to: (a) Maintain a high level of related services, such as snow removal; (b) Retain the authenticity of a working community; (c) Navigate challenges of cost, timeline, environmental issues, agency coordination and site location to ensure feasibility (Brownfields grants could assist with some of these issues); (d) Provide more appropriate Main Street uses, such as workforce/residential housing, commercial, and/or mixed use; (e) Improve connectivity between the community, high school, park, community center, and Visitor Center; (f) Increase commercial space to open new businesses and improve the vibrancy and aesthetics of Main Street; (g) Recognize the junction of US 395 and SR 120 as an important viewshed; projects should avoid potential impacts to that viewshed.

Policy 10.E.4: Support agricultural and grazing uses, such as sheep and cows, in historic locations, locations compatible with resource sensitivity and availability, and where consistent with scenic and natural resources.

*Action 10.E.4.a:* Research incentives and other tools to support small scale, local agriculture.

*Action 10.E.4.b:* Support guidelines for sound grazing management practices on public lands to maintain environmental resource values while supporting agricultural uses.

*Action 10.E.4.c:* Support community and agency discussions to revitalize agricultural and grazing uses, such as sheep grazing and the irrigation associated with historic grazing; creatively explore and implement sound grazing practices that may benefit the landscape, such as utilizing sheep for wildfire fuels management rather than controlled burns or mechanical thinning.

Policy 10.E.5: Parking standards should contribute to business viability and residential livability.

*Action 10.E.5.a:* Support Obj. C in the Mono Basin Policies of the Circulation Element of the General Plan to improve parking opportunities in Lee Vining, with Action 2.2 as a priority: "Consider amendments to the Mono County parking requirements ... for commercial uses in Lee Vining, such as reducing the number of required parking spaces and relaxing paving requirements."

*Action 10.E.5.b:* Review residential parking needs and consider modifications to parking requirements.

Policy 10.E.6: Provide safe and convenient pedestrian and biking facilities, working with Caltrans when applicable, to reduce vehicular traffic, increase local livability, and encourage visitors to explore town.

*Action 10.E.6.a:* Prioritize pedestrian safety facilities & improvements on US 395 over other improvements and as consistent with Circulation Element goals & policies, with emphasis on the Livable Communities section and Mono Basin Objectives A & D.

*Action 10.E.6.b:* Emphasize safe pedestrian travel to community & activity centers (schools, parks, library, visitor centers etc.).

*Action 10.E.6.c:* Support transit connections in Mono City and Lee Vining that provide local and regional connections for residents and visitors consistent with the Circulation Element of the General Plan.

*Action 10.E.6.d:* Initiate community discussions to consider pedestrian and street lighting in appropriate locations for safety, connectivity, and comfort and ensure compliance with Dark Sky Regulations.

*Action 10.E.6.e:* Pursue the Livable Communities goals and policies in the Circulation Element of the General Plan.

*Action 10.E.6.f:* Pursue Objective D of the Mono Basin Policies in the Circulation Element of the General Plan to make progress toward a comprehensive streetscape plan for the Lee Vining Main Street area that enhances pedestrian safety, connectivity (including trails), and makes Lee Vining a more attractive place to walk, live and work.

*Action 10.E.6.g:* Support installation of a bus stop in front of the County Yard in Lee Vining that is accessible to pedestrians.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.E:** The project would increase the housing supply available to local workers, and occupancy would be linked to eligibility criteria. Ample parking would be provided for customer vehicles (standard & oversized), as well as transit vehicles (YARTS & ESTA) and car-pool participants. The project incorporates partnership opportunities including increased airport utilization (through rental car availability). Trails would be provided onsite for walking and bicycles, and efforts will be made to obtain grant funds for development of a walking/biking trail that would safely link the project site to the Lee Vining community. The 1993 project design was developed to optimize public access to the scenic resources and views around the US 395/SR 120 junction, and the newly proposed uses will be largely screened from offsite views.

**Objective 10.F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.**

Policy 10.F.1: Future development should coincide with infrastructure and service capability expansion.

*Action 10.F.1.a:* Require development projects to obtain "will-serve" letters from applicable service agencies.

Policy 10.F.2: Support improvements to local service infrastructure, such as water, sewer, telecommunications, and electricity, that is compatible with the small-town character, aesthetic values, and the health and safety of the community.

*Action 10.F.2.a:* Inventory local infrastructure needs and provide support to service providers as appropriate.

*Action 10.F.2.b:* Require utility line upgrades and replacements to be undergrounded subject to the findings and analysis required for new utility lines in Chapter 11 – Utilities of the Land Use Element.

*Action 10.F.2.c:* Where feasible, require local utility providers to underground, relocate or visually screen power lines and other facilities in areas of high visual quality.

*Action 10.F.2.d:* Encourage utility providers to develop an overall plan for underground installation of all utilities in Mono Basin.

*Action 10.F.2.e:* Work with utility providers to ensure siting, screening and design of facility upgrades, expansions or renovations are compatible with the scenic and natural attributes of the Mono Basin and public health and safety.

Policy 10.F.3: Provide for adequate emergency services, facilities, and access, and support emergency providers.

*Action 3.1:* Identify local hazards, such as dangerous wind areas on Hwy 395, defensible space to reduce wildfire risk, lack of cell phone coverage, and work with the appropriate entities to mitigate those hazards.

*Action 3.2:* Continue working with BLM on the Mono City Emergency Access Road.

Policy 10.F.4: Prioritize maintaining & programming existing County facilities, especially the Community Center, over new facilities.

Policy 10.F.5: Encourage the provision of local health services for the community.

Policy 10.F.6: Support access to necessary life services such as those provided by DMV and Social Security Administration.

*Action 10.F.6.a:* Work with the DMV and Social Security Administration to make their services locally available.

Policy 10.F.7: Provide support and services for elders.

*Action 10.F.7.a:* Identify the needs of the elderly community.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 10.F:** Water, sewer and propane demands of the existing and proposed project will be met onsite, and the applicant will make water and propane service available to customers in Lee Vining. A sizeable share of the demand for electricity will be met through solar panels to be installed on all structures, and a cell tower located on the property supports Wi-Fi connectivity for project site and the region as a

whole. The site serves as a staging area during emergencies, and provides space adequate for helicopter landings. All project utility lines will be underground (only the SCE overhead lines will remain).

**GOAL 11: GROW A SUSTAINABLE LOCAL ECONOMY WITH DIVERSE JOB OPPORTUNITIES THAT OFFERS YEAR-ROUND EMPLOYMENT AND WAGES THAT REFLECT THE COST OF LIVING IN THE AREA.**

***Objective 11.A: Plan for a diversified, sustainable economy.***

Policy 11.A.1: Achieve a more-diversified economy & employment base consistent with the small-town, rural nature of Mono Basin.

*Action 11.A.1.a:* Support Obj. H, Policy 4 in the Countywide Land Use Policies of the Land Use Element to develop strategies to improve the County's economic climate, including an Economic Development Strategy for the County and/or Mono Basin.

*Action 11.A.1.b:* Research and incorporate best practices for economic development in small, rural communities.

*Action 11.A.1.c:* Establish a community-based organization to provide leadership for economic development; include private citizens, County/RPAC, local business leaders, chamber of commerce, as well as other agencies, nonprofits and corporations.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 11.A: The proposed [communityworkforce](#) housing will support continued development of a diversified, sustainable economy in the Mono Basin.**

***Objective 11.B: Enhance and support the existing tourism-related economy.***

Policy 11.B.1: Cultivate tourism-related programs and attractions that promote longer, multi-day visits.

Policy 11.B.2: Capitalize on local and nearby attractions such Yosemite National Park, Bodie State Historic Park, Mono Basin Scenic Area, and the Tufa State Reserve by promoting Lee Vining as a centralized recreation hub.

*Action 11.B.2.a:* Support the Yosemite Policies, and Objective H of the Mono Basin Policies, in the Circulation Element of the General Plan to strengthen the relationship between the Yosemite region and its eastern gateway.

*Action 11.B.2.b:* Support local recreational uses and visitor accommodations (e.g. campgrounds, hotels/motels, and RV parks).

*Action 11.B.2.c:* Collaborate with other agencies to provide 24-hour, year-round visitor sanitation facilities; e.g., public restrooms, and sanitation facilities at popular recreation staging areas.

*Action 11.B.2.d:* Support Lee Vining as a host for YARTS services such as the High Country Hiker Shuttle.

Policy 11.C.3: Support a sufficient bed base and visitor accommodations to support the tourism industry.

Policy 11.B.4: Diversify and promote recreation opportunities during the shoulder seasons and winter.

*Action 11.B.4.a:* Identify and implement potential shoulder season and winter opportunities, such as ice climbing.

*Action 11.B.4.b:* Work with applicable entities to increase access and activities.

Policy 11.B.5: Keep public roads open as long as practical during the shoulder season to provide access to recreation activities and other communities.<sup>27, 31</sup>

Policy 11.B.6: Promote collaboration with organizations in the region to enhance tourism.

*Action 11.B.6.a:* Support the designation of US 395 as a National Scenic Byway.

Policy 11.B.7: Keep up-to-date airport planning documents, such as the Lee Vining Airport Master Plan and Lee Vining Airport Land Use Compatibility Plan.

*Action 11.B.7.a:* Initiate community conversations about opportunities available through expansion of airport-related services.

*Action 11.B.7.b:* Consider visual sensitivity of Lee Vining Airport surroundings to prevent further degradation of Scenic Area.

*Action 11.B.7.c:* The County shall complete the revegetation project at Lee Vining Airport to address visibility & dust concerns.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 11.B: The project will support community efforts to promote longer stays, provide more visitor accommodations, host YARTS services, provide extend tourism into the shoulder seasons, and explore expanded use of the Lee Vining Airport. The applicant has communicated with USFS regarding the potential availability of housing for Yosemite employees, and has communicated with Mono County regarding the possibility of providing rental cars to airport customers. Restroom facilities on the site are well maintained and open to the public year round.**

***Objective 11.C: Diversify the existing economic base & employment opportunities to achieve a more sustainable economy.***

Policy 11.C.1: Pursue Objective H of the Countywide Land Use Policies in the Land Use Element of the General Plan to "Maintain and enhance the local economy."

Policy 11.C.2: Encourage and support new business development and entrepreneurial efforts that contribute to a mix of uses and services, and a wider range of employment opportunities.

*Action 11.C.2.a:* Research programs and other mechanisms that could offer financial incentives for small businesses.

*Action 11.C.2.b:* Catalog the specific businesses identified in the action plan workshops and the community survey for inclusion in the Economic Development Plan.

Policy 11.C.3: Encourage and support new development within Lee Vining.

*Action 11.C.3.a:* Explore County incentives such as reduced fees, Alquist-Priolo fault study funding for the Lee Vining Main St. area, parking standard adjustments and prescriptive building designs such as ground-mounted solar and residential decks.

Policy 11.C.4: Encourage diverse uses and services and a healthy business environment to recirculate dollars spent in the community.

*Action 11.C.4.a:* Convene local business owners to initiate discussions about a healthy economy.

Policy 11.C.5: Support the revitalization of Main Street.

*Action 11.C.5.a:* Pursue planning, implementation grants, and funds to support Main Street and Livable Community goals, such as the Scenic Byway planning grant.

*Action 11.C.5.b:* Explore options for encouraging and facilitating the use of vacant commercial space for new businesses.

*Action 11.C.5.c:* Encourage businesses to provide public gathering spaces to contribute to the vitality & activity of Main Street.

*Action 11.C.5.d:* Support an attractive Main Street through actions such as the promotion of the Mono County Design Guidelines to complement Lee Vining's small-town character and attract visitors.

Policy 11.C.6: Encourage locally-produced goods & services including production for local consumption of locally produced food.

*Action 11.C.6.a:* Work with local food producers and relevant permitting authorities, such as Mono County Environmental Health, to enable public consumption.

*Action 11.C.6.b:* Establish a market for locally produced foods, such as a farmers market, door-to-door sales, or local purchase by businesses or institutions.

*Action 11.C.6.c:* Support and promote community, school, and backyard gardens, and other types of urban agriculture.

Policy 11.C.7: Encourage businesses and services to remain open year round.

Policy 11.C.8: Support infrastructure to expand home-based businesses.

*Action 11.C.8.a:* Support the efforts of Digital 395.

Policy 9: Support continued and new agricultural and grazing uses in the Mono Basin, the potential for agricultural tourism, and consider incentives or other mechanisms to increase viability of agricultural operations.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 11.C:** The project would contribute to employment opportunities, provide a year-round residential market for locally produced goods and foods and an opportunity for expanded water and propane infrastructure. The [communityworkforce](#) housing would increase the local recirculation of wages through increased resident purchases in and around Lee Vining. The onsite cellular tower would continue to support Digital 395 broadband access for the site and surrounding environs.

## **GOAL 12: BUILD A SAFE, FRIENDLY COMMUNITY WHERE PEOPLE FEEL CONNECTED, WORK TOGETHER TO RESOLVE COMMUNITY ISSUES AND ARE INVOLVED IN COMMUNITY ACTIVITIES & EVENTS.**

### ***Objective 12.A: Build healthy social connections & interactions that contribute to a sense of community.***

Policy 12.A.1: Improve interactions and support between community and the schools.

*Action 12.A.1.a:* Open a dialog with the schools to initiate a collaborative relationship and share community suggestions about building mutual support, including: (a) Tapping the business community and local organizations to provide vocational training and educational opportunities; (b) Holding joint or mutual community events; (c) Increasing communication and information sharing between the community and school (e.g., school-produced newspaper); (d) Collaborating to involve parents and community members through volunteer opportunities; (e) Stabilizing school staff; and (f) Strengthening the connection between the school and community by making school facilities accessible and encouraging community use.

Policy 12.A.2: Support the provision of higher education and workforce development programs.

*Action 12.A.2.a:* Promote the development of vocational programs and higher education services.

*Action 12.A.2.b:* Connect the Mono Basin residents to Mono County's career services program.

Policy 12.A.3: Support factual media coverage and accurate community information sharing.

*Action 12.A.3.a:* Develop and/or enhance local community communication mechanisms, which could include a regularly published newsletter, radio station, regular social gatherings, centralized bulletin boards for posting notices, and/or social media.

*Action 12.A.3.b:* Develop and maintain a local community calendar.

Policy 12.A.4: Cultivate community leadership.

*Action 12.A.4.a:* Support decision making that empowers & strengthens the community and achieves meaningful results.

*Action 12.A.4.b:* Address community issues and concerns rather than positions; seek common ground & win-win situations.

*Action 12.A.4.c:* Maintain representation on the RPAC that encompasses the diversity of the community.

*Action 12.A.4.d:* RPAC meetings are intended to be an open forum for the public to respectfully and candidly discuss community issues, recognizing consensus is not always possible or necessary in order to move forward.

*Action 12.A.4.e:* Consider refining the role and responsibility of the RPAC by reviewing the bylaws.

Policy 12.A.5: Support various cultural and ethnic groups in the community.

*Action 12.A.5.a:* Assist the Kutzadika Mono Lake Indian Community's efforts to obtain formal tribal recognition, a land base, and community services.

*Action 12.A.5.b:* Support community interaction that celebrates & invites multicultural participation/educational opportunities.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 12.A:** Eastern Sierra Unified School District notes that the project would enrich the school community and that developer fees would cover the cost of new facilities for children in

the ~~workforce~~ housing area; onsite space will be provided for playgrounds, social meeting areas, day care, and other ~~workforce~~ community programs.

**Objective 12.B: Encourage and support local events and programs that provide community and youth activities, capitalize on the tourist economy, and bring the community together.**

Policy 12.B.1: Identify key community events that excite residents and resonate with the community.

Action 12.B.1.a: Inventory community events, consider combining events based on overlapping interests, and define a set of events on which to focus and invest. Consider local people's interests and talents when selecting events.

Action 12.B.1.b: Encourage the pooling, coordinating and sharing of resources for events.

Policy 12.B.2: Encourage programs and events celebrating local history and diversity, and encourage the revitalization of historical events that no longer exist (e.g., Mark Twain days).

Policy 12.B.3: Support outdoor education, supervised and unsupervised activities, and facilities for youth.

Action 3.1: Work with the school district and community groups to develop afterschool and summer programs.

Action 3.2: Work with the library to enhance service offerings and activities for youth and the community.

Action 3.3: Support natural history education and interpretive programs, and encourage the Kutzadika Mono Lake Indian Community to share its local knowledge and history.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 12.B: The Tioga Mart will continue to host the popular free summer music events program which is open to all and offers diverse music forms.**

**Objective 12.C: Encourage people to volunteer in the community and participate in events.**

Policy 12.C.1: Organizations should honor and take care of their volunteers.

Policy 12.C.2: Promote a positive, nonpolitical, inclusive social environment that attracts volunteers.

Policy 12.C.3: Advertise the events, including the use of social networking.

Action 12.C.3.a: Post community events in the community calendar of local papers, local radio stations, and other media.

Action 12.C.3.b: Advertise events through any local communication networks that are developed.

Policy 12.C.4: Recruit all residents, especially younger residents.

Action 12.C.4.a: Engage high school students, teachers, seniors, nonprofits & service clubs to provide volunteers, leadership.

Policy 12.C.5: Foster ownership of events by volunteers.

Action 12.C.5.a: Engage volunteers in planning the events.

**DISCUSSION OF PROJECT RELATIONSHIP TO OBJECTIVE 12.C: A community poster board is provided outside of the convenience store.**

**5.5.3.4 Lee Vining Airport Land Use Compatibility**

Table 5.5-8 below assesses the proposed project in terms of the issues, opportunities and constraints identified in the General Plan for Lee Vining Airport, which is about one-half mile east of the Tioga Mart site.

**TABLE 5.5-8: Lee Vining Airport Issues, Opportunities and Constraints**

TOPIC	ISSUE	ANALYSIS OF PROJECT IN TERMS OF ISSUES AT LEE VINING AIRPORT
<b>PUBLIC SAFETY</b>	Airport operations inherently present risks to public welfare, particularly inside the airport 'Safety Zone' (runway, approach paths and primary traffic areas)	The Tioga Mart site is outside of the Lee Vining Airport Runway Safety Zone, the Building Restriction Line, and the Runway Protection Zone ('clear zone').
<b>ISSUES ON APPROACH</b>	Highest traffic volumes occur around the approach/departure paths, transitional surfaces and clear zones; these areas also have more noise and potential for problems.	While much of project site is within a designated 'Ground Obstruction Zone,' no part of the property is in designated approach/departure paths or transitional surfaces and clear zone areas.
<b>CLEAR ZONE ISSUES</b>	The 'Clear Zone' (at the end of the runway) is particularly subject to noise and safety factors affecting people and property in the airport environs.	The proposed <del>workforce</del> residential area is separated from the clear zone by about one-half mile at the closest point.
<b>NOISE LEVELS</b>	Noise readings and analyses indicate that noise levels do not extend much beyond the airport property at either facility. There are no residential areas around the Lee Vining airport.	The proposed housing area will be located inside the 'traffic pattern zone' and the 'ground obstruction zone,' but is a permitted use for both zones and not subject to significant airport noise due to the confined noise



		contour and limited number of flights. Further discussion of noise impacts is provided in EIR §5.13.
<b>EXISTING LAND USE CONFLICTS</b>	Neither Bryant Field nor Lee Vining Airport is situated in a manner that poses conflicts with existing land uses; there are some structures in the clear zone at Bryant Field that the County is seeking to purchase.	Much of the project size is inside the FAA-designated Obstruction Zone for Lee Vining Airport, but FAA has determined that there is no hazard to air navigation (see discussion in EIR §5.7, Safety). No other airport conflicts have been identified for the project site.
<b>FUTURE LAND USE CONFLICTS -LEE VINING</b>	Potential for future land use conflicts is limited by the widespread public ownership of lands in the Lee Vining Airport planning area	No future conflicts with the Tioga site are noted in the General Plan or in the Lee Vining Airport Master Plan.

Mono County Housing Mitigation Ordinance. The County has recently adopted a new Housing Mitigation Ordinance ('HMO') that requires developers to mitigate the impacts of development projects on the availability of workforce and affordable housing. The Ordinance took effect in February 2020, and will apply to the Tioga Community Housing Project. The HMO is not retroactive, and thus does not directly impact the hotel and restaurant uses that were approved in the 1993 Tioga Inn Specific Plan, although the primary project objective is to voluntarily provide housing for future employees of the hotel and restaurant. HMO requirements are triggered when a building permit is issued. In reviewing the new ordinance with the project applicant, Mono County outlined 3 potential options for HMO compliance:

- (1) Compliance with the Multi-Family Residential Inclusionary requirement of one low-income unit for every 30 units (at each unit size), with an in-lieu fee of \$3.90 for any fraction of 30 units (or deed restriction of an additional unit).
- (2) Voluntary designation of units for Extremely Low Income households: Voluntary designation of units for Extremely Low Income (ELI) households is a qualifying factor for grant applications under the Affordable Housing and Sustainable Communities Program (note that the applicant plans to submit a grant application). Applicants with 5-10% of units for ELI households are awarded an additional 2 points in grant scoring, whereas applicants with more than 20% of units for ELI households are awarded 5 points. (Note that the scoring bonus would apply only to grants, but the ELI units would qualify under the HMO).
- (3) Housing Mitigation Agreement: The new Ordinance allows the county to consider alternative proposals for projects that meet the intent of the HMO and provide a greater housing benefit to the community than would otherwise be attained through building affordable dwelling units or the payment of fees.

The applicant has tentatively indicated his intention to pursue HMO compliance through voluntary designation of units for ELI households in tandem with the grant application process. In the event the grant application is not successful, the project applicant plans to comply with the HMO through the Multi-Family Inclusionary requirement by constructing 4 low-income units, or 3 low-income units with payment of fees for the fractional 10 units. Mitigation LU5.5(b-1) ensures that the method of HMO compliance will be determined prior to project construction.

Transit Services. At present, only Yosemite Area Rapid Transit (YARTS) operates bus services that include the project site (the YARTS stop is located on SR 120 inside the Caltrans right-of-way directly adjacent to the Tioga deli. If the proposed project is approved, Eastern Sierra Unified School District (ESUSD) will provide bus services to and from school for District students living in the housing complex. Additionally, ESTA plans to provide a new bus stop inside the project boundaries as part of its route between Inyo County and Nevada. Mitigation is provided below establishing standards for the onsite ESUSD and ESTA bus services.

In summary, the Tioga Inn ~~Workforce~~Community Housing Project is generally consistent with land use guidelines, objectives and policies as stated in the Mono County General Plan, the Mono Basin Community Plan, ~~and~~ the Lee Vining Airport Master Plan, the Housing Mitigation Ordinance, and local transit services. With the mitigation measures outlined below, nNo significant adverse impacts have been identified regarding applicable planning programs, and no mitigation is required.

### **MITIGATION MEASURES – CONFLICT WITH RELEVANT PLANNING**

**LU 5.5(b-1) (HMO ComplianceCommunity Planning):** A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to the 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. ~~The proposed Tioga Workforce Housing project does not have potential to conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation measures are required.~~

**NEW LU 5.5(b-2) (ESTA/ESUSD Bus Stops):** The 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. The 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.

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**IMPACT LU 5.5(c): Would project implementation increase the use of existing recreational facilities such that substantial physical deterioration would occur, or require construction or new facilities?**

**LESS THAN SIGNIFICANT IMPACT.** As noted in the baseline, the project site is located adjacent to or near a wide range of recreational facilities, several of which regularly experience large number of visitors. The Mono Basin alone annually attracts about 250,000 visitors,<sup>11</sup> and an estimated 4 million people visit Yosemite National Park each year (though most enter from the west and stay in the Valley). The Mono Basin Community Plan indicates that Lee Vining residents are ambivalent about tourism, valuing the economic benefits and at the same time concerned about the loss of rural community character.

The ~~workforce~~ housing is expected to house up to 300 residents. Some of the future residents will already live in other parts of Mono County and use County recreational areas. Residents' use of facilities at Guss Hess Park (about 3-acres in size) would likely be proportionally higher than at other nearby facilities since Guss Hess park has ballfields and other facilities used by local school children. As noted in EIR §5.6, the project is expected to increase attendance at the Lee Vining Elementary School by one-third (from 102 at present to 136 with the project), and at the Lee Vining High School by half (from 56 at present to 84 with the project).

None of the recreational impacts are expected to rise to a level of significance. The planned onsite play area will be sized to accommodate use by the estimated 80 residents in the 0-18 age range. The adult social meeting areas will be designed and sized to accommodate the estimated 220 adult residents. Nor is project residents' use of offsite facilities expected to cause significant adverse effects, since park acreage in the Mono Basin far exceeds the minimum for 'adequate open space' as set forth in the Quimby act (3-5 acres per 1,000 residents).

Based on the above considerations, the project is not expected to cause substantial deterioration of existing recreational facilities, nor is it expected to require construction of new facilities or expansion of existing facilities and thereby contribute to environmental degradation. No significant adverse impacts have been identified, and no mitigation is required.

**MITIGATION MEASURES – RECREATIONAL FACILITIES**

**LU 5.5(c) (Recreational Facilities):** The proposed Tioga ~~WorkforceCommunity~~ Housing project does not have potential to cause substantial deterioration of existing park facilities, and would not require new facilities the construction of which might adversely impact the environment. No mitigation measures are required.

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**IMPACT LU 5.5(d): Would project implementation impact the acreage or the function of onsite open space areas?**

**LESS THAN SIGNIFICANT IMPACT.** The proposed project would modify the acreage of open space areas on the site, and would clarify the uses that are allowed within in each designation. The most significant proposed modification is to increase by 87% (relative to the 1993 Specific Plan) the acreage designated as Open Space-Preserve. Acreage in this category would increase from 14.8 acres (in the 1993 Specific Plan) to 27.8 acres as now proposed. Most of the additional Open Space-Preserve acreage would be used to create a protected corridor along US 395, with the intent to minimize deer mortality.

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<sup>11</sup> Dept. of Water Resources, 2004: <https://water.ca.gov/LegacyFiles/salttonsea/historicalcalendar/ac/03.23.2004/MonoLakeValues.pdf>

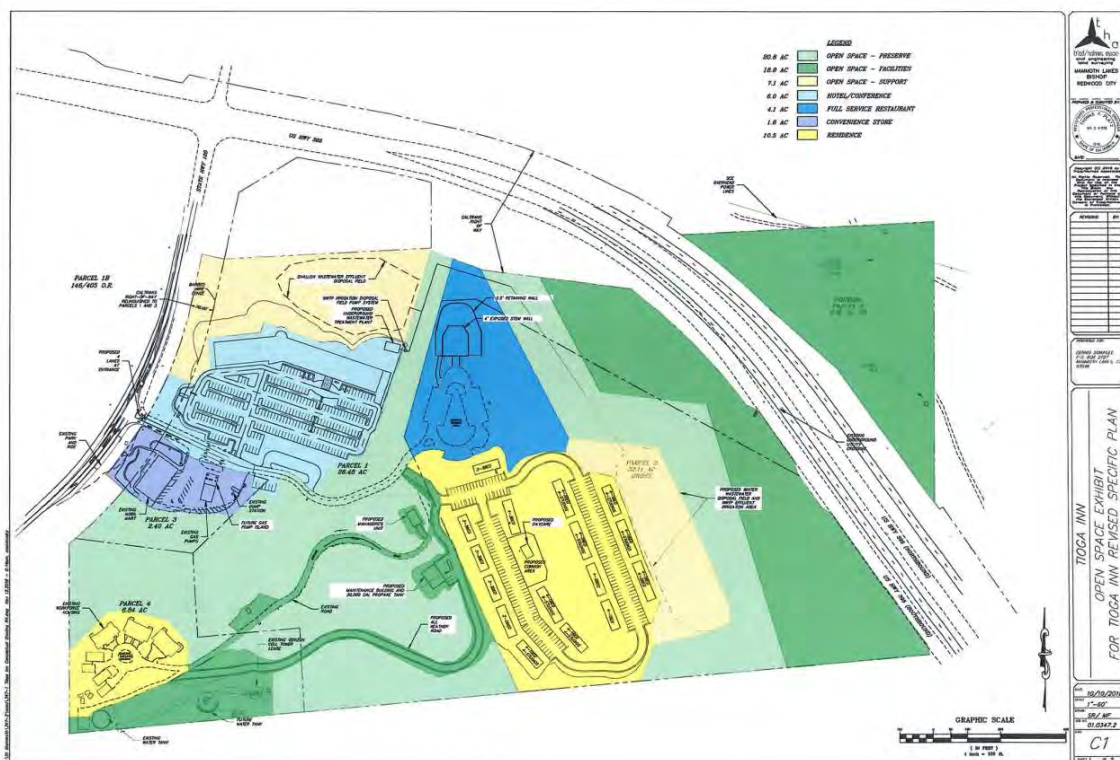
The project would reduce by 7% the acreage designated as Open Space-Facilities, and the acreage designated as Open Space-Support would be reduced by 62%. Table 5.5-9 summarizes open space acreage as shown in the 1993 Specific Plan and as now proposed.

**TABLE 5.5-9. Proposed Changes in Open Space Acreage**

Open Space Designation	1993 Specific Plan	Specific Plan Amendment #3	CHANGE
OS-Preserve	14.8 acres	27.8 acres	(+) 13.0 acres
OS-Facilities	13.2 acres	12.3 acres	(-) 0.9 acres
OS-Support	18.5 acres	7.1 acres	(-) 11.4 acres
<b>TOTAL</b>	<b>46.5 acres</b>	<b>47.2 acres</b>	<b>(+) 0.7 Open Space Acres</b>

As noted in the Specific Plan (EIR §4), physical development within *Open Space-Preserve* areas is limited to underground utilities, with one exception for construction of a water pump control structure with up to 100 square feet of building area. New overhead utilities would be classified as surface structures and not permitted in this land use although existing overhead utility lines may be retained; above-ground snow storage is also a permitted use.

The *Open Space – Facilities* and *Open Space – Support* designations apply to lands where surface construction is allowed but limited to small above-ground and subsurface structures and uses including wastewater treatment system components, the well houses and storage building, the propane tanks and onsite nursery features. Exhibit 5.5-5 depicts the location and acreage of lands within each of the Open Space designations, as now proposed in Specific Plan Amendment #3 ([note that Exhibit 5.5-5 does not reflect design modifications associated with newly proposed Alternative 6](#)). Potential impacts on project open space would be **less than significant**, and no mitigation is required.



## MITIGATION MEASURES – OPEN SPACE

**LU5.5(d) (Open Space):** The proposed Tioga Specific Plan Amendment would not have a significant impact on the use or function of open space areas on the project site, and no mitigation measures are required.

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## **5.5.6 SIGNIFICANCE AFTER MITIGATION**

All potential project impacts associated with land use and relevant planning would be reduced to less than significant levels through adoption and implementation of the mitigation measures identified above.

**TIOGA ~~COMMUNITY WORKFORCE~~ HOUSING PROJECT**  
**REVISED DRAFT/FINAL SUBSEQUENT EIR**



**SECTION 5.6**  
**POPULATION, HOUSING AND EMPLOYMENT**

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**5.6.1 INTRODUCTION, SUMMARY AND KEY TERMS**

This section describes existing population, housing and employment in Mono County, and the potential impacts on population, housing and employment that may occur in association with the proposed Tioga Inn Workforce Housing project. **NOTE: since the Notice of EIR Preparation was distributed in October of 2016, the proposal has been modified to incorporate up to 150 bedrooms, instead of 80 bedrooms as indicated in the NOP.**

Comments received during scoping and in response to the NOP requested that this EIR consider (1) impacts on Lee Vining services and businesses that would result from a near doubling of population; (2) whether the proposed cost and size of the workforce housing units would respond to employee needs and ability to pay; (3) whether the housing would remain available for workforce use over time, or convert to market rate housing; and (4) where the new employees would come from. Comments also requested that the EIR include one or more alternatives with a lower number of workforce units (please see EIR §6.o, Alternatives), and whether the workforce housing units would be energy efficient (please see EIR §5.8, Public Services and Utilities).

As shown in Appendix A2 (written comments on the NOP), many comments requested information about project impacts on the viability of local businesses and the economic and social fabric of Lee Vining. This analysis does not include an economic analysis, but is guided by CEQA §15131, which states:

*"Economic or social information may be included in an EIR or may be presented in whatever form the agency desires.*

*(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*

*(b) Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change but the social effects on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.*

*(c) Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project area feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the*

*information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.”*

The proposed project does not incorporate elements that would extend beyond the project boundaries into the Lee Vining community, and thus there are no qualifying physical changes that would result from economic or social changes in Lee Vining. However, the project does entail population, housing and employment impacts that are analyzed in terms of the Lee Vining community as well as the county overall, including relevant issues raised in the NOP comment letters.

#### SUMMARY OF IMPACTS & MITIGATIONS FOR POPULATION AND HOUSING AND UTILITIES

<b>IMPACT POP 5.6(a):</b>	<b>INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH</b>
<b>Mitigation POP 5.6(a-1):</b>	<b><a href="#">Implementation of Community Housing Phasing Plan</a></b>
<b>Significance:</b>	Less than Significant
<b>IMPACT POP 5.6(b):</b>	<b>DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE OR HOUSING</b>
<b>Mitigation:</b>	Less than Significant Impact; No Mitigation Required
<b>Significance:</b>	Less than Significant

### 5.6.2 KEY TERM

**Census Designated Place (CDP).** Lee Vining and Mono City are identified by the Census Bureau as 'Census Designated Places.' The Census Bureau defines a Census Designated Place (CDP) as an area with a settled concentration of residents that is identifiable by name but are not legally incorporated (the 'statistical counterpart of an incorporated area'). Selected census data is available for CDPs. The Tioga Inn Workforce Housing project site is included in the boundaries of the Lee Vining CDP.<sup>1</sup>

### 5.6.3 OVERVIEW OF EXISTING CONDITIONS

#### 5.6.3.1 Population and Employment

The Mono Basin planning area is located in the heart of Mono County and includes the communities of Lee Vining and Mono City as well as residences in the general vicinity but outside these defined communities. As of 2010, the population of the Mono Basin was approximately 446 people. Population growth in the Mono Basin was fairly steady from 1980 until 2000 but slowed considerably thereafter, declining from 496 in 2000 to 446 in 2010. Table 5.6-1 summarizes demographic characteristics for Mono Basin overall as of 2010:

TABLE 5.6-1. Mono Basin Demographic Characteristics as of 2010	
Population	446
Household (HH) Size	2.62
Rental Rate	29%
Median HH Income	\$45,500

Like the eastern Sierra as a whole, the Mono Basin economy is largely based on tourism. In 2008, Mono County had an estimated 1.5 million visitors spending a total of \$369.6 million,<sup>2</sup> and a recently updated visitor survey identified Mono Lake as the overall #1 visitor attraction in Mono County.<sup>3</sup>

The Sierra Business Council's *State of the Sierra* report (2007) noted that small, locally owned businesses made up more than 90% of all business establishments in the Eastern Sierra and formed the economic backbone of the region. Only 5

<sup>1</sup> Census Bureau: [https://www2.census.gov/geo/maps/dc10map/tract/sto6\\_ca/co6051\\_mono/DC10CT\\_Co6051\\_001.pdf](https://www2.census.gov/geo/maps/dc10map/tract/sto6_ca/co6051_mono/DC10CT_Co6051_001.pdf).

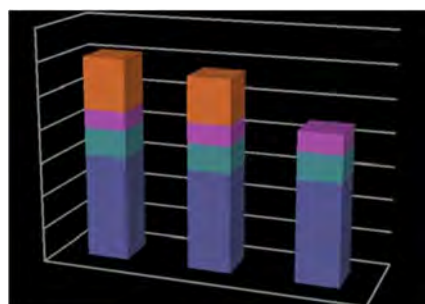
<sup>2</sup> *Economic and Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008*, Lauren Schlau Consulting.

<sup>3</sup> *Mono Lake Committee, DSEIR Comment Letter, Comment #1.A.2. The comment referenced results of a 2018 tourism study and a June 2019 presentation by the Mono County Economic Development, Tourism & Film Commission.*

years later, in their 2012 report on *Innovation and Prosperity*,<sup>4</sup> the Council noted that e-commerce had eroded the status of east side small business. Nonetheless, the Council concluded that “*the growth of e-commerce may well be the single-most important opportunity to expand sales, profits and employment in rural small business in decades*,” largely due to the broadband access made possible through the Digital 395 Middle Mile Project.

The business and tourist economy of Lee Vining is oriented around the natural beauty and unique ecosystems of the region. The seasonality of the economy is a constraint on growth, as is the region’s dependence on National Park Service decisions regarding the opening and closing dates of SR 120 (Tioga Road). SR 120 is the only eastern entry to Yosemite National Park, and also the only road providing access to the Tioga Workforce project site.

Data on Transient Occupancy Taxes (TOT) collected by the County demonstrate the seasonal nature of the Mono Basin economy. As shown in Exhibit 5.6-1 below, TOT returns from 2008-2011 indicate consistently higher revenues in the first fiscal quarter (July to September). These findings are strongly supported by a 2016 study of Visa spending patterns by international and domestic visitors to Mono County,<sup>5</sup> which showed that domestic spending peaked at little over \$4 million in mid-July, and international spending peaked at close to \$5 million in August. Spending by both domestic and international groups was comparatively negligible (less than \$1 million) for the months from November through April.



**Exhibit 5.6-1. Transient Occupancy Tax (TOT) Revenues 2008-2011, District 3 (June Lake and Lee Vining)<sup>6</sup>**

- 4<sup>th</sup> Quarter (April through June)
- 3<sup>rd</sup> Quarter (January through March)
- 2<sup>nd</sup> Quarter (October through December)
- 1<sup>st</sup> Quarter (July through September)

The Mono County population as of the 2010 Census totaled 14,202 residents countywide, a majority of which (58%, or 8,234) resided in the Town of Mammoth Lakes. Unincorporated communities with the largest 2010 population included Crowley Lake (with 875 residents), Walker (721 residents), Chalfant (651 residents) and June Lake (629 residents); Aspen Springs, Topaz and McGee Creek had the smallest 2010 populations (65, 50 and 41, respectively).

Residents of the unincorporated communities as a whole had a median age of 45.2 years, substantially higher than the town of Mammoth Lakes’ median (32.6 years). Largest gains were evident in the number of seniors aged 65+ years (increasing from 10% in 1990 to 14.2%); the senior population, as well as the percentage of children under 5 years, was notably high in Coleville, Antelope Valley, Wheeler Crest, and the Tri-Valley planning area.

As of 2018, the Tioga Mart project site has a residential population of 26 persons including 20 permanent residents living in the 8 hilltop housing units, and 6 seasonal residents living in the 6 cabins constructed about 200 feet south of the flagpole. All six of the cabins are occupied by onsite employees, and all 8 of the hilltop residences are occupied by Lee Vining residents. The project owner indicates that rental rates for the cabin units and for the hilltop units are below market rates for the Lee Vining area.<sup>7</sup>

### 5.6.3.2 Housing Characteristics

<sup>4</sup> Sierra Business Council, *Innovation & Prosperity: An Industry Cluster Approach to Economic Sustainability in California’s Inyo & Mono Counties*, 2012: [http://sierrabusiness.org/images/Publications/EasternSierraEconAssessment/Eastern\\_SierraInnovationProsperity\\_ESEA\\_Pub.pdf](http://sierrabusiness.org/images/Publications/EasternSierraEconAssessment/Eastern_SierraInnovationProsperity_ESEA_Pub.pdf).

<sup>5</sup> Mono County Economic Devt. Dept. (EDD), *VISA International Tourism, Mono County, CA*, 2016; EDD, *VISA Domestic Tourism*, 2016.

<sup>6</sup> Mono Basin Community Plan, [https://monocounty.ca.gov/sites/default/files/fileattachments/rpac\\_-\\_mono\\_basin/page/4007/mb\\_plan\\_rpacfinal\\_06.13.12.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/rpac_-_mono_basin/page/4007/mb_plan_rpacfinal_06.13.12.pdf)

<sup>7</sup> Mono County rents for 2012-2016 (median of \$1,107/month; <https://www.census.gov/quickfacts/fact/table/monocountycalifornia/PST045216>) were substantially higher than in Lee Vining (where all 12 occupied rentals were paying less than \$500 per month; no median was available; <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>).



Lee Vining is identified by the U.S. Census Bureau as a Census Designated Place (CDP). Table 5.6-2 presents selected demographic data for the Lee Vining CDP, as well as Mono County.

<b>TABLE 5.6-2. 2010 Demographic Characteristics – Lee Vining and Mono County<sup>8</sup></b>		
<b>Characteristic</b>	<b>Lee Vining CDP</b>	<b>Mono County</b>
<b>Population</b>	222	13981
<b>Total Households</b>	85	4950
<b>Average Household Size</b>	2.51	2.77
<b>Median Age</b>	60.2 years	38.9
<b>Household Income<sup>9</sup></b>	\$64,710 (mean)	\$56,944 (median)
<b>Percent below Poverty Level</b>	5.6%	6.3%

The 2010 population of Lee Vining (222) was nominally higher than the population in 2000 (218).<sup>10</sup> However, the population in Lee Vining has experienced significant declines in recent years and was estimated at 90 in the County's 2017 *Housing Need Assessment*.<sup>11</sup>

As shown in Table 5.6-2, residents of the Lee Vining CDP had a median age of 60.2 years in 2015. That figure is substantially higher than for the County overall (38.9 years), and also substantially higher than the 2010 median age in Lee Vining proper (30.4 years). Household size in Lee Vining, at 2.51 persons per unit, is almost 10% lower than in the County (2.77 persons per unit), and education levels are higher (100% of Lee Vining CDP adult residents have a bachelors' degree or higher, compared to 84% countywide).

As a whole, unincorporated areas in Mono County have experienced a decrease in the number of renters over the past 20 years, declining from 40% in 1990 to 32% in 2010. Over the same period rental occupancy in Lee Vining increased substantially, rising from 49.4% of all occupied units in 2010 to 81% of all occupied units in 2016, while the number of occupied units (owner and renter) dropped from a total of 85 occupied units in 2010 to 42 occupied units as of 2016.<sup>12</sup>

Rental occupancy rates varied widely between communities: as of 2016, Lee Vining had the highest percentage of renter-occupied units (81%), while Paradise had the highest percentage of owner-occupied units (98.8%).<sup>13</sup> More recent data from the Mono County *Housing Needs Assessment*<sup>14</sup> indicates that Lee Vining continues to have comparatively high rental rates (71% as of 2017, versus 41% countywide). However, Lee Vining has a comparatively low proportion of seasonal units (41% in Lee Vining v. 54% countywide), and Lee Vining's proportion of owner-occupied housing is notably low (29% in Lee Vining versus 59% countywide). Average households size in Lee Vining is 2.4 persons per unit, compared with an average of 2.5 persons per unit countywide.

Vacant units continue to represent a large share of all units (32.7% countywide; the vacancy rate in Lee Vining was slightly higher (36.4%) and June Lake was highest (59.4%) due to vacation homes and seasonal occupancy. As a whole, Mono County has a relatively low proportion of occupied units (35% for the period 2011-2015) in comparison with similar resort communities in other areas.

<sup>8</sup> Census Bureau, American Factfinder: [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF;https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmmk](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF;https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmmk).

<sup>9</sup> Median income is the average of all income levels divided by the population, whereas mean income is the income level at which 50% of the population earns more, and 50% earns less. Median income is generally lower than mean income.

<sup>10</sup> Census Bureau Census Viewer: <http://censusviewer.com/city/CA/Lee%20Vining>

<sup>11</sup> Mono County, *Housing Needs Assessment Final Report*. October 2017. Prepared by BBC Research and Consulting.

<sup>12</sup> Census Bureau housing data, Lee Vining CDP, 2010 and 2012-2016:

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

<sup>13</sup> Census Bureau, American Community Survey 5-Year Estimates, *Selected Housing Characteristics, Lee Vining CDP* <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

<sup>14</sup> Mono County, *Housing Needs Assessment Final Report*. October 2017. Prepared by BBC Research and Consulting.

As of 2010, extremely low-income households (households with income less than 30% of the area's median income) represented 17.4% of the unincorporated county total; this number was significantly higher than in 2000, when only 7.5% met the criteria. Six percent of extremely low income renters met the criteria for overpayment (i.e., paid over 30% of their income on housing costs).

The 2014 Mono County Housing Element indicates extremely low-income households (i.e., households with income less than 30% of the area median) represented 17.4% of the unincorporated county total; this number was significantly higher than in 2000, when only 7.5% met the criteria. In Lee Vining 28.6% of households earn 30% or less of the mean household income. Housing overpayment is generally defined as any amount exceeding 30% of pre-tax income. As of 2016, overpayment had increased to 31% of residents countywide; in contrast, none of the residents of Lee Vining paid more than 20% of household income toward housing costs.<sup>15</sup>

The household size of owner-occupied units is higher in Lee Vining (at 2.51 persons per unit) than in the county as a whole (2.38 persons per unit), but the household size of renter-occupied units is much lower in Lee Vining (2.5 persons per unit versus 3.26 persons per unit countywide).

As part of the 2014 Housing Element, the County completed a comprehensive Housing Condition Survey for the unincorporated areas in 2009. Compared with countywide housing as a whole, the Mono Basin had a low percentage of homes rated as 'fair' (about 26.5%, versus 31.4% countywide), and a very low percentage rated 'poor' (about 4.5% versus 6.7% countywide). The Housing Element notes that overcrowding is not a significant housing issue in the unincorporated areas: 47 households were identified as overcrowded in total, with 20 severely overcrowded units. Lee Vining had 85 households with an average household size of 2.51 persons per unit (slightly higher than the 2.42 persons/unit countywide), and an average family size of 3.25 persons (2.98 countywide).

The County is currently updating its Housing Element, and has determined that its share of regional housing need for the 8-year period from 2019 to 2027 is 240 units.<sup>16</sup> This represents a significant increase over the county's share of regional housing need (46 units total) for the 5-year period from 2014-2019.<sup>17</sup> For the coming 8 year period, 39 units are needed to serve households with extremely low and very low incomes; 46 units for low income housing, 55 units for moderate income, and 100 units for above moderate income households (up to 120% of median income). A large majority of this need is in the Town of Mammoth Lakes; regional housing need for the unincorporated County as a whole through 2027 totals 85 units and includes 13 units for extremely and very-low income households, 16 units for low income, 21 units for moderate income, and 35 units for above-moderate income households.

The assessment does not address the needs of income groups above 120% of median. In the past, Mono County has allocated regional housing needs to unincorporated communities based on the percentage of the population in each community area. This has been superseded by a program that allocates need based on varied factors including current and projected population, economic conditions, transportation systems, potential for rehabilitation, and the availability of utilities and infrastructure. The County met roughly 43% of the total 292 units needed for the 2007-13 Housing Element, with the greatest success in meeting the needs of above-moderate income (71.6% of units constructed) and moderate income (51.7% constructed) residents.

During 2017, Mono County commissioned a study of current housing needs, to provide a basis for updating the Housing Element and the Housing Mitigation Ordinance; the Town of Mammoth Lakes participated in this effort. The final Mono County *Housing Needs Assessment*<sup>18</sup> describes housing need in urgent terms, citing a need for 184 additional units countywide by 2022 under the most conservative scenario (the need is set at 664 units under the accelerated growth

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<sup>15</sup> Census Bureau, Selected Housing Characteristics, Lee Vining CDP 2012-2016: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. Note that the sample for this statistic was limited to the 12 units for which 'gross rent as a percentage of household income' could be computed.

<sup>16</sup> California Housing & Community Development Dept, Mono County *Final Regional Housing Need Determination*, September 2018.

<sup>17</sup> Note, however, that the 2014-19 assessment incorporated a one-time downward adjustment to account for the prolonged recessionary conditions, high unemployment and unprecedented foreclosures in California and elsewhere at that time.

<sup>18</sup> Mono County, *Housing Needs Assessment Final Report*. October 2017. Prepared by BBC Research and Consulting.

estimate). In the unincorporated area, the Assessment<sup>19</sup> identified a need for 120-170 new housing units by 2022, based on current needs and projected demand. The Assessment identified future housing needs as "largely determined by employment growth" and concluded that "it will be imperative that the County and Town facilitate the creation of permanently affordable housing units that accommodate a variety of households. This should be paired with grants and low interest loans that address condition needs, particularly weatherization." The updated Housing Mitigation Ordinance, in effect since February 2020, requires developers to mitigate the impacts of development projects on the availability of workforce and affordable housing.

### 5.6.3.3 Income and Employment

The overall median household income in the unincorporated area as of 2012 was \$79,600, up from \$45,325 in 2000. The median has since declined, with a current median (2013-2017) of \$60,595.<sup>20</sup> Median household income varied significantly through the county, with the communities near Mammoth Lakes generally having higher overall income levels. The median household income based upon HCD income limits for Mono County in 2012 was \$79,600. The Mono County Housing Element states that median 2012 household income countywide was \$68,868 (with a roughly equal mean income of \$68,546), and the median 2012 household income in Lee Vining was slightly higher at \$70,172 (with a mean income of \$57,240). In contrast, the median income in Mammoth Lakes (\$59,972) is notably lower than the mean income (\$67,089).

Very little Census data is available regarding employment in individual Mono County communities, including the Lee Vining CDP, and the County's Housing Element notes that the available Census data tends to have high margins of error. With respect to Mono County as a whole, the major employment sectors as of 2000 were education, recreation, agriculture, retail sales, public administration and construction; these industries comprised about 70% of all employment countywide. Many of the major employers are located in Mammoth Lakes, including the Mammoth Hospital, Mammoth Mountain Inn and Ski Area, the Town of Mammoth Lakes, Vons and the Westin-Monache Resort. Several of the large employers are in various county locations including the Eastern Sierra Unified School District, and the U.S. Forest Service, both of which have a presence in Lee Vining.

The Tioga Mart development currently employs 37 individuals. Roughly two-thirds of the existing employees (25 of the 37) work in the Deli, and an additional 10 employees work in the convenience store. Two employees provide maintenance and support.

## 5.6.4 REGULATORY SETTING

### 5.6.4.1 Federal Regulations

There are no federal plans, policies, regulations, or laws related to population or housing that apply to the Draft Mono County RTP/General Plan Update.

### 5.6.4.2 State Regulations

**California Housing Element Requirements.** Article 10.6 of the CGC outlines Housing Element requirements that apply to California cities and counties. As required therein, each agency must prepare and regularly update a Housing Element that analyzes existing and projected housing needs, examines special housing needs of the population, evaluates the effectiveness of goals and policies from the prior adopted Element, identifies constraints imposed by local government and other sources, assesses the agency's compliance with other housing laws, and identifies opportunities to incorporate energy conservation into the housing inventory. The Housing Element is the *only* General Plan element for which the State specifies a mandatory update schedule.

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<sup>19</sup> 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](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf)

<sup>20</sup> Census Bureau: <https://www.census.gov/quickfacts/monocountycalifornia>

State law also requires that each city and county accommodate its fair share of its region's new housing construction needs for all income groups, based on the Regional Housing Needs Assessment (RHNA). The RHNA is prepared for each agency by HCD, and identifies the total number of housing units that each jurisdiction must accommodate in its Housing Element in order to meet the needs of residents at various income levels. The Housing Element also addresses zoning density, infrastructure, services and other topics necessary to ensure that local governments adequately plan to meet the housing needs of all people in the community – regardless of their income.

#### 5.6.4.3 Local Regulations

**Mono County Housing Element.** The Mono County Housing Element was last updated in 2014 in compliance with all State requirements including strategies and programs to (a) ensure adequate sites and remove constraints to housing production, (b) support affordable and special-needs housing, (c) pursue cooperative planning and outreach, (d) promote conservation and energy efficiency, (e) support equal-opportunity housing and other goals. The Housing Element sets forth the County's plan to address housing, provides a profile of county demographics, housing characteristics, and existing housing needs, analyzes future housing needs and constraints, identifies land and financing resources to meet housing needs, and assesses accomplishments for the previous Housing Element goals. The 2014 Mono County Housing Element serves (along with data from the Mono County Land Use Element and the RTP) as the reference source for much of the information presented in this section on Population and Housing.

**Mono County Inclusionary Housing Ordinance.** During the 1980s and 1990s, Mono County experienced a shortage of affordable workforce and residential population housing. Housing costs were high, private land was scarce, and much of the available supply was owned by second-homeowners. These factors resulted in labor shortages and increased commuting times. To address these concerns, the county Board of Supervisors approved an Inclusionary Housing Ordinance requiring developers to mitigate the impact of development projects on the availability of workforce and affordable housing, either directly or through the payment of fees, dedication of land or similar means. The requirements were encoded in the Mono County Code S15.40.040 (Housing Mitigation Requirements). Largely as a result of recessionary economic conditions nationwide, the County suspended the Housing Mitigation Ordinance in 2011. ~~The ordinance remains suspended as of January 2019, but is periodically reviewed by the Board of Supervisors for reinstatement when economic conditions permit. The County has recently adopted a new Housing Mitigation Ordinance ('HMO') that requires developers to mitigate the impacts of development projects on the availability of workforce and affordable housing. The Ordinance took effect in February 2020, and will apply to the Tioga Workforce Housing Project. Project compliance with the Housing Mitigation Ordinance is discussed in FSEIR/DSEIR §5.5.3.5.~~

#### 5.6.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offers the following two criteria for determining the significance of population, housing and employment impacts. A project would have a potentially significant impact if it would:

- a) 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?
- b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?

#### 5.6.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT 5.6(a):** Would the project induce substantial 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?

**LESS THAN SIGNIFICANT IMPACT.** The Tioga Inn Workforce Housing Project proposal calls for the construction of up to 150 bedrooms, in up to 100 units, ~~to house workforce employees and their families.~~ The ~~workforce~~ units would preferentially house employees of the project site (and their families); any units not needed for project employees would

be available for occupancy by other Mono County employees. All residents will be renters (none of the units will be sold), and [it is anticipated that most](#) residents will be employees (whether on the Tioga site or other locations). Using current demographic data<sup>21</sup> it is possible to estimate the number and age profile of the [workforce](#)-housing residents. Table 5.6-3 profiles Mono County households in terms of the number of persons per unit in rental and owner housing, and Table 5.6-4 summarizes the number of bedrooms per unit countywide.<sup>22</sup>

<b>TABLE 5.6-3. Persons per Unit for Rental and Owner Households</b>		
<b>Persons per Unit</b>	<b>Renters (%)</b>	<b>Owners (%)</b>
1-person	30.5%	24.0%
2-person	30.7%	43.5%
3-person	15.8%	13.4%
4-person	11.9%	12.5%
5-person	6.1%	4.1%
6-person	3.0%	1.7%
7+ persons	1.9%	0.9%

<b>TABLE 5.6-4. Bedrooms per Unit – All Households</b>	
<b>Number of Bedrooms</b>	<b>% of Households</b>
0 bedrooms	2.7%
1 bedroom	20.2%
2 bedroom	35.8%
3 bedroom	31.9%
4 bedroom	7.7%
5+ bedrooms	1.7%

The U.S. Census Bureau defines an overcrowded household as a housing unit occupied by more than one person per room (not including kitchens and bathrooms). Units with more than 1.51 persons per room are considered severely overcrowded and indicative of a significant need for housing. Table 5.6-5 profiles overcrowded households in Mono County for both rental and owner-occupied housing<sup>23</sup>, and Table 5.6-6 presents selected housing tenure and occupancy data for Mono County and for the Lee Vining and Mono City CDPs.<sup>24</sup>

<b>TABLE 5.6-5. Occupancy and Overcrowding in Unincorporated Mono County Households</b>				
	<b>Renter-Occupied</b>		<b>Owner-Occupied</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL HOUSEHOLDS</b>	907	--	1,702	--
<b>0.5 or fewer persons per room</b>	479	52%	1,300	76%
<b>0.5 to 1 persons per room</b>	408	45%	375	22%
<b>1 to 1.5 persons per room</b>	0	--	27	1.6%
<b>1.5 to 2 persons per room</b>	20	2%	0	--
<b>2 or more persons per room</b>	0	--	0	--

Table 5.6-5 indicates, based on 2014 Mono County Housing Element data, that there were 20 severely overcrowded renter-occupied households (2% of total) and 27 overcrowded owner-occupied units (1.6% of total); no owner-occupied

<sup>21</sup> 2014 Mono County Housing Element, 2005 Eastern Sierra Housing Needs Assessment, Census Bureau.

<sup>22</sup> Eastern Sierra Council of Governments, Eastern Sierra Housing Needs Assessment, March 2005: [https://monocounty.ca.gov/sites/default/files/fileattachments/housing\\_authority/page/3067/easternsierrahousingneedsassessment.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/housing_authority/page/3067/easternsierrahousingneedsassessment.pdf)

<sup>23</sup> Mono County Housing Element, 2014: <https://monocounty.ca.gov/housing-authority/page/mono-county-housing-element>

<sup>24</sup> Census Bureau, American Community Survey 2012-16 5-Year Estimates, *Housing Tenure & Households by Type & Grandparents*.

households were severely overcrowded. The statewide overcrowding rate for households in 2010 was 15.2 percent of all households, significantly higher than for Mono County.

<b>TABLE 5.6-6. 2012-2016 Housing Tenure in Mono County, Lee Vining CDP &amp; Mono City CDP</b>			
	<b>Mono County</b>	<b>Lee Vining CDP</b>	<b>Mono City CDP</b>
<b>Total Occupied Units</b>	4,950	42	57
<b>Rental Occupied Units</b>	2217	34	7
<b>% Rental Occupied</b>	44.8%	81%	12%
<b>Average Rental HH Size</b>	3.26	1.62	**25
<b>% Family Households</b>	45.3%	71.4%	52.6%
<b>Average Family HH Size</b>	3.49	2.03	2.93
<b>% Non-Family Households</b>	54.7%	28.6%	47.4%
<b>Average HH Size</b>	2.77	1.74	2.02

Table 5.6-7 below shows the average number of bedrooms per unit for the Lee Vining CDP (2016, see Column 2) and for Mono County as a whole (2014, Column 3), plus an average of the residential unit sizes in Lee Vining and Mono County combined (Column 4). Column 5 shows the distribution of the proposed 150 Tioga Village bedrooms by unit size based on the combined average for Lee Vining and Mono County,<sup>26</sup> and Column 6 shows the distribution of the 150 bedrooms as proposed for the Tioga Workforce Village. Column 7 shows the number and distribution of bedrooms (by unit type) proposed in the Tioga housing project. The proposed Tioga ~~CommunityWorkforce~~ Housing unit sizes combine the average residential unit sizes found in Lee Vining and in Mono County, with adjustments to reflect the anticipated higher number of single and childless project employees in Tioga Village compared with the region as a whole.

<b>TABLE 5.6-7. Estimate of Tioga <del>CommunityWorkforce</del> Housing Residential Bedrooms by Number &amp; Percent</b>						
<b>1 Number of Bedrooms</b>	<b>2 Lee Vining CDP Average 2016</b>	<b>3 Mono Co. Average 2014</b>	<b>4 Average % - Lee Vining &amp; Mono County</b>	<b>5 Number/% of Tioga Village Bedrooms based on LEE VINING Average</b>	<b>6 Number/% of Tioga Village Bedrooms based on LEE VINING/COUNTY Average</b>	<b>7 Tioga Village Proposal (# bedrooms/% in each unit size)</b>
<b>0 (studio units)<sup>27</sup></b>	36 / 54.5%	577 / 4.1%	29.3%	82 bedrooms / 55%	44 / 29%	52 / 35%
<b>1 bedroom</b>	0 / 0%	2032 / 14.6%	7.3%	0 / 0%	11 / 7%	38 / 25%
<b>2 bedroom</b>	8 / 12.1%	5338 / 38.2%	25.2%	18 / 12%	38 / 25%	30 / 20%
<b>3+ bedroom</b>	22 / 33.3%	6,010 / 43%	38.1%	50 / 33%	46 / 17%	30 / 20%
<b>TOTALS</b>				<b>150 Bedrooms</b>	<b>150 Bedrooms</b>	<b>150 Bedrooms</b>

Table 5.6-8 converts the data in Table 5.6-7 Column 7 to determine the overall number of units in each category (i.e., studio units, units with 1 bedroom, etc.). As noted, the ~~workforce~~ units will be designed, to the extent feasible, to accommodate changes in the mix of unit sizes. This design concept will allow ~~workforce~~ housing modifications to respond to changing workforce demographics over time. Demographic research suggests that compared with current workers, the future workforce will be older, more educated, with more females but a declining share of mothers with young children, increasing numbers of unmarried individuals, and more racially and ethnically diverse than the current workforce.<sup>28,29</sup> Additional discussion of the flexible unit design concept is provided in the Project Description.

<sup>25</sup> The Census Bureau notes that too few sample observations were available to compute an estimate.

<sup>26</sup> Census Bureau, American Community Survey 2012-16 5-Year Estimates, *Housing Occupancy data, Lee Vining CDP 2012-2016*: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

<sup>27</sup> Studio Units would count as 1 bedroom units in the Workforce Housing.

<sup>28</sup> Buckley, P., D. Bachman, Deloitte Review Issue 21, *Meet the US workforce of the future: Older, more diverse, and more educated*. July 2017: <https://www2.deloitte.com/insights/us/en/deloitte-review/issue-21/meet-the-us-workforce-of-the-future.html>

<sup>29</sup> Lerman, R, S. Schmidt, Urban Institute, Dpt. of Labor, *Futurework, Overview of Economic, Social, Demographic Trends Affecting US Labor Market*, undated: <https://www.dol.gov/oasam/programs/history/herman/reports/futurework/conference/trends/trendsl.htm>,



**TABLE 5.6-8. Estimate of Tioga CommunityWorkforce Housing Residential Unit Distribution**

Number of Bedrooms	Number / Percentage of Bedrooms based on Lee Vining + Mono County Combined	Number / Percentage of Units based on Lee Vining + Mono County Combined	Proposed Number / Percentage of Tioga Village Units each Category
0 (studio units)	44 / 29.3%	44	30 studio units
1 bedroom	11 / 7.3%	11	28 1-bedroom units
2 bedroom	38 / 25.2%	19	22 2-bedroom units
3+ bedroom	57 / 38.1%	20	16 3+bedroom units
Manager Unit	NA	NA	1 4-bedroom unit
<b>TOTALS</b>		94 Units	97 units

Table 5.6-9 below applies the average countywide and Lee Vining CDP rental occupancy and housing tenure rates shown above to the average number of persons per unit for Mono County and Lee Vining combined to estimate the total population in Tioga Village.

**TABLE 5.6-9. Tioga CommunityWorkforce Housing Population Estimates (based on 100 units)**

1 Based on Mono County Averages		2 Based on Lee Vining CDP Averages		3 Based on Average of Mono Co & Lee Vining		4 Based on 100 Units & Avg. Occupancy per Column 3 <sup>30</sup>	
45.3% Family Occupied	43 Family Units	71.4% Family Occupied	67 Family Units	58.4%	55 Family Units	40% Family Occupied	40 Family Units
3.49 Persons per Family HH Unit	150 Family Residents	2.03 Persons per Family HH Unit	137 Family Residents	2.76 Persons per Family HH	153 Family Residents	2.76 Persons per Family HH	110 Family Residents
54.7% Nonfamily Occupied	52 Nonfamily units	28.6% Nonfamily Occupied	27 Nonfamily units	41.6% Nonfamily Occupied	40 Nonfamily Units	60% Nonfamily Occupied	60 Nonfamily Units
2.77 Persons per nonfamily HH Unit	143 Nonfamily Residents	1.74 Persons per Non-family Unit	47 Nonfamily Residents	2.25 Persons per Non-family Unit	89 Nonfamily Residents	2.25 Persons per Nonfamily Unit	135 Persons per Nonfamily Unit
<b>TOTAL POPULATION</b>	<b>293 Residents</b>		<b>194 Residents</b>		<b>254 Residents</b>		<b>245 Residents</b>

As a cross check for the population estimates in Table 5.6-9, it is noted that the U.S. Department of Housing and Urban Development (HUD) has adopted an occupancy of 2 persons per bedroom as a reasonable standard under the Fair Housing Act.<sup>31</sup> Using this as a basis, the 150 Tioga WorkforceCommunity Housing bedrooms would have a population of 300 people. This bedroom-based estimate of 300 residents would be slightly higher~~lower~~ than the unit-based estimate of ~~293~~<sup>30</sup> residents using average rental occupancy rates in Mono County as a whole, much higher than the unit-based average of 194 residents using data for the Lee Vining CDP, and about 20% higher than the population estimate based on an average of Mono County and Lee Vining family and non-family occupancy rates as well as the estimate based on the project proposal. Noting again that the number of Tioga WorkforceCommunity HousingVillage units and total population are expected to vary over time in response to changing demographics, the bedroom-based HCD occupancy standard would represent a conservative estimate of the potential additional population on the project site (i.e., 300 residents).

Regional Population Projections. The Mono County General Plan EIR provides community population projections through the year 2040 as prepared by the California Department of Finance (DOF). The DOF projections were used by

<sup>30</sup> The estimate assumes that all 2 and 3+ units are family units and all studio and 1-bedroom units are nonfamily units.

<sup>31</sup> National Fair Housing Advocate Online, *HUD adopts Keating Memo standard for occupancy limit cases, 1999*: <https://fairhousing.com/%20news-archive/advocate/1999/hud-adopts-keating-memo-standard-occupancy-limit-cases>.

the County to prepare the Draft Regional Transportation Plan. DOF projections show total population in Mono County increasing from 14,202 in 2010 to 17,614 in 2040, a growth rate of 24% over 30 years. The DOF projections assumed that the unincorporated area would continue to represent about 43% of the total countywide population, and that the population distribution in unincorporated community areas would remain similar to that seen in 2010. Table 5.6-10 shows the DOF population projections for Mono County as a whole, Mammoth Lakes, and the Mono Basin (including the Lee Vining and Mono City CDPs). As shown, the DOF forecasts anticipate that the population of Lee Vining will increase by 52 residents (from 222 to 274) by 2040, and the population of Mono City will increase by 41 residents (from 172 to 213). Note, however, that the population of Lee Vining decreased from 222 in 2010 to 89 as of 2016.

**TABLE 5.6-10: Department of Finance Population Projections by Community Areas, 2010-2040<sup>32</sup>**

	2010 Pop.	% of 2010 Pop.	2020 Pop.	2030 Pop.	2040 Pop.
<b>Mono County – Total</b>	14,202	100 %	15,037	16,261	17,614
<b>Mammoth Lakes – Total</b>	8,234	58 %	8,721	9,431	10,216
<b>County – Total</b>	5,968	42 %	6,316	6,830	7,398
<b>Mono Basin</b>					
Lee Vining CDP	222	3.71	234	253	274
Mono City CDP	172	2.88	182	197	213

The 2015 Mono County *General Plan Land Use Element* assesses future housing development through 'build-out' by analyzing the acreage of various land use designations and applying factors to determine the number of dwelling units and population that may result. The County considered several scenarios, including a 'theoretical maximum' build-out (development of 100% of the total units that could potentially be built in each planning area), and a 'practical' build-out that adjusted development based on known constraints (hazards, infrastructure and agricultural preserves).

Under the 'theoretical maximum' scenario, the county estimated a maximum buildout of 933 dwelling units in the Mono Basin; the County's estimate using the 'practical' scenario was for 908 dwelling units in the Mono Basin at build-out. The County then converted the housing unit forecasts into population forecasts by applying information from the Mono County Housing Element concerning household size (occupied units only) in the various unincorporated communities. With this adjustment, the 'theoretical maximum' build-out population in Mono Basin was estimated by the County to be 2,574 (the countywide theoretical maximum buildout estimate was 48,702) and the 'practical' buildout population for Mono Basin was estimated to be 2,478 (37,657 countywide).<sup>33</sup>

The County then refined the estimates for each planning area. The refinements reflected changes in land use entitlements (including repeal of the Conway Ranch Specific Plan) and use of a GIS/polygon-based analysis to assess land suitability and parcel characteristics in Long Valley, Benton Valley, Oasis, Sonora and the lands around Mammoth Lakes. Table 5.6-11 summarizes the final 2015 Land Use Element buildout population estimates for the Mono Basin and for the county as a whole, and compares the 2015 projections with the forecasts that were adopted in the 2001 General Plan Land Use Element. As shown, projections for buildout population and housing were substantially higher in the 2001 Land Use Element than those adopted with the 2015 Land Use Element update.

**TABLE 5.6-11: Comparison of 2001 & 2015 LUE Maximum Build-Out Estimates for Mono County & Mono Basin**

Community	2010 Census Population	2001 LUE Build-out		2015 LUE Build-out		% Change Max Population 2001-2015
		Max Dwellings	Max Population	Max Dwellings	Max Population	
<b>Mono Basin (Lee Vining,</b>	394	1601		933		

<sup>32</sup> Table drawn from Mono County RTP which used the following sources: Calif. Dept. of Finance ([www.dof.ca.gov](http://www.dof.ca.gov)), U.S. Census Bureau (2010 Census, American FactFinder). DOF subsequently adjusted the Mono County forecast slightly downward (the 2040 forecast is now 16,823 instead of 17,614); the changes were not sufficiently large to revise the RTP and are not reflected herein.

<sup>33</sup> Mono County General Plan EIR. The EIR notes that all County build-out population estimates exceed the DOF population forecast, mainly because DOF forecasts provide snapshots at selected points of time, while the General Plan 'build-out' forecasts extend into the future with no set time frame. Both DOF and the County use assumptions about future events that may not occur.

Mono City)			4,371		2,574	-41.1%
Unincorporated Total	5,968	27,947	65,761	21,138	48,702	-25.9%

Using the *Land Use Element* build-out estimates as a basis for comparison, the conservative project population estimate of 300 residents in the Tioga [WorkforceCommunity](#) Housing project would represent approximately 11.6% of the total adopted population increases allowed in Mono Basin through buildout under the theoretical maximum build-out scenario, and 12.1% of the total increase allowed under the 'practical' build-out scenario.<sup>34 35</sup>

[The General Plan build-out populations were adopted less than 5 years ago, and represent the level of growth that is considered reasonable as determined through a parcel-by-parcel analysis of buildout potential based on land use designations and a minimum set of assumptions. As such, the General Plan population forecasts for the Mono Basin are part of the project baseline \(per the certified 2015 General Plan update EIR\).](#)

[It is notable that for Mono Basin, there is very little difference \(3.9%\) between the maximum and practical buildout estimates, particularly in light of the wide discrepancy Countywide \(29.3%\). The relatively narrow range of Mono Basin buildout scenarios signifies that build-out population in the Mono Basin – with or without consideration of environmental, regulatory and infrastructure constraints -- will likely be in the cited range, and further supports the DSEIR conclusion that the project would be well within the range of future growth estimates for this region.](#)

[The County's Land Use Element was developed with participation by the Mono Basin Regional Planning Advisory Committee \(RPAC\); the RPAC reviewed drafts of the General Plan, and their comments were incorporated into the final document. The RPAC also worked closely with the Planning Division to develop new land use goals and policies for their area, and to update existing goals and policies. Regardless of the varying individual opinions as to whether economic factors will ever allow for buildout, this is the density permitted by existing land use standards.](#)

[Employment. Existing and future employment opportunities on the project site and in Mono County generally are dominated by tourism \(62% of total County employment, well above average<sup>36</sup>\). As noted in the 2009 study of tourism in Mono County,<sup>37</sup> "many of these \[tourism-based\] jobs are seasonal and part-time...and... vary widely by season." Seasonal workers in Mono County on average hold 1.4 jobs. 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. The ski industry is the largest employer during winter months, and the industry most likely to have positions available to these individuals.](#)

The Tioga Mart development currently employs 37 individuals. Roughly two-thirds of the existing employees (25 of the 37) work in the Deli; an additional 10 employees work in the convenience store. Two additional employees provide maintenance and support. Census Bureau data do not provide current employment estimates for Lee Vining. However, Data USA estimates that Lee Vining had a total of 74 employees as of 2016 (a 6.33% decline from 2015), with the majority of employment in 'Other Services (primarily accommodation and food service), Professional (including Scientific and Technical Services), and Public Administration; in Lee Vining, these categories employ respectively 7.4, 4.0, and 2.3 times more people than average in locations of this size.<sup>38</sup>

At buildout, the project applicant anticipates that approximately 187 employees will work on the project site – a five-fold increase. Table 5.6-12 shows the allocation of employees by use on the project site at present and at buildout.

<sup>34</sup> The County did not break down the maximum or practical population forecasts into subareas of the Mono Basin.

<sup>35</sup> These estimates are considered conservative, because they are compared with the Census data for year round residents; in practice, 41% of Lee Vining residents are seasonal occupants, primarily in residence during the summer months. The project contribution to buildout growth would likely be lower than the cited numbers for this reason.

<sup>36</sup> [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>.](#)

<sup>37</sup> [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.](#)

<sup>38</sup> Data USA (a service of Deloitte USA): <https://datausa.io/profile/geo/lee-vining-ca/>.

<b>TABLE 5.6-12. Existing and Projected Employment on the Tioga Project Site</b>		
	<b>2018 Employees</b>	<b>Buildout Employment</b>
Convenience Store	<b>10</b>	<b>10</b>
Deli	<b>25</b>	<b>20</b>
Maintenance and Support	<b>2</b>	<b>1</b>
Full-Service Restaurant	<b>0</b>	<b>35</b>
Hotel	<b>0</b>	<b>120</b>
<del>Workforce</del> Housing	<b>0</b>	<b>1</b>
Gas Station	<b>0</b>	<b>0</b>
Propane Services	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>37</b>	<b>187</b>

As noted, employment in the deli is expected to drop from 25 at present to 20 at buildout. The applicant intends to scale back deli service by shifting some of the existing restaurant demand to the full-service restaurant when that facility opens. Music events will continue to be held on the yard area between the convenience store and SR 120.

The reduction in maintenance (1 fewer employee) reflects the expectation that maintenance and support services will in the future be provided for each use (rather than project-wide, as at present). The most significant employment gains will occur with the previously approved hotel (reflecting an estimated 1 employee for each of the 120 guest rooms). Total food service employment is expected to increase from 25 at present to 55 at buildout. Only 1 new employment position is directly related to the proposed ~~workforce~~-housing project (and other proposed improvements); the new position would be for a resident manager of the ~~workforce~~-housing units.

Based on these data, the 37 existing Tioga employees represent roughly half of all employment in Lee Vining. The approved but as yet undeveloped Tioga elements would employ an additional 150 individuals (roughly twice the existing employment in Lee Vining). The proposed 1 new employment position associated with the current ~~workforce~~-housing project would have a negligible impact on employment (existing and future) in Lee Vining.

Major components of the overall Tioga complex are expected to scale back during the winter months, as at present. However, the opening and closing dates may extend further into the shoulder seasons, and some seasonal facilities may stay open through the year. Seasonal facilities are expected to include the hotel, the full service restaurant and the deli. The convenience store and gas station will continue to remain open throughout the year. With the seasonal closures, winter employment in the onsite facilities may drop from an estimated 187 positions during summer months to as few as 20 mid-winter positions (including the convenience store, the hotel, ~~workforceCommunity~~ housing management, and project maintenance services). ~~The Workforce~~ housing units would remain open year-round, and any unoccupied units would be made available to offsite workers, such as ski industry employees.<sup>39</sup>

As shown in Table 5.6-13 below, a total of 3,860 individuals were employed in the accommodation and food service sector (60% of total) throughout Mono County as of 2016.

<b>TABLE 5.6-13. Mono County Employment Total and Top Employment Sectors, 2016<sup>40</sup></b>	
	<b>2016 Employment (#/%)</b>
Mono County Total	<b>6461 (100%)</b>
Accommodation & Food Service	<b>3860 (60%)</b>
Retail	<b>686 (10.6%)</b>
Health Care	<b>479 (7.4%)</b>
Real Estate	<b>340 (5.3%)</b>

<sup>39</sup> Note that 11 of the existing employees at Tioga Mart already work in the ski industry during the winter months.

<sup>40</sup> Census Bureau, 2016 Mono County Business Patterns: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

Administration	247 (3.8%)
Construction	234 (3.6%)

The 2017 Housing Needs Assessment includes a discussion of Mono County job opportunities and household income. The data indicate that the vast majority of jobs that are offered in Mono County are in the lower paying industry category of leisure and hospitality. Moreover, many of the positions are seasonal in nature and largely filled (55-65%) by seasonal residents.

According to the Bureau of Labor Statistics, hotel desk clerks in the hospitality sector nationwide had a mean hourly wage of \$11.66 (mean annual income \$24,250) as of May 2017; the mean hourly wage of traveler accommodation workers was \$11.63 (mean annual income of \$24,190). California has the highest employment levels in the hospitality occupations (26,510 jobs), followed by Texas (21,170), Florida (19,750), New York (10,520) and Pennsylvania (8,400). Hospitality sector wages are about 19% higher in California, with an hourly mean of \$13.89 and an annual mean wage of \$28,890.<sup>41</sup> Among nonmetropolitan areas, the eastern Sierra region of California has the highest employment in this occupation, with 20.45 positions per 1000 jobs (the north coast of Oregon is second highest, with 12.33 positions per 1,000 jobs). However, the eastern Sierra region does not fall within the 5 top-paying nonmetropolitan areas; Hawaii is highest with a mean annual wage of \$39,220, followed by Nantucket Island (\$31,290), North Dakota (\$30,980) and northwest Colorado (\$30,980). According to the County's 2017 Housing Needs Assessment, median earning of workers in the June Lake CDP (averaging \$26,830 per year) were lower than the county median (\$34,744). Due largely to the cost of housing, seasonal workers in Mono County hold an average of 1.4 jobs.

Mono County has a comparatively high overall cost of living index rating of 133 (100 is the US average). Housing is by far the highest Mono County cost of living component (with an index of 192), followed by health (114), and transportation (106). Groceries are near the national norm (with a Mono County index of 102.6), and utilities are lowest (92).<sup>42</sup>

With respect to health care, it is not known at this time whether the Tioga employees would be provided with or have access to health insurance programs. The Bureau of Labor Statistics indicates that as a whole, 67% of private employers offered medical insurance to their employees as of 2016.<sup>43</sup> However, the numbers are much lower for service workers: 42% of service workers in the private sector have access to insurance programs. Of this group, 62% choose to participate. Thus on average only 26% of all service workers in the private sector are covered by medical care benefits.<sup>44</sup>

The Tioga project is intended to offset the disproportionately high regional cost of housing by providing housing units to project employees at affordable rents (anticipated to be at or below 30% of household income). Residents' utility costs would be reduced through the provision of onsite solar panels, onsite propane service, and a subsurface wastewater irrigation system to offset the cost of using potable water for landscaping irrigation during summer months. In compliance with the State and Federal Fair Employment and Housing Act (FEHA), no tenant criteria are established by the Specific Plan. Tenant selection is at the discretion of the owner's housing management. However, nightly and short-term rentals are prohibited by the Specific Plan, requiring rental terms to be more than 30 days.

**Phasing Plan.** Several DSEIR comment letters identified the need to establish a project phasing plan to ensure that offsite services and neighboring communities have time and opportunity to adapt and respond on an incremental basis to the population increases and changed land uses associated with the Community Housing project. An additional goal was to ensure that construction of the previously-approved hotel and restaurant components (that are driving the need for and the number of housing units) is assured prior to housing construction. Other goals of the requested phasing plan included an assurance that housing construction and mitigation obligations will be provided in tandem with employment-generating uses in order to synchronize project elements and functions.

<sup>41</sup> Bureau of Labor Statistics. *Occupational Employment and Wages*, May 2017: <https://www.bls.gov/oes/current/oes434081.htm>

<sup>42</sup> Sperling's Best Places, [https://www.bestplaces.net/cost\\_of\\_living/county/california/mono](https://www.bestplaces.net/cost_of_living/county/california/mono)

<sup>43</sup> Note that the percentage had risen from 67% to 69% as of 2018: <https://www.bls.gov/opub/ted/2018/69-percent-of-private-industry-workers-had-access-to-medical-care-benefits-in-march-2018.htm>

<sup>44</sup> Bureau of Labor Statistics, *Medical care benefits: Access, participation, and take-up rates (Table 1)*, March 2018: <https://www.bls.gov/news.release/pdf/ebs2.pdf>

In response to these recommendations, a formal phasing plan has been developed for the proposed Tioga Community Housing Project. The more gradual development associated with the proposed phasing plan will enable the Lee Vining community and town services to adapt to project changes on an incremental basis. Phasing plan implementation will also facilitate the timely provision, availability and coordination of onsite facilities and uses and mitigation obligations, as well as buildout of the previously-approved commercial components. Grading for all of the housing pads would be completed during the first phase of construction, and followed directly by landscaping of all graded surfaces. The phasing plan has been incorporated as Mitigation Measure POP 5.6(a).

**Summary.** Approval and implementation of the proposed Tioga ~~Workforce~~Community Housing project would increase the population in the Lee Vining CDP by more than 400% (from approximately 90 residents at present to 390 residents with the project). This represents a significant increase over current population levels, but well within the range of planned General Plan population forecasts for the Mono Basin. The one new job position related to the current project (i.e., the housing manager) would not represent a significant increase in local employment. Future occupants of the ~~workforce~~ housing project are anticipated to be employed primarily in the leisure and hospitality sector, which is a lower paying industry. These residents would benefit from availability of affordable housing, and from access to reduced utility costs as a result of onsite energy conservation features. Based on data presented in this section, it is concluded that the project would induce substantial population growth, but would not induce growth beyond planned population or housing or employment forecasts for this region. Impacts would be ***less than significant***, and no mitigation is required.

#### **MITIGATION MEASURES – POPULATION GROWTH**

**POP5.6(a) (Phasing Plan):** Construction of the Community Housing Units shall conform to the following phasing milestones: The project does not have potential to induce population or employment or housing growth beyond planned levels for the region, and no mitigation measures are required.

<b><u>Community Housing Phasing Plan</u></b>		
<b><u>PHASE</u></b>	<b><u># UNITS</u></b>	<b><u>SCHEDULE</u></b>
<u>1</u>	<u>30</u>	<u>The 30 Phase 1 units and child care facility in Phase 1 would 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</u>
<u>2</u>	<u>40</u>	<u>Construction of the 40 Phase 2 units would begin at the time that the hotel building permit application is deemed complete by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 &amp; 2 units available when hiring begins for previously approved commercial job positions.</u>
<u>3</u>	<u>30</u>	<u>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). All Phase 3 units will be in the westernmost row of units.</u>

**IMPACT 5.6(b):** Would implementation of the proposed Tioga ~~Workforce~~Community Housing Project displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?

**LESS THAN SIGNIFICANT IMPACT.** Project approval would result in the elimination of 6 existing cabin units currently located a short distance south of the promontory flagpole. These six units are not part of the approved Tioga Inn Specific Plan. All are currently occupied on a seasonal basis by onsite employees. The 6 existing units would be replaced by new ~~workforce~~ housing as part of the overall ~~workforce-community~~ housing complex village, and the existing residents



would be relocated to the new housing complex. There would be no requirement for construction of replacement housing outside of the project boundaries, and no employees would be required to seek offsite housing.

The project would have no impact on the existing 8 hilltop ~~workforce~~ housing units located in the southwestern portion of the property. ***No significant impacts*** are foreseen, and no mitigation measures are required.

#### **MITIGATION MEASURES – HOUSING DISPLACEMENT**

**POP5.6(b) (Housing Displacement):** No residents would be displaced to offsite housing by the project, and there would be no need to construct replacement housing elsewhere. No mitigation measures are required.

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#### **5.6.7 SIGNIFICANCE AFTER MITIGATION**

All potential project impacts associated with population, housing and employment on the site would be less than significant.

## TIOGA COMMUNITY WORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.7 PUBLIC HEALTH, SAFETY, HAZARDS and HAZARDOUS MATERIALS

#### 5.7.1 INTRODUCTION AND SUMMARY

This section describes human health, safety, hazards and hazardous materials on the Tioga project site, and potential impacts that may occur with implementation of the proposed workforce housing project. NOP comments that pertained to health, safety and hazards included questions about pedestrian and traffic safety (addressed in EIR §5.11, Traffic and Circulation), impacts related to Lee Vining Airport (addressed in this section and in §5.5, Land Use, relative to growth potential), and whether the Lee Vining fire and emergency response resources are adequate to serve the project. Key findings are summarized below.

##### SUMMARY OF IMPACTS & MITIGATIONS FOR HEALTH, SAFETY, HAZARDS, HAZARDOUS MATERIALS

<b>IMPACT SFTY 5.7(a):</b>	<b>HAZARDOUS MATERIALS RELEASE</b>
<b>Mitigation:</b>	No Mitigation Required.
<b>Significance:</b>	Less than Significant Impact
<b>IMPACT SFTY 5.7(b):</b>	<b>HAZARDOUS MATERIALS SITES</b>
<b>Mitigation:</b>	No Mitigation Required
<b>Significance:</b>	Less than Significant Impact
<b>IMPACT SFTY 5.7(c):</b>	<b>AIRPORT HAZARDS</b>
<b>Mitigation SFTY 5.7(c):</b>	Compliance with FAA and California Dept. of Aeronautics Regulations
<b>Significance:</b>	Less than Significant with Mitigation
<b>IMPACT SFTY 5.7(d):</b>	<b>EMERGENCY RESPONSE</b>
<b>Amended Mitigation SFTY 5.7(d):</b>	<a href="#">Caltrans Encroachment Permit if Secondary Access Gate is in SR 120 R-O-W</a> <a href="#">Evacuation Plan for use by residents and businesses in case of natural disaster.</a>
<b>Significance:</b>	Less than Significant Impact
<b>IMPACT SFTY 5.7(e):</b>	<b>WILDLAND FIRE RISKS</b>
<b>Mitigation SFTY 5.7(e-1):</b>	Implementation of Wildland Fire Protection Measures
<b>Mitigation SFTY 5.7(e-2):</b>	Multiple hydrants to reach all site areas, with breakaway design
<b>Significance:</b>	Less than Significant Impact with Mitigation
<b>IMPACT SFTY 5.7(f):</b>	<b>AVALANCHE, LANDSLIDES, STORMS, ROCKFALL, VOLCANIC ACTIVITY</b>
<b>Mitigation:</b>	No Mitigation Required
<b>Significance:</b>	Less than Significant Impact

#### 5.7.2 KEY TERMS USED IN THIS SECTION

**Airport Safety and Compatibility.**<sup>1</sup> Airport safety and compatibility are determined through evaluation of locations around an airport that are at greatest risk of an aircraft accident. Proper safety and airspace protection minimizes the

<sup>1</sup> California Department of Transportation, Division of Aeronautics, *Airport Land Use Planning Handbook*, 2011.

risks associated with potential aircraft accidents and avoids flight hazards that interfere with aircraft navigation. Approximately 65% of general aviation takeoff/landing accidents occur during the initial climb phase, when aircraft engines are under greatest stress. The remaining 23% occur as the aircraft approaches the runway for landing; common causes during this phase include pilot misjudgment, poor visibility, unexpected downdrafts, or tall objects beneath the final approach.

**Cortese List.** California Government Code requires the Dept. of Toxic Substances Control (DTSC) to compile and regularly update lists of hazardous sites and conditions.<sup>2</sup> Collectively, these data represent the “Cortese List” and include: (a) hazardous waste facilities where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with an order, or because DTSC determined that immediate corrective action was necessary; (b) all land designated under HSC §25220 as a hazardous waste property or border zone property; and (c) all information received by DTSC per HSC §25242 on hazardous waste disposals on public land. In turn, HSC §25242 requires any city, county, or state agency that owns or leases land to notify DTSC if it believes that an unauthorized disposal of hazardous waste has occurred on the site; and to identify all hazardous substance release sites subject to a response. The Cortese List includes sites regulated by DTSC and SWRCB. Cortese-listed sites in the planning area are discussed in Impact 5.7(b); there are no listed sites on the Tioga property.

**State Responsibility Area (SRA).** PRC §4102 defines “state responsibility areas” as areas of the state in which the financial responsibility for preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily the responsibility of the State.

### 5.7.3 BASELINE OVERVIEW

#### 5.7.3.1 Hazardous Materials Transport, Use, Disposal, and Releases

The Mono County *Emergency Operations Plan* (EOP)<sup>3</sup> defines a hazardous material as ‘any substance that is flammable, combustible, corrosive, poisonous, toxic, explosive or radioactive.’ Mono County is vulnerable to the release of hazardous materials as a result of transportation accidents, and spills and leaks of stored hazardous materials. The degree of risk to the environment, human health and property depends on the type, location and quantity of the material released.

Areas at higher risk of a release include communities located near roadways that are frequently used for transporting hazardous materials, and jurisdictions with industrial facilities that use, store, or dispose of such materials. Industrial facilities in Mono County are fairly limited. The 2015 *General Plan Land Use Element* zoned only 81 acres countywide for industrial use, plus an additional 22 acres zoned for Industrial Park. The Mono County *EOP* indicates that there are no production facilities for the manufacture of hazardous materials in the county, nor are there commercial ‘Treatment Storage Disposal’ facilities. Hazardous materials stored and used in Mono County include:

- Underground fuel storage tanks at service stations (such as the Tioga Mart gas station), airports (no fuel is stored at Lee Vining Airport<sup>4</sup>) and public agency storage facilities owned by Mono County, USFS, the California Highway Patrol (CHP), Caltrans facilities and the Town of Mammoth Lakes;
- Private above-ground storage tanks of gasoline, diesel and liquefied petroleum gas (LPG) at homes and ranches;
- Dynamite and other blasting products at Caltrans maintenance yards and ski resorts;
- Propane and LPG storage tanks near major communities, used by distributors;
- Large quantities of scale, brine and isobutane used at the geothermal plant along with solvents, lubricants, and paints used in maintenance and repair;
- Refuse at the three solid-waste landfill sites and six transfer stations that are managed by Mono County;
- Limited amounts of compressed gases used for industrial purposes (chlorine, acetylene, oxygen, argon, nitrogen)

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<sup>2</sup> CalEPA DTSC website: <http://www.calepa.ca.gov/sitecleanup/CorteseList/SectionA.htm>. Note that the Abandoned Site Assessment Program is no longer active.

<sup>3</sup> Mono County: [https://volcanoes.usgs.gov/vsc/file\\_mgr/file-133/mono\\_county\\_oa\\_eop\\_2012.pdf](https://volcanoes.usgs.gov/vsc/file_mgr/file-133/mono_county_oa_eop_2012.pdf).

<sup>4</sup> Online airport information: <http://www.fltplan.com/Airport.cgi?O24>.

- Limited amounts of pesticides, herbicides, and paint products; and
- Compressed chlorine gas stored at and used by Mammoth Community Water District for water treatment.

The threats associated with hazardous materials have been reduced through a wide range of laws and regulations as profiled in the regulatory setting (see §5.7.4). The Mono County Health Department has been certified by the California Environmental Protection Agency (CalEPA) as the Certified Unified Program Agency (CUPA) for implementing the County's hazardous materials programs which include both an Underground Storage Tank (UST) and Aboveground Storage Tank (AST) program. All known underground storage tanks are inspected annually.

Per California HSC §25503.5, all businesses that manage hazardous materials and/or wastes in quantities at or above 55 gallons (liquids), 200 cubic feet (compressed gases) and/or 500 pounds (solids) are required to prepare and submit a Hazardous Materials Business Plan. Hazardous materials haulers and users are listed with the Health Department and regulated and monitored by the County.<sup>5</sup> The Office of Emergency Services (OES, in the Mono County Sheriff's Office) administers an Emergency Response Plan and Inventory Program. Caltrans and CHP are the primary agencies responsible for response to a hazardous materials spill on major highways during transportation, and the fire departments routinely maintain records and check regulatory compliance for stored quantities of hazardous materials. The Tioga Gas Mart operates under CUPA Permit #655, which is reissued annually following compliance review.

Policies to address hazardous waste spills are provided in the County's Integrated Waste Management Plan (IWMP), and household hazardous wastes (oil, paint & batteries) are collected at County-operated CUPA facilities managed by the Public Works Department. The County's Solid Waste Management Plan includes waste reduction practices that reduce, avoid or eliminate the need for off-site hazardous waste facilities (source reduction, recycling and treatment), and the Hazardous Waste Management Element of the Solid Waste Management Plan provides objectives, policies and potential actions to implement a hazardous waste management and reduction program for County generators.

#### **5.7.3.2      Airport Hazards**

There are three public airports in Mono County (Lee Vining Airport, Mammoth-Yosemite Airport and Bryant Field in Bridgeport) as well as several helipads. The Lee Vining Airport, located directly adjacent to the easternmost boundary of the Tioga Mart site, is owned LADWP, and managed under a long-term lease with Mono County. The airport is designated as a "Limited Use-Recreational Access" facility, serving only general aviation uses. The airport has a pilot-activated lighting system and a navigational beacon but no aviation fuel. The California Aviation System Plan (CASP) identifies all three airports in Mono County as high priority eastern Sierra facilities in terms of system capacity and safety enhancement. Land use compatibility issues associated with the project proposal and Lee Vining Airport are discussed in EIR §5.5 (Land Use).

#### **5.7.3.3      Emergency Response & Evacuation**

**Emergency Operations Plan (EOP).** This is the primary planning document for ensuring a coordinated response to emergency events in Mono County. The EOP provides detailed guidelines for preparation (actions taken before an emergency to optimize readiness), response (including pre-emergency actions, actual emergency response actions, and sustained emergency response actions as needed), recovery (to access assistance funds and programs) and mitigation (to avoid or reduce the impact of future emergency events).

The EOP describes duties at the state and local level. State responsibilities include the power to: a) create, amend, or rescind rules or directives to provide the necessary supplies and equipment; b) direct state and local law enforcement officers to incorporate National Guard units; c) prescribe evacuation routes, transportation modes, and destinations; d) control ingress and egress and the occupancy of premises in a disaster area; and e) order, direct, compel, or recommend an evacuation. The fire department generally decides whether to alert the public and evacuate an area; the authority to carry out these actions usually rests with law enforcement. The evacuation notice can be advisory (when the threat to

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<sup>5</sup> Mono County Health Department: <http://monohealth.com/environmental-health/page/electronic-reporting-and-hazardous-materials-business-plan-requirements>.

lives is not yet imminent), or mandatory. Primary evacuation routes in Mono County include US 395 (providing access to western Nevada and communities in southern California), US 6 (providing access to central Nevada), and SR 120 and SR 108 which cross the Sierra Nevada and provide summer access to the Central Valley and the coast. All of these major routes are subject to closure by avalanches, landslides, snow, fog, and flooding.

**Emergency Medical Services and Facilities.**<sup>6</sup> Oversight of the Emergency Medical Services (EMS) system is provided by a local EMS agency known as Inland Counties Emergency Medical Agency (ICEMA), which includes participation by San Bernardino, Inyo, and Mono counties. In a recent review, it was recommended that Mono County expand its system reporting, utilize 'Advanced EMT' service levels, transition from Quality Assurance to a Quality Improvement process, and implement medical priority dispatch and pre-arrival instructions countywide. The long-term goal is to integrate EMS with public health and healthcare delivery to create 'Community Paramedicine.' Mono County is served by one critical access hospital in Mammoth Lakes (about 30 miles south of Tioga site) and a tribal clinic in Walker (about 55 miles to the north). With 3,132 square miles and mountainous terrain, fire and EMS providers are challenged to deliver timely fire protection and emergency medical services. All fire departments outside of the Town of Mammoth Lakes have volunteer staffing; the availability of first responders has an impact on Mono County Paramedics if medical first response is unavailable or committed to other activities.

#### 5.7.3.4 Fire Hazards

**Fire Protection Services.** The Mono County MEA (Ch. IV, Services) notes that fire protection for community areas is provided by local volunteer FPDs. Wildland fires on private property are the responsibility of the California Department of Forestry and Fire Protection ('CalFire'), and wildland fires on public lands are the responsibility of the USFS and BLM. The 11 County fire districts have mutual aid agreements with each other and with federal fire protection agencies. In order to serve new development, the FPDs have implemented mitigation fees to ensure that new development pays for the equipment and capital improvements necessary to protect new development. The project site falls within the service area of both CalFire and the Lee Vining FPD.

**CalFire.** The project site (like the vast majority of privately owned lands in Mono County) is in the State Responsibility Area (SRA), where the State has primary financial responsibility for preventing and suppressing fires. California recently updated Fire Safe Standards for wildland fire protection in SRA development areas. The regulations address emergency access, signage, building numbering, private water supply reserves for emergency fire use, and vegetation modification. Mono County's Fire Safe Regulations have the same practical effect as the Cal Fire regulations.

During February 2015, Cal Fire adopted new Fire Safe Regulations pursuant to Rule 1270.<sup>7</sup> The regulations update the basic wildland fire protection standards and significantly expand the scope of fire safety requirements pertaining to emergency access, signing and building numbering, private water supply reserves for emergency fire use, and vegetation modification. The expanded regulations reflect Forestry Board findings that California fire agencies are no longer able to assure fire protection. Of the 5,300+ homes destroyed by wildfire since 1923, nearly 10% (500) were lost during the single year of 2013; in whole, more than 2 million residents now live in wildland areas of the state. The updated regulations establish new "defensible space" measures as one means to bridge the gap between fire protection demand and available manpower, equipment and funding.

**Lee Vining Fire Protection District (LVFPD).** The Lee Vining Fire Protection District has a single station located in downtown Lee Vining (note that Mono City has a separate Fire Protection District). The LVFPD service area encompasses about 4.9 square miles of land area that extends from Oil Plant Road on the south (about 2 miles south of the project site) to Mono Lake County Park area on the north. The District provides emergency medical response (6 of the volunteer firefighters are qualified EMTs), but the closest Advanced Life Support ambulances are in Bridgeport and June Lake.<sup>8</sup> LVFPD has no adopted fire ordinances.<sup>9</sup>

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<sup>6</sup> Mono County, 2012 Emergency Medical Services Assessment. Prepared by Fitch & Associates, LLC, August 2012

<sup>7</sup> CAL FIRE, *Rule 1270 Fire Safe Regulations – Administration Section*, February 5, 2014

<sup>8</sup> Mono County LAFCO, *Lee Vining FPD Municipal Services Review*, February 2009: [https://www.monocounty.ca.gov/sites/default/files/fileattachments/local\\_agency\\_formation\\_commission\\_lafoo/page/3562/leeviningfireprotectiondistrict\\_02.2009.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/local_agency_formation_commission_lafoo/page/3562/leeviningfireprotectiondistrict_02.2009.pdf).

The Insurance Service Office (ISO) uses a credit rating system to determine fire insurance rates in different areas. The grading system compares the fire protection that is needed in an area with the fire protection that is locally available. A rating of "1" represents the highest level of fire protection and lowest fire hazard, while a rating of "10" indicates the lowest level of fire protection. Where two ISO ratings are given, the lower (better) number applies to properties that are located within 1000 feet of a fire hydrant, and the higher applies to properties that are located beyond 1000 feet of a hydrant ('rural' areas). The Lee Vining Fire Protection District has an ISO rating of 4/6.

**Emergency Medical Services (EMS).**<sup>10</sup> The EMS Program provides emergency medical services to people living in or passing through Mono County, and responds to requests for emergency medical service in other areas through mutual aid agreements. EMS also provides administrative direction for the County's Paramedic Firefighter Program in coordination with Fire District first responders and volunteer ambulances. EMS is solely responsible, by ordinance, for all emergency medical calls and ambulance inter-facility transfers in the county. Mutual aid agreements with surrounding counties extend the area of coverage in times of need. As noted, the County has 11 fire departments that provide first responder medical aid, extrication and manpower support to the Paramedics.

**Sierra Nevada Conservancy (SNC, or Conservancy) Fire Threat Assessment.**<sup>11</sup> In the 5<sup>th</sup> of a series of overall health assessments for the 25 million-acre Sierra Nevada region, the SNC looked at wildfire in terms of both negative and positive impacts. The report sought to understand how fire intensity, size, and location are affecting the long-term health of natural systems. The Conservancy notes more than two-thirds of the 17.5 million-acre SNC region is classified as 'High and Above' fire threat. However, the East Subregion (including Mono County) more closely parallels statewide trends with just under half of the total area in that category.

**Wildfire Hazards and Fire Hazard Zones.** Wildfires are among the most prevalent natural hazards in Mono County due to their repeated occurrence, the damage caused, and the geographically widespread nature of the hazard. Cal Fire, through its Fire and Resources Assessment Program (FRAP), periodically assesses California wildlands in terms of fire potential. In its most recent assessment in 2003, FRAP used housing density classes (see Table 5.7-3) to analyze areas exposed to significant fire risk. All classes other than wildland are considered wildland-urban interface, the area where the threat from wildland fires is greatest. In Mono County, most community areas would qualify as urban. Areas surrounding the communities and some of the more widely dispersed residential areas would qualify as interface. The Tioga project site has a 'moderate' fire hazard rating on the CalFire Fire Resource Assessment Program Fire Hazards Severity Map.<sup>12</sup> This classification is echoed in Cal Fire mapping of fire hazard severity zones, which depict most of the lands in Mono County (including the Tioga property) are having moderate fire hazard.<sup>13</sup>

**Public Resources Code (PRC) §4290 and §4291.** PRC §4290 (enacted in 1989) and 4291 (enacted in 1991) give to CalFire the authority to adopt SRA fire safety standards and implementing regulations that apply to all residential, commercial, and industrial building construction within State Responsibility Areas. As shown in Table 5.7-1, the codes address standards for fire equipment access, signage, minimum private water supply reserves requirements for emergency fire use, and fuel breaks and greenbelts.

**TABLE 5.7-1: CalFire Fire Safe Regulations**

**Fire Safe Regulation PRC §4290**

(a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt

<sup>9</sup> Tom Strazdins, Chief, LVFPD, personal communication 25 July 2018.

<sup>10</sup> [http://www.monocounty.ca.gov/departments/fire\\_rescue/fire\\_rescue.html](http://www.monocounty.ca.gov/departments/fire_rescue/fire_rescue.html)

<sup>11</sup> SNC, *System Indicators, Fire Threat, Final Report*. September 2013.

<sup>12</sup> CalFire Fire Resource Assessment Program: [http://frap.fire.ca.gov/webdata/maps/mono/fhszlo6\\_1\\_map.26.pdf](http://frap.fire.ca.gov/webdata/maps/mono/fhszlo6_1_map.26.pdf).

<sup>13</sup> CAL FIRE Wildland & Building Codes, Mono Co. FHSZ maps, [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps\\_mono.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps_mono.php).



regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

- (1) Road standards for fire equipment access.
- (2) Standards for signs identifying streets, roads, and buildings.
- (3) Minimum private water supply reserves for emergency fire use.
- (4) Fuel breaks and greenbelts.

(b) These regulations do not supersede local regulations which equal or exceed minimum [state] regulations.

### Fire Safe Regulation PRC §4291

(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) **Maintain defensible space** of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.

(2) **A greater distance than that required under ¶1 may be required** by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

(3) **An insurance company that insures an occupied dwelling or occupied structure may require a greater distance** than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(4) **Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.**

(5) **Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.**

(6) **Maintain the roof of a structure free of leaves, needles, or other vegetative materials.**

(7) **Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards**, including those described in subdivision (b) of [CGC §51189], and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of CGC §51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) (1) Except as provided in §18930 of the Health and Safety Code, **the director may adopt regulations exempting a structure** with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

(2) **An exemption or variance under ¶1 shall not apply unless and until the occupant of the structure, or if there is not an**

occupant, the owner of the structure, files with the department, in a form as the director shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(d) The director may authorize the removal of vegetation that is not consistent with the standards of this section. The director may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under CGC §51186.

(e) The Dept. of Forestry and Fire Protection shall develop, periodically update, and post on its Internet Web site a guidance document on fuels management pursuant to this chapter. Guidance shall include but not be limited to regionally appropriate vegetation management suggestions that preserve and restore native species, minimize erosion, minimize water [use], and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.

(f) As used [herein], "person" means a private individual, organization, partnership, limited liability company, or corporation.

**Fire Safe Regulations.** Mono County Fire Safe Regulations are contained in Chapter 22 of the General Plan *Land Use Element*. As outlined in Table 5.7-2 below, the regulations are designed to increase safety and reduce the spread of fire from structure to structure.

**TABLE 5.7-2: Mono County Chapter 22 Fire Safe Regulations**

<b>Road Standards</b>	<ul style="list-style-type: none"> <li>• Road Width: All roads to be constructed with at least two 9' traffic lanes providing 2-way traffic flow.</li> <li>• Roadway Surface: The surface shall provide unobstructed access to conventional-drive vehicles, including sedans and fire engines. Surfaces should be capable of supporting a 40,000- pound load.</li> <li>• Roadway Grades: The grade for all roads, streets, private lanes and driveways shall not exceed 16%.</li> <li>• Roadway Radius: No roadway shall have a horizontal inside curve radius less than 50' &amp; additional surface width of 4' shall be added to curves of 50-100' radius; 2 feet to those from 100-200'.</li> <li>• The length of vertical curves in roadways (excluding gutters, ditches, and drainage structures designed to hold or divert water), shall be not less than 100'.</li> <li>• Turnarounds: Turnarounds are required on driveways &amp; dead-end roads, with a minimum turning radius of 40' from centerline. If a hammerhead/T is used, the top of the "T" shall be at least 60' long.</li> <li>• Turnouts: Turnouts shall be a minimum 10' wide and 30' long with a minimum 25' taper on each end.</li> <li>• Roadway Structures: All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load with specified minimum vertical clearances.</li> <li>• Bridge signing shall at a minimum specify weight and vertical clearance capability. A bridge with only one traffic lane may be allowed provided there is unobstructed visibility and turnouts at both ends.</li> <li>• 1-Way Roads: All 1-way roads shall be constructed with at least one 10' traffic lane, shall connect to a 2-lane roadway at both ends, shall provide access to no more than 10 dwellings, shall not exceed 2,640' in length, with a turnout near the midpoint of each one-way road.</li> <li>• Dead-End Roads: Regardless of the number of parcels served, the max length of a dead-end road shall not exceed 800' for parcels less than 1 acre, 1,320' for parcels of 1.0- 4.99 acres, 2,640' for parcels of 5-19.99 acres, and 5,280 for parcels of 20+ acres. For parcels 5 acres or larger, turnarounds shall be provided at intervals of 1,320'. Each dead-end road shall have a turnaround at its terminus.</li> <li>• Driveways: All driveways to provide a minimum 10' traffic lane &amp; unobstructed 15' vertical clearance along entire length. Driveways 150-799' in length to provide a turnout near the driveway midpoint. Where a driveway exceeds 800', turnouts to be provided no more than 400' apart. A turnaround shall be provided within 50' of all buildings on driveways over 300' in length.</li> <li>• Gate Entrances: Gate entrances shall be at least two' wider than the width of the traffic lane(s) serving that gate. All gates providing access from a road to a driveway shall be located at least 30' from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.</li> </ul>
<b>Signing &amp; Building Numbering Standards</b>	<ul style="list-style-type: none"> <li>• Signage: All new and existing or approved roads, streets, and buildings shall be designated by legible names or numbers that are visible from the adjoining street or road.</li> <li>• Size: The size of letters, numbers, and symbols for street and road signs shall be a minimum of 4" letter height, 1/2" stroke, reflectorized, contrasting with the background color of the sign.</li> <li>• Addresses: All buildings to be issued an address conforming to the County address system. Each dwelling in a building shall be separately identified. Addresses to be placed at the driveway entrance &amp; visible from both travel directions. Address to be posted upon start of construction and maintained thereafter. Multiple</li> </ul>

	<p>addresses sharing a single driveway shall be mounted on a single post.</p> <ul style="list-style-type: none"> <li>Commercial &amp; Industrial: Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest intersection providing access to that site.</li> </ul>
<b>Emergency Water Standards</b>	<ul style="list-style-type: none"> <li>Emergency water shall be available and accessible in quantities and locations needed for a wildfire, with at least 2,500 gallons of water year round; in the Wheeler Crest &amp; Long Valley FPDs, water access shall be acceptable to the fire district. Emergency water shall be available on site before completion of road construction where a community water system is approved, or before completion of building construction where an individual system is approved.</li> <li>Freeze protection shall be provided as required by the California Plumbing Code and NFPA 13.</li> <li>Hydrant/Fire Valve: The hydrant serving any building shall be not less than 50' nor more than ½ mile by road from the building it is to serve; in the Long Valley and Wheeler Crest FPDs.</li> <li>Distance shall be not less than 50' or more than 1,000' by road from the building served. The hydrant shall be located at a turnout or turnaround, 18" above grade, 8' from flammable vegetation, no closer than 4' nor farther than 12' from a road &amp; in a location where fire apparatus will not block the road.</li> <li>Signing: Each hydrant/fire valve or access to water to be identified with a reflectorized blue marker</li> <li>Maintenance of required water supply(s) shall be the responsibility of the property owner.</li> </ul>
<b>Roof Cover Standards</b>	<ul style="list-style-type: none"> <li>CBC Class A roof covering(s) shall apply for every new building(s) and all reroofing of existing building(s), with certification, installation, and weather test capabilities as per established standards.</li> </ul>
<b>Defensible Space Standards</b>	<ul style="list-style-type: none"> <li>Tree branches within 10 feet of a chimney outlet or stovepipe outlet;</li> <li>Dead or dying tree branches adjacent to or overhanging a building;</li> <li>Leaves, needles, or other dead vegetative growth on the roof of any structure;</li> <li>Flammable vegetation or other combustible growth within 30 feet of an occupied dwelling or structure which prevents the creation of a Firebreak;</li> <li>Brush, flammable vegetation, or combustible vegetation located between 30-100' of an occupied dwelling; or brush or other flammable material within 10' of a propane tank.</li> </ul>
<b>Local Enforcement</b>	<ul style="list-style-type: none"> <li>Compliance may be verified by authorized and trained local personnel.</li> <li>A correction notice shall be issued for noncompliance</li> <li>If required, a second correction notice is issued warning that noncompliance may lead to enforcement.</li> <li>If required, Code Compliance Officers may take enforcement action, based on the degree of danger posed.</li> </ul>

### 5-7-3-5 Avalanche, Landslides, Rockfall, Winds, Volcanic Activity

**Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP).**<sup>14</sup> The LHMP notes that portions of Mono County are vulnerable to avalanches, dam failures, flooding, landslides, seismic hazards, severe winds and severe winter storms, volcanic hazards, and wildfires. Avalanche hazards are among the most prevalent natural hazards in Mono County. Most avalanches occur in the backcountry, on USFS lands in western Mono County, but several community areas along the eastern mountain slopes have also experienced avalanches including properties in or near the northwestern edge of Lee Vining and the area north of Lee Vining. The Tioga site is not in an identified avalanche hazard area. Landslides are not among the most common natural hazards in Mono County due to the relatively small number of identified risk areas; most communities (including the Tioga site) are located away from landslide-prone canyon slopes. Rockfalls and landslides are particularly common along the eastern Sierra scarp and in the backcountry, where landslides have prompted the closure of many wilderness areas. The Tioga site is not located in an identified rockfall or landslide hazard area. Volcanic hazards are not considered to be among the most prevalent natural hazards in Mono County mainly due to the uncertain timing, frequency and intensity of such events. The California *State Hazard Mitigation Plan* (SHMP) classifies the Long Valley Caldera/Mono-Inyo Craters region as a high threat for volcanic activity. Eruptions along the this chain of craters have occurred every 250-750 years, most recently at Paoha Island in Mono Lake about 4 miles east of the project site. This region lacks modern USGS hazard assessment tools and is a priority for update.<sup>15</sup> Mudflows involve

<sup>14</sup>Mono County and Town of Mammoth Lakes, *Multi-Jurisdictional Local Hazards Plan*, October 2006.

<sup>15</sup> Office of Emergency Services, *Hazard Mitigation Plan*: [https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP\\_FINAL\\_ENTIRE%20PLAN.pdf](https://www.caloes.ca.gov/HazardMitigationSite/Documents/002-2018%20SHMP_FINAL_ENTIRE%20PLAN.pdf).

very rapid downslope movement of saturated soil, sub-soil, and weathered bedrock. The Tioga site is at risk of mudflows resulting from a winter volcanic event (see discussion in Impact 5.7(f)).

**Propane.** Propane is an odorless, colorless, highly flammable liquefied compressed gas packaged in cylinders under its own vapor pressure. It poses an immediate fire and explosion hazard when mixed with air. Propane is heavier than air and may collect in low areas or travel along the ground. Though nontoxic and noncarcinogenic, direct contact with liquid propane can cause irritation, frostbite and suffocation.

**Radon.** Radon is a naturally occurring radioactive gas that is released during the natural decay of uranium; the gas is odorless, invisible, and tasteless. Its occurrence is influenced primarily by geology, and it is considered the greatest source of natural radiation because it moves easily through the soil into homes, emits radiation that is hazardous to lung tissue, and emits radiation at a high rate. Certain areas of the state, including Mono County, are more likely to contain higher radon levels; the EPA ranks Mono County as Zone 2 (of 3 zones).<sup>16</sup> EPA advises that homes be modified to prevent radiation exposure if the radon level is 4 pCi/L (picocuries per liter) or more; the State Radon Officer estimates that about 11% of Mono County homes have exposure at or above this level. EPA also recommends that Americans consider fixing their home for radon levels between 2-4 pCi/L; an estimated 21% of Mono County homes fall in this category.<sup>17</sup> Testing is the only way to detect radon,<sup>18</sup> using kits that are available from state and local health departments at low or no cost; High levels can be avoided or reduced through home design elements.

**Severe Winter Storms.** Severe winter storms occur every year throughout the county, but are most common along the eastern slopes and at higher elevations. Vulnerability is linked to the age of structures; the County's *Housing Element* estimates that about 21% of Mono County structures were built 40+ years ago. Proposed uses would be constructed under modern building codes (most likely the upcoming 2020 CBC) and designed to withstand winter storm damage while minimizing energy costs.

## 5.7.4 REGULATORY SETTING

### 5.7.4.1 Federal Regulations

***Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).*** This comprehensive 1980 Act paved the way for active Federal involvement in emergency response, site remediation, and spill prevention, including the Superfund program. CERCLA provides mechanisms for reacting to acute and chronic hazardous materials emergencies and releases. In addition to setting procedures for the prevention and remedy of problems, CERCLA also established a system for compensating injured parties and for assigning liability. CERCLA anticipates and addresses failure in other regulatory programs, and frequently remedies problems that result from actions taken before regulatory protections and standards were in place.

***Hazardous Materials Transportation Act.*** This Act, as amended, is the basic statute regulating hazardous materials transportation in the United States. The purpose of the law is to provide an adequate level of protection against the risks to life and property inherent in transporting hazardous materials in interstate commerce. Under this Act, the US Department of Transportation (USDOT) regulates transportation of hazardous materials between states, and the USDOT Federal Railroad Administration (FRA) enforces Hazardous Materials Regulations for rail transportation, as set forth by the Pipeline and Hazardous Materials Safety Administration. These regulations require that transporters of hazardous materials (including gasoline and propane) maintain and enforce security plans and train their employees in safety and security matters associated with the transport of hazardous materials.

***Obstructions to Navigable Airspace FAR.*** Part 77 of the Code of Federal Regulations provides guidance for determining hazards and obstructions to navigable airspace and establishes the slope and dimensions of airport safety zones including the horizontal surface, conical surface, primary surface, approach surface, and transitional surface. The FAA

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<sup>16</sup> EPA Map of Radon Zones, EPA website: <http://www.epa.gov/radon/pdfs/zonemapcolor.pdf> accessed 3-13-15.

<sup>17</sup> Mono County: <http://county-radon.info/CA/Mono.html>

<sup>18</sup> California Dept. of Public Health website: <http://www.cdph.ca.gov/HealthInfo/environhealth/Pages/Radon.aspx> accessed 3-13-15.

also addresses wildlife hazards on or near airports, including direction on where public-use airports should restrict land uses that have the potential to attract hazardous wildlife. FAA recommends that wildlife attractants (including natural and manmade areas) be separated from aircraft movement areas by a distance of 10,000 ft. Native bitterbrush vegetation is an existing wildlife attractant in the vicinity of Lee Vining Airport.

**Occupational Safety and Health Administration (OSHA).** OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

**Resource Conservation and Recovery Act (RCRA).** The Environmental Protection Agency (EPA) is the principal agency regulating the generation, transport, and disposal of hazardous substances at the federal level. RCRA establishes a comprehensive program that regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments (which prohibit certain disposal methods for specified hazardous substances), and the Federal Emergency Planning and Community Right to Know Act of 1986 (which imposed requirements for emergency planning and "Right-to-Know" reporting with the goal of increasing public access to information about chemical use, storage, and releases into the environment..

**Superfund Amendments and Reauthorization Act.** EPA compiles a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the USA, known as the National Priorities List. These locations are commonly referred to as "Superfund sites." There are no Superfund sites in Mono County; only the Marino Corps Mountain Weapons Training Center is listed by EPA as releasing chemicals under the Toxics Release Inventory (TRI) Program.<sup>19</sup>

**Toxic Substances Control Act (TSCA).** TSCA was enacted in 1976 to ban the manufacture, processing, distribution, and use of polychlorinated biphenyls (PCBs) in enclosed systems. EPA Region 9 regulates remediation and labeling of products containing PCBs in California. In 1992, TSCA was amended to include Title IV, Lead Exposure Reduction standards for lead-based paints and lead dust cleanup levels in most pre-1978 housing and child-occupied facilities.

**USGS Volcanic and Earthquake Hazards and Response for the Long Valley Caldera-Mono Lake Area, 2014.**<sup>20</sup> As part of the USGS multi-hazards project, the California Geological Survey (CGS) developed several earthquake scenarios and evaluated potential seismic hazards in the Long Valley Caldera-Mono Lake area including ground shaking, surface fault rupture, liquefaction, and landslide hazards associated with these earthquake scenarios. The results of these analyses can be useful in estimating the extent of potential damage and economic losses because of potential earthquakes and in preparing emergency response plans. The report notes that while methodologies are well developed for estimating ground shaking, the methodologies for estimating surface fault displacement are still being developed; accordingly, the report provides a more in-depth and detailed discussion of the available methodologies.

#### 5.7.4.2 State Regulations.

EPA has delegated to California the primary responsibility for administering and enforcing hazardous waste management programs; the state regulations are equivalent to or more stringent than those set by the federal government. The California programs are administered through DTSC, SWRCB and the Integrated Waste Management Act, as discussed below along with other state legislation for hazards management.

**Underground Storage Tank Regulations.** The California Water Resources Control Board (CWRCB) regulates the operation and maintenance of gasoline underground storage tanks (UST) through the Underground Storage Tank Program. Proposed USTs are subject to CCR Title 23, Chapter 16 (Underground Tank Regulations). These regulations establish (1) construction requirements for new underground tanks; (2) separate monitoring requirements for new and existing underground storage tanks; (3) uniform requirements for the reporting of unauthorized releases, (4) requirements for the repair, upgrade, and closure of underground storage tanks; and (5) variance request procedures.

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<sup>19</sup> EPA: [http://iaspub.epa.gov/triexplorer/tri\\_factsheet.factsheet?&pstate=CA&pcounty=Mono&pyear=2013&pDataSet=TRIQ1](http://iaspub.epa.gov/triexplorer/tri_factsheet.factsheet?&pstate=CA&pcounty=Mono&pyear=2013&pDataSet=TRIQ1).

<sup>20</sup> USGS, Scenario Earthquake Hazards for the Long Valley Caldera-Mono Lake Area, East-Central California, 2014; R. Chen, et al.



**Hazardous Materials Delivery Regulations.** As with the existing gas pumps, the proposed third gas pump island will require continued regular transport of gasoline to the project site. The deliveries are regulated by the California Dept. of Transportation, Motor Vehicle standards. Delivery vehicles are required to prominently display shipping papers that identify the name of the transported hazardous materials, their class (gasoline is classified as 'Class 3'), quantities, containment type, source and recipient, emergency contact information, and emergency response procedures.. Transport vehicles must prominently display at least 4 identification placards, their associated risk profile, and the 4-digit material ID number assigned by the U.S. Dept. of Transportation (the ID number for gas is 1203).

**Emergency Services Act.** The Emergency Services Act directed California to prepare an emergency response plan to coordinate the efficient interaction of emergency services provided by federal, state, and local agencies. The plan is administered through the Office of Emergency Services and includes coordination with EPA, CHP, Regional Water Quality Control Boards (RWQCBs), air quality management districts, and County disaster response offices (emergency response in Mono County is detailed in the EOP, as discussed in this section).

**Hazardous Waste Control Act (HWCA).** The HWCA sets forth requirements for the proper management of hazardous waste, as implemented through the state hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The program includes criteria for hazardous wastes including identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. More than 800 potentially hazardous materials are regulated under the program.

**Hazardous Waste and Substances Sites List.** DTSC compiles and regularly updates the Hazardous Waste and Substances Sites List ('Cortese List') as required by CGC §65962.5. The list identifies potentially contaminated sites throughout the state and is used by California agencies and developers to comply with CEQA requirements for providing information about the location of hazardous materials release sites.

**Hazardous Materials Transport.** The California Vehicle Code contains regulations governing hazardous materials transport. The regulations require that all hazardous materials transporters be registered through DTSC, with specific identification numbers (for transporters as well as facilities used in the storage, treatment and disposal of hazardous materials) that track wastes from their point of origin to their final point of disposal. In the event of a spill, release or mishap, all handlers are required by Title 22 to take immediate action to protect human health and the environment.

**Integrated Waste Management Act.** AB 939, known as the Integrated Waste Management Act, was passed in 1989 to address the increase in waste stream and the decrease in landfill capacity. AB 939 resulted in creation of the California Integrated Waste Management Board, and waste reduction targets were set, along with a framework for program implementation, solid waste planning and solid waste facility and landfill compliance.

**Alquist-Priolo Earthquake Fault Zoning Act.** The Alquist-Priolo Earthquake Fault Zoning Act of 1972 sets forth the policies and criteria of the State Mining and Geology Board, which governs the exercise of governments' responsibilities to prohibit the location of developments and structures for human occupancy across the trace of active faults. The policies and criteria are limited to potential hazards resulting from surface faulting or fault creep in Earthquake Fault Zones, as delineated on maps officially issued by the State Geologist. Working definitions include a) Fault (a fracture or zone of closely associated fractures where one side has been displaced with respect to the other side); b) Fault Zone (a zone of related faults (often braided and subparallel but occasionally branching and divergent) that can range in width from a few feet to several miles; c) Sufficiently Active Fault (a fault with evidence of surface displacement along one or more of its segments or branches within the last 11,000 years); and d) Well-Defined Fault (a fault where the trace is clearly detectable as a physical feature at or just below the ground surface). The state uses two criteria ("Sufficiently Active" and "Well Defined") to determine if a fault should be zoned under the Alquist-Priolo Act.

**California Toxics Rule and State Implementation Policy.** The California Toxics Rule (CTR) was promulgated in 2000 in response to requirements of the EPA National Toxics Rule (NTR), and establishes numeric water quality criteria for approximately 130 priority pollutant trace metals and organic compounds. The CTR criteria are regulatory criteria adopted for inland surface waters, enclosed bays, and estuaries in California that are on the CWA Section 303(c) listing



for contaminants. The CTR includes criteria for the protection of aquatic life and human health. Human health criteria apply to all waters with a Municipal and Domestic Water Supply Beneficial Use designation as in the Basin Plans.

**Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays & Estuaries of California.**

Also known as the State Implementation Plan (SIP), SWRCB adopted this policy in 2000 to establish provisions for translating specific criteria (CTR, NTR (see above) and basin plan water quality objectives for toxic pollutants) into NPDES permit standards. The standards cover effluent limits, effluent compliance determinations, monitoring, long-term toxicity control provisions, development of site-specific water quality objectives, and the granting of effluent compliance exceptions. The SIP created a standardized approach for the permitting of toxic effluent discharges to inland surface waters, enclosed bays, and estuaries throughout the state.

**Board of Forestry and Fire Protection (CalFire Board).** The Board is authorized under PRC §4290 to adopt regulations for wildfire protection. In 2014, the Board adopted §1270 SRA Fire Safe Regulations to modify PRC §4290. The 2012 statute established minimum wildfire protection standards in designated SRAs, including standards for design and construction of structures, subdivisions and developments. The statute also addressed basic emergency access and perimeter wildfire protection including emergency access; signage and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The new regulations clarified PRC §4290 administrative requirements and concerns associated with residential development in areas with hazardous fuel and wildfire conditions.

**California Building Code (CBC).** Title 24 of the CCR, known as the California Building Code (CBC) contains regulations that govern building construction in California. The CBC includes 12 parts: a Building Standards Administrative Code, Building Code, Residential Building Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Historical Building Code, Fire Code, Existing Building Code, Green Building Standards Code, and the Reference Standards Code. Through the CBC, the State provides minimum standards for building design and construction, with specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. CBC also regulates grading activities, including drainage and erosion control.

**California Health and Safety Code (HSC).** California Health & Safety Code §19100 et seq. establishes the State's regulations for earthquake protection. This section of the code requires structural designs to be capable of resisting likely stresses produced by phenomena such as strong winds and earthquakes.

**California Emergency Services Act.** The Emergency Services Act of 2011 establishes tools to ensure effective emergency response utilizing all resources and manpower available within California. To this end, the Act assigns emergency powers to the Governor and chief executives and governing bodies of the state, provides for state assistance in organizing and maintaining the emergency programs of various levels of governance, assigns duties and responsibilities for emergency response and coordination as well as mutual aid cooperation, and authorizes actions and the establishment of organizations as needed to achieve the goals so identified.

**Caltrans Seismic Design Criteria.** Caltrans' Seismic Design Criteria (SDC) provide design and analysis methodologies for the design of new bridges in California. The SDC uses a performance-based approach that sets minimum levels of structural system performance, component performance analysis, and design practices for ordinary standard bridges. The SDC has been developed with input from the Caltrans Offices of Structure Design, Earthquake Engineering and Design Support, and Materials and Foundations.

**Certified Unified Program Agencies (CUPA).** Under CUPA, CalEPA grants to qualifying local agencies the responsibility for oversight and permitting of certain state hazardous waste and hazardous materials programs. Program elements include consolidation, coordination, and administration of requirements, permits, inspections, and enforcement activities for the specified emergency and management programs including a) hazardous materials release response plans and inventories; the California Accidental Release Prevention Program (CalARP); the UST Program; Aboveground Petroleum Storage Act Requirements for Spill Prevention, Control and Countermeasure plans; and the Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs. CUPA is implemented at the local level by 83 government agencies certified by the Secretary of CalEPA. Mono County Health Department has been certified by CalEPA as the CUPA for implementing the hazardous materials program in Mono County. Transporters and users of hazardous materials are listed with the Health Department and regulated and monitored by the County.

**Department of Forestry and Fire Protection (Cal Fire).** Cal Fire provides fire protection for SRAs and is responsible for protecting and maintaining privately owned wildlands, providing emergency services, and responding to wildland fires. Fire prevention and suppression in non-SRA areas are the responsibility of local or federal agencies. CalFire regulates wildfire protection standards for building, construction and development in the SRAs including the design and construction of SRA structures, subdivisions and developments, and basic emergency access and perimeter wildfire protection. The CBC also establishes fire safe requirements, including building materials and cleared space around buildings in Wildland-Urban Interface (WUI) areas. Mono County is served by the San Bernardino administrative unit of Cal Fire. Each unit prepares an annual Fire Management Plan as part of the California Fire Plan for wildland protection. Overall goals are to enhance initial fire response, and reduce costs through 'prefire management prescriptions.'

**Seismic Hazards Mapping Act.** The 1990 Seismic Hazards Mapping Act addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically-induced landslides. Under the Act, seismic hazard zones are mapped by the State Geologist to aid local governments in land use planning. The Seismic Hazards Mapping Act program resembles the Alquist-Priolo Earthquake Fault Zoning Act, which addresses only surface fault-rupture.

**State Geological Survey.** The California Geological Survey is responsible for assisting in the identification of fault locations and other geological hazards.

**Senate Bill 1241 (SB 1241).** SB 1241 of 2013 modifies General Plan Safety Element requirements to better protect California communities from unreasonable risks of wildfire and urban fires, with a focus on SRAs and very high fire hazard severity zones (VHFHSZ). SB 1241 requires local agencies to provide certain information in the Safety Element including fire hazard severity zone (FHSZ) historical data on wildfires; the general location and distribution of existing and planned uses of land in SRA or VHFHSZ LRAs; the agencies responsible for fire protection; consideration of the OPR "Fire Hazard Planning" document; goals, policies, and objectives to protect communities from the unreasonable risk of wildfire; feasible implementation measures; and updates to incorporate changing guidelines and requirements.

**Underground Storage Tank (UST) Program.** The California Department of Public Health and SWRCB monitor USTs. The program focuses on sites that have been identified for remedial action due to unauthorized release of toxic substances from USTs. The UST Program is administered by the SWRCB and includes leak prevention, cleanup, enforcement, and tank testing certification.

#### 5.7.4.3 Regional and Local Regulations<sup>21</sup>

**Mono County Emergency Operations Plan.** The EOP addresses the County's planned response to extraordinary situations associated with natural disasters and/or technological incidents including both peacetime and national security operations. With a focus on coordinating mutual aid, the plan provides an overview of operational concepts for various emergency situations, identifies components of the emergency response organization, and describes responsibilities of participating agencies. The EOP provides a consistent framework for emergency management and operations, and is maintained and updated annually.

**Floodplain Regulations.** New development and substantial improvements<sup>1</sup> to existing development in Mono County are subject to the requirements of the Floodplain Regulations (Ch. 21, Land Development Regulations). The regulations contain standards for construction, utilities, subdivisions, and manufactured homes. The Floodplain Regulations are applied during the building permit or development permit phase of new construction or improvements, and the floodplain administrator makes recommendations for projects outside of regulatory flood zones (i.e., outside of the 200-year flood plain and flood awareness map areas).

**National Flood Insurance Program.** The County maintains floodplain regulations as required for participation in the National Flood Insurance Program. This program allows local residents to purchase federal flood insurance.

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<sup>21</sup> Mono County Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP), October 2006.

**FEMA Flood Zones.** The County and the Town utilize the FEMA Flood Insurance Rate Maps (FIRM) to identify the 100-year floodplain in Mono County. Policies in the Land Use Element and the Safety Element regulate development in the 100-year floodplain in conjunction with the County Floodplain Regulations. In the June Lake and Chalfant areas, subsequent floodplain studies have been completed to administer Floodplain Regulations in those areas.

**Fire Safe Regulations.** New construction in the unincorporated area of the county is subject to the provisions of the Fire Safe Regulations (Chapter 22 of the Land Development Regulations) consistent with the requirements of Fire Safe Rule 1270. Those regulations establish basic wildland fire protection standards for emergency access, signing and building numbering, private water supply reserves for fire use, and vegetation modification. The Fire Safe Regulations are applied during the building permit or development permit phase of new construction.

**Fire Prevention Property Inspections.** Cal Fire and USFS conduct fire prevention property inspections throughout Eastern Sierra communities. Eastern Sierra Regional Fire Safe Council volunteers assist both agencies with inspections. A secondary objective of volunteer inspections is community outreach to provide residents with information about living at the wildlands interface, i.e. creating and maintaining defensible space, firescaping, building defensible homes, fire preparedness, and emergency response.

**Cal Fire and FPD Project Plan Check.** Cal Fire and FPD staff review project plans for proposed development located in SRAs and LRAs, respectively, to ensure that the development complies with California Fire Safe Requirements and the CBC for proper access, signage, water supplies, and building materials.

**Eastern Sierra Regional Fire Safe Council (ESRFSC).** The ESRFSC is a non-profit organization created to advise citizens in Mono and Inyo counties how best to deal with the threat of wildfire. The council works with local volunteer fire departments and assists CDF as they train volunteers to perform residential fire hazard inspections. Volunteers also work with homeowners to raise awareness about wildfire risks and methods of home hazard reduction. ESRFSC has also created a community fuel break.

**Local Fire Safe Councils.** The Fire Safe Council works on a variety of projects to help reduce the threat of wildfire, including a fuels reduction grant and a chipping program for woody debris in neighborhood areas. Fire Safe Councils have also been established in communities in the county (June Lake, Wheeler Crest, Mono Basin, Benton, Devil's Gate/Swauger Creek and Twin Lakes) to increase fire safety in those communities and the surrounding areas.

**Mono County Public Health Department Special Needs Database.** To prepare for emergencies, the Mono County Public Health Department maintains a database of special needs clients on a GIS file. The file contains the GPS coordinates of participants' daytime and nighttime driveways and front door, a building outline, and assessor's parcel numbers. Once in the database, the Public Health Officer sends each participant a letter thanking them for being proactive in emergency planning, with informative brochures from FEMA, the Red Cross, and OES on emergency and disaster preparation and response. The database is reviewed annually and revised as necessary.

## 5.7.5 SIGNIFICANCE CRITERIA

Consistent with Appendix G of the CEQA Guidelines, the proposed Tioga Workforce Housing project will be considered to have a significant impact on human health, safety, hazards, and hazardous materials if it will:

- a) 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?
- b) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- c) 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?
- d) Impair implementation of or physically interfere with an adopted emergency response or evacuation?
- e) 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?

- f) Expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, seiches or tsunamis, rockfall or volcanic activity?

## 5.7.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT 5.7(a): Would project implementation create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within one-quarter mile of an existing or proposed school?**

**LESS THAN SIGNIFICANT IMPACT (Gasoline).** The Tioga Mart currently provides commercial retail gasoline services through 2 gas pump islands, each with 1 underground fuel storage tank and 4 fueling pumps. The project proposal includes construction of a third gas pump island with 4 additional fueling pumps, 1 new underground gasoline storage tank, and reconfiguration of the gas station access and parking areas. The addition of a third gas island would increase the volume of certain hazardous materials transported to, used and stored at the Tioga Mobil Station. Gas station hazards include the transport and delivery and storage of fuel, the transfer of fuel between the delivery tanker trucks and the underground storage tanks (2 now in place, and 1 more proposed for a future total of 3 underground storage tanks), and the delivery of fuel into customer vehicles via gas pumps. Each stage is subject to regulation.

The U.S. Dept. of Transportation Pipeline and Hazardous Materials Safety Administration regulates the transport of hazardous materials through Title 49 of the Code of Federal Regulations (49 CFR), Subchapter C, "Hazardous Materials Regulations." Parts 171-177 provide general information on hazardous materials and regulation for their packaging and their shipment by rail, air, vessel, and public highway. Title 49 regulations apply to both interstate and intrastate transport of hazardous materials, and are applicable to all persons transporting hazardous materials including transportation for commercial purposes, transportation by state or local governments, and private individuals.<sup>22 23</sup> The California Vehicle Code (CVC §32000.5) requires transporters to obtain a Hazardous Materials Transportation License from the CHP (again for both intrastate and interstate carriers). The License is required if the shipment requires the display of hazard warning placards, if the hazardous material being shipped is 500 pounds or greater, if the hazardous material is being transported for a fee, and if the material would normally require placards if shipped in a greater quantity. Reporting is also required. The Petroleum Industry Information Reporting Act (PIRA) requires all retail transportation fueling stations in California to fill a Retail Fuel Outlet Annual Report. The report includes information about the sale of gasoline, diesel fuel and other transportation fluids. Based on PIRA reporting, the California Energy Commission estimates that there were 8,456 gasoline and 4,790 diesel fueling stations in California in 2016, fewer than 100 of which were located in Mono County.<sup>24</sup>

To reduce the release of unburned fuels into the environment, California has adopted mandatory 'Enhanced Vapor Recovery' requirements for gasoline dispensing facilities.<sup>25, 26</sup> Requirements include more stringent certification, dripless nozzles to reduce spillage, added control of fugitive emissions, better facility components to reduce leakage potential, updated compatibility with vapor recovery systems on newer vehicles, and vapor recovery system monitors.

The County's Emergency Response Plan includes detailed discussion of potential local hazards and interdepartmental/interagency response and management procedures to address a full range of emergency stages and scenarios, from pre-

<sup>22</sup> EPA, Summary of Regulations Controlling Air Emissions from Gasoline Dispensing Facilities (GDF) National Emissions Standards for Hazardous Air Pollutants NESHAP (SUBPART CCCCC) FINAL RULE. <https://www3.epa.gov/airtoxics/area/gdfb.pdf>

<sup>23</sup> California Highway Patrol, *Vehicles Transporting Hazardous Materials*, CHP 800C (Rev. 9-15) OPI 062: <https://www.chp.ca.gov/CommercialVehicleSectionSite/Documents/chp800c.pdf>

<sup>24</sup> California Energy Commission website: [http://www.energy.ca.gov/almanac/transportation\\_data/gasoline/piira\\_retail\\_survey.html](http://www.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html)

<sup>25</sup> Hilpert, M., et al, *Hydrocarbon Release During Fuel Storage and Transfer at Gas Stations: Environmental and Health Effects*, December 2015: <https://link.springer.com/article/10.1007%2Fs40572-015-0074-8>

<sup>26</sup> Enhanced Vapor Recovery (EVR) For Gasoline Dispensing Facilities, San Diego County APCD, [https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/presentations/hmd\\_2008\\_ust\\_apcd.pdf](https://www.sandiegocounty.gov/content/dam/sdc/deh/hmd/presentations/hmd_2008_ust_apcd.pdf)

planning efforts (to reduce the likelihood of occurrence), to evacuation, mitigation and recovery. The Plan identifies system shortcomings as well as limitations on the degree to which hazards can be reduced. Identified shortcomings include (a) the difficulty of controlling clandestine dumping; (b) the probable need to transport wastes out of the county when Benton Crossing Landfill closes around 2023; (c) the increasing threat, frequency and severity of wildland fire hazards; (d) the lack of alternate transportation routes and the fact that access routes are subject to closure; (e) the high concentration of visitors during peak winter months; (f) the relatively high exposure of some communities to natural hazards; (g) the limited number of medical facilities and beds available to handle multi-casualty incidents; and (h) the difficulty of safeguarding human health in the event of catastrophic emergencies.

Compliance with applicable federal, state and local regulations as reviewed in this section will reduce to less than significant levels the public and environmental hazards associated with the routine transport, use and disposal of hazardous materials at the project site. The Tioga Workforce Housing project is not located within one-quarter mile of any school; Lee Vining Elementary School is about 2,500 feet north of the project site, and Lee Vining High School is approximately 4,500 feet north of the project site. No supplemental mitigation is required.

**LESS THAN SIGNIFICANT IMPACT (Propane).** The propane industry is regulated by a number of federal agencies including the U.S. Department of Transportation (DOT), the Occupation Safety & Health Administration (OSHA), the U.S. Department of Energy (DOE), the Pipeline & Hazardous Materials Safety Administration (PHMSA), and the Federal Motor Carrier Safety Administration (FMCSA) within DOT. OSHA and DOT regulate employee training and communication on emergency procedures for propane, and the Department of Energy regulates the energy efficiency standards for propane.

The applicant anticipates that the proposed 30,000 gallon propane tank will be serviced by a commercial propane dealer. The commercial dealer will also be responsible for delivery of liquid petroleum gas (LPG) to the tank, compliance with regulations pertaining to propane transport and storage, tank siting and maintenance and use, and distribution to offsite customers (if any). Impacts would be *less than significant*, and no mitigation is required.

### **MITIGATION MEASURES – HAZARDOUS MATERIALS**

**SFTY 5.7(a) (Transport of Hazardous Materials):** Compliance with mandatory existing regulations would reduce potential impacts to less than significant levels. No supplemental mitigation measures are proposed.

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**IMPACT 5.7(b): Is the proposed Tioga Workforce Housing Project location included on a list of hazardous materials sites with potential for creating a significant hazard to the public or the environment?**

**LESS THAN SIGNIFICANT IMPACT.** The DTSC Cortese List provides information about hazardous materials sites in California, including Mono County. The lists compiled and presented therein indicate that there are no Mono County sites contained on the CalEPA Hazardous Waste and Substances Site List, or on the DTSC List of Hazardous Waste Facilities subject to Corrective Action,<sup>27</sup> or on the CalEPA list of Mono County sites with Waste Constituents above Hazardous Waste Levels.<sup>28</sup>

Eight Mono County sites are included on the SWRCB List of Active Cease and Desist Orders (CDOs) and Clean-up and Abatement Orders (CAOs).<sup>29</sup> SWRCB notes that the list contains many Orders that do not concern the discharge of hazardous wastes (for example, many involve discharges of domestic sewage, food processing wastes, or nonhazardous sediment), but the Water Boards' database does not distinguish between these types of orders. None of the 8 Mono County sites on this list are located in Lee Vining.

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<sup>27</sup> CalEPA: <http://www.calepa.ca.gov/sitecleanup/corteselist/#sthash.PHd1SHF3.dpuf>

<sup>28</sup> CalEPA: <http://www.calepa.ca.gov/sitecleanup/corteselist/CurrentList.pdf>

<sup>29</sup> CalEPA: <http://www.calepa.ca.gov/sitecleanup/corteselist/#sthash.ix2VLJPG.dpuf>

There are no Mono County locations among the more than 500 sites on the CalEPA Hazardous Waste and Substances Site List,<sup>30</sup> and there are no Mono County sites on the list of Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit.<sup>31</sup> The Tioga Mart Gas Station is shown on the SWRCB Geotracker mapping site<sup>32</sup> as a 'Permitted UST.'<sup>33</sup>

In summary, neither the Tioga Mart Gas Station nor any other uses on the property are included on any list of hazardous materials sites compiled under CGC §65962.6, and no significant hazard to the public or to the environment associated with hazardous materials violations associated with facilities and/or sites identified as meeting Cortese List requirements. Impacts would be **less than significant**, and no mitigation measures are required.

### **MITIGATION MEASURES – CORTESE LIST**

**SFTY 5.7(b) (Cortese List):** The site is not included on any Cortese List, and no mitigation measures are required for this potential impact.

### **IMPACT 5.7(c): Would project implementation pose a safety hazard for people residing 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?**

**LESS THAN SIGNIFICANT IMPACT WITH MITIGATION.** The safety hazards associated with airports are generally related to objects that could interfere with airplane flight paths (primarily topographic and structural), features that attract wildlife (lakes, wetlands, waste disposal areas), and land uses that draw people into airport safety zones. Table 5.7-3 summarizes selected air safety zone information for the Lee Vining Airport.

<b>TABLE 5.7-3: Air Safety Zones – Lee Vining Airport<sup>34</sup></b>	
<b>DESIGN CRITERIA</b>	<b>LEE VINING AIRPORT</b>
Runway Obstacle Free Area	250' from runway centerline 200' from runway termini
Building Setback Line	Varies
Runway Safety Area	60' from runway centerline
Runway Protection Zone	Length: 1,000'

The Mono County *Land Use Element* reviews major issues, opportunities and constraints for the Lee Vining airport planning area as summarized below:

- Airport operations pose certain safety risks, particularly in the Safety Zone (the primary surface, runway and clear zones, the area under the runway approach and transitional surfaces, and the primary traffic pattern area).
- Approach/departure surfaces carry the highest volume of air traffic and tend to have more safety and noise problems since aircraft change power settings to take off or land [...] Because terrain west of the Airport penetrates portions of the horizontal surface, it is appropriate that the aircraft traffic pattern is to the east of the runway.
- Lee Vining airport is not situated on a site that significantly conflicts with existing land use.
- Several structures are located in the Bryant Field clear zone, and some residential structures are located in the Bryant Field approach surface. The County is pursuing acquisition of buildings and property in the clear zone.

<sup>30</sup> CalEPA: <https://www.envirostor.dtsc.ca.gov/public/>

<sup>31</sup> CalEPA: <https://calepa.ca.gov/wp-content/uploads/sites/62/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>

<sup>32</sup> SWRCB: <https://geotracker.waterboards.ca.gov/>

<sup>33</sup> SWRCB: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Mono+County>

<sup>34</sup> Mono County, *Lee Vining Airport Master Plan*, Wedell Engineering, 2002; *Mono County Airport Layout Master Plan*, R. Brandley, 2017: [https://monocounty.ca.gov/sites/default/files/fileattachments/public\\_works\\_-\\_facilities/page/4027/lee\\_vining\\_alp-2017.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/public_works_-_facilities/page/4027/lee_vining_alp-2017.pdf).



- e. Lee Vining Airport is classified as a basic utility general aviation airport serving aircraft with approach speeds up to 91 knots (Category A). Basic Utility Stage 1 airports serve about 75% of the single- and small twin-engine airplanes used for personal and small business purposes.
- f. Lee Vining Airport capacity exceeds aviation demand throughout the ALUC planning period (2000-2020).
- g. The Runway Protection Zone is located at ground level beyond the runway. These zones are the most critical in terms of human and property safety and also most critical in terms of noise exposure.

Exhibit 5.7-1 on page 5.7-20 depicts the safety zones around Lee Vining Airport. As shown, the project site is located outside of 5 of the 6 safety zones, including the Runway Protection Zone (shown on the map as '1'), the Inner Approach/Departure Zone (2), the Inner Turning Zone (3), the Outer Approach/Departure Zone (4), and the Sideline Zones (5). Essentially all of the Tioga Mart site and Lee Vining are located within the Traffic Pattern Zone.

The Traffic Pattern Zone is identified as 'Zone 6' in the *California Airport Land Use Planning Handbook*.<sup>35</sup> The Handbook indicates that the Nature of Risk in Zone 6 includes (a) normal maneuvers (aircraft within a regular traffic pattern and pattern entry routes), (b) altitude (ranging from 1,000 to 1,500 feet above runway), (c) common accident types (pattern accidents in the airport proximity for arrival, and emergency landings for departure), and (d) Risk Level (Low for Zone 6, with a 16-29% percentage of near-runway accidents; the Handbook notes that the comparatively high percentage is due to the large area encompassed).

The Handbook also identifies basic compatibility policies for Zone 6, including: (a) Normally Allowed (residential uses, provided that noise and overflight impacts are considered when ambient noise levels are low), (b) Limits (children's schools, large day care centers, hospitals and nursing homes; and processing and storage of bulk quantities of highly hazardous materials); (c) Avoid (outdoor stadiums and similar uses with very high intensities); and (d) Prohibit (no prohibited uses in Zone 6). Table 5.7-4 lists the compatibility criteria set forth in the Handbook for Zone 6.

**TABLE 5.7-4. Zone 6 Airport Land Use Compatibility Guidelines**

	Maximum Residential Intensities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	4X the Average number of people per gross acre
<b>Rural</b>	No limit – See Note A	150-200	600-800
<b>Suburban</b>	No limit – See Note A	200-300	800-1,200
<b>Urban</b>	No limit – See Note A	No Limit – See Note B	No Limit – See Note B
<b>Dense Urban</b>	No limit – See Note A	No Limit – See Note B	No Limit – See Note B

Note A: Noise and overflight should be considered; Note B: Large stadiums and similar uses should be avoided.

Proposed uses would fall in the range of acceptable uses. Regarding hazardous materials, the Handbook identifies bulk storage as 'aboveground bulk fuel storage-tank size greater than 6,000 gallons, based on Uniform Fire Code criteria,' noting that flammable, explosive, corrosive and toxic materials constitute special safety concerns due to the potential for an aircraft accident to cause a release and thereby pose dangers to nearby people and property. The propane tank does meet the definition of 'bulk storage of highly hazardous materials.' However, due to the very large area encompassed by Safety Zone 6, the very low number of aircraft operations at Lee Vining Airport, the Mono County Department of Public Works has concluded that the proposed tank presents an overall low level of risk, and is compatible with the Airport Layout Plan and Airport Land Use Compatibility Plan.<sup>36</sup> The third gas pump island would also fall within the range of acceptable uses.

<sup>35</sup>Caltrans, Div. of Aeronautics, <http://dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>.

<sup>36</sup> Communication with Garrett Higerd, Mono County Engineer, 25 September 2018.

A more significant airport safety issue pertains to the fact that much of the project site encroaches into the 'imaginary surface' shown on the 2017 Airport Layout Plan, particularly the horizontal surface at elevation 6,952.' The surface is based on California Public Utilities Code (PUC) §21659(a) which states:

*No person shall construct or alter any structure or permit any natural growth at a height which exceeds the obstruction standards set forth in Title 14 Code of Federal Regulations, Part 77, Subpart C (FAR Part 77), relating to objects affecting navigable airspace... (See [14 CFR § 77.19\(a\)](#))*

With respect to Object Clearing, FAA Advisory Circular 140-5300 13A §306 states: "Safe and efficient landing and takeoff operations at an airport require that certain areas on and near the airport are clear of objects or restricted to objects with a certain function, composition, and/or height. These clearing standards and criteria are established to create a safer environment for the aircraft operating on or near the airport. The airport operator is not required to prevent or clear penetrations to the Part 77, Subpart C, imaginary surfaces when the FAA determines these penetrations are not hazards. However, any existing or proposed object, whether man-made or of natural growth that penetrates these surfaces is classified as an "obstruction" and is presumed to be a hazard to air navigation. These obstructions are subject to an FAA aeronautical study, after which FAA issues a determination stating whether the obstruction is in fact considered a hazard."

During October 2018 the project applicant submitted Forms 7460-1 and 7460-2 to the FAA, requesting a Determination as to whether proposed or approved land uses on the project site would pose a hazard to air navigation.<sup>37</sup> Following completion of an aeronautical study, FAA issued a Determination of No Hazard to Air Navigation; a copy of the FAA Determination letter is provided as Appendix K and the application materials are on file with Mono County. Based on results of their analysis, FAA determined that the previously approved but as-yet unbuilt promontory restaurant (the onsite structure of greatest exposure with respect to airport safety) does exceed obstruction standards, but would not be a hazard to air navigation provided FAA is notified within 5 days after the construction reaches its greatest height, or in the event the project is abandoned. Marking and lighting were not found to be necessary for aviation safety. The FAA determination expires on 7 June 2020 unless construction has been initiated, or FAA has granted an extension, or a Federal Communications Commission construction permit is under review. Impacts would be **less than significant with mitigation**.

### **MITIGATION MEASURES – AIRPORT SAFETY**

**MITIGATION MEASURE SFTY 5.7(c) (Air Navigation Safety):** The project shall comply with established regulations set forth by the Federal Aviation Administration (FAA) (i.e., [Title 14, Chapter I, Subchapter E, Part 77](#)), and by the California Department of Transportation Aeronautics Division (i.e., Section 21659 of the California Public Utilities Code), and FAA Advisory Circular 150-5300 13A.

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**IMPACT 5.7(d):** Would implementation of the proposed Workforce Housing project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**LESS THAN SIGNIFICANT IMPACT.** As described in the baseline overview, the Mono County Emergency Operations Plan (EOP) sets forth all aspects of the County's response to emergency events. As such, the EOP provides detailed guidelines for the management of emergencies (actions taken before an emergency to optimize readiness), emergency response (pre-emergency actions, initial emergency response, and sustained emergency response as needed), recovery (to access assistance funds and programs) and mitigation (to avoid or reduce the impact of future emergency events).

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<sup>37</sup> FAA requires submittal of Forms 7460-1 and 7460-2 for construction or alteration projects that are not located on an airport site. Source: FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) portal: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

EXHIBIT 5.7-1: Lee Vining Airport Safety Zones



The EOP identifies 4 primary evacuation routes in Mono County: US 395 (providing access to western Nevada and southern California), US 6 (providing access to central Nevada), and State Routes 120 and 108, both of which cross the Sierra and provide access to the Central Valley and California coast. All of these major routes and their community access roads are subject to periodic closure (due to avalanches, landslides, snow, fog, wildfire and flooding) and several Mono County communities have only one access route (Wheeler Crest, Lundy Lake, Virginia Lakes, Twin Lakes, and part of June Lake). The EOP also notes that the 3 general aviation airports, including Lee Vining, play important roles in mass casualty evacuations that require airlifting of patients to hospitals out of the region; the Plan also notes that airports are vulnerable to transportation-targeted terrorism.

The Tioga Mart site has proximate direct access to US 395 (generally open through all seasons), and to SR 120 (generally open to the west only during the summer months). An informal dirt road links the site to SR120 through the southwestern-most corner of the property; this road is not owned by the applicant or approved for general use, but would be available under emergency conditions. The project site is also located adjacent to the Lee Vining Airport, where the property owner keeps a private plane. Though the deli closes in winter, the Tioga Mobile Station remains open throughout the winter months, providing fuel for larger vehicles with otherwise limited winter fueling opportunities on US 395. Further, because the Tioga site provides ample parking areas for oversize vehicles, it has on occasion served as a staging area for emergency response. The Tioga project site will continue to serve as a staging area for emergency response activities if the proposed workforce housing project is approved and implemented.

The layout and dimensions of proposed onsite roads has been reviewed with [CalFire and with](#) the Lee Vining Fire Protection District<sup>38</sup> and found to be consistent with applicable fire response [equipment access](#) requirements [with a single point of access](#). [CalFire confirmed in its comments on the DSEIR that \(a\) the design of interior roads \(prior to incorporation of the secondary access\) would meet §1273 standards, \(b\) construction of a 2-lane access road to all occupied buildings would meet Title 14, 4290 standards is hereby incorporated by reference, and \(c\) the turning circle for the existing hilltop housing units would exceed the minimum 40' radius turning area within 50' of the structures. Thus, all project areas have adequate turnaround and/or loop access per CalFire requirements.](#)

[At the same time, CalFire and others have recommended that a secondary access be provided by the project applicant, on a voluntary basis, to enhance emergency services. In response, the project applicant has voluntarily committed to provide a secondary route for use during emergencies. The secondary access will be taken from the former SCE easement road that follows close to the southern Tioga property boundary and exits onto SR 120 about 500 feet west of the existing hilltop housing.](#)

[The project applicant has entered into negotiations to acquire a portion of the SCE easement \(the 'Gibbs Siphon' access route\) for this purpose. The exit from the SCE easement road onto SR 120 has long been blocked by large boulders and unavailable for emergency use. The owner plans to replace the existing boulders with a break-away gate in which the gate 'arm' would swing out of the way in the event an approaching vehicle does not stop. SCE has given firm verbal approval for the project applicant to replace the boulders with a break-away gate even if easement acquisition is delayed or terminated.](#)

[Based on the above considerations, the applicant will create a secondary emergency access route. The secondary access would be via the existing Gibbs Siphon SCE easement road, which would be made accessible by replacing the existing boulders with a breakaway gate. This procedure would be used whether or not the housing project is approved, and whether or not the applicant is successful in acquiring the easement from SCE.](#)

[Implementation of the secondary access may require that an encroachment permit be obtained from Caltrans. As noted in Topical Response #4, Caltrans is planning to proceed with a freeway agreement rescission action for SR 120. When final, the action would redesignate SR 120 as a conventional highway \(SR 120 is currently designated as a freeway\). Rescinding of the freeway agreement would enable use of the SCE easement road for emergency-only access without requiring a Caltrans encroachment permit, provided the breakaway gate was located inside the privately-owned easement. If the gate is located inside the Caltrans right-of-way, it would be necessary to obtain an](#)

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<sup>38</sup> Tom Strazdins, Chief, LVFPD, personal communication 25 July 2018.

encroachment permit from Caltrans as part of the project conditions of approval. This FSEIR includes a new mitigation measure SFTY 5.6(d) requiring that an encroachment permit be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.

During review of secondary access options, the applicant also considered the feasibility of an emergency escape route to US 395, potentially along the alignment of the proposed wastewater treatment line. This concept was discussed with Caltrans during a meeting on 24 September 2019. Caltrans advised the applicant not to pursue a secondary access onto US 395 due to complex road geometrics in the project vicinity. It is also noted that the changes approved with 1997 Specific Plan Amendment #2 included a provision that apart from access for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.

Several comment letters, including LVFPD, cited the need for a plan to direct onsite response in the event of a fire. LVFPD recommended that the plan be "created, reviewed and approved collectively by the various safety agencies...prior issuance of subsequent documents and permits." In response to the request by LVFPD, DSEIR Mitigation Measure SFTY 5.7(d) (Emergency Evacuation) has been incorporated into the Specific Plan, with added requirements, and deleted from the Mitigation Monitoring and Reporting Program. New Specific Plan Implementation Measure 2b(5) is shown directly below, with revisions to the language previously used in DSEIR Mitigation SFTY 5.7(d).

**DELETED MITIGATION SFTY 5.7(d) (Emergency Evacuation):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster.

**NEW Specific Plan Implementation Measure 2b(5):** A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster. The plan must be approved by LVFPD through the standard 'will serve' letter required by the County, prior to the issuance of a building permit. The plan shall be prepared in collaboration with and approved by Mono County EMS and the Mono County Sheriff.

Based on the foregoing considerations, none of the existing or proposed project elements would impair implementation of or interfere with an adopted emergency response plan or emergency evacuation plan, ~~and mitigation is provided below to require that an encroachment permit evacuation routing plan to be obtained if the secondary emergency access gate is located inside Caltrans' SR 120 right-of-way used by onsite residents and business in the event of natural disaster.~~ Impacts would be **less than significant**.

### **MITIGATION MEASURES – EMERGENCY RESPONSE**

**NEW Mitigation 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.

**IMPACT 5.7(e):** Would project implementation expose people or structures to a significant risk of loss, injury or death involving wildland fires?

**LESS THAN SIGNIFICANT WITH MITIGATION.** The baseline overview describes wildland fire as a constant risk in Mono County and throughout the Sierra Nevada region. Cal Fire mapping classifies most of Mono County as having moderate fire hazard severity risks, with only pockets of land (generally west of Coleville) classified as Very High hazard severity. CalFire rates fire risk on the Tioga Mart project site as 'moderate.'<sup>39</sup>

Mono County has analyzed wildland fire hazards in each community through the Community Wildfire Protection Plan (CWPP)<sup>40</sup>. The CWPP has identified 17 of the 36 communities in Mono County to be at extreme or very high fire risk; Lee Vining is not identified as a high risk community. With a CWPP rating of 30, Lee Vining ranks among the communities with the lowest fire hazard; only Bridgeport has a rating more favorable than Lee Vining. The ranking reflects

<sup>39</sup> CalFire, Fire Hazard Severity Zones in SRA, November 2007: [http://frap.fire.ca.gov/webdata/maps/mono/fhszs\\_map.26.pdf](http://frap.fire.ca.gov/webdata/maps/mono/fhszs_map.26.pdf)

<sup>40</sup> Mono County: <https://monocounty.ca.gov/community-development/page/community-wildfire-protection-plan>.



community access to dual access routes, relatively low road gradients (none higher than 8%), adequate road widths, a good hydrant network, the local volunteer fire station and USFS fire station, discontinuous light fuel loading and moderate to low topography.

The report identifies adverse fire conditions in Lee Vining as including variable levels of structural repair with frequent occurrence of flammable decks and projections, poor address markings, and the presence of power lines and propane tanks that pose a hazard to firefighters. Based on these factors, the CWPP recommendations for Lee Vining (all of which are part of Mitigation Measure 5.7(e-1)) include 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 and needle litter from roofs and gutters and away from foundations; routine clearing of flammable vegetation away from power lines near homes; routine clearing of weeds and flammable vegetation to at least 30 feet away 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; and reflective address markers on all driveways and homes.

During the project review, a meeting was held with the Chief of the Lee Vining Fire Protection District.<sup>41</sup> The Fire Chief discussed onsite fire flow capacity, emergency access provision, and hydrant design and location with the project engineer. The Chief indicated that the onsite maximum fire flow capability of 2,500 gpm was more than adequate, anticipating that 1,500 gpm may be sufficient to meet requirements on this site. The Chief also found emergency access provisions and roadway widths to be adequate, with roadway widths that will more than accommodate the 8' 6" wide LVFPD fire truck. Because District water hoses are comparatively short, the Chief requested that multiple hydrants be provided throughout the site, and expressed a preference for the breakaway hydrant design where flows shut down if the hydrant is damaged; the Chief had no preference regarding use of wet or dry sprinkler systems, and noted that CalFire and National Fire Standards should govern fire safe building design. These recommendations are contained in Mitigation Measure 5.7(e)-2.

Following review of the DSEIR, the LVFPD raised new concerns (see FSEIR Comment Letter #8) pertaining to the significant challenges associated with ensuring code compliance and providing volunteer fire protection services to a project of the scale and service population of the Community Housing proposal. In response, Mono County Community Development Department identified several options available to address the concerns raised by LVFPD including: (1) reliance on Mono County for building plan check and inspection services, (2) contracting for external plan check services, and (3) providing services with use of existing LVFPD staff and resources. The County has indicated that they can assist in meeting LVFPD needs. Additionally, in response to recommendations by LVFPD and others, the project now incorporates a secondary access road, and DSEIR mitigation measure SFTY 5.7(d) (Evacuation Plan) has been deleted from the Mitigation Monitoring and Reporting Program and incorporated into the Specific Plan with additional details regarding plan preparation and approval (please see Topical Response #6).

Public safety was an additional concern raised by LVFPD in their DSEIR comment letter. LVFPD noted the extended response time from the fire station and suggested that the safety of future residents could be enhanced by providing an Automatic External Defibrillator in each housing complex, with onsite trained personnel. In response to the comment offered by LVFPD, a new requirement has been added to require at least 2 Automatic External Defibrillators in the housing area; please see FSEIR/DSEIR Mitigation Measure SVCS §5.8 (a-2) in FSEIR §5.8 (Public Services & Utilities); note that new requirements pertaining to the hotel and restaurant are outside the scope of this analysis, although the applicant does plan to provide defibrillators in the hotel. LVFPD also recommended that trained personnel be onsite at all times to respond to emergency conditions; the housing manager will reside on the project site and will be trained in emergency response procedures.

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<sup>41</sup> Communication with Tom Strazdins, LVFPD Fire Chief, 25 July 2018.



The project will comply fully with CalFire Fire Safe Regulation PRC §4290 and §4291, as well as Mono County Chapter 22 Fire Safe Regulations as detailed in §5.7.3.5 of this section. Compliance with mandatory Fire Safe regulations, in combination with the CWPP-based provisions in mitigation measure 5.7(e)-1 and the supplemental LVFPD measures outlined in Mitigation Measure 5.7(e)-2, will reduce to less than significant levels the threat of loss, injury or death involving wildland fires. Project impacts are ***less than significant with mitigation*** with respect to wildland fire hazards.

### MITIGATION MEASURES – WILDLAND FIRE RISK

**MITIGATION 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, pages 36-40 (or as updated):

- 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 and needle litter from roofs and gutters and away from foundations;
- Routine clearing of flammable vegetation away from power lines near homes;
- Routine clearing of weeds and flammable vegetation to at least 30 feet away 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; and
- Reflective address markers on all driveways and homes.

**MITIGATION 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.

**IMPACT 5.7(f):** Would project implementation expose people or structures to significant risk involving avalanche, landslides, destructive storms or winds, rockfall or volcanic activity?

**LESS THAN SIGNIFICANT IMPACT.** As detailed in the baseline discussion, Mono County is subject to a wide range of significant hazards including avalanches, dam failures, flooding, landslides, seismic hazards, severe winds and severe winter storms, volcanic hazards, radon exposure, and wildfires. While risks are widespread, some areas of the county are at higher risk of exposure than other areas. The County has reviewed GIS data and land use designations to determine where parcels may be affected by hazards, and local hazard concerns have been identified by community planning advisory committees. Findings and concerns identified for Mono Basin are summarized in Table 5.7-5 below.

TABLE 5.7-5: Vulnerability of Mono Basin to Hazards		
AREA	HAZARDS	COMMUNITY CONCERNS
<b>Mono Basin</b>	Avalanche, dam inundation, wildfires (extensive), seismic (strong shaking & parcels in Alquist-Priolo Fault Hazard zones), flood (minor), volcanic (ash fall & pyroclastic flows from Mono-Inyo Craters)	Some areas in Mono Basin need brush clearing in order to fully function as overflow channels in the case of flooding.

**Avalanche Hazards.** The Mono County Multi-Jurisdictional Local Hazards Plan<sup>42</sup> notes that avalanche hazards in the Mono Basin are limited to roadway sections along US 395 just north of Lee Vining (outside of the Tioga project site).

<sup>42</sup> Mono County and Town of Mammoth Lakes, *Multi-Jurisdictional Local Hazards Plan*, October 2006: [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/10087/adopted\\_haz\\_plan.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/10087/adopted_haz_plan.pdf)

**Dam Failure:** The Mono County *Multi-Hazards Plan* defines dam failure as the uncontrolled release of impounded water from a dam and notes that flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. Three of the twenty-one dams in Mono County are located along Lee Vining Creek (at Tioga Lake, Saddlebag Lake, and Ellery Lake), as profiled in Table 5.7-6.

TABLE 5.7-6: Dams and Reservoirs on Lee Vining Creek					
Reservoir	Dam	AF Impounded	Stream/River	Owner	Location
Ellery Lake	Rhinedollar	749	Lee Vining Ck	LADWP	Lee Vining
Saddlebag Lake	Saddlebag	385	Lee Vining Ck	LADWP	Lee Vining
Tioga Lake	Tioga	150	Lee Vining Ck	LADWP	Lee Vining

All non-federal dams in California are regulated through the Department of Water Resources Dam Safety Program. Since 1950, there has been only one dam failure in California (the Dam Safety Program was revised after that failure to address additional concerns), and there have been no dam failures in Mono County. The three dams and reservoirs listed in Table 5.7-5 impound relative small amounts of water that would drain into Lee Vining Creek, which is located at an elevation lower than the project site. The risk of harm to people or structures on the project site from dam failure is considered less than significant.

**Landslides.** The Mono County General Plan discussion of Issues/Opportunities and Constraints notes that the California Department of Conservation, Division of Mines and Geology has yet to prepare maps of earthquake-induced landslide hazards for Mono County as required by the Seismic Hazards Mapping Act. However, it states that rockfalls and landslides are particularly common along very steep slopes. Landslides in hilly and mountainous terrain can be triggered by ground shaking, heavy rains and human activities including road cuts, grading, construction removal of vegetation, and changes in drainage. The California State Multi-Hazard Mitigation Plan shows only southeast corner of Mono County (White Mountains and Oasis) as having significant landslide incidence and/or susceptibility. The risk of landslide on the project site is considered to be less than significant.

**Destructive Storms or Winds.** The Mono County Safety Element notes that severe winter storms occur throughout Mono County, particularly along the eastern Sierra slopes, in the western part of the county, and at higher elevations. Severe winter storm hazards include road closures, power outages, school closures, avalanche hazards, heavy winds, heavy snow, whiteout conditions, and ice storms, and snow and ice shedding in the developed areas. Factors that exacerbate storm vulnerability include lack of cell phone or radio service, and unreinforced masonry structures. The Tioga Mart property has an onsite cell tower, and all structures are reinforced.

**Seiches and Tsunamis.** Although small seiches (one to two tenths of a foot in amplitude) are common on Mono Lake during windstorms, no large and damaging seiches have occurred in Mono County Lakes and reservoirs. Tsunamis too have been observed in some large bodies of water (such as Lake Tahoe, which has been identified as having tsunami risk<sup>43</sup>); however, no tsunami risk has been identified in Mono County.

**Rockfall.** Rockfall can be caused by earthquakes, landslides and heavy rains. The County's Multi-Jurisdictional Local Hazards Plan identifies two nearby community areas (Lundy Canyon, about 5 miles north of the project site, and June Lake Loop mainly in the Down Canyon area, about 6 miles to the south) that are affected by rockfall hazards, noting that other rockfall hazard zones occur outside of community areas. Rockfall hazards on the project site are considered less than significant.

**Volcanic Activity.** The Mono-Inyo Craters chain from Mammoth Mountain to Mono Lake has produced explosive eruptions with pyroclastic flows (violent eruptions of lava fragments) and tephra fall (solid material transported through the air). USGS scientists estimate that explosion from the vents along this chain could result in pyroclastic flows or surges traveling 7-8 miles to the east (flows to the west would be blocked by the mountains), with downwind ash deposits of 8 inches or more as far as 22 miles from the eruption. Based on past event, USGS anticipates that the next

<sup>43</sup> USGS, Tsunami-generated boulder ridges in Lake Tahoe, California-Nevada Geology: <https://pubs.er.usgs.gov/publication/70028988>

eruption in the Long Valley area will probably occur along the Mono-Inyo volcanic chain; the probability of such an eruption is estimated to be roughly 1 in 200 (~0.5%) per year. As noted in the baseline discussion, pyroclastic flows and surges along the Mono-Inyo Craters could affect up to 3,694 developed parcels over an area extending from Mammoth Lakes to the north shore of Mono Lake, and from partially up the Sierra Nevada to the eastern shore of Mono Lake. Eruption during winter months would be a worst case scenario, with the potential for rapid snowmelt to create mudflows or lahars carrying debris throughout the hazard zone. This scenario would affect not only Lee Vining, but the entire Town of Mammoth Lakes, the community of June Lake, and developed areas in the Mono Basin and the western portion of Long Valley. Although catastrophic, USGS notes that pyroclastic flows are often slow-moving events and there would likely be warning of an event. Despite the significant hazard risk, volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertainty of such an event and the fact that USGS has established a monitoring system for the Long Valley Caldera.

Volcanic potential was also addressed in the Geologic Report prepared for the 1993 Tioga Inn FEIR. The report noted that the region is volcanically active, with the last known rupture occurring around 1890. Volcanic areas near the project site include the Mono Craters (about 5 miles from the site), and the Long Valley caldera (about 15-20 miles from the site). Ash fall was considered the type of eruption with highest potential at the project site due to site elevations and distance to known volcanic sources. The report found that the project is in a region with potential for collapse and subsidence associated with due to the Long Valley-Mono Craters. However, the review did not find onsite evidence of factors that would contribute to subsidence (down-faulting along bordering fault zones, significant groundwater withdrawal, or hydrocompaction). The 1993 FEIR report concluded that the site potential for areal subsidence or ground fissures would be no greater than at nearby locations. The reader is referred to EIR §5.2 (Hydrology), Impact 5.2(g) (Mudflow) for discussion of the potentially significant and potentially unavoidable exposure of people and structures to mudflows from winter volcanic eruptions.

**Summary.** The future probability of catastrophic events as well as the type of risk exposure varies by community. There are essentially no communities or areas in Mono County that are entirely free of significant risks from natural hazards. However, the Lee Vining community has a comparatively low hazard risk profile: avalanche hazards are limited to areas along US 395 north of Lee Vining, no dam failure has ever been recorded in Mono County, the Lee Vining community is not in an identified landslide or rockfall risk area, neither of the severe storm risk factors (lack of cell phone service and unreinforced structures) is present on the project site, and Lee Vining is not in an identified rockfall hazard zone. Volcanic hazards are significant on the project site and in the region as a whole, but the likelihood of an event is low. Both the County and the State have developed extensive regulations to govern construction, development, occupancy, access and other elements of risk; these regulations will apply to the proposed project. For the above reasons, the potential that the project would expose people or structures to hazards involving avalanche, landslides, destructive storms or winds, rockfall or volcanic activity (apart from potential mudflows as discussed in EIR §5.2) is considered ***less than significant***, and no mitigation is proposed.

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#### **MITIGATION MEASURES – HEALTH AND SAFETY**

**SFTY 5.7-3(f) (Avalanche, Seiche, Landslide, Rockfall):** The potential that the project would expose people or structures to mitigable risk involving avalanche, seiche, landslides, destructive storms or winds, rockfall or volcanic activity is considered less than significant, and no mitigation measures are required.

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#### **5.7.7 SIGNIFICANCE AFTER MITIGATION**

Potential health and safety impacts associated with proximity to Lee Vining Airport, and wildland fire risk would be reduced to less than significant levels through adoption and implementation of the mitigation measures identified above. Potential impacts associated with materials transport, hazardous materials, emergency response, and natural hazards (including avalanche, landslide, volcanic activity and storms) would be less than significant.

## TIOGA [COMMUNITYWORKFORCE](#) HOUSING [PROJECT](#) [REVISED DRAFT/FINAL](#) SUBSEQUENT EIR



### SECTION 5.8 PUBLIC SERVICES, ENERGY & UTILITIES

#### 5.8.1 INTRODUCTION, SUMMARY AND KEY TERMS

This section describes services and utility systems in Mono County and in the Lee Vining area, and the potential impacts on these services and systems that may occur in association with the proposed Tioga [WorkforceCommunity](#) Housing Project. Information for this section is drawn from the Mono County General Plan and associated Final EIR, and other source documents and communications as referenced in this section. The reader is referred to EIR §5.6 for discussion of hazards (including fire hazards and emergency services), and to §5.2 for discussion of hydrology and water supply.

Comments received during scoping and in response to the NOP raised a number of issues pertaining to potential project impacts on services and utilities, including (1) increased demands on police and paramedic services; (2) increased demands on local schools; (3) increased demands on social services, and (4) project energy requirements, energy costs, and conservation features and design elements. [The need for safe pedestrian access and connectivity between the project site and Lee Vining was an additional key issue raised in comments on the DSEIR.](#) Findings of the analyses contained in this section are summarized below.

#### SUMMARY OF IMPACTS & MITIGATIONS FOR SERVICES, ENERGY AND UTILITIES

<b>IMPACT SVCS 5.8(a):</b>	<b><u>REQUIRE NEW POLICE, SCHOOL, OR OTHER SERVICES</u></b>
<b>HUD Mitigation SVCS 5.8(a-1):</b>	<a href="#">Reserved Right-of-Way for trail to SR120/US395 if/when Caltrans implements connectivity project</a> <a href="#">Grant application for development of pedestrian/cycling access from site to Lee Vining</a>
<b>Mitigation SVCS 5.8(a-2):</b>	<a href="#">At least two Automated External Defibrillators in the housing complex</a>
<b>Mitigation SVCS 5.8(a-3):</b>	<a href="#">Shuttle service between the project site and Lee Vining</a>
<b>Significance:</b>	<b>SIGNIFICANT</b> Potentially Unavoidable impact to safety of pedestrians and cyclists
<b>IMPACT SVCS 5.8(b):</b>	<b><u>RESULT IN WASTEFUL, INEFFICIENT CONSUMPTION OF ENERGY</u></b>
<b>Mitigation:</b>	Less than Significant Impact; No Mitigation Required
<b>Significance:</b>	Less than Significant
<b>IMPACT SVCS 5.8(c):</b>	<b><u>BE SERVED BY A LANDFILL WITH INSUFFICIENT PERMITTED CAPACITY</u></b>
<b>Mitigation:</b>	Less than Significant Impact; No Mitigation Required
<b>Significance:</b>	Less than Significant

#### 5.8.2 KEY TERM USED IN THIS SECTION

**Transfer station.** A major facility at which municipal solid waste from collection vehicles is consolidated into loads that are transported by larger trucks or other means to more-distant final disposal facilities, typically landfills.

#### 5.8.3 BASELINE CONDITIONS

Mono County provides a wide range of general governmental services to residents of the unincorporated areas. County services are provided in Bridgeport (the County seat) as well as branch offices in Mammoth Lakes. County services relevant to the proposed Tioga [WorkforceCommunity](#) Housing Project are described below.

### 5.8.3.1 Police Services<sup>1</sup>

The Mono County Sheriff's Department provides police services in the unincorporated areas. The Sheriff's Department is responsible for jail operations, and also processes and serves civil paperwork, provides coroner operations, and conducts search and rescue operations. Most of the work conducted by the Sheriff's Department occurs in Mammoth Lakes, including 70% of the civil division workload, about 60% of jail bookings, and about 50% of the coroner's activities. However, 95% of search and rescue operations occur outside of the Town limits.

The Mono County Sheriff is the designated county Director of Emergency Services, responsible for implementing the Emergency Operations Plan (please see §5.6 for discussion of emergency services). The California Highway Patrol has primary responsibility for traffic control and accident investigation on state and federal highways throughout the county, including US 395 and SR 120. The Sheriff's Department has mutual aid agreements with surrounding jurisdictions, and maintains a main office in Bridgeport as well as substations in June Lake and Lake Crowley.

### 5.8.3.2 Schools and Education<sup>2</sup>

Communities in the Mono Basin are served by the Eastern Sierra Unified School District, which operates elementary schools in Lee Vining, Coleville, Bridgeport and Benton, and high schools in Lee Vining and Coleville. High school students in Bridgeport are bused to Coleville and high school students in Benton attend school in Bishop; most students from June Lake attend school in Lee Vining. Students living in Lee Vining attend Lee Vining Elementary School for grades K-8, and Lee Vining High School for grades 9-12. Lee Vining Elementary School is located at 132 Lee Vining Avenue, and Lee Vining High School is located at 51710 US 395; both schools are within 1.2 miles of the project site.

### 5.8.3.3 Superior Courts and District Attorney<sup>3</sup>

The Superior Court of California operates two courthouses in Mono County. The north County branch is located in the historic Bridgeport Courthouse in central Bridgeport on US 395. Directly adjacent to the county jail, the north County Superior Court branch is used almost exclusively for arraignments. The South County branch (completed in 2011) is located in Mammoth Lakes and contains two courtrooms in a 20,000-sf structure located at the intersection of SR 203 and Sierra Park Road. The facility is part of an evolving regional government center in Mammoth Lakes. The South County courthouse handles a majority of the civil and criminal workload as well as most jury trials. The Mono County MEA notes that most of the case filings involve recreational visitors. The District Attorney is responsible for promoting and protecting public peace and safety in Mono County. The DA prosecutes all criminal matters in the county, and provides legal and investigative assistance to other County law enforcement agencies.

### 5.8.3.4 Public Works and Solid Waste<sup>4</sup>

The Mono County Public Works Department is responsible for maintaining County facilities including parks, buildings, cemeteries, campgrounds and airports. The facilities division is also responsible for a wide range of capital improvement projects, energy efficiency projects, and ADA accessibility. The Department inspects facilities regularly including weekly playground inspections, quarterly inspections of Community Centers, and bi-annual maintenance and inspection of heating and cooling systems county wide. The Department maintains roads, provides snow removal, and operates road yards including one in Lee Vining.

Public Works also operates and manages solid waste services in Mono County, including 3 active landfills and 6 low-volume transfer stations. Two of the landfills (Pumice Valley and Walker) accept only commercial and demolition waste for burial, and transfer all municipal solid waste off-site for disposal; the regional Benton Crossing Landfill is the only municipal solid waste disposal landfill. Some solid wastes originating in northern Mono County (north of Lee Vining) are taken to Lockwood Regional Landfill in Sparks, Nevada. The 6 transfer stations accept municipal solid waste; recyclable

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<sup>1</sup> Mono County Sheriff's Dept. website: <https://www.monosheriff.org/>.

<sup>2</sup> Eastern Sierra USD website: [www.esusd.org/](http://www.esusd.org/); communication with Mollie Nugent, ESUSD Business Manager, June 2018.

<sup>3</sup> Mono Co. Superior Court & District Attorney websites: <https://monocountydistrictattorney.org/da>, <http://www.monocourt.org/>.

<sup>4</sup> Mono County Public Works Department website: <https://monocounty.ca.gov/facilities>.

materials (about 30% of the total received) are transported to other facilities for processing. About 30% of the material received at the transfer stations is recycled. Two commercial haulers (Mammoth Disposal in Mammoth Lakes, and D&S Waste in Yerington, Nevada) provide residential and commercial waste collection services; self-hauling of waste and recyclables is also available to all residents. The solid waste facility closest to Lee Vining is the Pumice Valley Landfill and Transfer Station, located about 1 mile east of US 395 on SR 120.

#### **5.8.3.5 Community Development Department (CDD)<sup>5</sup>**

The CDD provides a wide range of services including planning, building and code compliance. The CDD also provides varied development services and staff services for the Mono County Planning Commission, the Local Transportation Commission, the Land Development Technical Advisory Committee (LDTAC), LAFCO, the Long Valley Hydrologic Advisory Committee, the Airport Land Use Commission, the Mono County Collaborative Planning Team, and Regional Planning Advisory Committees (RPACs) located in communities throughout the county including Lee Vining.

#### **5.8.3.6 Libraries<sup>6</sup>**

The Mono County Free Library District operates a countywide system that is administered by the County Board of Education. The main library is located in Bridgeport, and branch libraries are located in Coleville, Lee Vining, June Lake, Crowley, Mammoth, and Benton. A Bookmobile circulates throughout the county. The Interlibrary Loan System has been discontinued, but books, articles, and other materials are available through the 'Zip Books' program, which is funded by a California State Library grant.

#### **5.8.3.7 Public Health Department<sup>7</sup>**

The Public Health Department provides immunizations, HIV and related disease programs, communicable disease prevention and surveillance, tuberculosis programs, health promotion, emergency preparedness, children's services, programs for child health and disability prevention as well as women and infants and children and other similar services. Hospital and emergency care services are provided at Mammoth Hospital; more serious cases are transported to facilities in Bishop, Reno, Fresno, or southern California depending on the case. Basic health care services are available at the Toiyabe Health Care Clinic in Walker (which provides health care services to Native Americans). The Department provides a variety of health care services at medical facilities located in Mammoth Lakes and acts as an information and referral center, providing health education materials and varied preventive services such as immunizations and screenings. The Department also administers state-mandated public health programs. Mental health services are provided by the Mental Health Department, with offices in Mammoth Lakes.

#### **5.8.3.8 Social Services and Child Support Services<sup>8</sup>**

The Social Services Department provides a wide range of assistance and service programs to aid elderly and disabled residents (CalFresh, Medical, County medical program, and temporary cash assistance), as well as disaster relief shelters, senior programs, and a wide range of programs through the Inyo-Mono Advocates for Community Action ('IMACA', including food and garden assistance, community gardens, holiday food baskets, holiday gifts for children, head start and preschool, home energy assistance and weatherization and appliance replacement, and low income housing projects in Bishop and Mammoth Lakes). The Department also provides foster care, health care reform, welfare fraud detection, and related services to needy and vulnerable children and adults living in Mono County.

#### **5.8.3.9 Behavioral Services<sup>9</sup>**

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<sup>5</sup> Mono County Community Development Department website: <https://monocounty.ca.gov/community-development>.

<sup>6</sup> Mono County Free Library website: <https://www.monocolibraries.org/>.

<sup>7</sup> Mono County Public Health Department website: <https://monohealth.com/public-health>.

<sup>8</sup> Mono County Social Services website: <https://monocounty.ca.gov/social-services/page/mono-county-social-services>.

<sup>9</sup> Mono County Behavioral Health website: <https://monocounty.ca.gov/behavioral-health>.



The Behavioral Health Department offers counseling, therapy, case management, psychiatry and alcohol and other drug treatment services to county residents. The Department manages two wellness centers (one in Mammoth Lakes and one in Walker), offers out-patient counseling and provides all Court-mandated services including DUI and PC1000 (drug abuse) programs.

#### **5.8.3.10 Environmental Health<sup>10</sup>**

Environmental Health regulates food establishments, sewage disposal facilities (including small package systems such as is proposed for the Tioga [Workforce Community](#) Housing Project), swimming pools, potable water systems, well construction, recreational health facilities, occupied housing, underground storage tanks (including existing and proposed gasoline storage tanks at the project site), solid waste facilities, radon testing kits (note that Mono County is not shown as a region with elevated radon potential<sup>11</sup>), land development, rabies and vector control, and the management of hazardous wastes.

#### **5.8.3.11 Mono County Economic Development<sup>12</sup>**

The Economic Development Department is responsible for improving and enhancing economic conditions for Mono County residents and businesses to ensure long-term sustainability. The Department promotes tourism and offers a wide range of services including workforce assistance programs (subsidized employment benefits to employers for qualified trainees), on-the-job training (to help employers with the cost of hiring and training new employees), job skill placement services, and other state and federally funded programs that combine wage-paid work, job skills training, and supportive services to help workers find employment and employers find staff. The Department collaborates with a variety of local and regional agencies, organizations and individuals.

#### **5.8.3.12 Lee Vining Public Utility District<sup>13</sup>**

The Municipal Services Review (MSR) prepared by the Local Agency Formation Commission (LAFCO) indicates that the Lee Vining PUD provides water and sewer services to the Lee Vining townsite. As a Public Utility District, the district is also authorized to provide lighting, power, heat, transportation, telephone service, other methods of communication, garbage disposal, golf courses, fire protection, mosquito abatement, parks and recreation, public buildings, and drainage improvements. The MSR notes that LVPUD has no long-term planning documents or other reports to indicate how it will meet future water and sewer demands in Lee Vining, and recommends that such plans be prepared based on existing and anticipated growth patterns and population projections in this popular recreation destination and year-round residential community.

#### **5.8.3.13 Electricity and Heating Fuels<sup>14, 15</sup>**

Electricity in Mono County is supplied by Southern California Edison (SCE) and Liberty Utilities. The SCE service area includes Lee Vining as well as Benton, Bridgeport, Chalfant, June Lake and Toms Place. Liberty Utilities provides service to the northern portion of Mono County, including the unincorporated communities of Coleville, Topaz, and Walker. In 2010, approximately 201.17 kWh were consumed in Mono County (total of all uses and sources). Over the next 6 years, consumption fell by about 7% to a 2016 total of 189.77 kWh.

Wood and propane are the primary heating fuels in Mono County. There is no extended network of natural gas pipelines serving the region. Approximately 4.6 million gallons of propane were used in 2010, in both residential (979,070 gallons) and nonresidential buildings (3.63 million gallons). Roughly 9,930 tons of wood were used to heat

<sup>10</sup> Mono County Environmental Health Department website: <https://monohealth.com/environmental-health>

<sup>11</sup> California Dept. of Conservation Interactive Radon Map website: <http://maps.conservation.ca.gov/cgs/radon/>.

<sup>12</sup> Mono County Economic Development Dept. website: <http://www.monocountyeconomicdevelopment.com/>.

<sup>13</sup> Mono County LAFCO website: [https://www.monocounty.ca.gov/sites/default/files/fileattachments/local\\_agency\\_formation\\_commission\\_lafco/page/3562/leevinin\\_gpublicutilitydistrict\\_02.2009.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/local_agency_formation_commission_lafco/page/3562/leevinin_gpublicutilitydistrict_02.2009.pdf).

<sup>14</sup> California Energy Commission website: <http://ecdm.energy.ca.gov/elecbycounty.aspx>;

<sup>15</sup> Mono County Resource Efficiency Plan: [http://monoclimateaction.org/wp-content/uploads/2017/04/Mono-REP-38-MW\\_Final.pdf](http://monoclimateaction.org/wp-content/uploads/2017/04/Mono-REP-38-MW_Final.pdf).

residential buildings in 2010. The County has set a 2035 goal of reducing propane consumption by 175,600 gallons per year (about 3.8% per year).

#### 5.8.3.14 Communications<sup>16</sup>

Mono County has until recently experienced poor quality broadband access due to its remote location and dispersed population. Capacity issues were largely resolved in 2013-14 through completion of a fiber optic cable ('Digital 395') linking southern California to northern Nevada via the US 395 corridor. Lee Vining is now fully connected to the Digital 395 fiber optic cable system. Schat.net provides wireless service in the Lee Vining community. A cell tower is located on the Tioga project site.

### 5.8.4 REGULATORY SETTING

#### 5.8.4.1 Federal Regulations

**Americans with Disabilities Act (ADA).** The 1990 ADA (42 US Code [USC] 12181) prohibits discrimination on the basis of disability in public accommodation and state and local government services. Under the ADA, the Architectural and Transportation Barriers Compliance Board issues guidelines to ensure that public facilities, public sidewalks, and street crossings are accessible to individuals with disabilities. Play areas, meeting rooms, park restrooms, and other public buildings and park structures must comply with ADA requirements.

#### 5.8.4.2 State Regulations

**California Occupational Safety and Health Administration (Cal/OSHA).** In accordance with CCR Title 8 §1270 "Fire Prevention" and §6773 "Fire Protection and Fire Equipment," Cal/OSHA has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

**California Health and Safety Code.** State fire regulations are set forth in §13000 et seq. of the California Health and Safety Code. This includes regulations for building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

**California Department of Education (CDE).** The CDE School Facilities Planning Division (SFPD) School Site Selection and Approval Guide provides criteria for locating appropriate school sites. School site and size recommendations were modified by the CDE in 2000 to reflect changes in educational conditions (such as lower class sizes and use of advanced technology) and to address concerns over growing use of school buildings and grounds for joint use purposes of the community and local agencies.

**Kindergarten-University Public Education Facilities Bond Act of 2002 (Prop 47).** Approved by California voters in November 2002, this act provided a bond issue of \$13.05 billion for education facilities to relieve overcrowding and repair older schools. Funds were targeted at areas of greatest need and could also be used to upgrade and build new classrooms in the California Community Colleges, the California State University, and the University of California.

**Leroy F. Greene School Facilities Act of 1998 (SB 50).** In combination with the \$9.2 billion education bond act approved by the voters in 1998 (Prop 1A), this act reformed methods for the financing of school construction in California. The act: (a) included a new school facility program by which school districts can apply for state construction and modernization funds, (b) imposed limitations on the power of cities and counties to require mitigation of school facilities impacts as a condition of development approval, and (c) authorized districts to levy fees.

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<sup>16</sup> Mono County GIS website: <https://gis.mono.ca.gov/site/projects/Digital395/Residents>.

**California Integrated Waste Management Act (CIWMA) of 1989.** As of 1990, the CIWMA required cities and counties to divert 25% of all solid waste from landfill facilities by January 1, 1995, and 50% by January 1, 2000. Each city is required to develop solid waste plans demonstrating integration of the CIWMA requirements, including (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal. The California Legislature has set a goal of 75 % recycling, composting or source reduction of solid waste by 2020

**California Public Utilities Commission (CPUC) Decision 95-08-038.** CPUC Decision 95-08-038 contains rules for the planning and construction of new transmission facilities, distribution facilities, and substations. The decision requires permits for the construction of certain power line facilities or substations if voltages would exceed 50 kilovolts (kV) or if the substation would require the acquisition of land. Distribution lines and substations with voltages less than 50 kV are not required to comply with this decision but remain subject to nondiscretionary local permits.

**California Department of Education.** The California Education Code contains various provisions governing the siting, design, and construction of new public schools. Also, to help focus and manage site selection, the California Department of Education's (CDE's) School Facilities and Planning Division has developed screening and ranking procedures based on selected criteria; safety is the foremost consideration and includes such factors as proximity to airports and railroads and high-voltage power transmission lines, and the presence of toxic and hazardous substances.

**California Department of Health Services (DHS).** DHS regulates recycled wastewater under CCR Title 22, Division 4. Regulations focus on protection of public health through identification and regulation of acceptable levels of constituents for a range of uses, and standards to ensure reliability in the production of recycled water. CDPH has jurisdiction over the distribution of recycled wastewater and the enforcement of Title 22 regulations, while the Regional Water Quality Control Boards (RWQCB) are responsible for issuing waste discharge requirements and reuse requirements associated with the implementation of wastewater reclamation projects. In Mono County, only MCWD engages in water reclamation and reuse activities subject to these requirements.

**California Energy Commission (CEC) SB 1037 & AB 2021.** Signed into law in September 2005, SB 1037 mandates that all publicly-owned utilities (POUs) must report to the CEC on cost-effective and feasible energy efficiency programs. AB 2021 was chaptered in 2006 and built upon SB 1037, further requiring POUs to develop energy efficiency targets on a triennial basis. The CEC is authorized to set targets for all municipal utilities.

**Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000T (AB2838).**<sup>17</sup> AB2838 requires Local Agency Formation Commissions (LAFCOs) to prepare Municipal Service Reviews (MSRs) of local municipal services in order to promote orderly growth and development, preserve open space and agricultural lands, and to provide high quality, cost effective public services to California residents. MSRs review and discuss LAFCO determinations concerning infrastructure needs or deficiencies; growth and population projections; financing constraints and opportunities; opportunities for cost avoidance and rate restructuring and sharing of facilities; options for the governmental structure (consolidation or reorganization); management efficiencies; and local accountability.

#### 5.8.4.3 Regional and Local Regulations

Numerous local and regional regulations are in place to ensure that services and utilities are delivered in a manner that protects consumer and worker safety, ensures adequate environmental safeguards, establish standards of adequacy, describe compliance requirements and enforcement mechanisms, set forth operating principles and reporting requirements and achieve other purposes. Plans and regulations reviewed in this EIR section include the Integrated Waste Management Plan, the Emergency Operations Plan, the Communications Policy, governance of special districts and educational and police services, and energy and resource efficiency and conservation.

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<sup>17</sup> California OPR, *Final Local Agency Formation Commission Municipal Service Review Guidelines*, August 2003

### 5.8.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offer the following criteria for determining the significance of impacts to public services and utilities.<sup>18</sup> A project would have a potentially significant impact if it would:

- a) 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 of the public services:
  - Police protection
  - Schools
  - Other public facilities , services and utilities
- b) Result in a wasteful, inefficient, and/or unnecessary consumption of energy.
- c) 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.

### 5.8.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT SVCS 5.8(a):** Would project implementation 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 of the public services including (a) Police Protection? (b) School Services? (c) Other Public Services and Utilities?

**SIGNIFICANT AND POTENTIALLY UNAVOIDABLE IMPACT.** Potential project impacts on individual governmental services and facilities (including schools, police, social services, and special districts) are assessed below.

**SCHOOL SERVICES.** Analysis provided in EIR §5.6 (Population and Housing) indicate that the ~~workforce~~ housing project would generate a maximum total resident population of approximately 300 people. Applying Census Bureau age distribution data for Lee Vining residents to the Tioga employees, the estimated age distribution of future residents would be as shown in Table 5.8-1.

<b>TABLE 5.8-1. Age Distribution of Tioga <del>Workforce</del>Community Housing Residents</b>			
<b>Age Distribution Category</b>	<b>2010 Lee Vining Population</b>	<b>As a Percentage of Lee Vining Population</b>	<b>Estimated Number of Workforce Residents each Age with 300 residents</b>
Total Population	222	100%	300
Under 5 years	17	7.7	23
<b>ELEMENTARY SCHOOL AGED POPULATION</b>			
5-9 years	9	4.1	12
10-14 years	16	7.2	22
<b>Elementary Subtotal:</b>	<b>42</b>		<b>34</b>
<b>HIGH SCHOOL AGED POPULATION</b>			
15-19 years	21	9.5	28
<b>High School Subtotal</b>	<b>21</b>		<b>28</b>
<b>TOTAL SCHOOL-AGED POPULATION IN PROJECT: 62</b>			
20-29 years	46	20.8	62
30-39 years	31	14.0	42
40-49 years	25	11.3	34
50-59 years	33	14.9	45

<sup>18</sup> EIR §4.8, Hydrology, discusses baseline conditions and potential impacts on water supplies & wastewater treatment requirements.

60-69 years	15	6.8	<b>20</b>
70+ years	9	4.2	<b>12</b>
<b>Median Age: 30.4 years</b>			

Students living in Lee Vining attend Lee Vining Elementary School for kindergarten through 8<sup>th</sup> grade, and attend Lee Vining High School for grades 9 through 12 (note that the Lee Vining schools also serve student populations from June Lake). As of the 2013-2014 school year, Lee Vining Elementary School had a total enrollment of 102 students<sup>19</sup> and Lee Vining High School had a total enrollment of 56.<sup>20</sup> Applying the 2010 age distribution of Lee Vining residents<sup>21</sup> to future residents of the Tioga [Workforce Community](#) housing, it can be estimated that the project would generate an elementary school-aged population of 34, and a high school-aged population of 28. Based on these estimates, the project has potential to increase total attendance at the Lee Vining Elementary School by one-third (from 102 at present to 136 with the project), and at the Lee Vining High School by one-half (from 56 at present to 84 with the project).

ESUSD indicates that the project impact on enrollment would depend on the degree to which residents remain in the units on a year-round versus seasonal basis. The enrollment estimates above assume that all residents would remain in the housing on a year round basis; under that scenario, the District anticipates that the additional student population would result in a shortage of classroom space at Lee Vining Elementary. Lee Vining High School currently has the capacity to house the projected student increase with no additional facility requirements.

On January 24 of 2018, the California State Allocation Board increased the amount of "Level 1" developer fees that school districts are authorized to collect; the rate increased to \$3.79 per square foot of residential development and to \$0.61 per square foot of commercial/industrial space.<sup>22</sup> Eastern Sierra Unified School District charges developer fees that are significantly below the maximum allowed in California, with a rate of \$1.56 per square foot of residential development and \$0.26 per square foot of commercial/industrial space.<sup>23</sup>

Although square footage has not yet been determined for the [workforcecommunity](#) housing, [workforce](#)-housing size guidelines provide a rough basis for estimating the future combined square footage of the Tioga [workforcecommunity](#) housing project.<sup>24</sup> Estimated minimum unit sizes are shown in Table 5.8-2 below, and applied to the Tioga project to estimate total square footage that would be subject to the Level 1 development fees.

<b>TABLE 5.8-2. Estimated Square Footage of <a href="#">Workforce</a> Housing Units</b>			
<b>Number of Bedrooms<sup>25</sup></b>	<b>Unit Type Square Footage</b>	<b>Number of Workforce Units each Category</b>	<b>Estimated Total Square Footage each Category</b>
0 (studio units) <sup>26</sup>	450 sf	30	13,500
1 bedroom	625 sf	28	17,500
2 bedroom	950 sf	22	20,900

<sup>19</sup> Ed-Data, Fiscal, Demographic, and Performance Data on California's K-12 Schools:

[http://www.eddata.k12.ca.us/App\\_Resx/EdDataClassic/fsTwoPanel.aspx?#!bottom=/\\_layouts/EdDataClassic/profile.asp?tab=1&level=07&ReportNumber=16&County=26&fyr=1314&District=73668&School=6025951#studentsbyraceethnicity](http://www.eddata.k12.ca.us/App_Resx/EdDataClassic/fsTwoPanel.aspx?#!bottom=/_layouts/EdDataClassic/profile.asp?tab=1&level=07&ReportNumber=16&County=26&fyr=1314&District=73668&School=6025951#studentsbyraceethnicity)

<sup>20</sup> Ed-Data op cit., [http://www.ed-data.k12.ca.us/App\\_Resx/EdDataClassic/fsTwoPanel.aspx?#!bottom=/\\_layouts/EdDataClassic/profile.asp?tab=1&level=07&ReportNumber=16&County=26&fyr=1314&District=73668&School=2635001](http://www.ed-data.k12.ca.us/App_Resx/EdDataClassic/fsTwoPanel.aspx?#!bottom=/_layouts/EdDataClassic/profile.asp?tab=1&level=07&ReportNumber=16&County=26&fyr=1314&District=73668&School=2635001).

<sup>21</sup> Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data -- Lee Vining CDP:

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

<sup>22</sup> California Dept. of General Services, <https://www.dgs.ca.gov/opsc/Resources/AnnualAdjustment.aspx>. The rate for commercial development would increase \$0.61 per square foot.

<sup>23</sup> Communication from Mollie Nugent, ESUSD Business Manager, 26 June 2018.

<sup>24</sup> Town of Davidson, N.C.: <http://cltnetwork.org/wp-content/uploads/2014/08/Affordable-Housing-Guidelines-and-Standards-Davidson.pdf>. Note that only the square footage estimates for attached units are included in this table.

<sup>25</sup> Based on the EIR §5.9 (Population) estimates of the number of bedrooms in the various workforce housing units.

<sup>26</sup> Studio Units would count as 1 bedroom units in the Workforce Housing.

3 bedroom	1,200 sf	16	19,200
4 bedrooms	1,350 sf	1	1,350
		97 units	72,450 sf

Under the current ESUSD fee structure, the estimated 72,450 square feet of residential area would generate level 1 developer fees of approximately \$113,022. ESUSD indicates that the fees would cover part of the cost of a new portable classroom, should that be necessary.<sup>27</sup>

**Day Care.** An onsite day care facility will be constructed in the proposed common area of the ~~workforce~~ housing project (see location in EIR Project Description §3.0, Figure 3-3). Facility size and staffing will be sufficient to fully accommodate onsite residents' needs. Based on the age distribution developed in Table 5.8-1 above, it is anticipated that use of the day care facilities will be highest for the anticipated 23 pre-school residents, with additional use for the estimated 34 elementary school students; use of the day care facilities by the estimated 28 high school-aged residents is expected to be minimal. Day care staffing will be provided by the project owner(s). In whole, project impacts on school services would be **less than significant**, and no supplemental mitigation is required.

**POLICE SERVICES.**<sup>28</sup> The Tioga ~~workforce~~Community housing is expected to generate a population of up to 300 new residents, which would more than triple the population of Lee Vining as of 2016. The project will have potential to impact police services due to increased safety risk to area pedestrians and cyclists.

Crime rates in Mono County are low relative to rates throughout California counties. Mono County has an average of 2.5 violent crimes per 1000 people (compared with the statewide average of 3.96), and 13 property crimes per thousand people (compared with the statewide average of 24.41).<sup>29</sup> Applying these averages to the additional 293 residents of Lee Vining, the project at buildout would be associated with an estimated 4 new property crimes per year, and less than one (0.73) new violent crimes per year.

Assuming all new Tioga residents were new to Mono County, the added population would increase the overall 2017 County population by 2.1% from 14,168 to 14,461. The 2.1% increase would represent a 'worst case' estimate of the added impact on county services, since some of the ~~workforce~~Community housing residents will move to the site from other Mono County locations.

Sheriff Ingrid Braun was contacted regarding potential project impacts on police services. The Sheriff indicated that impacts will depend on the character of the new resident population. If residents are law-abiding, the impacts on police services would be less than significant. Concerns raised during EIR scoping included a possibility that the project may contribute to seasonal squatting. This is an existing issue for the Police Department, and the Sheriff does not anticipate that the Tioga project would increase the problem.

The primary concern cited in the Sheriff's review is the potential for increased foot traffic to and from the project site and businesses and schools in Lee Vining. Under current conditions, access between these locations would be along state highways that are not designed for pedestrian use, and the Sheriff identified this as a safety concern (the concern was also raised in a number of the NOP comment letters). The Sheriff noted that Caltrans has initiated a project to rehabilitate US 395 through Lee Vining. However, Caltrans has indicated to Mono County Community Development Department staff<sup>30</sup> that the study will not have sufficient funding to address safe pedestrian movement between Lee Vining and the SR 120/US 395 intersection.

[During public review of the DSEIR, Caltrans submitted a detailed comment letter concerning the DSEIR and the proposed project \(please see FSEIR Comment Letter #3\). Referencing the DSEIR conclusion of a significant adverse impact on pedestrian safety, Caltrans pointed out that that the determination was not supported by available evidence,](#)

<sup>27</sup> Communication from ESUSD Business Manager Mollie Nugent, op. cit., 26 June 2018.

<sup>28</sup> Communication from Sheriff Ingrid Braun, 24 August 2018.

<sup>29</sup> Wikipedia, California Locations by Crime Rates, 2017: [https://en.wikipedia.org/wiki/California\\_locations\\_by\\_crime\\_rate](https://en.wikipedia.org/wiki/California_locations_by_crime_rate).

<sup>30</sup> Communication with Wendy Sugimura, Planning Director, 28 August 2018.



and noted that the Traffic Analysis had not quantified pedestrian counts or provided other data as required to establish a significance threshold. Caltrans requested that the analysis be updated to determine the percentage of project-generated pedestrian trips, and the results used to identify mitigation requirements that could take the form of a fair share project fee toward pedestrian facilities, if and as required based on results.

In response to Caltrans' comments, additional discussion was initiated to obtain data from the Mono County Sheriff and the California Highway Patrol (CHP) for the purpose of quantifying pedestrian movements in the project area. Mono County Sheriff Braun indicated that there is currently little foot traffic between the site and Lee Vining. Sheriff Braun also indicated that her department does not maintain pedestrian counts, noting that CHP (as the agency with jurisdiction over US 395) would be responsible for documenting pedestrian incidents. Sheriff Braun reiterated her concern that establishment of a residential community on the Tioga site would create potential for increased foot traffic to and from the businesses and schools in Lee Vining, though she had no way of quantifying the increase.<sup>31</sup>

CHP was subsequently contacted<sup>32, 33</sup> for information about pedestrian movement in the project area. CHP indicated that between January 2017 and March 2018, it received one call regarding an (unspecified) pedestrian incident. CHP shared the Sheriff's concern that establishment of a residential community on the project site would create potential for increased foot traffic between the site and Lee Vining, but did not have pedestrian counts or other data to quantify the increase. Caltrans and Mono County CDD also indicated that they have no pedestrian counts for the project area. Based on information provided by Sheriff Braun, CHP, Mono County and Caltrans, it has been determined that the available information is not sufficient to establish a baseline or a significance threshold for pedestrian activity.

With this additional information, the potential for pedestrian access was a key topic of discussion at a 24 September 2019 meeting with Caltrans. During the September meeting, Caltrans indicated that SR 120 is currently designated as a freeway with access controls. Caltrans noted that it had considered a change of designation for SR 120 from 'freeway' to 'conventional highway,' and subsequently affirmed that it plans to proceed with the freeway rescission action. Caltrans noted that redesignation of SR 120 from 'freeway' to 'conventional highway' would create potential to allow for future construction of an 'at-grade' pedestrian and bicycle crossing. Caltrans also indicated,<sup>34</sup> however, that it would be premature for Caltrans or Mono County to instigate a pedestrian crossing on SR 120 with its current status as a 'freeway.' Caltrans has 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.

Following the September meeting, Caltrans provided a link to the May 2019 *Draft Project Initiation Report* that evaluates a range of traffic calming alternatives 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. The Report recommends further investigation of 5 alternatives (Alternatives A1, A2, A3, A4 and B), and indicates that a roundabout at US 395/SR120 is under consideration as a tertiary component to the alternatives. The Report estimates that a roundabout would cost approximately \$2.2 million and noted that a roundabout could serve as a traffic-calming device for vehicles entering Lee Vining and potentially reduce collisions at the intersection, as discussed in Topical Response #9.

With respect to pedestrian facilities, the Report indicates that Lee Vining Creek Trail access will be enhanced (with an entrance and informational sign) on the north end of the eastern US 395 retaining wall. The Report notes that almost all existing sidewalks through Lee Vining have noncompliant cross slopes greater than 1.5% and will be replaced and corrected as a project element, and additional noncompliant sidewalk features are identified. None of the identified sidewalk elements would extend south to the SR 120/US 395 intersection.

In a subsequent communication, Caltrans indicated that it has no plans at this time for pedestrian facilities in or around the US 395/SR 120 intersection. However, in recognition of the goal to provide for future access between the site and

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<sup>31</sup> Email communication from Sheriff Ingrid Brain, 26 September 2019.

<sup>32</sup> Email communication from Chuck Mairs, Bridgeport Commander, CHP, 1 November 2019.

<sup>33</sup> Telephone communication with CHP Officer Elena Villa, 13 November 2019.

<sup>34</sup> Email communication from Gayle Rosander, Caltrans District 9, 11 October 2019.

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. Caltrans stated, however, that there is no guarantee of future connectivity between the US 395/SR 120 junction and Lee Vining (with or without a project sidewalk). Based on Caltrans' suggestion, this FSEIR amends DSEIR mitigation measure 'HUD MITIGATION SVCS 5.8(a) (Pedestrian Safety)' to incorporate right-of-way for a future connectivity project if and when proposed by Caltrans. However, since there is no assurance that Caltrans will implement a connectivity project, this DSEIR/FSEIR concludes that the project impacts on pedestrian safety would be significant and unavoidable, and that no feasible mitigation measures exist at this time to lessen impact significance.

The potential for locating a path across Lee Vining Creek was also discussed with the project applicant, Mono County and Caltrans. It was determined that this may 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. The needed safety improvements are outside the scope and authority of the Tioga Workforce Housing Project. However, Mono County and the project applicant have indicated their intent (if the project is approved) to jointly submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA). Under the RIPA program, applicants must demonstrate a reduction in vehicle miles travelled through fewer or shorter vehicle trips, or a mode shift to transit use or bicycling or walking. Funding (up to \$20 million) can be used for sustainable transportation infrastructure, affordable housing, and housing related infrastructure capital projects. In discussions to date, the county and applicant have indicated that priority improvements would center on (1) the creation of a safe pedestrian and cycling route between the site (and environs south of SR 120/US 395) and the community of Lee Vining, and (2) technical studies of the potential for replacing the SR 120/US 395 intersection with a roundabout. The project would be consistent with RIPA requirements including proximity to transit, a proposed residential density of 15 units per acre or higher, and intent to set affordable rents. The intent to collaborate on this grant has been included below as Mitigation Measure 5.8(a) 1 in response to concerns raised the current absence of safe access. Impacts associated with the safety of pedestrians and cyclists are considered to be **significant and potentially unavoidable**.

**SOCIAL SERVICES.** The Mono County Department of Social Services<sup>35</sup> was contacted to review information concerning the proposed Tioga ~~Workforce~~Community Housing Project, and to assess potential project impacts on the Social Services Department.

Factors considered during the review included: (1) anticipated income profiles of future residents (as discussed in EIR §5.8), (2) the type of housing to be provided and the projected number and distribution of bedrooms and unit sizes [i.e., studio units, 1-bedroom units, etc., as outlined in EIR §5.6 Population and Housing], (3) the anticipated number of children (as calculated in EIR §5.8, Services), (4) the intent that future residents would be part of the workforce (no unemployed occupants), and that ~~workforce~~ housing rents would be affordable (i.e., comprising 30% or less of household income, as discussed in EIR §5.6); and (5) uncertainties regarding future residents' health insurance coverage (please see discussion in EIR §5.6, Population).

Based on the project description and characteristics as outlined above, the Department concluded that the proposed Tioga ~~Workforce~~Community Housing Project would have a **less than significant impact** on the workload or services offered by the Social Services Department."

**SPECIAL DISTRICTS.** The project falls within the service area of one special district: the Lee Vining Fire Protection District (note that the project is also within the Lee Vining Public Utilities District service area, but will use only the water supplies that are produced and distributed on the Tioga project site). The Mono County *General Plan EIR* notes that the Lee Vining Fire Protection District provides emergency medical services, but lacks long-term planning documents to ensure that infrastructure meets future needs. Future growth and aging of the population are expected to place added demands on fire and emergency medical services. The Lee Vining FPD has an Insurance Service Office

<sup>35</sup> Communication with Kathryn Peterson, MPH, Social Services Director, and Francie Avitia, Program Manager, Mono County Eligibility & Employment Services, Mono County Department of Social Services, 12 September 2018.

(ISO) rating<sup>36</sup> of 4/6. Existing onsite fire hazards are predominantly classified as Condition Class 1, indicating that fire regimes are within their historical range, with a low risk of losing key ecosystem components. LVFPD Fire Chief Tom Strazdins does not anticipate that the proposed project would place a significant adverse burden on LVFPD operations,<sup>37</sup> and impacts are considered to be **less than significant**. As discussed in DSEIR/FSEIR §5.7 (Public Health and Safety), LVFPD in their DSEIR comment letter recommended that Automatic External Defibrillators be provided in the housing complex. The recommendation has been incorporated into the project as Mitigation SVCS 5.7(e-3), which is briefly summarized below.

### **MITIGATION MEASURES – IMPACTS ON PUBLIC SERVICES**

**AMENDED** ~~HUD~~ **MITIGATION SVCS 5.8(a-1) (Pedestrian Safety):** A meandering pathway, between Vista Point Drive and the site of the proposed Wastewater Treatment Plant ('WWTP,' 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, all-season 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. If the Tioga Workforce Housing Project is approved, Mono County Community Development Department will, in collaboration with the project applicant, submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program; this grant is funded by the U.S. Department of Housing and Urban Development. A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project site and the community of Lee Vining.

**NEW MITIGATION 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.

**NEW MITIGATION SVCS 5.8(a-3) (Shuttle Service):** A shuttle service shall be provided between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. The shuttle service will be staffed by qualified drivers, will be equipped with ADA-compliant features, and will follow established routes with regular minimum drop-off and pick-up times. The shuttle service will be available for use by hotel guests and residents of the Community Housing Complex.

### **IMPACT SVCS 5.8(b): Would implementation of the proposed Tioga ~~Workforce~~Community Housing Project result in Wasteful, Inefficient, and Unnecessary Consumption of Energy?**

**LESS THAN SIGNIFICANT IMPACT.** Energy supplies to serve the Tioga ~~Communityworkforce~~ Hhousing project will come from solar power, propane, and electricity delivered by SCE. The project will comply with all applicable standards of the California Building Code (the 2019 Code, with strengthened building energy efficiency standards, will take effect on 1 January 2020), and the applicant also intends to place solar panels on structures that are eligible in terms of solar

<sup>36</sup> The Insurance Service Office uses a credit rating system to determine fire insurance rates in different areas. The ISO rating is based on total points in 3 categories including fire department (50 points), water supply (40 points) and communications (10 points); each category is further divided into sub-categories. A score of 90 or better earns a 'Class 1' ratings; a score of 80-89.9 earns a 2, etc. Where two ISO ratings are given, the lower (better) number applies to properties that are located within 1000 feet of a fire hydrant, and the higher applies to properties that are located beyond 1000 feet of a hydrant ('rural' areas).

<sup>37</sup> Communication with Tom Strazdins, LVFPD Fire Chief, 25 July 2018.

orientation and sun exposure, with the goal of meeting a substantial share of total project energy demand through solar power.

Electricity would be used for project lighting, cooling, refrigeration, appliances, computers, electronics, and machinery. Propane would be used for project water and space heating, cooking appliances, clothes drying, and backup power. Several propane tanks (2,500-gallons in total) are located throughout the project site at present. The applicant proposes to replace the existing tanks with a single 30,000-gallon tank that would more than accommodate current and projected future usage. Excess propane capacity would be made available to the Lee Vining community.

Project construction would involve the consumption of fuel energy supplies used by a wide range of equipment and construction vehicles. Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during site cleaning, grading and paving, construction and periodic maintenance of project facilities. Most of the construction equipment will be powered by gasoline which is currently sold on the project site, and proposed for expansion to include a 3<sup>rd</sup> gas island with four additional fuel pumps. Construction-related fuel consumption would cease upon completion of project improvements, superseded by fuel consumption related to long-term operational activities. EIR §5.10 (Air Quality and Greenhouse Gases) provides estimates of fuel consumption and related emissions for both the construction and long-term maintenance and operational phases.

The project is not expected to meet formal LEED standards because stringent adherence would reduce overall affordability of the workforce units. However, the project will comply with Title 24 of the California Building Code, which includes strict building efficiency standards; California has among the highest energy standards of any state. The applicant intends to minimize long-term operational fuel consumption through the project features cited below:

- Provision of onsite ~~workforce~~ housing to reduce the fuel costs associated with commuting;
- Provision for onsite propane to reduce the energy costs associated with transport trucking;
- Dedicated space for a community park and ride facility to facilitate car-pooling and transit, and reduce commuting fuel consumption costs for project and Lee Vining area residents;
- Continued provision of dedicated space for YARTS parking and loading to facilitate transit use by Yosemite visitors;
- Provision of onsite solar to reduce demand for imported electricity;
- Installation of a subsurface treated wastewater irrigation system to minimize fuel costs associated with irrigation pumping and distribution, and
- Construction of an internal trail system with walking paths and bicycle parking areas to reduce onsite vehicular travel (by guests and residents) between the housing, the hotel, the deli, the restaurant and other onsite uses; and
- The applicant will partner with the County to seek funds for a safe pedestrian/bicycle trail system to link the project site to Lee Vining and thereby reduce guest use of cars to visit Mono Basin attractions.

In consideration of these factors, it is not anticipated that the construction of future projects consistent with the proposed Tioga ~~Workforce~~ Housing Project would result in wasteful, inefficient, and unnecessary consumption of energy. This impact would be ***less than significant***.

### **MITIGATION MEASURES – ENERGY CONSUMPTION**

**SVCS 5.8(b) (Energy Use):** No significant impacts associated with to energy consumption have been identified, and no mitigation measures are required.

**IMPACT SVCS 5.8(c):** Would the project 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?

**LESS THAN SIGNIFICANT IMPACT.** The proposed project elements (particularly the ~~workforce~~ residential units) will introduce additional waste loads requiring disposal. As noted in the baseline discussion, California has identified a reduction of wastes as a statewide priority; source reduction is the preferred method of waste management since it

best protects public health and the environment, and avoids the costs and liabilities associated with waste generation and disposal. These broad goals are codified in the Integrated Waste Management Act of 1989, which established a requirement that 50% of solid wastes be diverted from municipal landfills by 2000. According to the EPA<sup>38</sup> the 50% diversion rate has been achieved, and the state has now set a new goal of 75% recycling, composting or source reduction by the year 2020 with an emphasis on recycling and recovery as the preferred methods.

To comply with state mandates and local planning goals and policies, Mono County has prepared a comprehensive Integrated Waste Management Plan (IWMP). The IWMP focuses on reduction of waste loads, tools to monitor landfill capacity, expansion of new non-disposal transfer facilities in accordance with siting criteria that emphasize minimum separation from incompatible uses and use of pre-disturbed lands, all in accordance with the statewide policy emphasis on waste reduction and recycling. Two components of the IWMP are solely for planning purposes: the Source Reduction and Recycling Element is a menu of actions to educate residents about waste load reduction (flyers, early education, advertisements, labeling, etc.). The Countywide Siting Element identifies how the County will provide long-term disposal for waste that is not recycled or diverted. The remaining two components focus on providing the needed facilities: the Household Hazardous Waste Element (HHWE) concerns the collection, handling and processing of hazardous wastes generated in the County, and the Non-Disposal Facility Element (NDFE) identifies existing and proposed facilities to receive and process non-hazardous recyclable materials. The HHWE priorities are to ensure that facilities are located near population centers (Mammoth and Bridgeport) to minimize transportation impacts and maximize reuse. The HHWE and NDFE do not propose specific facilities, but describe existing programs and offer guidance on how and where those programs should be continued in the future. Future facilities would be developed in separate planning studies, along with CEQA documentation as needed. The Countywide Siting Element incorporates countywide policy proposals that call for a) development of engineered design plans for Pumice Valley Landfill (located about 3 miles southeast of the Tioga project site) and the Walker Landfill, using disposal capacity in the existing waste footprint, and b) provision for Long Haul Transfer Infrastructure that would allow Mono County to send its waste outside of the County.

The County's adoption of a comprehensive IWMP indicates that the available landfill and transfer station services will be sufficient to accommodate the Tioga project's solid waste disposal needs. The project will comply with all applicable statutes and regulations pertaining to solid waste. This impact would be *less than significant*.

### **MITIGATION MEASURES – SOLID WASTE DISPOSAL**

**SVCS 5.8(c) (Landfill Capacity):** No significant impacts on landfill capacity have been identified, and no mitigation measures are required.

## **5.8.7 SIGNIFICANCE AFTER MITIGATION**

Potential project impacts on school services, social services, energy consumption, and landfill capacity would be less than significant. Impacts associated with safe pedestrian and bicycle access between the project site and Lee Vining would be significant, and ~~potentially~~ unavoidable. Although the project incorporates a first link toward a future pathway between the site and Lee Vining, the full connection would require Caltrans' construction of pedestrian safety features at the SR 120/US395 intersection and there is no assurance that these improvements will be undertaken. ~~planned grant application would have potential to reduce these risks to less than significant levels, there is no assurance that the grant application would be successful.~~ The potential exposure of future project residents and visitors to unsafe pedestrian and cycling conditions is therefore considered to be a **significant and potentially-unavoidable adverse project impact**, and no feasible measures exist at this time to lessen impact significance. All other potential project impacts on public services would be less than significant, and no mitigation measures are required.

<sup>38</sup> EPA Region 9 website: <http://www.epa.gov/Region9/waste/features/calif-waste/index.html>.

## TIOGA ~~COMMUNITY~~WORKFORCE HOUSING PROJECT DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.9 TRAFFIC AND CIRCULATION

#### 5.9.1 INTRODUCTION AND SUMMARY

This section provides an overview of baseline circulation and transportation on and around the Tioga Mart property, and the potential impacts that may occur in association with the proposed ~~workforce~~ housing project. Information in this section is summarized from a Traffic Impact Analysis prepared by MAT Engineering and provided in Appendix L in its entirety, as well as information obtained from the Mono County 2015 Regional Transportation Plan (RTP).

A number of NOP comments were received that raised issues pertaining to circulation, including the need for: (a) consultation with YARTS regarding adequacy of the existing YART bus stop location; (b) driving and parking movements, and the status of ownership and use, of Caltrans' SR 120 easement adjoining the project site; (c) review of the intersections, turning movements and vehicle weaving at SR 120/US 395 and SR 120/Vista Point Drive, (d) safety review for pedestrian and bicycle use on the site and between the site and Lee Vining; (e) parking to accommodate proposed new uses, and use of porous surfaces to enhance infiltration; (f) updated traffic counts at US 395 and SR 120, to reflect increased Yosemite traffic movements; (g) project impacts on parking and unsafe speeding through downtown Lee Vining; (h) analysis of impacts pertaining to Lee Vining Airport (please see EIR §5.7 for discussion of airport impacts); and (i) consideration of ridesharing, carpooling, increased bus service and pathways connecting to Lee Vining.

#### SUMMARY OF PROJECT IMPACTS & MITIGATIONS FOR TRANSPORTATION

<b>IMPACT TFFC 5.9(a):</b>	<b>REGULATORY COMPLIANCE</b>
Mitigation TFFC 5.9(a-5):	<a href="#">Applicant to resolve SR 120 access rights per Caltrans Right-of-Way process</a>
Mitigation TFFC 5.9(a-6):	<a href="#">Encroachment Permit if secondary access gate is in Caltrans Right-of-Way</a>
Mitigation TFFC 5.9(a-7):	<a href="#">Pedestrian path between housing &amp; YARTs stop, and crosswalk at Vista Pt. Dr.</a>
	<a href="#">Grant application to create dedicated non-motor-path between site and Lee Vining</a>
Significance:	<a href="#">Less than Significant</a>
<del>Recommendation TFFC 5.9(a-2):</del>	<del>Free shuttle passes for guests and residents</del>
<del>Caltrans Mitigation TFFC 5.9(a-3):</del>	<del>Caltrans consideration of designated Vista Point entry/egress</del>
<del>Caltrans Mitigation TFFC 5.9(a-4):</del>	<del>Caltrans modifications to apron parking</del>
<del>Caltrans Mitigation TFFC 5.9(a-5):</del>	<del>Caltrans relocation of YARTS bus stop</del>
<del>Significance:</del>	<del>Significant and Potentially Unavoidable Impact</del>
<b>IMPACT TFFC 5.9(b):</b>	<b>VEHICLE MILES TRAVELLED</b>
Mitigation:	Less than Significant Impact; no mitigation required
Significance:	Less than Significant
<b>IMPACT TFFC 5.9(c):</b>	<b>AIR TRAFFIC PATTERNS &amp; SAFETY</b>
Mitigation and Significance:	Please see discussion in EIR §5.7(c), Public Health and Safety
<b>IMPACT TFFC 5.9(d):</b>	<b>DESIGN HAZARDS</b>
<del>Caltrans Mitigation 5.9(c-1):</del>	<del>No feasible mitigation identified for impacts to Caltrans Signalization of the US 395/SR 120 Intersection</del>
<del>Caltrans Mitigation 5.9(c-2):</del>	<del>Caltrans construction of a Roundabout at the US 395/SR 120 Intersection</del>
Significance:	SIGNIFICANT and <a href="#">Potentially UNAVOIDABLE</a> <a href="#">Unavoidable ADVERSE</a> Impact
<b>IMPACT TFFC 5.9(e):</b>	<b>EMERGENCY ACCESS</b>
Mitigation and Significance:	Please see discussion in EIR §5.7(d), Public Health and Safety



## 5.9.2 KEY TERM USED IN THIS SECTION

**Level of Service (LOS)** is a qualitative measure describing operational conditions as perceived by motorists within a traffic stream. LOS generally describes these conditions in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Current LOS conditions are based on the latest traffic counts. Projected LOS conditions are based on growth factors derived from historical growth trends.

## 5.9.3 EXISTING CIRCULATION SYSTEM

### 5.9.3.1 Roads and Highways

Roads within the Tioga project site are privately owned and maintained. Consistent with the 1993 Specific Plan and Final EIR, the project site includes three road classes as shown in Table 5.9-1:

TABLE 5.9-1. Tioga Specific Plan Private Road Standards			
Private Road Classification	Easement Width	Pavement Width	Special Notes
Main Access Road	60 feet	24 feet	3-foot shoulder
Existing Residential Access	40 feet	16 feet	10% grade
Existing Utility Access	Driveway	12 feet	No public use

The 1993 EIR proposed that access to the project site be taken from SR 120 via Vista Point Drive. The access was constructed as proposed (with one entry lane and two exit lanes), and remains in use to the present time. The access point is approximately 800 feet west of the junction with US 395.

The amended plan calls for a reconfiguration of the access drive, retaining the existing single entry and two exit lanes but shifting the interior circulation for improved efficiency. Additionally, Caltrans has completed the sale of a portion of the SR 120 right-of-way easement to the applicant (Exhibit 5.9-1 shows the area decertified by Caltrans as part of the ownership transfer). The area has long been used informally by minimart customers as a picnic and play area; the ownership transfer will formalize long-term private use of the land by project customers. Caltrans also owns the right of way apron on SR 120 just north of the Tioga Mart access. This apron has an expansive view of Mono Lake, and is used heavily as a vista point for motorists.

EXHIBIT 5.9-1. Caltrans Easement Acquisition Area



The 1993 project included single ingress and egress lanes and ample public parking spaces for the minimart/deli and the promontory restaurant, plus private parking for the hilltop residential area. Although the full service restaurant has not been constructed, a total of 50 parking spaces (including oversize parking for RVs) have been provided adjacent to the restaurant site.

### 5.9.3.2 Onsite Parking

The 1993 project included minimum parking standards to serve the hotel, the minimart, the full service restaurant, and private parking for the residential area. Although the full service restaurant has not been constructed, a total of 50 parking spaces (including several oversize spaces for RVs) have been provided adjacent to the restaurant site; additional parking has been provided for transit (ESTA and YARTS) that was not discussed in the 1993 EIR.

Amendment #3 meets or exceeds the minimum parking requirements in the approved Specific Plan for all onsite uses. Parking requirements outlined in the 1993 Specific Plan are summarized in Table 5.9-2, along with parking provisions included in the current plan. All parking will comply with Building Code ADA (Americans with Disabilities Act) requirements.<sup>1</sup>

TABLE 5.9-2. Minimum Project Parking Standards						
LAND USE CATEGORY	1993 SPECIFIC PLAN			PROPOSED AMENDMENT #3		
	AUTO PARKING	RV + TRAILER PARKING	OTHER PARKING	AUTO PARKING	RV + TRAILER PARKING	OTHER PARKING
Hotel	120+2	2	1 space per 2 employees	120+2	2	1 space per 2 employees
Full-Service Restaurant	50	2 (buses) 5 (trailers)	None	50	2 (buses) 5 (trailers)	None
Convenience Store/Fuel Sales	10	2 (buses) 2 (trailers)	None	10	2 (buses) 2 (trailers)	None
Hilltop Residential Units	Attached private garage or covered parking	None	None	Attached private garage or covered parking	None	None
Open Space	No parking required or proposed			No parking required or proposed		
Housing	NA	NA	NA	190	0	None

### 5.9.3.3 Area Roads, Circulation and Access

The project site is bisected by Interstate Highway 395 (US 395), and takes primary access from Vista Point Drive, which connects to SR 120. SR 120 is the only eastern access into Yosemite National Park. Primary access to the small portion of the project site that is located east of US 395 is from Pumice Road, which connects to US 395. Route. Pumice Road also provides the only access to Lee Vining Airport. Intersections in the project area include US 395 at SR 120, and Vista Point Drive at SR 120. Table 5.9-3 shows average daily traffic ('ADT') volumes on the surrounding highways. Average daily traffic volumes on both roads, and in all directions, are below design capacity.

TABLE 5.9-3. Average Daily Traffic Volumes on Surrounding Highways	
Roadway Segment	Existing ADT
US 395 south of SR 120	5,098
US 395 north of SR 120	4,266
SR 120 west of US 395	1,384
SR 120 west of Project Access	1,384

<sup>1</sup> ADA parking requirements require 1 ADA space per 25 standard spaces, with spaces that are 18' deep x 9' wide with a white symbol of accessibility (36" x 36"). Spaces are to be located on the shortest accessible route from the parking area to an accessible entrance. Between the ADA parking spaces there must be a 5' x 18' "No Parking" area with hatched marks (36" between marks).

Both of the study intersections are part of the California State Highway system and in the jurisdiction of Caltrans District 9, which is responsible for the State Highway system in central-east portions of California including Inyo, Mono, and eastern Kern Counties. Study area traffic conditions are very seasonal in this area and vary by the time of the year. Tioga Road (SR-120) in particular experiences peak traffic conditions during summer months, and is closed during winter months (generally from November into May).

The efficiency of intersection operation is generally described in terms of 'Levels of Service,' and based on a methodology provided in the Highway Capacity Manual (HCM). The 2010 *HCM* analysis describes intersection operation using a range of LOS A (free-flow conditions, with a per vehicle wait of less than 10 seconds) to LOS F (severely congested conditions, with per-vehicle delays upward of 80 seconds for signalized intersections and 50 seconds for unsignalized intersections). "F" is the lowest LOS classification, describing 'breakdown' traffic flow conditions. Caltrans endeavors to maintain a target LOS between "C" and "D" on State Highway facilities, and LOS D is the lowest acceptable LOS for study intersections evaluated in the current EIR Traffic Analysis (see Appendix L).<sup>2</sup>

### 5.9.3.3 Airport Transportation Facilities

Lee Vining Airport is a general aviation facility serving the Mono Basin and surrounding area; the airport is located about ½ mile northeast of the US 395/SSR 120 intersection, and serves single- and twin-engine general aviation aircraft. The 70.7 acre site is leased by Mono County from LADWP, and features three individual tee hangar spaces (all privately owned). Currently one aircraft (owned by the project applicant) is based at the airport, and approximately 2,150 aircraft operations occur at the airport each year. The airport consists of 3 hangar buildings and one runway, Runway 15-33 (3,920 feet long and 60 feet wide). There are currently approximately 2,250 aircraft operations per year at this airport, with one aircraft based at the airport year round. There are no published instrument approaches at the airport. The 2017 FAA-approved Airport Layout Plan for Lee Vining Airport updates the prior plan, which FAA approved in 2005.

Lee Vining Airport is located very near to Mono Lake, the east entrance to Yosemite, and popular ski areas. As a result it experiences a significant number of itinerant operations, and the number is expected to increase in future years. Forecasts for operations in the year 2036 range from 2,450 (based on airport forecasts) to 3,942 (based on FAA's Terminal Area Forecast [TAF]). The Airport Layout Plan identifies the airport forecast as being more realistic, and forecasts that the number of based aircraft will also remain at 1 by the year 2036.

Short-term improvements focus on sealing the pavement on the tie-down apron, using funds previously 'banked' by Mono County for airport improvements. Long-term improvements cover a wide range and include expansion of the cross taxiway stub at the end of Runway 15, construction of a perimeter fence, installation of a fully automated aviation weather observing and reporting system ('AWOS AV'), a new aircraft parking apron, a new hangar area, construction of a 25-foot wide parallel taxiway, installation of a 1,000-gallon Avgas self-service fuel tank, construction of two new 40'x40' box hangar buildings for winter aircraft storage, construction of a new Fixed-Base Operator maintenance hangar, and construction of a new helicopter landing area.

Lee Vining Airport is an "unclassified" airport in the FAA system, primarily because it has only one based aircraft, is not 30 or more miles from the nearest NPIAS (National Plan of Integrated Airport Systems) airport, and does not provide critical federal community service. Unclassified airports are eligible for federal funding only for high priority projects with strong justification and support. Due to uncertain funding, the timing of recommended improvements is indefinite; however, FAA intends to review unclassified airports every two years. Funds for the short-term pavement sealing are already in reserve; long-term programs are expected to be funded through FAA matching grant programs.

## 5.9.4 REGULATORY SETTING<sup>3</sup>

### 5.9.4.1 Federal Regulations

<sup>2</sup> Note that LOS D was also used in the 1993 Tioga Inn Final EIR as the significance threshold for traffic impacts.

<sup>3</sup> The reader is also referred to the interrelated regulations outlined in EIR §4.3, Air Quality and Greenhouse Gas Emissions.

**Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21).** MAP-21 (signed into law by President Obama on 6 July 2012) provides over \$105 billion of funding for surface transportation programs for fiscal years (FY) 2013 and 2014, and is the first long-term highway authorization enacted since 2005. By transforming the policy and programmatic framework for investments to guide the system's growth and development, MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established earlier. To allow more time for development and consideration of a long-term reauthorization of surface transportation programs, Congress has enacted short-term extensions of the expiring law.

**US Department of Homeland Security (DHS).** DHS was established by the Homeland Security Act of 2002. The primary mission of the DHS is to; 1) prevent terrorist attacks in the United States; 2) reduce vulnerability of the US to terrorism; and 3) minimize damage and assist in the recovery from terrorist attacks that do occur.

**Federal Emergency Management Agency (FEMA).** FEMA became a department of the DHS during 2003. The primary mission of FEMA is to protect the nation from all hazards (including natural and human-created disasters and acts of terrorism) and reduce the loss of life and property through a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

**National Response Framework (NRF).** The NRF offers a set of guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to domestic incident response. An earlier program (the National Response Plan) was replaced by the NRF in March 2008.

**Transportation Security Administration (TSA).** The TSA is a component of the DHS, responsible for security of the nation's transportation systems. TSA works with state, local and regional partners to provide security for highways, railroads, buses, mass transit systems, and ports. A majority of TSA resources are directed to aviation security (particularly passenger & baggage screening). In Mono County, TSA operates facilities at Mammoth Yosemite Airport.

**The Disaster Mitigation Act of 2000 (DMA 2000).** DMA 2000 provides an opportunity for states, tribes, and local governments to revitalize mitigation planning efforts. DMA 2000 amended the 1988 Robert T. Stafford Disaster Relief & Emergency Assistance Act by adding §322 (Mitigation Planning), which required governments to develop and submit mitigation plans as a condition for funding through the Hazard Mitigation Grant Program (HMGP).

**National Incident Management System (NIMS).** NIMS provides a tool to help states, counties, and local jurisdictions respond to catastrophic events through enhanced communication and coordination, based on a nationwide response template. In California, the Standard Emergency Management System (SEMS) offers similar management tools (see §4.2.4.2, State Regulations).

**United States Department of Defense (DOD).** The DOD is authorized to provide resources when response and recovery requirements are beyond the capabilities of civilian authorities, provided that the DOD efforts do not compromise the Department's core mission of national defense. Requests for Defense Support can be submitted by local, county and state authorities, and generally follow or occur in tandem with a request from a Governor to the President for a disaster declaration. DOD operates one installation in Mono County (the Marine Corps Mountain Warfare Training Center, located south of Topaz).

#### 5.9.4.2 State Regulations

**California Transportation Commission (CTC) RTP Guidelines.**<sup>4</sup> CGC §65080 et seq. requires the preparation of RTPs, and the update of those plans at least every four years. §14522 authorizes the CTC to prepare guidelines for the preparation of RTPs. The RTP guidelines prepared by CTC in turn encourage all areas to follow the federally mandated comprehensive planning process to ensure uniform plans statewide. The guidelines also recommend that RTP projections be based on available data, use acceptable forecasting methodologies, and be consistent with Dept. of Finance (DOF) projections for the planning region. The guidelines require an RTP to identify and discuss differences (if

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<sup>4</sup> Caltrans website: [http://www.dot.ca.gov/hq/transprog/ocip/archives/stip2014/2014\\_itip.pdf](http://www.dot.ca.gov/hq/transprog/ocip/archives/stip2014/2014_itip.pdf), accessed 2-5-15.

any) between the agency and DOF projections. The most recent update to the RTP guidelines was published in 2010, with new provisions for complying with Senate Bill 375 (SB375, discussed below), and new guidelines for regional travel demand modeling, scaled to reflect differences in the size of California metropolitan planning organizations (MPOs).

**State Transportation Improvement Program (STIP).** STIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the federal Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The programming cycle begins with release of a proposed fund estimate (to identify the amount of new funds available for the programming of transportation projects), followed by CTC adoption of the fund estimate. Once the fund estimate is adopted, Caltrans works with regional planning agencies to prepare and submit transportation improvement plans for CTC review and approval. Implementation begins once projects are programmed. In 1997, the California STIP process was amended by Senate Bill 45, which divided STIP into two sub-programs: the 75% Regional Transportation Improvement Program (RTIP) and the 25% Interregional Transportation Improvement Program (ITIP).

**Caltrans' Interregional Transportation Improvement Program (ITIP).**<sup>5</sup> The ITIP program funds projects to improve interregional mobility on California highways and strategically important rail corridors. The ITIP complements congestion-reduction activities in urban areas of the state that are funded by the Regional Transportation Improvement Program (RTIP) and other funds. ITIP priorities include improving state highways, improving intercity passenger rail systems; and improving interregional movement of people, vehicles, and goods. Projects selected for ITIP funding must be consistent with Caltrans' Interregional Transportation Strategic Plan (ITSP) and the CTC STIP Guidelines.

**Sustainable Communities Strategy (SCS).** MPOs (Metropolitan Planning Organizations) are required to incorporate an SCS into their RTP to establish a process for meeting emissions-reduction goals. The SCS integrates land use and transportation planning programs as a way to reduce GHG emissions, and uses smart growth planning concepts to focus housing and transportation projects in areas that are near jobs, shopping and schools. Mono County is not an MPO, and thus not required to develop and implement a Sustainable Communities Strategy as part of the RTP. However, Mono County has long sought to focus development in existing communities and to work with existing transportation facilities, and has taken an equally proactive stance toward achieving reductions in GHG emissions. The Mono County RTP carries these long-standing policies into the future, with strengthened emphasis on developing a multi-modal transportation system that serves the needs of residents and visitors while protecting natural resources and reducing GHG emissions.

**Standard Emergency Management System (SEMS).** SEMS is the California version of the federal NIMS program. SEMS is mandated under CGC §8607(a), and California Executive Order S205 requires the state to integrate NIMS into SEMS where and as appropriate.

**Transportation Development Act (TDA).**<sup>6</sup> The California TDA provides two major sources of funding for public transportation: the Local Transportation Fund (LTF), and the State Transit Assistance fund (STA). Both funds support the development of public transportation to meet needs in California, and both are allocated to areas of each county based on population, taxable sales and transit performance. Some counties have the option of using LTF for local streets and roads projects, if they can show there are no unmet transit needs. The branch provides oversight of the public hearing process used to identify unmet transit needs, and also provides interpretation of and initiates changes or additions to legislation and regulations concerning all aspects of the TDA. The branch also provides training and documentation regarding TDA statutes and regulations, and works to ensure that local planning agencies complete performance audits as required for TDA participation.

#### 5.9.4.3 Local Regulations

**Mono County LTC.**<sup>7</sup> The LTC is Mono County's designated Regional Transportation Agency. The LTC is comprised of three board members appointed by Mammoth Lakes Town Council and three appointed by the Mono County Board of Supervisors, as well as the director of Caltrans District 9. The LTC acts autonomously in fulfilling the mandates of the

<sup>5</sup>Caltrans Division of Transportation Programming, 2014 *Interregional Transportation Improvement Program* December 15, 2013.

<sup>6</sup> Caltrans website: <http://www.dot.ca.gov/hq/MassTrans/State-TDA.html>, accessed 2-3-15.

<sup>7</sup> Mono County LTC website: <http://www.monocounty.ca.gov/ltc>, accessed 2-3-15.



TDA and other transportation-related state statutes. Primary LTC duties include preparation of an RTP every four years, preparation every two years of a Regional Transportation Improvement Program (RTIP) for submittal to Caltrans and the CTC, review and comment on the STIP Transportation Improvement Plan, ongoing administration of TDA funds, preparation of an annual Overall Work Program, and funding allocation for Transportation Alternatives.

**Coordinated Public Transit Plans.**<sup>8,9</sup> Sponsored by Caltrans, the 2008 Coordinated Public Transit-Human Services Transportation Plan for Inyo and Mono counties was part of a larger planning effort for 23 non-urbanized counties. An Existing Conditions Report was prepared during phase one that described transportation services and programs and identified service gaps and needs. The second phase focused on identification of strategies and solutions to mitigate service gaps and implement the strategies. The Final Report encompasses results and findings from both phases. Plan preparation allowed Inyo and Mono counties to qualify as eligible for Federal Transit Administration (FTA) funding sources that require a coordinated plan. The Plan includes a needs assessment and projects to improve the mobility of disabled, elderly, and low-income residents. ESTA updated the Plan in 2014 with strategies to increase mobility for individuals with disabilities, older adults, and people with low incomes through public and stakeholder input for the period of 2014 to 2019.

**Eastern Sierra Transit Authority (ESTA) Short-Range Transit Plan (SRTP).**<sup>10</sup> In 2008, public transportation services in Inyo and Mono counties transitioned from Inyo Mono Transit to the ESTA. ESTA provides a wide range of local, regional and interregional service (CREST) extending from Reno, Nevada to Lancaster, California with connections to the Los Angeles area. Dial-a-Ride services are provided in Mammoth, Bishop, Lone Pine and Walker. The 2009 SRTP was prepared as a first Short-Range Transit Plan for ESTA. Plan objectives are to guide the development of public transportation services in Inyo and Mono counties over one five-year period. The Plan incorporates public input, establishes goals and performance standards, documents transit needs, provides service plan recommendations, establishes a detailed operating and capital financial plan, and (in Volume II) provides a comprehensive marketing plan. The 2009 plan ~~was is currently being~~ updated by ESTA ~~in 2015, and is due to be updated again in 2020~~.

**Social Services Transportation Advisory Council (SSTAC).** The SSTAC is a broadly representative group of local citizens appointed by the Local Transportation Committee (LTC) to (1) participate in the annual identification of transit needs, (2) annually review and recommend LTC action within the jurisdiction of the council, and (3) advise the LTC on other major transit issues, including the coordination and consolidation of specialized transportation services.

**Yosemite Area Regional Transit System (YARTS) Short-Range Transit Plan (SRTP).**<sup>11</sup> YARTS provides public transit services in all areas of the three counties served, including Mono, Mariposa and Merced counties. The YARTS SRTP was prepared to guide development of the YARTS over a five-year period. Plan components were based on extensive market research, and include goals and performance standards, a comprehensive marketing plan, institutional options to improve the governance of YARTS (including potential expansion of the areas served), service plan recommendations, and a detailed operating and capital financial plan. YARTS services in Mono County are limited to the summer months, and include routes to Mammoth Lakes, June Lake, Lee Vining, and Tuolumne Meadows and Yosemite Valley within Yosemite National Park.<sup>12</sup> A YARTS bus stop is located in the Caltrans easement (on the south side of SR 120 around the Vista Point Drive entry) that is currently being acquired by the project applicant.

**Mono County Transit Plan.** Specific purposes of the Mono County Transit Plan were to analyze existing transit services and to provide a concise summary of those services, to evaluate the needs of county residents and visitors for transit services, to estimate future demand for transit services, to evaluate funding opportunities to sustain the long-term viability of the transit system, and to delineate policies for the future development and operation of transit systems in the county. Since adoption of the Transit Plan, the Mono County Transit Service has expanded its routes in response to

<sup>8</sup> Inyo & Mono County LTC, *Inyo-Mono Counties Coordinated Public Transit-Human Services Transportation Plan*, Nelson Nygaard, 2008.

<sup>9</sup> ESTA, *Inyo-Mono Counties Coordinated Public Transit – Human Services Transportation Plan Update*, Final Plan dated April 2014. Prepared by LSC Transportation Consultants, Inc.

<sup>10</sup> ESTA Short Range Transit Plan, Vol 1-Service & Financial Plan Final Report 201509, Transit Resource Center/Transit Marketing.

<sup>11</sup> Yosemite Area Regional Transit (YARTS) Short Range Transit Plan (SRTP), Volume I: Service, Institutional and Financial Plan, Final Report, March 2011, prepared by Transit Resource Center/Transit Marketing.

<sup>12</sup> YARTS bus routes and stop locations, YARTS website (<http://www.yarts.com/service.html>), accessed 2-3-1.



needs identified in the Plan and at annual unmet transit needs hearings. ESTA's SRTP (discussed above) has superseded the Mono County Transit Plan, which is no longer maintained by the County.

### 5.9.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offer the following six criteria for determining the significance of transportation impacts. A project would have a potentially significant impact on circulation if it would:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities;
- b) Conflict with CEQA §15064.3 Guidelines for Determining the Significance of Transportation Impacts;
- c) 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?
- d) Increase hazards due to a geometric design feature or incompatible uses; and
- e) Result in Inadequate emergency access.

### 5.9.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT TFFC 5.9(a):** Would the proposed Tioga Workforce Housing project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?

**SIGNIFICANT AND POTENTIALLY UNAVOIDABLE ADVERSE IMPACT.** Many of the multi-modal elements included in the existing and proposed Tioga project are consistent with recommendations in the Mono County Regional Transportation Plan (RTP). In particular, the RTP identifies the following issues and goals for improving existing and future transportation:

- ***Increase transit services at all levels to improve air quality, reduce congestion, and provide alternative methods of moving people and goods to and through the county:*** The Tioga project site and vicinity incorporates several multi-modal and transit-oriented elements, including a YARTS bus stop, [that is located in the Caltrans easement on SR 120 just south of Vista Point Drive, that provides summer bus service through Yosemite; the route includes a bus stop at the Tioga Mobil Gas Mart.](#) The DSEIR included a mitigation recommendation that Caltrans relocate the existing YARTS bus stop to improve sight distance at the intersection of the project site access road and SR-120, and possibly minimize the potential for conflicts between busses and vehicles parking on the apron and/or entering the project site.

[In comments on the DSEIR, Caltrans indicated that it would support relocating the YARTS stop onto the Tioga property in order to eliminate awkward bus maneuvers on SR 120 and thereby benefit traveler safety. In a subsequent communication, YARTS staff<sup>13</sup> indicated a firm preference for the bus stop to remain inside the Caltrans Right-of-Way, because YARTS' insurance costs are lower for bus stops inside public rights of way compared to bus stops on private property. In response to YARTS' input concerning the bus stop location, YARTS/Caltrans Mitigation TFFC 5.9\(a-4\)\(Relocation of YARTS Stop\) has been deleted from the project proposal.](#)

[YARTS staff also noted that all parking in Tuolumne Meadows will be closed during summer 2020 and summer 2021 for the "Tuolumne Meadows Parking" project, which will increase parking in dedicated lots and eliminate off-road/shoulder parking around the Visitor Center and Cathedral Lake trailhead. YARTS anticipates that there may be more parking on the Tioga apron during this period. YARTS plans to maintain close coordination with Caltrans regarding potential future modifications to the apron \(inside the Caltrans right-of-way\) directly east and west of the Vista Point project entry, as well as Caltrans' planned changes to the designation of SR 120 \(i.e., from 'Freeway' to 'Conventional Highway'\). YARTS will also maintain contact with Mono County and the Tioga project applicant to ensure that YARTS services are not adversely impacted during construction.](#)

<sup>13</sup> Telephone communication with Cindy Kelly and Christine Chavez, YARTS staff, 17 January 2020.

~~With respect to the SR 120 apron at the Vista Point entry, Caltrans in its comment letter clarified that it is currently considering solutions to address issues on the SR 120 right-of-way, and recommended that Mitigation Recommendations 5.9(a-2) (Vista Point Apron access) and 5.9(a-3) (modified apron parking) be deleted from the DSEIR text.~~ The Tioga property provides pedestrian pathways, parking for oversized vehicles (including large tourist busses as well as personal auto-trailer combinations and recreational vehicles), as well as parking areas for carpools from the site to Bishop, Mammoth Lakes, and other area employment centers. Transit information is made available to Tioga Mart customers at the community poster board located just outside the Tioga Mart entry. Onsite facilities and parking areas are also occasionally used for the staging of emergency response activities.

The proposed project will retain existing multimodal features, with ~~a~~ new Vista Point crosswalk and pedestrian pathways to connect the YARTS bus stop with the hotel and ~~full-service~~ restaurant and ~~workforce~~ housing areas (see Mitigation TFFC 5.9(a-7)). Additionally, the project will provide onsite bus stops for ESUSD and for ESTA. The 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. The 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.

~~The DSEIR noted that it was the intent of applicant and the County have indicated their intent to submit an Affordable Housing and Sustainable Community Grant application for this project, if approved. The grant monies would be used to fund public-private trail elements (pedestrian and bicycle) to safely link the project site to Lee Vining. The applicant does still intend to seek grant funding for infrastructure improvements, but grant funds are no longer envisaged as a way to mitigate any potential project impacts. The applicant has offered to provide space onsite for a new ESTA bus stop, which would be a requirement in the event that Sustainable Community Grant funds are awarded.~~

As part of the DSEIR Traffic Impact Analysis (see Appendix L), additional recommendations ~~were~~ have been developed. All of the mitigation recommendations have been deleted from this FSEIR/DSEIR as unenforceable; Although project impacts on multimodal facilities would be less than significant, and no mitigation measures are required or proposed, recommendations are provided below (please see Recommendations 5.9(a-1) through 5.9(a-4)) that would enhance circulation efficiency in the project area.

- ***Improve and expand non-motorized facilities both within and between community areas. There is the potential to link existing trail systems, which are predominantly on public lands, to newly developed trail systems on private and county lands in community areas:*** Please see the discussion provided in FSEIR/DSEIR §5.8-6 regarding the potential for future development. Sheriff Ingrid Braun was contacted during the project analysis for concerning project impacts on police services. The primary concern cited in the Sheriff's review is the potential for increased foot traffic to and from the project site and businesses and schools in Lee Vining. Under current conditions, access between these locations would be along state highways that are not designed for pedestrian use, and the Sheriff identified this as a safety concern (the concern was also raised in a number of the NOP comment letters). The Sheriff noted that Caltrans has initiated a project to rehabilitate US 395 through Lee Vining. However, Caltrans has indicated to Mono County Community Development Department staff<sup>34</sup> that the study will not have sufficient funding to address safe pedestrian movement between Lee Vining and the SR 120/US 395 intersection. The needed safety improvements are outside the scope and authority of the Tioga Workforce Housing Project. Mono County and the project applicant have indicated their intent (if the project is approved) to jointly submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA). Under the RIPA program, applicants must demonstrate a reduction in vehicle miles travelled through fewer or shorter vehicle trips, or a mode shift to transit use or bicycling or walking. Funding (up to \$20 million) can be used for sustainable transportation infrastructure, affordable housing, and housing related infrastructure capital projects. In discussions to date, the county and applicant have indicated that priority improvements would center on (1) the creation of a safe pedestrian and cycling route between the site (and environs south of SR 120/US 395) and the community of Lee Vining, including and (2) technical studies of the potential for Caltrans to implement a non-motorized connectivity project between Lee Vining and the SR120/US 395 intersection, replacing the SR 120/US 395 intersection with a roundabout. The

<sup>34</sup>Communication with Wendy Sugimura, Mono County Community Development Planning Director, 28 August 2018.

~~project would be consistent with RIPA requirements including proximity to transit, a proposed residential density of 15 units per acre or higher, and intent to set affordable rents.~~

- ***Providing adequate community parking facilities in community areas for all types of vehicles:*** The project site provides and will continue to provide parking spaces sized to accommodate a wide range of vehicles including automobiles, trailers, trailer-truck combinations, RVs and some commercial trucks.
- ***Encourage additional carpooling and study the potential to provide additional park and ride facilities:*** Parking on the project site is now and will continue to be used for car-pooling and for YARTS 'park and ride' customers. If the proposed Amendment #3 is approved, ~~formal bus stops and access routes will be provided on the project site for ESUSD and for ESTA, and a new crosswalk will be provided at Vista Point Drive along with access paths to improve safe access to the YARTS bus stop on SR 120 adjacent to the Deli will be invited to provide a formal bus stop on the property, and space will be provided for park and ride ESTA customers.~~

~~The segment of SR 120 adjacent to the project site is an access-controlled highway, and will remain an access-controlled highway following redesignation of SR 120 as a conventional highway. Access rights were purchased by Caltrans with access openings (location/width) specifically defined. The project's defined driveway width is 30-feet. The project proposes to continue using the existing SR 120 driveway, but the paved driveway itself currently exceeds this 30-foot access by approximately 6-ft. The YARTS walkway, which is approximately 6-ft, also contributes to the width, making the current access opening width approximately 42-ft. NEW Mitigation Measure 5.9(a-5), provided below, will resolve the current access-rights conflict.~~

~~In summary, Although none of the project elements would conflict with congestion management plans. All of the mitigation recommendations outlined in the DSEIR have been deleted as unenforceable, and new mitigation has been added to require resolution of right-of-way locations and widths. Please see discussion provided in FSEIR/DSEIR §5.8 for information regarding the, potentially significant and unavoidable adverse impacts associated with increased non-motorized transit (particularly pedestrian and bicycle) between the site and Lee Vining. would be significant and adverse. The intent of Mono County to collaborate with the applicant on submittal of a Sustainable Communities grant application has previously been identified in EIR §5.8, Mitigation 5.8(a-1). If successful, funds from this grant would be used to establish a dedicated safe pedestrian corridor to link the site and the Lee Vining community (and other improvements). The grant funded improvements have potential to reduce pedestrian and bicycle safety impacts to less than significant levels. However, there is no guarantee that this mitigation measure (which would require actions by agencies other than Mono County) will be successful.~~

~~Additional mitigation recommendations are provided below to strengthen project related use of transit, roadways, bicycle and pedestrian facilities. All but one of these recommendations fall under Caltrans' jurisdiction. The exception (Measure 5.9(a-1)) would require the project owner to provide free shuttle and bus passes to project guests and employees. Because this measure would not be sufficient to reduce impacts to less than significant levels, it is presented as a recommendation only. Based on the foregoing considerations, the project would have a **significant and potentially unavoidable adverse impact** associated with potential exposure of future project residents and visitors to unsafe pedestrian and cycling conditions.~~

## **MITIGATION MEASURES/RECOMMENDATIONS – MULTIMODAL TRANSPORTATION**

**NEW MITIGATION 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.

**NEW MITIGATION 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.

**NEW MITIGATION 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.

**RECOMMENDATION (TO APPLICANT) – TFFC/SVCS 5.9(a-1) (Shuttle Passes):** Consider providing free YARTS shuttle and ESTA bus passes during the peak summer season to Tioga Inn guests and employees (optional recommendation).

~~CALTRANS MITIGATION TFFC 5.9(a-2) (Vista Point apron): To reduce conflicts between vehicles traveling along Tioga Road (SR 120), vehicles accessing the Caltrans' parking apron, and vehicles entering the Tioga Mart site, it is recommended that Caltrans implement a designated point of ingress and egress for the apron parking area.~~

~~CALTRANS MITIGATION TFFC 5.9(a-3) (Apron Parking): To enhance safety and utilization of the apron adjoining the Tioga Mart site, it is recommended that Caltrans modify the apron parking arrangement such that it maintains adequate sight distance for turning movements into and out of the project site.~~

~~YARTS/CALTRANS MITIGATION TFFC 5.9(a-4) (Relocation of YARTS Stop): To enhance transit use, it is recommended that Caltrans relocate the existing YARTS bus stop to improve sight distance at the intersection of the project site access road and SR 120. Bus stop relocation may also minimize the potential for conflicts between busses and vehicles parking on the apron and/or entering the project site.~~

**IMPACT TFFC 5.9(b):** Would the project conflict with CEQA §15064.3 guidelines for determining the significance of transportation impacts including, for Land Use projects, Vehicle Miles Travelled (VMT) exceeding an applicable threshold? Generally projects within ½ mile of an existing major transit stop or corridor should be presumed to cause a less than significant impact. Projects that decrease vehicle miles travelled in an area compared to existing conditions should be presumed to cause a less than significant impact. If models or methods are not available, VMT may be assessed qualitatively based on factors such as transit availability, proximity to other destinations, etc.

**LESS THAN SIGNIFICANT IMPACT.** Neither Mono County nor Caltrans have as of yet adopted a threshold of significance for VMT. In 2013, the California legislature passed Senate Bill (SB) 743 to mandate that jurisdictions discontinue the use of Level of Service (LOS, generally a measurement of delay) and instead use Vehicle Miles Traveled to analyze the transportation impacts of projects. The statewide implementation date for this change is July 1, 2020, and many agencies continue to utilize level of service (LOS) as the basis for determination of potential traffic impacts as related to the California Environmental Quality Act (CEQA).

During the process of preparation of the traffic study, it was confirmed that Mono County and Caltrans have not yet adopted thresholds of traffic impact based on VMT. Hence, the traffic analysis utilizes the LOS criteria for determination of potential impacts for the proposed project, consistent with other projects currently being processed through Mono County and Caltrans.

The traffic analysis ~~therefore~~ provides a qualitative assessment of project-related VMT impacts. The VMT estimates are based on data developed in the project air quality analysis, which was in turn based on the California Emissions Estimator Model ('CalEEMod) software. The CalEEMod software is the industry standard tool, used by both Mono County and Caltrans, for evaluating emissions and air quality impacts of land use projects. The model is based on default data provided by the air district in each region; for the proposed Community Housing Project, the data was provided by the Great Basin Air Pollution Control District. The model takes into account the land use and the regional/geographical location of the project. Since Mono County and Caltrans have not yet adopted VMT thresholds, the VMT data shown in Table 5.8-4 is for informational purposes, but has not been utilized for the determination of impacts.

Table 5.9-4 summarizes the project's weekday, Saturday, Sunday and overall VMT based on data from the air quality model analysis. The table shows the VMT for both the proposed project as well as the cumulative projects including the approved hotel and restaurant elements.

TABLE 5.9-4. Forecast Vehicle Miles Travelled (VMT)				
LAND USE	VMT (miles)			
	Weekday	Saturday	Sunday	Annual VMT
<b>Proposed Project</b>				
<b>Direct Impacts of Proposed Project</b>				
Housing	208.00	208.00	208.00	<u>913.057</u> <u>595.348</u>

Gas Station	516.00	516.00	516.00	276.785
<b>PROJECT TOTAL</b>	<b>724.00</b>	<b>724.00</b>	<b>724.00</b>	<del>1,189,842</del> <del>872.133</del>
<b>Cumulative Impacts</b>				
Restaurant	841.00	841.00	841.00	<del>950,261</del> <del>975.782</del>
Hotel	752.40	752.40	752.40	<del>1,511,699</del> <del>1,7429.508</del>
<b>CUMULATIVE TOTAL</b>	<b>1,593.40</b>	<b>1,593.40</b>	<b>1,593.40</b>	<del>2,461,960</del> <del>2,7405.29</del>
<b>PROJECT PLUS CUMULATIVE</b>	<b>2,317.40</b>	<b>2,317.40</b>	<b>2,317.40</b>	<del>3,651,802</del> <del>3,277.423</del>

Source: Proposed Project's Air Quality Analysis Model.

Results in Table 5.9-4 indicated that the proposed project would result in an annual VMT of ~~1,189,842~~ ~~872.133~~ miles, with a project plus cumulative VMT of ~~3,651,802~~ ~~3,277.423~~ miles. As noted, there is no established threshold of significance against which the VMT forecast can be measured. However, the project is directly adjacent to an existing YARTS bus stop, and the ~~project will~~ ~~applicant intends to~~ provide space and parking onsite for an ESTA bus stop if the ~~workforce~~ housing project is approved. Based on the qualitative CEQA impact guidelines and the considerations noted above, and in the absence of established significance thresholds, it is anticipated that the project would have a **less than significant impact** on Vehicle Miles Travelled. ~~The measures below are offered only as recommendations, and are not included in the Mitigation Monitoring and Reporting Program presented in EIR §10.~~

### **MITIGATION – VEHICLE MILES TRAVELLED**

**Impact TFFC/SVCS 5.9(b) (VMT):** Project impacts would be less than significant, and no mitigation is required.

**IMPACT TFFC 5.9(c):** Would the project 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?

**LESS THAN SIGNIFICANT IMPACT.** Please see discussion provided in DSEIR §5.7, Public Health and Safety, Impact 5.7(c) for an analysis of the project in relation to air traffic patterns and safety.

**IMPACT TFFC 5.9(d):** Would the project result in hazards due to a geometric design feature or incompatible uses?

**SIGNIFICANT AND POTENTIALLY UNAVOIDABLE ADVERSE IMPACT.** The Traffic Impact Analysis prepared for this project (see Appendix L) analyzed traffic and intersection conditions relevant to the Tioga Project for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that all study area intersections are currently operating at an acceptable level of service (LOS D or better) during the peak hours under Existing Conditions. Additionally, the analysis concluded that all study area intersections are forecast to continue to operate at an acceptable level of service (LOS D or better) during the peak hours for 'Existing Plus Project' conditions. Based on agency-established thresholds of significance, the proposed project is forecast to not result in a significant traffic impact at the study intersections for Existing Plus Project Conditions.

With one exception, all study area intersections are forecast to continue to operate at an acceptable level of service (LOS D or better) in the year 2023 forecast scenario without the project; the intersection of US 395/SR 120 is **forecast to operate at a deficient LOS E or worse during the mid-day peak hour (without the project).**

The same outcome was identified for the year 2023 forecast scenario with the project: All study area intersections but one are forecast to operate at an acceptable level of service (LOS D or better) during the peak hours for the forecast ~~workforce~~ housing opening year (2023) with Project Conditions. 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 is experienced only by vehicles on the minor street (stop controlled Tioga Road approach) that are performing a left-turn onto northbound US 395. Vehicles traveling along the US 395 (the major street) have free flow movement with minimal delay and the overall average delay of the intersection is 10.6 seconds (equivalent to LOS B).

The Traffic Impact Analysis also considered vehicle queueing at the study intersections for the year 2023 with project conditions. Results of this analysis indicate that vehicular storage capacities are forecast to be adequate to accommodate the 95<sup>th</sup> percentile vehicular queues at the study intersections for Forecast Opening Year (2023) With Project Conditions.

Issues pertaining to emergency access were discussed previously in EIR §5.7 (Public Safety), which concluded that none of the existing or proposed project elements would impair implementation of or interfere with an adopted emergency response plan or emergency evacuation plan, and no mitigation is proposed. The reader is referred to EIR §5.7 for additional information concerning emergency access.

~~As part of the Traffic Impact Analysis (Appendix L), recommendations have been developed to address the conditions that are forecast to exist at the intersection of US 395 and SR 120 with or without the proposed workforce housing project. Because the recommended actions (provided below as measures 5.9(c-1) and 5.9(c-2)), fall under Caltrans' jurisdiction, there is no assurance that the measures will be implemented. The impacts are therefore considered to be **significant and potentially unavoidable adverse project effects.**~~

~~The DSEIR Traffic Impact Analysis, as contained in DSEIR Appendix L and summarized in DSEIR §5.9, analyzed project traffic and intersection conditions for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that all study area intersections are currently operating at an acceptable level of service ('LOS' D or better) during the peak hours under Existing Conditions, and during the peak hours for 'Existing Plus Project' conditions.~~

~~With one exception, all study area intersections are forecast to continue to operate at an acceptable level of service (LOS D or better) in the year 2023 with or without the project. 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 (with and without the project). Based on the findings, the Traffic Impact Analysis recommended two alternative measures to mitigate impacts at the US 395/SR 120 intersection including Measure 5.9(d-1) calling for installation of a traffic signal (which would achieve an acceptable level of service (LOS D or better), or Mitigation Measure 5.9(d-2) calling for conversion of the US 395/SR 120 intersection to a single-lane roundabout, which would also achieve an acceptable level of service (LOS D or better) at the study intersection and reduced potential impacts to less than significant levels.~~

~~In their comments on the DSEIR, Caltrans noted that the recommended mitigations would be triggered by the project and thus mitigation would be the responsibility of the project proponent. Caltrans requested that the Traffic Analysis be updated to calculate a fair share monetary contribution based on trip generation, and added that the County or Caltrans could hold the funds in reserve for a future intersection project. Caltrans noted that the roundabout option had been estimated at \$2.2 million in the May 2019 *Project Initiation Report for US 395* in the Lee Vining area. Caltrans also referenced significant challenges to provide a traffic signal in this location (road geometry, speed, and terrain grade), even if warrants were met.~~

~~The DSEIR recommendation calling for signalization or a roundabout at the US 395/SR 120 intersection was discussed at multiple meetings and discussions between Caltrans, Mono County, and the project traffic consultant. During those discussions, 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, and therefore the DSEIR measures calling for intersection~~



[signalization or a roundabout do not represent feasible mitigations. Caltrans also indicated that the traffic volumes used in the Tioga Traffic Analysis \(based on traffic counts taken in July 2018\) appeared to overestimate traffic levels on US 395 and at the US 395/SR 120 intersection since they were based on peak-season conditions, were taken on a day when a concert event was to be held at the project site, and did not accurately reflect typical year-round conditions \(SR 120 is closed part of the year\).](#)

[In response to Caltrans' concerns, additional traffic counts were taken at the US 395/SR 120 intersection during October 2019. Results indicated that the October 2019 traffic volumes were a little over half the volumes shown in the July 2018 counts. Caltrans staff indicated that the new and lower mid-day counts taken in October 2019 are more representative of typical year-round conditions at this intersection, and recommended that the traffic study be revised to reflect the traffic data from October 2019. Use of the new October 2019 counts would have eliminated the significant adverse impacts on level of service and associated mitigation requirement.](#)

[Caltrans' recommendation was reviewed with the Mono County staff. While acknowledging Caltrans' concerns that July traffic data are not representative, it was the view of Mono County that the October counts were also not representative of 'typical' traffic. Traffic fluctuates on a seasonal basis, precluding any single set of counts from representing typical conditions. To be conservative, Mono County recommended that the updated Traffic Analysis use data from the July 2018 traffic counts, and also use a conservative 2% per year annual growth rate in background \(i.e., non-project\) traffic.](#)

[The updated Traffic Analysis \(provided in FSEIR Appendix D\) continues to show a significant adverse impact at the intersection of US 395/SR 120 during mid-day peak season conditions \(i.e., from 4<sup>th</sup> of July through Labor Day\), with or without the proposed project. The updated Traffic Analysis also finds that there is no feasible way to mitigate this impact. Caltrans has 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, the need 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 Inn analysis would likely not increase the statewide priority of this project enough for it 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.](#)

[As discussed in FSEIR/DSEIR §5.8-6, the potential for pedestrian access was an additional key topic of discussion at the 24 September 2019 meeting with Caltrans. Caltrans indicated that SR 120 is currently designated as a 'freeway' with access controls. Caltrans noted that it has in the past considered a change of designation for SR 120 from 'freeway' to 'conventional highway,' and subsequently affirmed that it plans to proceed with the freeway rescission action. Caltrans noted that redesignation of SR 120 from 'freeway' to 'conventional highway' would create potential to allow for future construction of an 'at-grade' pedestrian and bicycle crossing. Caltrans noted,<sup>15</sup> however, 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 \(even after the freeway rescission action\).](#)

[In light of the foregoing considerations, traffic mitigation measures 5.9\(d-1\) and 5.9\(d-2\) are hereby deleted, and project impacts on the US 395/SR 120 intersection during mid-day conditions for the forecast opening year of 2023 are hereby determined to be significant, adverse and unavoidable.](#)

## **MITIGATION RECOMMENDATIONS – DESIGN HAZARDS**

[No feasible mitigation measure has been identified that would reduce to less than significant levels the adverse impacts \(both with and without the proposed project\) 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.](#)

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<sup>15</sup> Email communication from Gayle Rosander, Caltrans District 9, 11 October 2019.

~~CALTRANS MITIGATION TFFC 5.9(d-1) (Intersection Signalization):~~ Installation of a traffic signal is forecast to achieve an acceptable level of service (LOS D or better) at the US 395/SR 120 intersection for Forecast Opening Year (2023) With Project Conditions (and Without Project Conditions), and the project's identified significant impact would be reduced to a level considered less than significant.

~~CALTRANS MITIGATION TFFC 5.9(d-2) (Round About):~~ Conversion of the US 395/SR 120 intersection to a single lane roundabout is forecast to achieve acceptable level of service (LOS D or better) at the study intersection for Forecast Opening Year (2023) With Project Conditions (and Without Project Conditions) and the project's identified significant impact would be reduced to a level considered less than significant. If a two lane roundabout is installed, it is expected to provide additional increased capacity compared to a single lane roundabout. When compared to the traffic signal alternative, the roundabout alternative would allow for continuous flow of traffic without vehicles having to stop at a red light. The Traffic Impact Analysis found that the roundabout alternative would require a well prepared design and potentially greater right of way to work effectively.

**IMPACT 5.9(e):** Would implementation of the proposed ~~Workforce~~Community Housing project result in inadequate emergency access?

**LESS THAN SIGNIFICANT IMPACT.** The reader is referred to discussion contained in EIR §5.7, Public Health and Safety, Impact 5.7(d), for an analysis of the project in relation to emergency response and evacuation plans.

## 5.9-7 SIGNIFICANCE AFTER MITIGATION

With two exceptions, the potential project impacts on traffic and circulation would be less than significant. The exceptions pertain to (1) an anticipated increase in foot traffic to and from Lee Vining and the project site along routes that are not designed for pedestrian use ([please see discussion of this impact in FSEIR/DSEIR §5.8 \(Public Services\) under Impact 5.8\(a\)](#)), and (2) unsafe conditions at the US 395/SR 120 intersection as of 2023, both with and without the proposed ~~Workforce~~Community Housing Project.

Although grant funding would have potential to reduce to less than significant levels the concerns associated with unsafe pedestrian and bicycle access, there is no assurance that the project grant application would be successful. The potential exposure of future project residents and visitors to unsafe pedestrian and cycling conditions is therefore considered to be a **significant and potentially unavoidable adverse project impact**.

With regard to unsafe conditions at the intersection of US 395/SR 120, Caltrans has indicated that it does not at this time have any plans to signalize or modify the intersection; the two measures that ~~were~~are recommended [in the DSEIR](#) to achieve acceptable level of service ([i.e., intersection signalization, or an intersection roundabout](#)) are therefore considered to be infeasible. **Hence, the project's traffic impact on the US 395/SR 120 study intersection is considered to be a significant and potentially unavoidable adverse project impact.**

**TIOGA [COMMUNITYWORKFORCE](#) HOUSING [PROJECT](#)  
[REVISED](#) DRAFT/[FINAL](#) SUBSEQUENT EIR**



**SECTION 5.10  
AIR QUALITY AND GREENHOUSE GASES**

**5.10.1 INTRODUCTION AND SUMMARY**

This section describes existing air quality and greenhouse gas (GHG) emissions in the project area, and analyzes how baseline conditions may be impacted by the proposed [WorkforceCommunity](#) Housing Project. Discussion provided in this section is based on an Air Quality and GHG Impact Analysis prepared for this project by Giroux and Associates. The full report is provided as DSEIR Appendix M.

Written comments on the NOP addressed several issues pertaining to air quality and greenhouse gas emissions. Areas of concern included the impact of increased emissions on Lee Vining neighborhoods and schools, recommended use of fuel-efficient building design and lighting and appliances, with 'no vehicle idling requirements' and efficient transportation options, project support for Mono Basin as a 'climate-friendly community' through sustainability standards (such as net zero energy use and graywater recycling), discussion of current federal, state, and local GHG and climate change standards and requirements, and clarification of whether wood-burning fireplaces would be allowed as a primary heating source. Key findings of the air quality and GHG emissions impact analysis and recommended mitigation goals and policies are summarized in the table below.

**SUMMARY OF GENERAL PLAN IMPACTS & POLICY MITIGATIONS FOR AIR QUALITY**

<b>IMPACT AQ 5.10(a,b,c):</b>	<b>CRITERIA POLLUTANTS, AIR QUALITY STANDARDS, SENSITIVE RECEPTORS</b>
<b>Mitigation:</b>	<a href="#">Less than Significant, No Mitigation Required</a>
<b><del>Recommendation AQ 5.10(a-1):</del></b>	<del><a href="#">Supplemental Fugitive Dust Control Measures</a></del>
<b><del>Recommendation AQ 5.10(a-2):</del></b>	<del><a href="#">Supplemental Exhaust Emission Control Measures</a></del>
<b>Significance:</b>	Less than Significant
<b>IMPACT AQ 5.10(d):</b>	<b>OBJECTIONABLE ODORS</b>
<b>Mitigation:</b>	Less than Significant, No Mitigation Required
<b>Significance:</b>	Less than Significant
<b>IMPACT GHG 5.10(e,f):</b>	<b>GENERATE GHG EMISSIONS, CONFLICT WITH GHG REDUCTION PLANS</b>
<b>Mitigation:</b>	Less than Significant, No Mitigation Required
<b>Significance:</b>	Less than Significant

**5.10.2 KEY TERMS USED IN THIS SECTION**

**Ozone.** Ozone is produced by a photochemical reaction (caused by the chemical action of light) between nitrogen oxides (NOX) and reactive organic gases (ROG). NOX is formed during the combustion of fuels, while ROG are formed during combustion and evaporation of organic solvents. Because ozone requires sunlight to form, it mostly occurs in substantial concentrations between the months of April and October. Ozone is a pungent, colorless toxic gas with adverse human health effects including respiratory and eye irritation and possible changes in lung functions. Groups most sensitive to ozone include children, the elderly, persons with respiratory disorders, and people who exercise strenuously outdoors.

**Carbon dioxide equivalent (CO<sub>2</sub>e).** CO<sub>2</sub>e is the universal unit for representing the six different GHGs (see below) in one single unit by converting each gas into the equivalent potency of carbon dioxide. CO<sub>2</sub>e is commonly expressed in metric tons of carbon dioxide equivalent emissions (MTCO<sub>2</sub>e). A metric ton equals approximately 2,205 pounds.

**Greenhouse Gases.** Gases that trap heat in the earth's atmosphere are called greenhouse gases, or GHGs. GHGs include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). While amounts of some of these gases occur naturally in the atmosphere, modern human activity has led to a steep increase in the amount of GHGs released into the atmosphere over the last 100 years. Collectively, these gases intensify the natural greenhouse effect, thus causing global average surface temperatures to rise, which in turn affects global climate patterns. GHGs are often quantified in terms of CO<sub>2</sub> equivalent, or CO<sub>2</sub>e, a unit of measurement that equalizes the potency of GHGs.<sup>1</sup>

**Carbon Monoxide.** The major source of CO, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations are usually found only near areas of high traffic volumes. Health effects from CO are related to its affinity for hemoglobin in the blood. At high concentrations, CO reduces the amount of oxygen in the blood, causing heart difficulty in people with chronic diseases, reduced lung capacity and impaired mental abilities.

**Nitrogen Dioxide.** NO<sub>2</sub> is a by-product of fuel combustion, primarily from motor vehicles, industrial boilers and furnaces. Nitric oxide (NO) is the principal form of nitrogen oxide produced by combustion, but NO reacts rapidly to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub> commonly called NO<sub>x</sub>. Nitrogen dioxide is an acute irritant, and may be associated with chronic pulmonary fibrosis and increased rates of bronchitis in young children at even low concentrations. NO<sub>2</sub> absorbs blue light and gives a reddish brown cast to the atmosphere, reducing visibility. It can also contribute to the formation of PM<sub>10</sub> (please see definition under Suspended Particulates, below) and acid rain. It should not be confused with nitrous oxide (N<sub>2</sub>O), a GHG.

**Particulate Matter.** Atmospheric particulate matter ('PM') is comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Particulates of special concern include PM<sub>10</sub> (no more than 10 microns in diameter) and PM<sub>2.5</sub>, (a very fine particulate measuring no more than 2.5 microns in diameter). Major human sources of PM<sub>10</sub> include agricultural operations, industrial processes, fossil fuel combustion, construction, demolition, and highway dust. Natural sources include windblown dust and wildfire smoke. The finer PM<sub>2.5</sub> particulates are generally associated with combustion and also formed in the atmosphere as a secondary pollutant through chemical reactions. PM<sub>10</sub> and PM<sub>2.5</sub> are both inhalable, but PM<sub>2.5</sub> is more likely to penetrate deep into the lungs and thus poses a serious health threat, particularly to the elderly, children, and those with respiratory problems.

### 5.10.3 AIR BASIN CHARACTERISTICS & GHG EMISSIONS

#### 5.10.3.1 Mono County Air Basin Setting.

The Mono County project region is part of the Great Basin Valleys Air Basin (Great Basin, or GBVAB) which includes Inyo, Mono and Alpine counties. This basin has generally very good air quality even though the airshed has limited dispersive capacity. Because of the airshed configuration, however, small air pollution increments have a greater impact in the GBVAB than in less-confined basins.

Air basin measurements of gaseous air pollution have shown that the types of air pollutants found in more developed areas of California generally do not occur in significant levels in the Great Basin. The ARB has determined, however, that the primary source of 'imported' pollutants entering Mono County is from the San Joaquin Valley Air Basin (comprising Fresno, Kings, Madera, San Joaquin, Stanislaus and Tulare counties as well as portions of Kern County).

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<sup>1</sup> Refer to the Intergovernmental Panel on Climate Change for more information: <http://www.ipcc.ch/>.

### 5.10.3.2 Ambient Air Quality Standards and Attainment Status.

Both EPA and the Air Resources Board (ARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are considered levels of pollutants representing safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas. Mono County meets all state air quality standards with the exception of state PM<sub>10</sub> and ozone standards. In addition, the Mono Basin portion of the county is designated as non-attainment for the national PM<sub>10</sub> standard.

As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. The SIP identifies how the state will attain and/or maintain the primary and secondary NAAQS set forth in the CAA as well as the Code of Federal Regulations. Each state must have a SIP which contains control measures, and strategies that demonstrate how each area will attain and maintain the NAAQS. The CAA requires EPA to review each plan and any plan revisions and to approve the plan or plan revisions if consistent with the CAA. The Great Basin Unified Air Pollution Control District (GBUAPCD) is required, pursuant to the federal CAA, to reduce emissions of criteria pollutants for which the basin is in nonattainment. Due to the non-attainment status for the national PM<sub>10</sub> standard, the GBUAPCD prepared the Mono Basin PM<sub>10</sub> SIP, with rules and regulations to reduce PM<sub>10</sub> emissions and achieve NAAQS.<sup>2</sup>

The PM<sub>10</sub> nonattainment problem in the Mono Basin is caused by windblown dust from the exposed lakebed of Mono Lake, primarily caused by City of Los Angeles water diversions from 1941 through 1989. In 1994, SWRCB approved Decision 1631, which limited diversions from the Mono Basin until the lake reaches 6,391 feet above mean sea level (msl). This lake level would submerge most of the shoreline areas that are causing windblown dust. GBUAPCD notes that changing climatic conditions may impact the time for lake level to reach 6,391 feet. The SIP estimated that it would take 26 years for Mono Lake to rise to 6,391 feet (i.e., by 2020) assuming average hydroclimatic conditions; a series of extremely wet years could result in the lake reaching the target level in as little as 9 years, while a prolonged series of drought years could extend the period to 38 years. Given the need to understand lake level fluctuations and develop updated projections, GBUAPCD has recommended that a cooperative process be undertaken by stakeholders to update and recalibrate the hydrologic models.<sup>3</sup>

### 5.10.3.3 Greenhouse Gas Emissions

The GBUAPCD has no thresholds for GHG emissions. However, as lead agency, GBUAPCD has opted to use the thresholds adopted by the South Coast Air Quality Management District (SCAQMD) in 2008. The Interim Quantitative GHG Significance Threshold adopted by SCAQMD (for stationary source permit projects, rules, plans, etc.) was set at 10,000 Metric Tons (MT) CO<sub>2</sub> equivalent/year. In September 2010, the SCAQMD CEQA Significance Thresholds GHG Working Group released revisions which recommended a threshold of 3,000 MT CO<sub>2</sub>e for all land use projects.

The 3,000 MT CO<sub>2</sub> equivalent/year recommendation has been used as a guideline for the current Tioga [Workforce Community](#) Housing GHG analysis. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

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<sup>2</sup> GBUAPCD, *Mono Basin State Implementation Plan*, 1995: <https://gbuapcd.org/District/AirQualityPlans/MonoBasin/>

<sup>3</sup> GBUAPCD website: <http://www.gbuapcd.org/Air%20Quality%20Plans/MONO-SIP/MonoBasinReasonableFurtherProgressReport2010.pdf>.

#### 5.10.3.4 Sierra Nevada Climate Change Trends

During 2012, the Sierra Nevada Conservancy issued a report assessing water quality system indicators,<sup>4</sup> one in a series of reports analyzing 19 Sierra Nevada system indicators. Among the data reviewed for this study, the SNC examined several air quality and climate change issues and trends. Report findings are highlighted below.

**Air Quality.** High ozone levels transported into Mono County from the Central Valley; the Conservancy notes, however, that ozone levels have declined sharply in recent years.

- Temperature increases, particularly at higher elevations, and the disproportionate rise of nighttime low temperatures (nighttime lows above 6,000 ft. have increased in the range of 3°F over the past 40 years).
- Impacts on year-to-year precipitation, although erratic baseline levels make it difficult to discern long-changes.

The report assessed 3 pollutants for the air quality Indicators (ozone, PM<sub>10</sub> and PM<sub>2.5</sub>) and analyzed 5 air basins including the Mountain Counties (generally west of Mono County), San Joaquin Valley, Sacramento Valley Basin, the Northeast Plateau, and the Great Basin Valleys (including Mono County, and corresponding to the SNC East Subregion). Some of the applicable report findings are cited below:

- The vast majority of ozone is formed in the Central Valley (or beyond) and transported into the foothills and mountains; San Joaquin Valley has the most unhealthful air, most particularly the southern valley.
- Mountain counties often have air quality worse than Sacramento Valley, indicating that significant pollution is 'blown' out of the Valley into higher ground.
- Air basin trends indicate improved ozone levels since early 2000;
- High PM<sub>10</sub> levels in the Great Basin are due largely to arid and windy conditions.
- Long distance transport is not a key factor in PM<sub>10</sub> pollution: the particles are too heavy to travel long distances.
- PM<sub>2.5</sub> carried by wind from China contribute to particulate pollution in the Sierra Nevada.
- PM<sub>10</sub> levels tend to be heaviest in summer and fall, while PM<sub>2.5</sub> is highest in late fall and winter.
- Summer wildfires can produce huge localized spikes in PM<sub>10</sub> and PM<sub>2.5</sub>.
- Winds in the Great Basin can cause huge spikes in PM<sub>10</sub>; particulate pollution is less seasonal in these remote areas (including Mono County) than in the mountains or Central Valley.

**Temperatures.** With respect to temperatures, two trends were evident in the SNC data:

- While there is an overall noticeable increase in average annual temperatures over the past 40 years, temperatures have risen more at higher elevations, particularly above 6,000 ft., and
- Nighttime low temperatures have increased at all elevations, and are more pronounced at higher elevations.

**Precipitation.** The SNC report also analyzed precipitation and concluded that there is no meaningful trend in the amount of rain or snowfall. However, the data did provide a framework for identifying potential future long-term changes in precipitation between Subregions, different elevations, and for the Region as a whole.

- Precipitation is greater above 3,000' than lower elevations for most of the Sierra. An exception is the North Subregion, where the heaviest rain falls below 3,000' and the 3,000-6,000' plateau receives the least precipitation.
- The South Subregion receives proportionally heavier snow above 6,000' than other west facing Subregions.
- The East Subregion (including Mono County) receives the least amount of rain and snow, averaging 5-10" per year between 3,000-6,000'. Elevations above 6,000 ft. receive considerably more precipitation, but still significantly less than what is received at those elevations on the west slope of the Sierra.

**Snow Pack.** The report noted that snowfall locations and snowpack melting rates vary widely from year to year, a consistent picture was evident to indicate that snowpack is melting earlier (or more late-season snow is falling as rain instead). The analysis demonstrates a decline in April 1st snowpack relative to March 1st, and also indicates a decline in average April snowpack depth that appears to be in the range of several inches of Snow Water Equivalent (SWE).

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<sup>4</sup> SNC, *System Indicators, Water & Air Quality, Temperature, Precipitation and Snowpack*. December 2012.



### 5.10.3.5 Baseline GHG Emissions in Mono County

In order to identify the most effective and appropriate GHG emissions reduction strategies, the Mono County Resource Efficiency Plan (REP) includes a baseline GHG emissions inventory, a GHG emissions forecast and reduction target, and policies and programs to achieve the adopted target. Consistent with protocols used by local governments throughout California, the inventory includes analysis of County government activities as well as emissions associated with energy use (residential and nonresidential), transportation, off-road equipment, solid waste generation, water and wastewater transportation and processing, agriculture, and landfills.

GHG emissions from Mono County government operations in 2010 totaled approximately 15,050 MTCO<sub>2</sub>e emissions, of which the solid waste sector (County landfills) represented the largest source (68%). Other sources included emissions from the County's vehicle fleet and equipment (12%), employee travel (10%), and energy used at County facilities (9%). The remaining government operation emissions, representing less than 1% of GHG emissions, were attributed to public lighting, which includes streetlights owned or maintained by the County.

**GHG Emission Sources.** Community GHG emissions from activities occurring in unincorporated portions of the county totaled approximately 140,310 MTCO<sub>2</sub>e in 2010. In Mono County, as in most California communities, transportation (on-road vehicles) was the largest source of 2010 emissions (38,340 MTCO<sub>2</sub>e, 27%), followed by nonresidential energy use (22%), residential energy use (19%), and agricultural activities (16%). The remaining emissions (17%) were attributed to landfills, off-road equipment, water and wastewater, and solid waste disposal activities. For comparison, the State of California emitted approximately 451.61 million MTCO<sub>2</sub>e emissions in 2010, of which transportation was the largest source (38% of total); electricity generation emissions were second largest (21%), followed by the industrial sector (19%), and natural gas and other fuel use (10%). The remaining emissions (12%) were attributed to recycling and waste, agricultural activities, forestry, and high global warming potential gases.

The California Global Warming Solutions Act of 2006, also known as Assembly Bill 32, sets a statewide goal to reduce emissions to 1990 levels by 2020. Where 1990 data is unavailable, the ARB recommends that jurisdictions assess emissions for a calendar year between 2005 and 2008, and identifies a reduction of approximately 15% below 2005 emissions by 2020 as equivalent to 1990 emissions.

Although 2010 emissions (the most current complete year available) set the emissions baseline for CEQA, the Mono County community inventory uses 2005 data for the emissions reduction target in order to align with an AB 32 baseline condition. Community GHG emissions from activities occurring in unincorporated portions of the county totaled approximately 124,150 MTCO<sub>2</sub>e in 2005. Between 2005 and 2010, emissions increased approximately 11.7%, in all sectors; the largest gains occurred at the landfills (30.1%), in agriculture (19.2%), transportation (18.3%) and residential energy (12.6%); emissions in the solid waste sector decreased by 15% between 2005 and 2010.

These totals can also be presented as per-capita emissions, as shown below in Table 5.10-1. Because Mono County emissions are heavily influenced by tourism, per-capita emissions were calculated both for the permanent population and for the effective annual population. The effective annual population metric relies on 2010 US Census data for the year-round resident populations of the town and county, in addition to data from Mono County's *Economic Impact Visitor Profile Study* (2008)<sup>5</sup>, the *California Travel and Tourism Commission's Annual Report on Travel Impacts by County* (2011)<sup>6</sup>, and the *Mammoth Community Water District's Urban Water Management Plan* (2011)<sup>7</sup> to estimate annual visitors. This effective annual population metric has been applied to propane use, water use, and on-road transportation to assign countywide results to the unincorporated county.

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<sup>5</sup> Mono County Economic Impact Visitor Profile Study, 2008: [http://monocounty.ca.gov/sites/default/files/fileattachments/economic\\_development\\_and\\_special\\_projects/page/1809/monocoeconomicimpactvisitorprofilestudy.pdf](http://monocounty.ca.gov/sites/default/files/fileattachments/economic_development_and_special_projects/page/1809/monocoeconomicimpactvisitorprofilestudy.pdf)

<sup>6</sup> <http://industry.visitcalifornia.com/media/uploads/files/editor/Research/CATravelImpacts2012.pdf>

<sup>7</sup> <http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Mammoth%20Community%20Water%20District/DRAFT-MCWD-2010-UWMP-2.pdf>

Table 5.10-1: Per Capita GHG, 2005 & 2010, Unincorporated Areas		
	2005	2010
Total emissions (MTCO <sub>2</sub> e)	124,150	140,310
Permanent resident population	5,880	5,970
Emissions per permanent resident population (MTCO <sub>2</sub> e)	21.1	23.5
Effective annual population	9,960	11,170
Emissions per effective annual population (MTCO <sub>2</sub> e)	12.5	12.6

Since 2005, California has observed a 6.4% decrease in statewide emissions levels. ARB estimates that California was the second largest mass emitting state behind Texas and was responsible for approximately 2% of the world's CO<sub>2</sub> emissions in 2005. However, on a per capital basis California's carbon intensity was relatively low, ranking 46<sup>th</sup> among states. In 2010, California's per capita emissions were estimated at 12.1 MTCO<sub>2</sub>e per person, slightly lower than Mono County's per capita emissions at 12.6 MTCO<sub>2</sub>e.

The *REP, Baseline GHG Emissions Inventory Report* provides a detailed analysis and emissions calculations for a wide range of activities; these data were used as the technical foundation for developing policies and programs to reduce both GHG emissions and the consumption of resources. The reader is referred to the Mono County website for the full text of the analysis: <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>.

#### 5.10.4 REGULATORY SETTING

##### 5.10.4.1 Federal Regulations

**Clean Air Act (CAA) and Federal and State Ambient Air Quality Standards (NAAQS/CAAQS).** The federal and state governments have been empowered by the federal and state Clean Air Acts to regulate the emission of airborne pollutants. EPA is the federal agency designated to administer air quality regulation, while the ARB is the state equivalent. EPA's air quality mandates are drawn primarily from the federal CAA, which required the agency to establish primary and secondary NAAQS, or standards to protect public health and welfare from criteria air pollutants. EPA has set NAAQS for six principal pollutants (the "criteria" pollutants).

**Federal and State AAQS.** Both the federal and state governments have established ambient air quality standards for outdoor concentrations of various pollutants. Federal and state standards have been established for ozone, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead (Pb). The national and state ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from illness or discomfort with a margin of safety.

##### 5.10.4.2 State Regulations<sup>8</sup>

California's major initiative for regulating air quality lies in the SIP, which outlines how the state will achieve air quality standards. The major initiatives for reducing climate change or GHG emissions include legislative action (Assembly Bill 32), an Executive Order (S-3-05) signed during 2006, and regulation established for the purpose of reducing passenger car GHG emissions. Each is outlined below.

**State Implementation Plan.** Federal clean air laws require preparation of SIPs for areas with unhealthy levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide. SIPs are comprehensive plans that

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<sup>8</sup> For additional information about State Regulations, the reader is referred to the Resource Efficiency Plan which sets forth, in text and graphics, California's efforts to serve as a leader in the United States for climate planning strategies. State efforts to enhance resource efficiency include 17 separate legislative actions addressing climate change, land use & transportation, energy & renewables, water conservation and waste & recycling.

describe how an area will attain NAAQS. The 1990 amendments to the federal Clean Air Act set deadlines for attainment based on the severity of an area's air pollution problem.

**State Transportation Implementation Plan (STIP).** The CAA also required each state to prepare an air quality control plan referred to as a SIP to achieve the NAAQS by a specified date. The 1990 CAA added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. SIPs are modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. The EPA reviews all SIPs to determine if they conform to the mandates of the CAA amendments and determine whether implementation will achieve air quality goals.

**California Global Warming Solutions Act (AB 32).** Assembly Bill (AB) 32 requires California to reduce its GHG emissions to 1990 levels by 2020 -- a reduction approximately 15% less than would occur without such regulation. AB 32 requires ARB to adopt regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. Implementation of AB 32 is expected to help mitigate risks associated with climate change while yielding energy efficiency, expanded use of renewable energy resources, cleaner transportation, and reduced waste.

**Executive Order S-3-05.** The 2005 Executive Order S-3-05 includes 5 main components: (1) Sets GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80% below 1990 levels; (2) Requires the Secretary of the California EPA to coordinate oversight of efforts to achieve those GHG emission reduction targets with other state agencies; (3) Requires the Secretary to report to the Governor and the State Legislature on progress in achieving the GHG emission reduction targets; (4) Requires the Secretary to report to the Governor and the State Legislature on a biannual basis regarding the impacts of global warming, and to report on mitigation plans to combat these impacts; and (5) Requires that the Order shall be filed with the Secretary of State with public notice. Strategies for achieving the GHG emission reduction targets are outlined in the AB 32 Scoping Plan and Scoping Plan Update. These strategies focus on leveraging existing and new funds to reduce GHG emissions through planning and targeted low carbon investments. In combination, these efforts are expected to enable California to achieve the near-term 2020 goal and also create a framework to achieve longer-term GHG emission reduction targets. The Update focuses on 9 key areas that cross multiple sectors of the California economy: energy, transportation, agriculture, water, waste management, and natural and working lands; also included are short-lived climate pollutants, green buildings, and the cap-and-trade program.

**Executive Order B-30-15.** Governor Jerry Brown issued Executive Order B-30-15 in April of 2015, building on the targets set in EO S-03-05 to guide California's efforts in reducing statewide GHG emissions. It sets an interim goal for California to reduce GHG emissions to 40% below 1990 levels by 2030 and directs state agencies to establish measures to achieve this target. EO B-30-15 also directs ARB to incorporate the 2030 goal into the AB 32 Scoping Plan, requires state agencies to incorporate climate change into their planning and investment decisions, and requires the California Natural Resources Agency to update the state's climate adaptation strategy every three years. This executive order does not establish any new mandates for local governments.

**Pavley Vehicle Standards.** In September of 2009, ARB adopted amendments to the "Pavley" regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. Beginning in 2009, the amendments will strengthen enforcement of the Pavley rule, a 2002 California tailpipe emissions rule that the federal government adopted in May 2009, which requires vehicle manufacturers (passenger cars, light-duty trucks, and medium-duty vehicles) to meet specified fleet-wide averages for tailpipe emissions of carbon dioxide, nitrogen, carbon monoxide, reactive organic gases and particulate matter.

**Renewables Portfolio Standard.** Established in 2002 under Senate Bill 1078 (and later expanded in 2006 and 2011), California's RPS is one of the most ambitious renewable energy standards in the country. The program requires investor-owned utilities, electric service providers, and community choice aggregators to increase their purchase of eligible renewable energy resources to a level of 33% of total procurement by the year 2020. This program is implemented jointly by the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC), which share responsibility to (1) Determine annual procurement targets and enforce compliance; (2) Review and approve each utility's renewable energy procurement plan; (3) Review utility contracts for RPS-eligible energy, and (4) Establish the standard terms and conditions used in the utility contracts for eligible renewable energy.

**Title 24 Energy Efficiency Standards.** Originally enacted in 1978, Title 24 sets energy efficiency standards, for a wide range of building projects. The purpose of Title 24 is to reduce energy use through enhanced efficiency of new and remodeled homes and commercial buildings. Changes to the Title 24 standards occur roughly every 3 years in order to incorporate improvements in conservation technologies and performance analyses, as well as changes in the cost of fuels and energy-conserving strategies. Compliance is regulated through Title 24 energy reports that are required before a city or county in California will grant a building permit. Each report sets forth a set of performance standards that will be met by the applicant in order to fulfill the Title 24 energy efficiency requirements.

**2007 Amendments to the State CEQA Guidelines (SB 97).** Senate Bill (SB) 97, signed in 2007 and effective in 2010, requires projects to estimate GHG emissions associated with project-related vehicle traffic, energy use, water use, and construction activities as part of the CEQA environmental review process. Projects located in jurisdictions with a Qualified GHG Reduction Strategy can streamline GHG evaluation by showing compliance with the strategy. Such a Strategy must satisfy 6 requirements per CEQA Guidelines §15183.5(b): a) Quantify existing and forecast GHG emissions from activities in a defined geographic area; b) Establish a level below which GHG emissions from covered activities are not cumulatively considerable; c) Identify & analyze GHG emissions resulting from specific actions anticipated in the defined geographic area; d) Specific measures, including performance standards, to achieve the specified emissions level; e) Establish a mechanism to monitor progress and to require plan revisions if it is not achieving specified levels; f) Be adopted in a public process following environmental review. All 6 requirements are addressed in the Mono County REP, and incorporated into the Land Use, Circulation, and Open Space/Conservation Elements of the General Plan. The County intends to use the General Plan and REP as a Qualified GHG Reduction Strategy, to facilitate tiering of future CEQA documents as identified in the Project Objectives section.

#### 5.10.4.3 Local Regulations

**Air Quality Management.** Local control in air quality management is provided by the ARB through multi-county and county-level Air Pollution Control Districts (APCDs). ARB coordinates and provides oversight of state and local air pollution control programs in California and implements the California Clean Air Act (CCAA). The CCAA, adopted in 1988, required ARB to establish California AAQS (CAAQS). CAAQS are designed to protect the health and welfare of sensitive groups of people (e.g., children, the elderly, and people with respiratory conditions). The CCAA requires that all local air districts in the state endeavor to achieve and maintain the CAAQS by the earliest practical date. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate such indirect emission sources. As noted previously, GBUAPCD has prepared a PM<sub>10</sub> SIP for the Mono Basin.

**GHG Emissions Reductions.** The majority of GHG emissions reductions in Mono County have resulted from the Pavley standards and the RPS. Title 24 reductions are inherently related to the amount of new development expected in the community. Title 24 benefits represent a smaller proportion of local reductions, in part because Mono County does not anticipate substantial growth prior to 2020. Considering the 2020 emissions forecast, all of the state reductions combined will reduce 2020 emissions in Mono County by 9,480 MTCO<sub>2</sub>e. As described more thoroughly in Impact 4.3-5, Mono County has taken a proactive role in meeting the GHG reduction goals set forth by state and federal governments. Local accomplishments initiated or completed since 2010 that have had a measurable impact on reducing emissions include energy and transportation efficiency measures undertaken in County operations and local communities. It is estimated that these local accomplishments to date will reduce year 2020 emissions in Mono County by 3,420 MTCO<sub>2</sub>e per year. As part of the current RTP/General Plan Update, the County retained PMC to prepare a Mono County REP that is based on policies and actions (described in the impact analyses below) best suited to the rural and mountainous nature of the county and also considered politically, technically, and economically feasible to implement in conjunction with the RTP/General Plan Update.

**GBUAPCD.** GBUAPCD enforces regulations and administers permits governing stationary sources in the Great Basin, which includes Alpine, Mono and Inyo counties. The regulations limit emissions of criteria air pollutants and TACs. GBUAPCD has adopted rules and regulations that regulate visible emissions, nuisance emissions, and fugitive dust emissions as well as toxic air contaminants and criteria air pollutants. Rules of particular note include (a) Rules 200-A and 200-B, which require applicants seeking to construct or operate potential contaminant sources to obtain written

authority to construct and a permit to operate from an Air Pollution Control Officer; and (b) Rules 401 and 402, which requires use of mitigation measures to ensure containment of airborne particles at the place of origin under normal wind circumstances. Rule 402 specifies that discharges from any source must be regulated if there is potential for injury, detriment, nuisance, annoyance or damage to any public property or significant number of people. Rule 216-A.A.1 governs secondary sources of air pollution (defined as “*any structure, building, facility, equipment, installation or operation... which is located on... properties within the District and which is owned, operated or under shared entitlement to use by the same person.*”) through permits that are required for any project that will emit AAQS-listed pollutant(s).

### 5.10.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offer the following five tests of air quality impact significance. A project would have a potentially significant impact if it:

- a. Conflicts with or obstructs implementation of the applicable air quality plan or results in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment.
- b. Exposes sensitive receptors to substantial pollutant concentrations.
- c. Results in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
- d. Generates greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- e. Conflicts with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions?

### 5.10.6 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

**IMPACT 4.3(a,b,c):** Would implementation of the proposed RTP/General Plan Update conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or exposure sensitive receptors to substantial pollutant concentrations?

**Less than Significant with Mitigation.** Air quality impacts generally occur directly or through chemical changes. Near an individual source of emissions or a collection of sources such as a crowded intersection or parking lot, levels of those pollutants that are emitted in their already unhealthful form will be highest. Carbon monoxide (CO) is an example of such a pollutant. Primary pollutant impacts can generally be evaluated directly in comparison to appropriate clean air standards. Violations of these standards where they are currently met, or a measurable worsening of an existing or future violation, would be considered a significant impact. Many particulates, especially fugitive dust emissions, are also primary pollutants.

Many pollutants, however, require time to transform from a more benign form to a more unhealthful contaminant. Their impact occurs regionally far from the source. Their incremental regional impact is minute on an individual basis and cannot be quantified except through complex photochemical computer models. Analysis of significance of such emissions is based upon a specified amount of emissions (pounds, tons, etc.) even though there is no way to translate those emissions directly into a corresponding ambient air quality impact.

The GBUAPCD has not developed numerical thresholds that define a “substantial” increase in air pollution emissions. However, CEQA procedure will allow reliance on standards or thresholds promulgated by other agencies. For purpose of this project, the CEQA significance thresholds used by SCAQMD have been adopted as representative significance thresholds for this project. Projects with daily emissions that exceed any of the following emission thresholds are considered significant:

<b>TABLE 5.10-2. Adopted Emissions Significance Thresholds (lbs/day)</b>		
<b>Pollutant</b>	<b>Construction</b>	<b>Operations</b>
ROG	75	55
NOx	100	55
CO	550	550
PM-10	150	150
PM-2.5	55	55
SOx	150	150
Lead	3	3

**Construction Activity Impacts.** CalEEMod was developed by the SCAQMD to provide a computer model by which to calculate both construction emissions and operational emissions from a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants (as well as total or annual greenhouse gas (GHG) emissions) and has been adopted for use by most air pollution control districts in California.

Although exhaust emissions will result from on and off-site construction equipment, the exact types and numbers of equipment will vary among contractors such that such emissions cannot be quantified with certainty. However, estimated construction emissions were modeled using CalEEMod2016.3.2 to identify maximum daily emissions for each pollutant during project construction using typical equipment fleets for project activities. The proposed construction related activities are shown in Table 5.10-3 through 5.10-7 for each of the proposed project elements. Each activity was modeled in CalEEMod with the indicated time frame and equipment fleet:

<b>TABLE 5.10-3. Construction Activity Equipment Fleet 100 <a href="#">CommunityWorkforce</a> Housing Units and 4 Vehicle Fueling Pumps</b>	
<b>ACTIVITY</b>	<b>EQUIPMENT</b>
Grading 20 days	1 Excavator
	1 Grader
	1 Dozer
	3 Loader/Backhoes
Construction 230 days	1 Crane
	3 Forklifts
	1 Welder
	1 Gen Set
	3 Loader/Backhoes
	1 Welder

<b>TABLE 5.10-4. Construction Activity Equipment Fleet Roadway Realignment and Parking Areas</b>	
<b>ACTIVITY</b>	<b>EQUIPMENT</b>
Demolition 10 days	1 Concrete Saw
	1 Dozer
	1 Loader/Backhoe
Grade 20 days	1 Grader
	1 Dozer
	1 Loader/Backhoe
Pave 40 days	1 Mixer
	1 Paver
	1 Roller
	1 Pump



TABLE 5.10-5. CalEEMod Construction Activity Equipment Fleet Replacement Water Tank	
ACTIVITY	EQUIPMENT
Excavate 1 week	1 Bobcat
	1 Loader/Backhoe
Pour Concrete Pad 1 week	1 Mixer
	1 Pump
	1 Roller
Install Tank 1 week	1 Crane
	1 Forklift
	1 Welder

TABLE 5.10-6. CalEEMod Construction Activity Equipment Fleet New Propane Tank	
ACTIVITY	EQUIPMENT
Excavate 1 week	1 Bobcat
	1 Loader/Backhoe
Pour Concrete Pad 1 week	1 Mixer
	1 Pump
	1 Roller
Install Tank 1 week	1 Crane
	1 Forklift
	1 Welder

TABLE 5.10-7. CalEEMod Construction Activity Equipment Fleet New Sanitation and Irrigation System	
ACTIVITY	EQUIPMENT
Excavate 2 weeks	1 Bobcat
	1 Loader/Backhoe
Install 1 week	1 Crane
	1 Loader/Backhoe
	1 Welder
	1 Forklift

Utilizing the equipment fleet and durations shown in Tables 5.10-3 through 5.10-7, worst-case daily construction emissions were calculated by CalEEMod as shown in Table 5.10-8. Emissions were calculated for year 2022 to accommodate an opening year of 2023.

**TABLE 5.10-8. Construction Activity  
Maximum Daily Emissions (pounds/day) 2023**

Maximal Construction Emissions	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
Housing and Gas Pumps	16.0	20.9	21.0	0.0	7.6	4.3
Roadways and Parking	1.4	15.5	10.3	0.0	6.9	4.0
New Water Tank	0.5	4.0	4.9	0.0	0.9	0.5
New Propane Tank	0.5	4.0	4.9	0.0	0.9	0.5
Septic System	0.6	5.6	5.3	0.0	0.9	0.5
<b>Total 2022</b>	19.0	50.0	46.4	<0.1	17.2	9.8
Significance Thresholds	75	100	550	150	150	55

The peak daily construction activity emissions shown in Table 5-10-8 are well below all SCAQMD significance thresholds, including the criteria pollutants (PM-10, and the two ozone precursors ROG and NOx). The results indicate that construction-related emissions impacts will be **less than significant**, and no mitigation is required.

Although impacts are less than significant, it is recommended that construction emissions be further minimized through enhanced dust control measures, and use of reasonable available control measures for diesel exhaust. Recommended measures are outlined in the mitigation recommendations at the end of this section.

**Operational Impacts.** Operational emissions are primarily attributed to mobile sources. Trip generation estimates used in modeling were obtained from the project traffic report. The traffic report anticipates that project housing will generate 208 daily trips and the additional fueling positions will generate 516 daily trips.

In addition to mobile sources from vehicles, general development causes smaller amounts of “area source” air pollution to be generated from on-site energy consumption (primarily landscaping) and from off-site electrical generation (lighting). These sources represent a minimal percentage of the total project NOx and CO burdens, and a few percent other pollutants. The inclusion of such emissions adds negligibly to the total significant project-related emissions burden as shown in Table 5.10-9.

TABLE 5.10-9. Daily Operational Impacts of the Tioga <del>WorkforceCommunity</del> Housing Project						
	Operational Emissions (lbs/day)					
Source	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
Area*	3.4	1.6	8.9	0.0	0.2	0.2
Energy	0.0	0.3	0.1	0.0	0.0	0.0
Mobile	0.4	8.2	11.4	0.0	2.6	0.7
<b>Total</b>	<b>4.8</b>	<b>10.1</b>	<b>20.4</b>	<b>0.0</b>	<b>2.8</b>	<b>0.9</b>
Significance Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod2016.3.2

The operational emissions reflect the fact that only Phase II EPA certified wood burning appliances will be permitted in the ~~workforce~~ housing units or other new construction, consistent with General Plan Conservation /Open Space Element Policy 23.A.6 (Reduce emissions from wood-burning appliances), Action 23.A.6.a (Require that all new wood-burning appliances be Phase II EPA certified). With this assumption, the project would not cause operational emissions to exceed their respective adopted CEQA significance thresholds. Operational impacts are therefore concluded to be **less than significant**, and no mitigation for operational activities (including construction emissions and photochemical smog) is required.<sup>9</sup> ~~The measures below are offered only as recommendations, and are not included in the Mitigation Monitoring and Reporting Program presented in EIR §10. As noted, the project applicant intends to implement energy efficient features including solar panels on the roof tops of south facing structures to minimize use of power, and use of a subsurface dripline irrigation system that directs treated effluent from the package treatment plan to landscaped areas and back in a closed loop.~~

#### **MITIGATION RECOMMENDATIONS – POLLUTANT EMISSION REDUCTION**

**AQ 5.10(a-1) (Construction Emission Reduction):** ~~Although impacts are less than significant and no mitigation is required, it is recommended that the measures below be incorporated into the project to further minimize construction-related emissions.~~

<sup>9</sup> Consistent with FSEIR discussions, the Mitigation Monitoring & Reporting Program (FSEIR/DSEIR §10) has been modified to delete measures that are the responsibility of agencies other than Mono County, measures that would not reduce impacts to less than significant levels, and optional mitigation recommendations. FSEIR comments and discussions relevant to this change include Topical Response #9 (Traffic), Comment Letter 3 (Caltrans) Comment #1, Letter #9 (Paul McFarland) Comment #2, Letter 10 (Sally Miller) Comments #3b and 4a, Letter 12 (Mono Lake Committee) Comments #1C5, and 1C6, and Letter 14 (Antero and Melinda Rivasplata) Comment #4.

~~—Fugitive Dust Control~~

- ~~• Apply soil stabilizers or moisten inactive areas.~~
- ~~• Prepare a high wind dust control plan.~~
- ~~• Address previously disturbed areas if subsequent construction is delayed.~~
- ~~• Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically 2-3 times/day).~~
- ~~• Cover all stock piles with tarps at the end of each day or as needed.~~
- ~~• Provide water spray during loading and unloading of earthen materials.~~
- ~~• Minimize in-out traffic from construction zone.~~
- ~~• Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.~~
- ~~• Sweep streets daily if visible soil material is carried out from the construction site.~~

~~AQ 5.10(a-2) (Photochemical Smog Reduction): Although impacts are less than significant and no mitigation is required, it is recommended that reasonably available measures for diesel exhaust be incorporated into the project to further minimize photochemical smog.~~

~~Exhaust Emissions Control~~

- ~~• Utilize well-tuned off-road construction equipment.~~
- ~~• Establish a preference for contractors using Tier 3 or better heavy equipment.~~
- ~~• Enforce 5-minute idling limits for both on-road trucks and off-road equipment.~~

**IMPACT 5.10(d): Would implementation of the proposed project result in other emissions (such as objectionable odors) affecting a substantial number of people?**

**LESS THAN SIGNIFICANT IMPACT.** As discussed in EIR §5.2 (Hydrology), the project incorporates installation of a new Orenco Systems AdvanTex AX-Max package wastewater treatment plant (WWTP). The new package wastewater treatment plant will replace the existing septic system for all wastewater treatment.

Lahontan Regional Water Quality Control Board policy concerning package treatment plants is set forth in *Basin Plan* Chapter 4. The policy emphasizes the importance of daily maintenance by a certified plant operator to avoid significant problems with water quality and waste discharge compliance, nuisance conditions and odors. The operator must be certified in California for all appropriate process classifications and LRWQCB must be notified of operator identity. Further, package plants must be owned or controlled by a public agency or private entity with adequate financial and legal resources to assume responsibility for waste discharges; this requirement recognizes that the owner is ultimately responsible for plant performance, and also fully responsible for operational oversight (adding capacity and/or renovations as needed, maintaining supplies, supervising operator performance and securing outside assistance when required).

LRWQCB approval of wastewater treatment plants requires that discharges comply with a maximum total nitrogen level of 10 mg/l and other criteria including design for peak daily flow estimates, odor controls, adequate storage for waste sludge, duplicate onsite equipment components for failure response, compliance with individual waste disposal system requirements for leach field disposal, compliance with all current Regional Board standards, and other requirements where applicable.

Subsurface irrigation would be accomplished via a Geoflow Subsurface Drip System. The drip system will connect directly to the AX-Max treatment system with both an outflow supply line and a separate flush return line. The drip line is made of flexible ½" polyethylene tubing (with an antibacterial coating on the inside). Factory-installed drippers are spaced evenly along the tubing; a pump will be included in the system to circulate the supply.

The drip line would be placed 6-10" below surface. Effluent is pumped on a time-activated dose cycle through a self-cleaning filter out to the dripfield. At the end of each cycle, system flows will return to the treatment tank in a closed loop that is regularly flushed. Quality of the irrigation water will be the same as the quality of the tank effluent. Treated effluent would be distributed to a subsurface irrigation system during the late spring, summer and fall months (7 to 8 months of the year) through a Geoflow subsurface drip irrigation system.

Upon installation of the new wastewater treatment system, the existing septic tank will be eliminated 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. Leachfield size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent. Soil percolation on the project site is very fast (1 minute per inch or less), and the project engineers anticipate that LRWQCB may allow an effluent application rate on the order of 10 gallons per square foot per day which would require a leach field area of 2,200 square feet to accommodate the anticipated 22,000 gpd maximum winter daily wastewater generation rate. Based on the foregoing considerations, the project is not anticipated to create objectionable odors. Impacts would be ***less than significant***, and no mitigation measures are required.

### **MITIGATION MEASURES – ODORS**

**AQ 5.10(d) (Odors):** The project is not expected to create objectionable odors, and no mitigation measures are required.

**IMPACT 5.10(e, f):** Would implementation of the proposed project generate significant greenhouse gas emissions, either directly or indirectly? Conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions?

**LESS THAN SIGNIFICANT.** The GBUAPCD has no thresholds for GHG emissions. However, if the lead agency does not have sufficient expertise in evaluating GHG impacts, it may rely on thresholds adopted by an agency with greater expertise. On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons (MT) CO<sub>2</sub>e/yr.

In September 2010, the SCAQMD CEQA Significance Thresholds GHG Working Group released revisions which recommended a threshold of 3,000 MT CO<sub>2</sub>e for all land use projects. This 3,000 MT/year recommendation has been used as a guideline for this analysis. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

**Construction Activity GHG Emissions.** To model worst case conditions, all construction was assumed to occur within the same calendar year. During project construction, the CalEEMod2016.3.2 computer model predicts that the construction activities will generate the annual CO<sub>2</sub>e emissions identified in Table 5.10-10.

<b>TABLE 5.10-10. 2023 Construction Emissions (Metric Tons)</b>	
	<b>CO<sub>2</sub>e</b>
Housing and Gas Pumps	426.6
Roadways and Parking	53.4
New Water Tank	4.0
New Propane Tank	4.0
Septic System	4.0
<b>Total 2022</b>	<b>492.0</b>

Air quality agencies typically recommend that construction activity GHG emissions be amortized over the useful life of a project. Assuming a 30-year life for the proposed improvements, the annual average GHG emissions would be less than 16.4 MT/CO<sub>2</sub>e per year.

**Operational Greenhouse Gas Emissions.** The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO<sub>2</sub>e emissions are summarized in the [updated](#)

CalEEMod2013.2.2 output files (see FSEIR Appendix E). The total operational and annualized construction emissions for the proposed project are identified in Table 5.10-11.

TABLE 5.10-11. Operational Emissions associated with Proposed Uses	
Consumption Source	Emissions
Area Sources**	72.6
Energy Utilization	<del>202.3</del> 212.8
Mobile Source	651.2
Solid Waste Generation	23.1
Water Consumption	<del>20.6</del> 24.9
Construction	16.4
<b>Total</b>	<del>968.2</del> 1,001.0
Guideline Threshold	3,000
Exceeds Threshold?	No

\*\* Only Phase II EPA-certified wood burning appliances

Project GHG emissions would be substantially below the proposed significance threshold of 3,000 MT adopted for use for this project. Such emissions would have a less-than-significant local, national or global GHG emissions impact.

In summary, project-related greenhouse emissions would be well below the level of significance, and would not conflict with an adopted plan or regulation. Impacts are ***less than significant***, and no mitigation is required.

GHG Emission Reduction Plans and Policies.<sup>10</sup> The Mono County *Resource Efficiency Plan* notes that transportation is the single largest source of community-level GHG emissions, accounting for 27% of the community-level total in 2010. Additional significant sources include nonresidential energy use (22% of total), residential energy use (19%), and agricultural activities (16%). The remaining community emissions were attributed to landfills, off-road equipment, water and wastewater, and solid waste disposal activities.

The proposed ~~WorkforceCommunity~~ Housing Project will provide an opportunity for employees of onsite land uses to live in affordable housing units at their place of employment. This is expected to reduce the GHG emissions in comparison with emission levels if the employees do not have onsite housing options. The extensive use of solar panels is expected to reduce imported energy consumption and thereby reduce nonresidential and residential energy use at this site. Development of a subsurface irrigation system in conjunction with the planned wastewater treatment plant will reduce demands on the potable supply and simultaneously provide a reliable source of irrigation water through the life of the project. A wide range of proposed project elements are consistent with the adopted Resource Efficiency Plan, reduced home-to-work commuting distances, which emphasizes use of renewable energy sources, water conservation, sustainable wastewater treatment, and facilities to encourage ridesharing and transit use. Project impacts on GHG emissions reduction plans and policies would be ***less than significant***, and no mitigation is required.

### MITIGATION MEASURES – GREENHOUSE GAS EMISSIONS

**GHG 5.10(e,f) (Greenhouse Gases):** There are no applicable standards at the present time, and no mitigation measures are required.

## 5.10.7 SIGNIFICANCE AFTER MITIGATION

All potential project impacts associated with air quality and greenhouse gases would be less than significant.

<sup>10</sup> Mono County Resource Efficiency Plan, 2014: [http://monoclimateaction.org/wp-content/uploads/2017/04/Mono-REP-38-MW\\_Final.pdf](http://monoclimateaction.org/wp-content/uploads/2017/04/Mono-REP-38-MW_Final.pdf).

## TIOGA COMMUNITYWORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 5.11 NOISE

#### 5.11.1 INTRODUCTION AND SUMMARY

This section summarizes findings of a detailed noise assessment prepared for the Tioga Workforce Housing Project by Giroux and Associates. The full noise analysis is presented in Appendix N. The assessment evaluates the project in terms of the sources, distances, types and volume of noise that would be generated if the project is approved, and the area that would be impacted by the new noise sources. The assessment also considers noise associated with outdoor events and concerts held at the Tioga Mart on Thursday evenings from late May through early September each year. The music events were not analyzed or considered in the 1993 Final EIR. However, one of the NOP comment letters requested that the current EIR provide an updated evaluation of noise, traffic and light pollution associated with the events and concerts. Key findings of the §5.2 impact analysis and recommended mitigating policies are summarized in the table below.

##### SUMMARY OF GENERAL PLAN IMPACTS & POLICY MITIGATIONS FOR NOISE

<b>IMPACT NOISE 5.11(a):</b>	<b>EXPOSURE TO EXCESSIVE NOISE LEVELS</b>
Mitigation:	Less than Significant Impact, No Mitigation Required
Residual Significance:	Less than Significant
<b>IMPACT NOISE 5.11(b):</b>	<b>EXPOSURE TO EXCESSIVE AIRPORT NOISE</b>
Mitigation:	Less than Significant Impact, No Mitigation Required
Residual Significance:	Less than Significant
<b>IMPACT NOISE 5.11(c):</b>	<b>EXPOSURE TO GROUNDBORNE VIBRATION OR NOISE</b>
Mitigation:	Less than Significant Impact, No Mitigation Required
Residual Significance:	Less than Significant

#### 5.11.2 KEY TERMS USED IN THIS SECTION

**Ambient Noise:** The background noise level at a given location. The ambient noise level constitutes the normal or existing level of environmental noise at a given location and is a composite of sounds from many sources, near and far. Identifiable but isolated noise sources (such as airplanes or heavy equipment) are not taken into account.

**A-Weighted, dBA:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. In general, a sound level must change by at least 3 dB to be perceptible to the human ear, and a sound must be about 10 dB greater than the reference sound to be judged as twice as loud.

**Community Noise Level Equivalent (CNEL):** The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.

**Day-Night Average Sound Level (Ldn):** Average sound exposure during a 24-hour day, calculated from hourly Leq values; nighttime Leq values are decreased by 10 dB to reflect the greater disturbance potential of nighttime noises.



**Decibel, dB:** A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure.

**Equivalent Sound Level (Leq):** The level of a steady-state sound that, during a stated time and at a stated location, has the same sound energy as the time-varying sound (roughly equal to the average sound level). Leq is typically measured over 1-, 8-, and 24-hour sample periods. The one-hour Leq measurement is called the hourly Leq or Leq(h).

**L10 and Ldn:** L10 is the A-weighted sound level that is exceeded 10% of the time. Similarly, L50, L90, etc. Ldn is the day-night average over a 24-hour period. To account for lower nighttime background noise, the average for noise between the hours of 10pm and 7am is artificially increased by 10 dB.

**Noise Contours:** Lines drawn about a noise source indicating equal levels of noise exposure (typically 45, 55, or 65 Ldn). Noise contours are used to establish land use planning criteria for noise.

**Noise-Sensitive Land Uses and Receptors:** Noise-sensitive land uses in Mono County include residential areas, schools, hospitals, and certain open-space areas that are valued for recreational use or as wildlife habitat or wilderness. Certain cultural and recreational destinations, such as Bodie State Historic Park and Mono Lake, are also considered noise-sensitive land uses. Due to land ownership patterns in Mono County, most developed sensitive land uses.

### 5.11.3 OVERVIEW OF EXISTING CONDITIONS

#### 5.11.3.1 Existing Noise Conditions in Mono Basin

Industrial uses are major non-transportation related noise sources in Mono County, including batch plants, quarries, geothermal plants, construction, and similar uses. These facilities are generally located in industrial districts or on public land outside community areas. Commonly reported noise complaints include loud music, noisy private parties, and late-night or early-morning construction activity. Complaints are few in number and intermittent in nature, indicating that noise is not a serious problem in most Mono County locations. The Mono County Environmental Assessment notes that noise-sensitive receptors, including local schools and hospitals, have not experienced excessive exposure to noise. However, mining and geothermal operations are considered to be potential sources of concern for future noise exposure levels.

Highways are a major source of noise throughout Mono County. In many Mono County communities, including Lee Vining, local highways serve both as a primary artery and as 'main street'; the highways often bisect communities. In general, Mono County highways have low traffic volumes (less than 20,000 vehicles per day). Most of the land uses adjacent to the major thoroughfares in the county are non-residential uses. Table 5.11-1 shows annual average daily and peak-hour traffic levels (1998 and 2008) for highways in the Mono Basin; Table 5.11-2 shows noise levels associated with various types of vehicles and equipment.

TABLE 5.11-1: ANNUAL AVERAGE DAILY TRAFFIC AND PEAK HOUR TRAFFIC			
ROUTE	1998 ADT	2008 ADT	CHANGE 1998-2008
AVERAGE ANNUAL DAILY TRAFFIC			
SR 167 AT MONO CITY	210	NA	NA/NA
US 395 AT LEE VINING	3,500	4,050	550 (+16%)
SR 158 AT JUNE LAKE	1,450	1,600	150 (+10%)
PEAK-HOUR TRAFFIC			
SR 167 AT MONO CITY	40	20	-20 (-50%)
US 395 AT LEE VINING	640	685	45 (+7%)
SR 158 AT JUNE LAKE	260	260	0/0

TABLE 5.11-2: AVERAGE VEHICLE NOISE LEVELS	
MOTOR VEHICLES	DECIBELS
STANDARD SEDAN	64-76
COMPACT CAR	70-80
SPORTS CAR	70-87
PICKUP TRUCK	70-85
2-3 AXLE TRUCK	80-89
BUS	70-87
CHAINSAW	72-82
MOTORCYCLE (>350 CC)	74-95
INBOARD POWER BOAT	75-105
SNOWMOBILE	80-105
OFF-HIGHWAY VEHICLES	80-105

Traffic counts provided in the Mono County *Regional Transportation Plan* suggest that average daily and peak hour traffic volumes in many areas of the county declined between 2006-2012. However, traffic volumes on highways in the vicinity of the proposed Tioga Workforce Housing project showed an increase during that period, as shown in Table 5.11-3 below.

TABLE 5.11-3: Average Daily Traffic (ADT) Volumes on Nearby Highways				
Route	Location	Peak Hour 2006/2012	Peak Month 2006/2012	Annual 2006/2012
395	Junction 203 West	1200/1200	11900/11100	9200/8000
	June Lake Junction	660/790	6300/7400	4000/4200
	Tioga Pass Junction	710/630	6700/6400	4000/4500
	Bridgeport	670/630	6000/5700	3800/3400
	Sonora Junction	790/500	4550/4300	3100/2900
158	June Lake Junction 395	290/280	2600/2850	1700/1470
	Grant Lake Junction 395	100/110	800/870	400/400
120	Yosemite East Gate	250/330	3200/3310	2100/2560
	Tioga Pass Junction 395	350/430	3300/4350	1300/1330
	Mono Mills Junction 395	100/130	830/1150	380/490

Airport and Helipad Noise. The Master Environmental Assessment provides information about noise levels associated with various types of aircraft used at Lee Vining Airport, as shown below in Table 5.11-4. In addition to three airports, the MEA notes that helipads are located throughout Mono County including facilities at Mammoth Hospital in Mammoth Lakes, at the medical clinic in Bridgeport, at the Pickel Meadow Marine Corps Base on SR 108, and at multiple helipad facilities used by USFS, BLM and Cal Fire for firefighting. Table 5.11-5 summarizes average noise levels associated with various types of aircraft, including helicopters.<sup>1</sup> None of the helicopter facilities operated by Mono County are used for commercial sightseeing or electronic news gathering.

TABLE 5.11-4: LEE VINING AIRPORT AIRCRAFT AND OPERATIONS FORECAST 2000-2020					
	2000	2005	2010	2015	2020
BASED AIRCRAFT	1	3	4	4	4
ANNUAL AIRCRAFT OPERATIONS BY TYPE OF OPERATION:					
LOCAL	500	500	667	667	667
ITINERANT	1500	1500	2000	2000	2000

<sup>1</sup> FAA, *Nonmilitary Helicopter Urban Noise Study*, 2004. [http://www.faa.gov/regulations\\_policies/policy\\_guidance/envir\\_policy/media/04nov-30-rtc.pdf](http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/media/04nov-30-rtc.pdf).

TOTAL	2000	2000	2667	2667	2667
BY TYPE OF AIRCRAFT:					
SINGLE-ENGINE PROPELLER	2000	2000	2667	2667	2667
BY TYPE OF USER:					
GENERAL AVIATION	2000	2000	2667	2667	2667
AIRCRAFT OPERATIONS DISTRIBUTION					
PEAK MONTH	300	300	400	400	400
PEAK WEEK	80	80	100	100	100
AVERAGE DAY OF PEAK MONTH	10	10	13	13	13

TABLE 5.11-5: AVERAGE AIRCRAFT NOISE LEVELS	
AIRCRAFT	DECIBELS
SINGLE-ENGINE PROP	72-85
MULTI-ENGINE PROP	75-86
COMMERCIAL PROP	79-87
EXECUTIVE JET	84-95
TURBINE-LIGHT UTILITY HELICOPTER	69
JET TAKE-OFF (AT 75')	150

Industrial and Recreational Land Uses. Industrial sites in Mono County include the U.S. Pumice facility located directly across US 395 from the Tioga project site. US Pumice is an international supplier of abrasive materials mined from the many natural pumice formations south of Mono Lake. Potential intrusive noise impacts are largely mitigated because these facilities are generally situated in an industrial district or on public land outside developed areas; US Pumice is located about 500 feet from the nearest residential uses in Lee Vining, and about 2,000 feet from residential dwellings (existing and proposed) on the Tioga site. All mining operations are subject to permits that impose conditions of operation, including mitigation of potential adverse noise.

Recreational activities are another source of noise in Mono County. This category includes noise from recreational vehicles and motorcycles, snowmobiles and motorboats, outdoor concerts and events (such as are held at the Tioga Mart) that adversely impact the noise environment. Noisy recreational activities are found in various locations throughout the county, including the project site. No railroads traverse Mono County.

Community Noise Survey – Baseline 1980-81 Study and 1996 Update. During the fall of 1980 and the winter and spring of 1981, staff conducted noise monitoring at about 30 noise-sensitive sites around the county to assess land uses and major thoroughfares. Results indicated that the 60 dB contours in Mono County are generally within 300' of traveled highways. The data (comprehensively updated in 2013 for the *RTP/General Plan Update*) included noise contours as of 2013, as well as projected contours for the year 2033, as shown in Table 5.11-6 for Lee Vining.

TABLE 5.11-6: Onsite Noise Levels and Traffic Counts, 2013 & 2033		
LEE VINING		
Max Meter dB 72 @ 30'	Distance from Edge of Pavement	
1 Day Leq Contour	Current (2013 AADT 3730)	Projected (2033 AADT 4120)
60 dB	14'	14'
55 dB	24'	25'
50 dB	42'	44'
45 dB	74'	78'

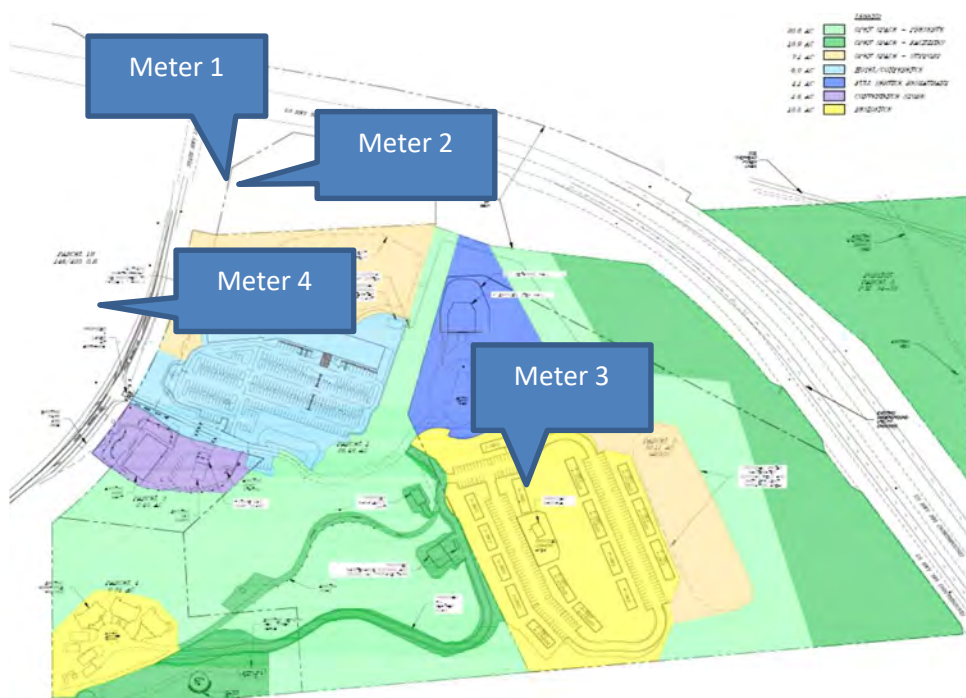
State and Federal Highways. 1995 Ldn contours for state and local highways (provided to the County by Caltrans) show that traffic-related noise impacts along state and federal highways varied little from the baseline data collected in 1980-81. Traffic volumes along these highways were, in general, lower in 1995 than in 1990, and have since risen to 1990 levels indicating that noise impacts have not changed significantly and adequately represent current conditions along state and federal highways.

Noise-Sensitive Areas. Noise-sensitive receptors in Lee Vining include schools, homes and certain open-space areas. Most homes and schools are located along secondary roadways or large enough to provide adequate setbacks from the traveled way. Certain open-space areas are also considered noise sensitive due to their value as wildlife habitat or wilderness; these include several sites around Mono Lake.

### 5.11.3.2 EXISTING NOISE LEVELS IN THE PROJECT VICINITY

To establish an ambient noise level on the project site, short term area noise measurements were taken at 4 locations on the project site during October 2016 from 11:30 a.m. – 12:30 p.m. Measurement locations are shown in Exhibit 5.11-1 and results are presented in Table 5.11-7 below.

**EXHIBIT 5.11-1. Noise Monitoring Locations**



**TABLE 5.11-7. Project Site Ambient Noise Measurements (dBA), October 2018**

	Leq	Lmax	Lmin	L10	L33	L50	L90
<b>Meter 1</b>	57	84	40	54	48	46	42
<b>Meter 2</b>	47	57	41	49	47	46	43
<b>Meter 3</b>	44	48	39	46	44	42	42
<b>Meter 4</b>	57	68	48	62	55	53	50

Monitoring experience shows that 24-hour weighted CNELs can be reasonably well estimated from mid-day noise readings. CNELs are approximately equal to afternoon hour Leq plus 2-3 dB (Caltrans Technical Noise Supplement, 2009). The observed Leqs of 44-57 dBA would translate into CNELs of 46-60 dBA.

#### 5.11.4 REGULATORY SETTING<sup>2</sup>

##### 5.11.4.1 Federal and International Regulations

There are no federal plans, policies, regulations, or laws that directly pertain to the County's consideration or adoption of the RTP/General Plan Update, including the Noise Element. However, various federal agencies have issued programs and guidelines that are helpful in measuring noise and setting noise-exposure standards. The USEPA Federal Noise Control Act of 1972 clearly identified noise as a threat to human health and welfare; EPA recommended that noise be addressed at more local levels of government and transferred noise regulation to state and local governments. The Federal Transit Administration (FTA) has developed significance criteria to evaluate noise impacts from surface transportation, as presented in FTA's 2006 *Transit Noise Impact and Vibration Assessment*. Traffic noise is governed by CFR 23 Part 772. FHWA established noise assessment procedures and abatement criteria in *Highway Traffic Noise: Analysis and Abatement Guidance* (2011). Title 14 CFR, Part 36 establishes maximum acceptable noise levels for aircraft operating in the U.S. based on model year, aircraft weight, and the number of engines. The FAA Part 150 program encourages airports to prepare noise-exposure maps depicting land uses that are incompatible with high noise levels, and the Federal Railroad Noise Emission Compliance Regulation (49 CFR Part 210) prescribes minimum compliance regulations for enforcement of railroad noise emission standards adopted by USEPA. The Universal Building Code contains noise insulation standards for hotels, motels, dormitories, apartment houses and other residential dwellings. The code states that interior noise levels shall not exceed 45 dBA.

##### 5.11.4.2 State Regulations

**California Airport Noise Standards.** PUC §21670 et seq. promotes compatibility between public use and military airports and the land uses that surround them. California airport noise standards, as well as Federal Aviation Regulations, establish a CNEL of 65 dBA as the maximum acceptable noise exposure for residential land uses. This criterion, however, is set primarily with regard to air carrier airports in urban locations. For general aviation airports located in comparatively quiet rural settings such as Mono County, a 60- or even 55-CNEL standard is suggested.

**California Code of Regulations Title 24.** CCR Title 24 sets standards for interior noise levels in all new single-family and multifamily residential units. The standards require acoustical studies prior to construction wherever the existing Ldn exceeds 60 dBA, with mitigation to limit maximum Ldn levels to 45 dBA in any habitable room, including residential insulation standards that are implemented during the building process.

**California General Plan Guidelines.** The Office of Planning and Research publishes General Plan Guidelines that include guidance for determining acceptable and unacceptable community noise exposure limits for various land use categories. Residential uses and schools are generally considered acceptable where exterior noise levels do not exceed 60 dBA Ldn, and unacceptable in areas exceeding 70 dBA; higher limits apply to commercial uses. Conditionally acceptable ranges are also given, depending on noise insulation and reduction features.

**California Harbors and Navigation Code.** §650-674 of this Code regulates vessels and associated equipment used on waters subject to state jurisdiction. The Code sets a maximum of 82 dBA (at 50 feet) for all motorized recreational engines manufactured after 1978.

**Motor Vehicle Code.** §38365A of the State Vehicle Code requires that off-road vehicles must be equipped with a muffler to reduce noise to an acceptable level; § 38370 defines acceptable noise levels according to the age of the vehicle (i.e.,

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<sup>2</sup> The reader is also referred to the interrelated regulations outlined in EIR §4.3, Air Quality and Greenhouse Gas Emissions.

pre-1973, 92 decibels; 1973-74, 88 decibels; and post-1974, 86 decibels). In Mono County, noise-related provisions of the Motor Vehicle Code are enforced by the Sheriff's Department.

#### 5.11.4.3 Local Regulations

**Mono County General Plan.** The Circulation Element of the General Plan includes policies to reduce traffic noise levels (the most significant source of environmental noise in Mono County) by minimizing congestion and facilitating smooth traffic flow. The Land Use Element contains policies to avoid the juxtaposition of incompatible land uses unless potentially significant impacts (including noise) are adequately mitigated. The Noise Element contains policies to avoid the juxtaposition of incompatible land uses unless potentially significant impacts (such as noise impacts) are adequately mitigated, to enforce existing noise ordinances and policies, and to assess and mitigate the impacts of proposed noise-generating land uses.

**Mono County Noise Ordinance.** The Mono County Code defines limits for excessive noise and sets noise level limits for land uses. Recently updated, the Ordinance includes procedures for measuring noise, noise level limits, prohibitions, exemptions, enforcement measures and a process for variances and appeals. The County implements additional noise regulations depending on noise source and land use. Acceptable noise exposure ranges are specified for various land uses based on maximum allowable noise exposures. The building official serves as the Noise Control Officer for Mono County and has enforcement powers; the Planning Division regulates noise through use permits, which include conditions of operation and limits on noise emissions. Mono County Code §10.16.060 sets maximum allowable exterior noise levels, as shown in Table 5.11-8 below. Note that noise levels shown in Table 5.11-8 do not include construction.

TABLE 5.11-8. Maximum Allowable Exterior Noise Levels per Mono County Code		
Land Use	Allowable Time	Noise Level (dBA)
Residential Single Family	Daytime (7 a.m.-10 p.m.)	55
	Nighttime (10 p.m.-7 a.m.)	50
Residential Multi-Family	Daytime (7 a.m.-10 p.m.)	55
	Nighttime (10 p.m.-7 a.m.)	50
Public Uses-Schools, Libraries, Hospitals	Daytime (7 a.m.-10 p.m.)	55
	Nighttime (10 p.m.-7 a.m.)	50
Passive Recreational Areas	Daytime (7 a.m.-10 p.m.)	55
	Nighttime (10 p.m.-7 a.m.)	50
Community Parks and Athletic Fields	Daytime (7 a.m.-10 p.m.)	55
	Nighttime (10 p.m.-7 a.m.)	50

#### 5.11.5 SIGNIFICANCE CRITERIA

Appendix G of the California CEQA Guidelines offers the following criteria for determining the significance of noise impacts. A project would have a potentially significant impact on noise if it would:

- Expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards.
- Expose persons to or generate excessive groundborne vibration or groundborne noise levels.
- 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.

#### 5.11.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS



**IMPACT 4.14(a):** Would implementation of the proposed Tioga Workforce Housing Project expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding standards set by the general plan or noise ordinance or other applicable standards?

**LESS THAN SIGNIFICANT.** Project implementation will result in temporary increased noise levels during construction, and in permanent noise level increases associated with long-term activities on the project site. As discussed below, neither construction noise nor long-term ambient noise level increases will exceed adopted standards.

Construction Noise. Mono County Code §10.16.060 limits construction noise to daytime hours of lesser noise sensitivity, and sets maximum short-term (i.e., less than 10-days) noise levels that cannot be exceeded at the nearest occupied home and commercial uses. Table 5.11-9 lists construction noise levels that may not be exceeded.

<b>TABLE 5.11-9. Maximum Short-Term Noise Levels for Operation of Mobile Equipment (dBA)</b>			
	<b>Single-family Residential</b>	<b>Multi-family Residential</b>	<b>Semi-residential/ Commercial</b>
Daily, except Sundays and legal holidays, 7:00 a.m. to 8:00 p.m.	75	80	85
Daily, 8:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays.	60	65	70

Table 5.11-10 lists maximum noise levels for repetitive and long-term (more than 10 days) stationary equipment.

<b>TABLE 5.11-10. Maximum Noise Levels for Operation of Stationary Equipment (dBA)</b>			
	<b>Single-family Residential</b>	<b>Multi-family Residential</b>	<b>Semi-residential/ Commercial</b>
Daily, except Sundays and legal holidays, 7:00 a.m. to 8:00 p.m.	60	65	70
Daily, 8:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays.	50	55	60

Noise levels of construction equipment anticipated for use in this project were analyzed, based on a 2006 Federal Highway Administration (FHWA) Roadway Construction Noise Model that includes a national database of construction equipment reference noise emissions levels. The database provides an acoustical usage factor to estimate the fraction of time each piece of construction equipment is operating at full power during a construction phase. The usage factor is a key input variable that is used to calculate the average Leq noise levels. Table 5.11-11 identifies the highest (L<sub>max</sub>) noise levels associated with each type of equipment identified for use, then adjusts this noise level for distance to the closest sensitive receptor and the extent of equipment usage (usage factor), which is represented as Leq.

<b>TABLE 5.11-11. Noise Levels at 50-foot Reference Point (Noise Levels given in dBA)</b>					
Activity/Equipment	Usage Factor <sup>3</sup>	Hours of Operation <sup>4</sup>	Published Noise @ 50 feet	Measured Noise @ 50 feet	Cumulative Noise Level @ 50 feet
<b>Water Tank</b>					

<sup>3</sup> Estimates the fraction of time each piece of equipment is operating at full power during a construction operation.

<sup>4</sup> Represents the actual hours of peak construction equipment activity out of a typical 8 hour day.

Excavate	Bobcat	40%	3.2	80	79	75
	Loader/Backhoe	37%	3.0	80	78	74
Pour Concrete Pad	Mixer	40%	3.2	80	80	76
	Pump	20%	1.6	82	81	74
	Roller	38%	3.0	85	80	76
Install Tank	Crane	16%	1.3	85	81	73
	Forklift	20%	1.6	75	75	68
	Welder	46%	3.7	73	74	71
<b>Propane Tank</b>						
Excavate	Bobcat	40%	3.2	80	79	75
	Loader/Backhoe	37%	3.0	80	78	74
Pour Concrete Pad	Mixer	40%	3.2	80	80	76
	Pump	20%	1.6	82	81	74
	Roller	38%	3.0	85	80	76
Install Tank	Crane	16%	1.3	85	81	73
	Forklift	20%	1.6	75	75	68
	Welder	46%	3.7	73	74	71
<b>Workforce Housing and Fueling Pumps</b>						
Grade	Excavator	40%	3.2	85	81	78
	Grader	40%	3.2	85	85	81
	Dozer	40%	3.2	85	82	78
	Loader/Backhoe	37%	3.0	80	78	74
Construction	Crane	16%	1.3	85	81	73
	Forklift	20%	1.6	75	75	68
	Loader/Backhoe	37%	3.0	80	78	74
	Welder	46%	3.7	73	74	71
<b>Roadway and Parking Lot Construction</b>						
Demolition	Concrete Saw	20%	1.6	90	90	84
	Loader/Backhoe	37%	3.0	80	78	74
	Dozer	40%	3.2	85	82	78
Grade	Grader	40%	3.2	85	85	81
	Dozer	40%	3.2	85	82	78
	Loader/Backhoe	37%	3.0	80	78	74
Pave	Mixer	40%	3.2	80	80	76
	Roller	38%	3.0	85	80	76
	Pump	20%	1.6	82	81	74
	Loader/Backhoe	37%	3.0	80	78	74
<b>Sanitation System</b>						
Excavate	Bobcat	40%	3.2	80	79	75
	Loader/Backhoe	37%	3.0	80	78	74
Install	Crane	16%	1.3	85	81	73
	Loader/Backhoe	37%	3.0	80	78	74
	Welder	46%	3.7	73	74	71
	Forklift	20%	1.6	75	75	68

Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor. Table 5.11-12 shows the distance from each project component to the nearest residential use onsite and in Lee Vining, and the associated distance attenuation rates.

**TABLE 5.11-12. Distance between Residential Areas and Project Construction (dBA)**

Element	On-Site Homes		Lee Vining Homes	
	Distance (feet)	Distance Attenuation (dBA)	Distance (miles)	Distance Attenuation (dBA)
Housing and Gas Pumps	500-900	-20 to -25	0.5	-34
Roadways and Parking	100	-6	0.4	-33
New Water Tank	170	-11	0.6	-36
New Propane Tank	800	-24	0.5	-34
Septic System	1,000	-26	0.6	-36

Table 5.11-13 shows the attenuated construction equipment noise level that would be experienced at the closest residence in Lee Vining, after adjusting for distance. The anticipated construction fleet is mobile and not stationary and will move about the construction area. The construction noise standard for mobile equipment near an affected residence between 7 a.m. and 8 p.m., Monday through Saturday, is 75 dBA. As shown in Table 5.11-3, the most impacted residences are those on-site during construction of the new access roadway. A concrete saw will not be used for the new access roadway because it is a new road and no demolition of existing asphalt is necessary. All other equipment for other construction components is less than the 75 dBA threshold. In addition, equipment for the access roadway will only be near the homes for a short period of time as it moves down the alignment traveling away from the homes. Homes in Lee Vining have enough distance separation to render all construction equipment less-than-significant. Noise thresholds will not be exceeded for any construction activity because of distance between the noise source and the receptors.

**TABLE 5.11-13. Construction Equipment Noise Levels at Closest Residence (dBA)**

		ONSITE HOMES	LEE VINING HOMES
<b>Water Tank</b>			
<b>Excavate</b>	Bobcat	64	39
	Loader/Backhoe	63	38
<b>Pour Concrete Pad</b>	Mixer	65	40
	Pump	63	38
	Roller	65	40
<b>Install Tank</b>	Crane	62	37
	Forklift	57	32
	Welder	60	35
<b>Propane Tank</b>			
<b>Excavate</b>	Bobcat	59	41
	Loader/Backhoe	58	40
<b>Pour Concrete Pad</b>	Mixer	60	42
	Pump	58	40
	Roller	60	42
<b>Install Tank</b>	Crane	57	39
	Forklift	52	34
	Welder	55	37
<b>Workforce Housing</b>			
<b>Grade</b>	Excavator	58	44
	Grader	61	47
	Dozer	58	44
	Loader/Backhoe	54	40
<b>Construction</b>	Crane	53	39
	Forklift	48	34
	Loader/Backhoe	54	40
	Welder	51	37

Roadway and Parking Lot			
Demolition	Concrete Saw	-	51
	Loader/Backhoe	68	41
	Dozer	72	45
Grade	Grader	75	48
	Dozer	72	45
	Loader/Backhoe	68	41
Pave	Mixer	70	43
	Roller	70	43
	Pump	68	41
	Loader/Backhoe	68	41
Sanitation			
Excavate	Bobcat	49	39
	Loader/Backhoe	48	38
Install	Crane	47	37
	Loader/Backhoe	48	38
	Welder	45	35
	Forklift	42	32

**Traffic Noise.** The project is expected to generate 724 additional daily vehicular trips. Not all these vehicles will disperse to the same roadway. Vehicles entering and leaving the site will travel east or west on SR 120, and north or south on US 395. The roadway that will most impact the noise levels of residential uses in Lee Vining is US 395 north of SR 120.

Traffic noise was modeled using the California specific vehicle noise curves (CALVENO) in the federal roadway noise model (the FHWA Highway Traffic Noise Prediction Model, FHWA-RD-77-108), and based on traffic data and projections for existing and future (2023) conditions. Year 2023 data includes cumulative area development such as the proposed hotel and restaurant. The results are shown below in Table 5.11-14.

TABLE 5.11-14. Traffic Noise Impacts (dBA CNEL at 50-feet from Roadway Centerline)				
Roadway Segment	Existing No Project	Existing W Project	2023 No Project	2023 W Project
Highway 395 South of SR 120	64.9	65.3	65.9	66.1
Highway 395 North of SR 120	64.1	64.3	64.8	65.0
SR 120 West of Highway 395	60.2	61.8	62.9	63.8
SR 120 West of Project Access	60.2	60.9	62.0	62.4

Because traffic volumes are lower on SR 120, project-related noise impacts on this roadway are more pronounced than impacts on US 395 (which are more diluted). At the closest sensitive use in Lee Vining, the observed traffic noise increase is calculated to be +0.2 dBA CNEL at 50 feet from roadway centerline. The closest residence is more than 150 feet from the roadway centerline. Regardless, this impact is less than the +3 dBA CNEL significance threshold and will not be audible at the residence.

The largest traffic noise increase of +1.6 dBA CNEL occurs on SR 120 west of US 395. Not only is this impact less than the significance threshold, but there are no sensitive uses along this roadway segment. Therefore, the project related traffic noise increases are considered to be less than significant.

**Impacts on Habitat and Wildlife.** The proposed on-site housing will be located closer than other proposed uses to existing off-site wildlife habitats. Residential use is generally passive with little change to the noise environment. Every species has unique noise sensitivities that can change from day to day or season to season, and it is difficult to generalize potential noise stress impacts. The USFWS employs a general noise protection standard of 60 dB Leq in habitats of threatened or endangered avian species during nesting/breeding seasons. Noise from residential housing within the immediate vicinity of the activity itself is typically less than 60 dB. Using the USFWS standard as a guideline, bio-habitats away from the proposed enhanced recreation area are not anticipated to be significantly noise-impacted,

Analyses presented in this section indicate that the project will comply with relevant noise standards during construction and through long-term use and occupancy, and impacts will be ***less than significant***. No supplemental mitigation is required.

### **MITIGATION MEASURES – COMPLIANCE WITH NOISE STANDARDS**

**NOISE 5.11(a) (Noise Standards):** The project will comply with applicable noise standards, and no supplemental mitigation measures are required.

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#### **IMPACT 5.11(b): Would implementation of the proposed project expose persons to or generate excessive groundborne vibration or groundborne noise levels?**

**LESS THAN SIGNIFICANT.**<sup>5</sup> Groundborne noise and vibration are generated by transportation sources (particularly road and rail traffic) as well as construction equipment and blasting activities. Highly fractured but relatively hard rock deposits underlay much of Mono County, and boulders are also present in many locations. In such locations, construction may require that boulders be removed (often using a hydraulic ram to break and crush the rock) and near-surface rock deposits may require blasting. The release of energy from a blast can impact off-site locations through ground vibrations, air blasts and dust.

Blasting is not expected to be required during construction of the proposed project elements. As discussed in EIR §5.1 (Geology), recent-age soil materials on the site (evident primarily as surface deposits) are comprised of colluvium and alluvium. The recent-age materials are underlain by Quarternary-age unconsolidated deposits (glacial till, colluvium and alluvium) resulting from erosion and deposition. The glacial till consists of poorly sorted and unconsolidated deposits found along the base of the Sierra Nevada. The alluvium is interbedded with fine-grained lake sediments that increase in thickness and proportion toward Mono Lake. However, if blasting is required on this site, it will be subject to requirements of the Mono County *Noise Element*, which requires that an analysis be prepared for any project that would involve blasting or vibration. The analysis would include noise control measures and a monitoring program. In combination with the County's exterior noise standards and limits on construction, the mitigating policies and actions would reduce potential vibration impacts to ***less than significant levels***.

### **MITIGATION MEASURES – VIBRATIONAL NOISE**

**NOISE 5.1(b) (Vibrational Noise):** No significant groundborne vibration or groundborne noise levels are anticipated, and no mitigation measures are required.

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#### **IMPACT 5.11(c): Would project implementation expose people living 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 private airstrip?**

**LESS THAN SIGNIFICANT.** The project site is located directly adjacent to the Lee Vining Airport, which is owned by LADWP and managed under a long-term lease with Mono County. The airport is designated as a "Limited Use-Recreational Access" facility, serving only general aviation uses. The airport has a pilot-activated lighting system and a navigational beacon but no aviation fuel.

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<sup>5</sup> Information in this section was based on a Vibration and Noise Analysis prepared for Mono County by Giroux & Associates as part of the *Rock Creek Ranch Specific Plan and Draft EIR*, July 2008.

The Lee Vining Airport Master Plan was updated in 2017.<sup>6</sup> The number of aircraft and aircraft operations have increased at Lee Vining Airport since 2000 (the facility had four single-engine aircraft as of 2015), but the level of use remain lows (with approximately 7 daily flights at Lee Vining) and the Noise Element identifies Lee Vining Airport as low-volume facility. Aircraft operations at both facilities are limited to single-engine aircraft, both at present and through the five-year planning forecast period.

No sensitive noise receptors presently exist or are planned adjacent to the Lee Vining Airport. Although Lee Vining Airport is among the public airports closest to Yosemite National Park, and has potential for increased use by visitors to Yosemite, operations at Lee Vining are expected to continue at 2,667 per year through at least 2020. The Master Plan for Lee Vining Airport forecasts that increased aircraft volume will not significantly affect noise contours in the foreseeable future.

The above considerations indicate that people residing or working on the project site would not be exposed to excessive noise levels. Impacts would be ***less than significant***, and no mitigation measures are required.

### **MITIGATION MEASURES – AIRPORT NOISE**

**NOISE 5.11(c) (Airport Noise):** No significant airport noise impacts are anticipated, and no mitigations are required.

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#### **5.11.7 SIGNIFICANCE AFTER MITIGATION**

All potential project impacts associated with noise exposure or noise generation would be less than significant.

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<sup>6</sup>Mono County, Lee Vining Airport Master Plan, 2017: [https://monocounty.ca.gov/sites/default/files/fileattachments/public\\_works\\_-\\_facilities/page/4027/lee\\_vining\\_alp-2017.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/public_works_-_facilities/page/4027/lee_vining_alp-2017.pdf)



## TIOGA COMMUNITY HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR

### TIOGA ~~COMMUNITY~~~~WORKFORCE~~ HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



#### SECTION 5.12

## AESTHETICS, LIGHT & GLARE, SCENIC RESOURCES

### 5.12.1 INTRODUCTION AND SUMMARY

This section describes aesthetic and scenic resources on and surrounding the project site, as well as the potential impacts on these resources that may occur in association with the proposed Tioga ~~Workforce~~~~Community~~ Housing project. This section incorporates and responds to NOP comments concerning a wide range of scenic and aesthetic values and impacts: the status of US 395 (and eligibility of SR 120 for) as a designated State Scenic Highway and potential future scenic byway(s); visual assessments of the ~~workforcecommunity~~ housing project; assessment of project impacts on night-sky visibility and measures to minimize lighting; measures to screen the water storage tank; and impacts on the character of Lee Vining. Many additional comments addressed topics related to the previously-approved hotel and full-service restaurant; modifications are no longer proposed to these prior elements and the associated issues not considered herein.

#### SUMMARY OF IMPACTS & MITIGATIONS FOR AESTHETICS, LIGHT & GLARE, SCENIC RESOURCES

<b>IMPACT AES 5.12(a, b):</b>	<b>SCENIC RESOURCES AND VISUAL CHARACTER</b>
<b>Mitigation AES 5.12(a,b)</b>	Use of landscaping, construction and design to minimize offsite views
<b>Significance:</b>	SIGNIFICANT and Unavoidable Adverse Impact
<b>IMPACT AES 5.12(c):</b>	<b>LIGHT AND GLARE EFFECTS</b>
<b>Mitigation <a href="#">AES 5.12(c):</a></b>	<a href="#">Approval of Detailed Outdoor Lighting Plan</a> <a href="#">Mandatory compliance with Dark Sky Regulations</a>
<b>Significance:</b>	SIGNIFICANT and Unavoidable Adverse Impact

### 5.12.2 KEY TERMS USED IN THIS SECTION

**Glare.** Glare is a visual sensation caused by excessive and uncontrolled brightness. It can be disabling or simply uncomfortable. The experience of glare is subjective, and sensitivity to glare can vary widely. Older people are usually more sensitive to glare due to the aging characteristics of the eye. Disabling glare is the reduction in visibility caused by intense light sources in the field of view, while discomfort glare is the sensation of annoyance or even pain induced by overly bright sources. Sources of glare include streetlights, parking lot lights, floodlights, signs, sports field lighting, decorative and landscape lights, and reflective surfaces (particularly glass and metal).

**Light Pollution and Light Trespass.** Light pollution is an unwanted consequence of outdoor lighting and includes such effects as sky glow (a brightening of the sky caused by natural and human-made factors), light trespass and glare. Outdoor lighting is the principal contributor to light pollution.

**Visual Character.** Visual character includes the full range of natural and constructed elements that comprise a setting. The perception of visual character can vary seasonally and even hourly in response to weather, light, shadow, and other factors that shape the viewshed. Components often used to describe visual character include elements of form, line,

color, and texture of the landscape features; the overall appearance of the landscape is influenced by the relative dominance of each of these components.

**Visual Quality.** Visual quality reflects the relative degree of vividness, intactness, and unity in a viewshed. Vividness refers to the visual power or memorability of landscape components. Intactness refers to the visual integrity of the natural and human-built landscape and its freedom from encroaching elements. Unity refers to the coherence and compositional harmony of the landscape considered as a whole. High-quality views are vivid, relatively intact, and exhibit a high degree of visual unity. Visual quality is also influenced by the geographic frame of reference: a small hill may be a significant visual element on a flat landscape but have relatively little significance in mountainous terrain.

**County-Designated Scenic Routes.** The Mono County Regional Transportation Plan identifies 27 roadway segments as Scenic Highways. These road segments are subject to requirements of the Scenic Combining District in the Land Development Regulations, as well as Mono County General Plan policies as set forth in the Conservation/Open Space Element, and the Visual Resource Policies.

**California Scenic Road Designations.** Scenic routes are transportation corridors that provide opportunities for the enjoyment of natural and human-made scenic resources, and access to or direct views of areas or scenes of exceptional beauty and/or historic or cultural interest. The aesthetic values of scenic routes are generally protected by regulations that restrict advertising or the development of adjoining properties. Designated scenic highways in California include County Scenic Routes and State Scenic Highways.

**Federal Scenic Road Designations.** Federally designated scenic routes are roads that possess unique characteristics and are suited to tourism. Federal scenic road designations include National Scenic Byways, BLM Back County Byways, and National Forest Scenic Byways. National Parkways are scenic roads in the National Park System that are designed for recreational driving through scenic or historic areas and have a buffer of park land along both sides of the roadway. National Historic Trails are commemorative motor routes that follow historic pathways.

**Scenic Corridor.** The scenic corridor includes all areas outside a highway right of way that possess scenic value and are generally visible to persons traveling on the highway.

### 5.12.3 BASELINE OVERVIEW

#### 5.12.3.1 1993 Tioga Inn Specific Plan and Final EIR Visual Assessment

The Tioga Inn project was approved in May of 1993 following certification of the Tioga Inn Specific Plan and Final EIR.<sup>1</sup> Contained in the Final EIR as Technical Appendix Report 2 was a detailed Visual Impact Assessment prepared by Certified/Earth Metrics. The report described the project setting including visual characteristics of the project site, view opportunities and view corridors, and scenic highways management and policies. Impacts were analyzed, including a series of eleven baseline photographs and two photosimulations depicting site views with the hotel and full-service restaurant in place. Analyses in the 1993 Final EIR comprise the baseline visual assessment for all previously approved uses on the project site.

As described in the 1993 Final EIR, the project site borders the federally designated Mono Basin National Forest Scenic Area, a nationally recognized visual resource. The project site *"lies on the outskirts of Lee Vining, a small, rustic community [with] many difference architectural styles [and] the southern gateway to the famous Bodie Ghost Town..."* The site itself *"consists of a gently sloping grade trending north to south with a ridgeline running through the center, forming two upper "plateaus".... The site's varied terrain is vegetated with a dense cover of sagebrush, whitethorn and other low-lying shrubs, as well as a sparse covering of Jeffrey and Pinion pines. The site's barren, chaparral landscape is characteristic of the Mono Basin environment."*

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<sup>1</sup> Mono County, *Tioga Inn Specific Plan and Final EIR*, May 24, 1993, op cit.

The FEIR describes View Opportunities from the project site as *"scenic vistas to Mono Lake, Paoha Island, and Mono Basin to the north...; Williams Butte and the Ansel Adams Wilderness to the south..., and Crater Mountain to the east. View opportunities are more dramatic from the site's upper elevations due to increased elevation of the viewer's vantage point."*

The FEIR describes two primary View Corridors from the site: *"views from SR 120 looking north to Mono Lake and Mono Basin, and the views from the intersection of SE 120 and US 395 looking south up Tioga Pass. The SR 120 corridor is significant in that it marks an important first view to Mono Lake for motorists traveling Tioga Pass. There is currently a scenic turnout with an interpretive information kiosk on SR 120 adjacent to the project site (see Plate E).<sup>2</sup> The US 395–Tioga Pass corridor is significant in that it marks the intersection of the two highways which experience a high volume of vehicle traffic, and offers aesthetically pleasing views to the dramatic peaks of the eastern Sierra.... Other view corridors which would be potentially impacted by the proposed project are views from the community of Lee Vining, and views from across Mono Basin (Black Point, Mono County Park, lower Lee Vining Canyon).... Due to the relative distance of the project site to any development, the project site would not be readily perceptible from this vantage point."*

The 1993 FEIR analyzed visual impacts through a significance threshold based on a *"substantial, demonstrative negative visual or aesthetic impact"* including use of reflective materials, excessive height and/or bulk, designs that are not in harmony with the community atmosphere, and features that are incongruous to the area or significantly detract from the natural environment. With respect to these criteria, the FEIR concluded that (1) the proposed building materials *would* cause excessive amounts of light and glare, (2) the structures *would not* represent excessive height and/or bulk, (3) the proposed alpine style *would* blend with the environment, and (4) the architectural design *would not* be incongruous with surrounding natural terrain. The analysis noted that signage and lighting plans were not sufficiently detailed to analyze, but that either or both would cause significant impacts if improperly designed.

Additional impacts identified in the 1993 FEIR included *"enhanced public access to view opportunities can be considered a beneficial impact," "the project would cause existing unobstructed view corridors to become partially obstructed...[and] the proposed structures in these areas [restaurant, hilltop housing, deli and hotel] would potentially be visually intrusive,"* and the elimination of a scenic turnout on SR 120 was identified as a potentially significant impact. The FEIR did not identify significant impacts with respect to the Mono Basin National Forest Scenic Area, or the National Forest Visual Management System. Based on these considerations, the FEIR identified a number of potentially significant adverse impacts, all pertaining to visual and aesthetic values:

1. **Landscaping:** The FEIR found that visual impacts of the project would be potentially significant and adverse, due to the absence of detailed project landscape plans. The FEIR noted that *"landscape vegetation and other visual buffers are of vital importance to provide an adequate transition from the manmade environment to the natural environment [and] the potential to temper manmade features on site and minimize their visual prominence."*
2. **Signage:** The FEIR found that improper sign design would be a potentially significant and adverse project impact, due to the absence of a proposed signage plan. The FEIR noted that *"Signs which do not blend with the natural environment or cause excessive light and glare would not be compatible with...the Mono County Sign Ordinance."*
3. **Nighttime Lighting:** The FEIR found that the type and design of onsite lighting would be a potentially significant and adverse project impact, due to the lack of information regarding the proposed onsite lighting. The FEIR noted that, *"lighting fixtures and configurations which project excessive light and glare to its surroundings would be inconsistent with...the Conservation/Open Space element, which calls for lighting to be shielded and direct."*

The visual impact analysis recommended 5 mitigation measures as listed below:<sup>3</sup>

1. **General Plan Compliance:** Fully comply with all pertinent objectives, policies, actions of the Draft Conservation/Open Space Element of the Mono County General Plan.
2. **Reduce Glare:** Use only glare resistant glass and building materials in the project construction. Prior to construction, submit a detailed list of proposed building materials and colors to the Planning Dept. for approval.

<sup>2</sup> Note that the information kiosk was subsequently replaced by the YARTS bus shelter.

<sup>3</sup> One additional mitigation measure addressed potential impacts to the USFS kiosk, stating *"If necessary, the existing Scenic Turnout and Kiosk near the proposed entrance...should be moved...to a location agreed upon by the ...Planning Department and USFS."*

3. **Minimize Lighting:** Use low mounting height, shielded and direct, for nighttime lighting, and minimize nighttime lighting to that required for safety and security.
4. **Landscape Plan:** Submit a landscape plan for planning department approval that details design, location, and species of vegetation. Maintain and incorporate existing trees into the plan.
5. **Screening:** Give special consideration to the visually prominent areas during development of the landscape plan; in these areas provide mature, native, drought-resistant species planted so as to maximize visual screening. Provide landscape berms in the restaurant parking area and on the hilltop residential housing ridgeline.

The recommended mitigations were incorporated into the Tioga Inn Specific Plan as design policies and implementation measures. The resulting 1993 policies and implementation measures are summarized in Table 5.12-1 below. The policies adopted in 1993 are presented in full, along with changes that are now proposed, in EIR §4.0 (Specific Plan).

**TABLE 5.12-1. 1993 Tioga Inn Specific Plan Design Implementation Measures**

Goals	Policies	Implementation Measures
Goal 3: Reduce the project's visual intrusiveness	<b>Policy 3a: Minimize Site Disturbance</b>	3a(1): Revegetation plan to be approved by Planning Director. 3a(2): Revegetation plan to conform to County's format with details regarding vegetation to be replaced.
	<b>Policy 3b: Maximize use of indigenous species</b>	3b(1): Landscape plan shall identify areas to be revegetated with native species; natives to be used to maximum possible extent.
	<b>Policy 3c: Use introduced landscaping for screening to visually blend the project into the natural landscape.</b>	3c(1): Use landscape guidelines provided in the Specific Plan Table. 3c(2): Submit landscape plan for approval prior to issuance of building/grading permits. 3c(3): Landscape plan shall focus placement on the visually prominent areas (restaurant parking lot and hilltop residential ridge). With landscape techniques to block view the view of passenger vehicles in the restaurant parking area and residential ridgeline.
	<b>Policy 3d: Maintain introduced landscaping to prevent plants from dying.</b>	3d(1): All landscaping to be maintained in a vigorous and healthy condition in perpetuity, allowing for flexibility in the event of extreme drought.
	<b>Policy 3e: Provide landscaped relaxation, picnic, walking areas</b>	3e(1): The picnic and walking areas shall be designed for water conservation, visual attractiveness and as a visual complement to the area.
	<b>Policy 3f: Ensure a visually attractive development.</b>	3f(1): All structures to be designed in conformance to Specific Plan architectural elevations. 3f(2): All exterior materials to be in harmony with the theme of a rustic alpine appearance. 3f(3): Roof materials shall be subtle colors ('earthtone' or 'green'); visible chimney materials to be of muted stone or wood meeting fire codes.
	<b>Policy 3g: Reduce reflective glare.</b>	3g(1): Lighting to be shielded, aimed and directed to provide illumination of target areas with minimal offsite visibility.

Even with the policy implementation measures outlined above, the 1993 Final EIR concluded that project implementation would result in a significant, unavoidable and adverse impact to visual resources: "*The proposed project will result in a partial disruption of the area's visual quality. The facility is designed to blend and complement the natural landscape as much as possible, but it will still be visible on the landscape. The visual impact is irreversible and remains subjectively significant.*" The impact on visual resources was the only unavoidable significant adverse impact identified in the 1993 FEIR.

### 5.12.3.2 Scenic Resources of the Mono Basin

Mono Lake is a soda saline lake with strongly alkaline waters and high concentrations of carbonate salts, sodium chloride and other dissolved salts. Soda saline environments are considered to be among the most extreme of aquatic environments on earth, supporting highly productive ecosystems. Soda lakes are found in arid and semi-arid areas around the world, often associated with tectonic rifts such as occur in the East African, and in the Owens Valley which supports two soda saline lakes (Mono Lake and Owens Dry Lake).<sup>4,5</sup> These natural conditions frequently result in highly

<sup>4</sup> USGS, Geologic Map of Long Valley Caldera: [https://pubs.usgs.gov/dds/dds-81/GeologicalMaps/ScannedMap/Bailey\\_1989.pdf](https://pubs.usgs.gov/dds/dds-81/GeologicalMaps/ScannedMap/Bailey_1989.pdf)

<sup>5</sup> Wikipedia: [https://en.wikipedia.org/wiki/Soda\\_lake](https://en.wikipedia.org/wiki/Soda_lake).

unique, expansive and generally austere aesthetic conditions, such as occur in the Mono Basin. In combination with the dramatic Sierra escarpment leading into Yosemite National Park, the otherworldly beauty of Mono Lake is among the outstanding scenic vistas of the world.

Mono County tourism statistics underscore the degree to which visitors from around the world are drawn to this starkly beautiful setting. A 2009 tourism study conducted for Mono County Dept. of Economic Development and Special Projects<sup>6</sup> found that 32% of all Mono County visitors spent time in Lee Vining. Only Mammoth Lakes had a higher visitation percentage [in the 2009 study](#) (just under 50%), and the next most visited area (June Lake) had a 26% visitation rate. The outdoor activities most often cited by visitors included hiking (47%), fishing and photography (38.7% and 37.7%), camping (24.7%), downhill skiing (16%), birdwatching (11.8%), boating (11.3%) and bicycle riding (10.6%). Mono Basin is a leading destination for most of these top ranked tourist activities. [In its comments on the DSEIR, the Mono Lake Committee indicates that Mono Lake is now the overall #1 attraction in Mono County, with the largest share of "total visitors" at 43.2%, and a high level of visitor satisfaction due primarily to "scenic beauty perception."](#)

The Tioga project site is situated at the junction of the Sierra escarpment on the west, and the expanse of Mono Lake to the east. Because of its location above the lake level (in many areas, 200' or more above the lake), the project site offers commanding views in many directions, including the Mono Basin. Motorists along SR 120 frequently stop along the Caltrans apron to take photographs.

Mono Basin National Forest Scenic Area (Mono Basin NFSA).<sup>7</sup> The USFS Mono Lake District Ranger manages the Mono Basin NFSA, which was created in 1984 as part of the California Wilderness Act and encompasses roughly 77 acres of land and the entirety of Mono Lake. The Act required preparation of a Comprehensive Management Plan that was completed in 1989. The Plan provides guidance, policies and direction for the protection of geologic, ecologic, cultural, scenic, and other natural resources in the Scenic Area, while allowing recreational, scientific, and other activities consistent with that goal. Table 5.12-2 provides a brief summary of the description of resources in the Mono Basin NFSA as contained in the Comprehensive Management Plan, along with a full list of management guidelines for visual resources. The Mono Basin NFSA boundaries are shown in Exhibits 5.12-1 and 5.12-2.

**TABLE 5.12-2. Mono Basin National Forest Scenic Area Comprehensive Management Plan  
Summary and Visual Resource Prescriptions**

**SETTING**

**Air.** The Scenic Area is part of the Great Basin airshed, with generally good visibility and air quality. Dispersion is excellent despite occasional inversions and ground fog. Infrequent alkali dust storms can cause total particulate loading in excess of state standards.

**Geology.** The Basin lies at the boundary of the Basin and Range geologic province to the East, and the Sierra Nevada geologic province to the west. The region has experienced at least 3 periods of glaciation, and a 500 million year sequence of sedimentary deposition, folding, erosion, igneous intrusion, uplift and more folding. The Sierra front began breaking apart 3-4 million years ago, and lands east of the faults dropped in elevation relative to lands to the west. Recent volcanic activity has contributed large volumes of fresh rock material to the basin. Significant geologic features include (a) tufa (deposits formed when spring water containing dissolved calcium mixes with the carbonates of the lake water); (b) sand tufa (formed when carbonate-rich water interacts with calcium-rich groundwater in the sands beneath the Lake: calcite is deposited between the sand grains and the sand grains are cemented together forming masses, tubes, and columns); (c) Black Point (a circular mesa-like hill comprised of fine-grained olivine basalt fragments on the northwest lake shore, formed by eruptions on the lake floor.); (d) Aeolian Buttes (a series of low rolling hills, formed of Bishop tuff, reported to be the oldest volcanic formation in the Basin); (e) Paoha and Negit Islands (Paoha, larger of the two, is of fairly recent origin while Negit is the product of at least 6 eruptions); (f) Sand Dunes (9-10 square miles in the northeast corner of the Scenic Area that is covered with sand dunes of varying ages); (g) Panum Crater and Mono Craters (Mono Craters are a series of overlapping rhyolitic and dacitic flows and domes that erupted along a linear fracture zone; Panum Crater, at the north end of the Mono Craters, is a well preserved rhyolitic eruption); (h) Minerals (the scenic area has a variety of mineral resources and many lode claims, placer claims and millsite claims of which U.S. Pumice Company is largest); (i) Soils (soils in the southwestern, western

<sup>6</sup> Mono Co. Dept. of Economic Development & Special Projects, *Economic & Fiscal Impacts & Visitor Profile of Mono County Tourism in 2008*: [https://www.monocounty.ca.gov/sites/default/files/fileattachments/economic\\_development\\_and\\_specialprojects/page/767/monocoeconomicimpactvisitorprofilestudy.pdf](https://www.monocounty.ca.gov/sites/default/files/fileattachments/economic_development_and_specialprojects/page/767/monocoeconomicimpactvisitorprofilestudy.pdf)

<sup>7</sup> USFS, *Mono Basin NFSA Comprehensive Management Plan*, 1989: <https://www.monobasinresearch.org/images/legal/scenicareacmp.pdf>.



and northern reaches are generally derived from granite, while those in the southern and eastern portions are derived from ash and cinder deposits. Soils are generally fragile and susceptible to erosion, particularly wind erosion).

**Visual Resources.** The SFCA consists of a broad shallow basin with Mono Lake in the middle, the Sierra escarpment to the west, and a chain of volcanic features aligned on a north-south axis through the basin. Sagebrush, bitterbrush and greasewood are the prominent vegetation; Jeffrey pine occurs in the southern portion while mixed conifer species are found on the escarpment. The landscape is typical of the Great Basin, but greatly enhanced by Mono Lake. Though man-made objects have impacted visual quality, large areas remain untouched.

**Water.** It is estimated that runoff into Mono Lake averages about 187,000 AFY of gauged and ungauged flows, with significant annual variations that result in changes to riparian vegetation, fishery habitat and recreation. All surface stream water is of excellent quality until it reaches the lake, which is over twice as saline as the ocean; the few forms of life that can exist in Mono Lake provide a very important food base for birdlife. Numerous springs of varying temperatures and water quality are found around the lake.

**Biology.** The Basin is home to an estimated 266 vertebrate species including several federally-listed endangered species. Brine flies and brine shrimp are a primary food source for several species of birds, and the lake biota consists of bacteria, 18 species of algae, the alkali (brine) fly and the brine shrimp and other species of flies. Species of interest in the sagebrush habitats include mule deer, vesper sparrow, pronghorn antelope, sage grouse and numerous small mammals. Sage grouse have been seen in the Basin, and streamside vegetation supports a great diversity of wildlife. Noteworthy butterfly species include Apache silverspot, and the plant *Viola nephrophylla*. Marsh vegetation is found primarily on relicted lands. There are no native fish in Mono Basin (all have been introduced) and no federally listed threatened or endangered plants (when the Plan was written). Vegetation is sub-divided into groups represented by dominant plant type and 3 major geographic zones: Warren Bench (on the plateau west of US 395), Mono Basin (lands east of US 395 to the lake shoreline), and relicted lands (the exposed lake bed below 6417 feet). About 16% of the Scenic Area is bare or poorly vegetated. Areas of sparse or no vegetation include lower Lee Vining Ck., lower Mill Ck., portions of Mono Craters and Black Point, relicted lands from Black Point east to Warm Springs and Warm Springs to Simon's Springs & relicted lands around the islands.

**Economic and Social Environment.** At the time the Plan was written, 41 cultural sites had been recorded in the NFSA (35 prehistoric and 6 historic). Almost 80% of Mono County is in public ownership, with over 1.1 million acres in the National Forest System. The Lee Vining economy is tied closely to the seasons when Tioga Pass is open (providing east-side access to Yosemite). Other area employers include U.S. Pumice, a brine shrimp processing plant, a number of local businesses provide hospitality services. The Basin draws visitors from around the world. South Tufa is the most heavily visited site.

**Lands.** A wide range of area uses (utility corridors, transportation systems, water development and transport) operate under special use permits and easements, and temporary permits allow additional uses including filming, education, research and recreation. Area roads (about 313 miles in total) are maintained by Cal Trans, Mono County and USFS.

**Other Agencies.** Lands in the Scenic Area include about 6,880 acres owned by the State of California (which also owns the Mono Lake surface and lands underneath), and 9,404 acres owned by the City of Los Angeles. Relicited lands are jointly managed through an MOU between USFS and the State Dept. of Parks and Recreation. Mono County operates County Park under a lease agreement with LADWP. Caltrans maintains State and Federal highways in the Scenic Area, and the County maintains about 26 miles of local roads. Hunting, trapping and fishing is regulated by California Dept. of Fish and Wildlife; U.S. Fish and Wildlife Service shares responsibility for migratory wildlife. BLM assists in managing the grazing and mining programs.

**Private Land.** There are 46 parcels of private land in the Scenic Area totaling about 3,575 acres & owned by 28 landowners. Parcels range in size from 1/2 acre single family lots to grazing land up to 320 acres. Uses and developments that existed on June 1, 1984, are protected; future development of private land is governed by Private Property Development Guidelines formulated in 1987.

**Range.** The NFSA contains 8 range allotments that extend beyond Scenic Area boundaries onto adjacent lands. Allotments on National Forest lands are managed by USFS. Allotments on BLM public lands are managed cooperatively under a 1985 MOU between the Forest Service and BLM. There are also a number of private land parcels in the Scenic Area where grazing is authorized by the landowner. Permitted grazing use in the Scenic Area is 3259 Animal Unit Months; 54% is on federal land and 46% is on private land.

**Recreation.** The Scenic Area provides developed (interpretive facilities and County Park) and dispersed recreational opportunities. As of 1986, developed site use was reported as 4,235 Recreation Visitor Days. Dispersed activities include sightseeing, OHV use, aquatic sports, photography, birding, snowmobiling, cross country skiing and hiking. Much of the dispersed use is by local residents although a growing number of visitors are participating. Total dispersed recreation use was reported as 46,378 Recreation Visitor Days in 1986. There are no overnight camping facilities in the Scenic Area.

**Research.** Research in Mono Basin has focused on water chemistry, algae, brine flies and shrimp, birds and other wildlife, geology, cultural resources, the geo-hydrology of the Basin, and stream and fish habitat.

**Social.** Three communities adjoin the scenic area: Lee Vining, Mono City, and June Lake; the communities had a population of 1,349 in 1985. Four major social groups using the Scenic Area include local residents, recreational visitors, special-use permittees, and Native Americans. Management of the Scenic Area will affect these groups in different ways.

#### MANAGEMENT DIRECTION

The overall goal of Scenic Area management is to protect its geologic, ecologic, cultural, scenic, and other natural resources, while allowing recreational, scientific, and other activities consistent with this goal. The Plan organizes management direction in 6 levels that include Scenic Area Goals that describe desired future Scenic Area conditions (note that the goals are not quantified and do not



have specific times), Legislative Direction (based on direction contained in the California Wilderness Act), Forest Standards and Guidelines (based on the Land and Resource Management Plan for Inyo National Forest), Scenic Area Standards & Guidelines (these apply only to resources and activities in the Scenic Area), Management Prescriptions that provide direction for specific Scenic Area locations, and Action Items (specific, active direction above and beyond other direction).

#### MANAGEMENT PRESCRIPTIONS

**Developed Recreation Zone.** The purpose is to maintain existing developments and provide new services and facilities to support visitor needs. The emphasis is on allowing developed facilities that are compatible with the Scenic Area visual quality, recreation and interpretive objectives. Information is provided primarily by signs, displays, or printed material. There are few physical challenges.

**General Use Zone.** The purpose is to manage for inherent values (range, wildlife, recreation and visual). There are a variety of activities which can occur with a minimum of conflict. Improvements that do not significantly affect scenic or other natural values are allowed. Improvements may include projects to benefit wildlife, grazing, recreation and interpretation. Lands in this prescription have mostly 2WD access; some 4WD trails are present. Landscapes are slightly modified, and there is some degree of physical challenge and risk. Trails may be provided but are not a feature.

**Limited Development Zone.** The purpose is to provide for relatively undisturbed areas with limited human influence; wildlife, visual, and other natural values generally take precedence. Lands in this prescription usually have 4WD access and maintain natural appearing landscapes. There are few areas where the visitor will encounter many other people. There is a moderate level of physical challenge and risk. Trails may be provided to reach destination points and to provide fishing access.

**No Development Zone.** The purpose is to provide areas free of surface disturbance and to maintain natural cultural, geologic, ecological, and visual conditions. The emphasis is on protecting natural features, favoring avoidance or restriction of access. Resource protection has a higher priority than other uses. Use is primarily by individuals; isolation is common encountered. There could be a high level of physical challenge and risk, since access is mostly by non-motorized means.

#### MANAGEMENT DIRECTIONS

Each management direction is supported by goals, standards and guidelines, Management Prescriptions, and Action Items. Summarized below are the goals, standards & guidelines, Management Prescriptions and action items for Visual Resources.

##### Visual Resources.

**Goal:** Manage the Scenic Area to maintain and enhance the visual resource.

##### **Forest Standards and Guidelines**

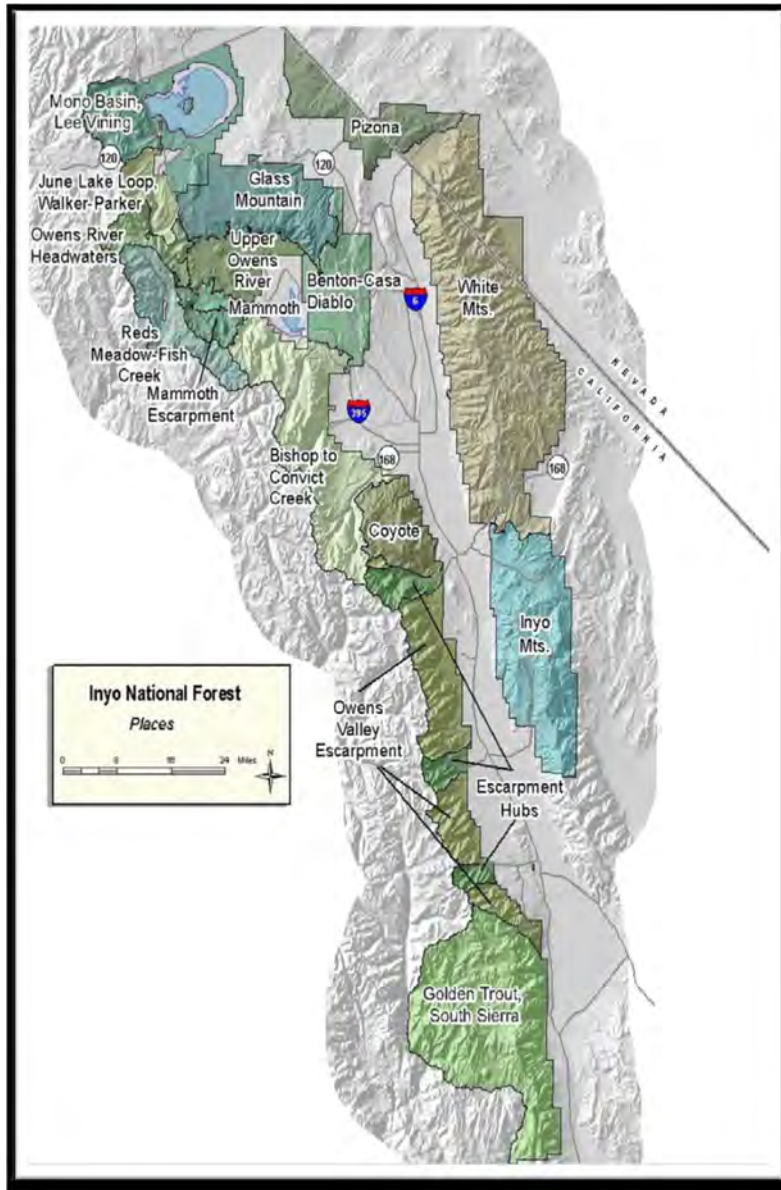
- (1) Obtain the Forest Supervisor's approval through the environmental analysis process for any deviations from assigned Visual Quality Objectives (VQO's) assigned in the prescription.
- (2) Maintain or enhance the size and diversity of all riparian zones, aspen stands, meadows, and alpine tundra vegetation zones, where such zones are visible from sensitivity level 1 & 2 roads & trails, or where they receive significant recreation use.
- (3) Rehabilitate and/or enhance the visual resource when implementing projects where appropriate:
  - (a) Rehabilitate the visual resource where the existing visual condition fails to meet the assigned VQO.
  - (b) Enhance the resource where the existing condition appears monotonous, and where there is an opportunity to create variety in the landscape through planting, vegetation, or other accepted means.
  - (c) Base priorities for rehabilitation and enhancement projects upon the VQO assigned to the project area, corridor viewshed plans, and on the following considerations:
    - (i) Relative importance of the area and amount of deviation from adopted visual quality objective.
    - (ii) Time it would take natural processes to reduce visual impacts to meet the adopted visual quality objective.
    - (iii) Length of time it would take rehabilitation measures to meet the adopted VQO.
    - (iv) The coordination with the resources necessary to rehabilitate the project area.
- (4) Maintain foregrounds and middle grounds of the scenic corridors of the following travel routes to retention and/or partial retention VQO as inventoried but not less than partial retention:
  - (a) Highways officially designated by the State as California State and County Scenic Highways.
  - (b) California State Scenic Highway System Routes as per September 1970 Master Plan. (Highways within the Scenic Area affected by the above include State Highway 120 (West of 395), and U.S. 395.)
  - (c) Meet the retention VQO in the foreground of sensitivity level 1 roads, trails, recreation sites & concentrated recreation areas.

**Mono County Scenic Combining District.** The Mono County General Plan regulates visual resources along scenic highways through policies in the Scenic Combining District Land Development Regulations (Land Use Element Chapter 8). The Scenic Combining District is applied as an overlay to the underlying zoning/General Plan designation. Combining District standards require screening of visually offensive land uses, minimal earthwork and vegetation removal, revegetation of disturbed areas with native compatible plant materials, use of existing roads where possible, limited signage, use of colors and materials that harmonize with the natural setting, underground placement of new utilities, and exterior lighting that is shielded and indirect and focused on security and safety. Goals of the District are to minimize visual intrusiveness and ensure that lands along the scenic corridors are developed in a manner consistent with scenic highway requirements. All development within 1,000' of a scenic highway (not including land inside developed

communities) is subject to provisions of the Scenic Combining District; the Tioga project site is located in the Scenic Combining District and subject to the requirements therein.

**Dark Sky Regulations.** The Mono County Outdoor Lighting Ordinance (also known as the 'Dark Sky Regulations') was adopted to protect night sky views, enhance travel safety, conserve energy and limit light trespass and glare by restricting unnecessary upward projection of light. The regulations prohibit nonconforming light of all types, including signage, fixtures, outdoor sports, recreation and entertainment. The County pairs the Dark Sky regulations with information and guidelines, including educational materials distributed to provide applicants with design recommendations and suggestions for minimizing intrusive light sources (General Plan Land Use Element Ch. 23).

**Scenic Highways.** Many of Mono County's scenic resources are visible from the highways, and many visitors to Mono County experience these scenic resources primarily from the highways.<sup>8</sup> Designation as a *State Scenic Highway* protects and enhances the natural scenic beauty of a highway and adjacent corridor through special conservation treatment.



There are two officially designated State Scenic Highways (comprising almost 400 miles) in Mono County: US 395 from the Inyo County line north to Walker (not including highway segments that pass through communities), and SR 89 near Topaz, as it climbs from US 395 into the Sierra to the Alpine County line. Other eligible sections include SR 120 through Lee Vining Canyon to Tioga Pass, SR 158 (the June Lake Loop), SR 203 through the Town of Mammoth Lakes to the Madera County line, and SR 108 over Sonora Pass.<sup>9</sup> Many of the County's highly scenic roads have no formal scenic designation. To preserve these resources, the County has designated a network of *County Scenic Highways*. These routes are subject to requirements of the Scenic Combining District and General Plan policies related to visual resources, both of which restrict the type and appearance of allowed development. SR 120 through Lee Vining Canyon is a County scenic highway.

**National Forest Visual Resources.** A majority of Mono County's visual resources are located on lands managed by USFS, including Inyo National Forest (southwest of Conway Summit) and Humboldt-Toiyabe National Forest (northwest of Conway Summit). Since 1996, USFS has used the Scenery Management System (SMS) to evaluate and mitigate scenic resource impacts. The *Draft USFS Forest Plan* identifies 16 places as having unique scenic resources (including the project site, shown in **Exhibit 5.12-1** to the left).

<sup>8</sup> Mono County RTP, 2015: [https://monocounty.ca.gov/sites/default/files/fileattachments/local\\_transportation\\_commission\\_ltc/page/4857/2013\\_rtp\\_12.9.2013.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/local_transportation_commission_ltc/page/4857/2013_rtp_12.9.2013.pdf)

<sup>9</sup> Caltrans, Officially-Designated Scenic Highway Routes: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)

**EXHIBIT 5.12-2. Mono Basin National Forest Scenic Area Boundary Map**

As identified in the *Plan*, existing elements that do alter scenic integrity include power lines, communication sites, substations, propane tank storage, geothermal development, recreational facilities, hydropower facilities, human-made



lakes, resorts, and ephemeral conditions such as dust and smoke. Trends that have potential to affect long-term scenic integrity include power line development and replacement, geothermal and alternative energy development, and episodic smoke and dust events.

#### 5.12.3.3 Mono County Scenic Byway Project.<sup>10</sup>

In 2012, Mono County received a grant from the National Scenic Byways Program for preparation of a *Highway 395 Corridor Management Plan* to identify and expand opportunities to preserve, enhance and promote the scenic and recreational values along US 395 through the entire length of Mono County (about 120 miles). The National Scenic Byways Program was subsequently discontinued, and replaced by the 'Moving Ahead for Progress in the 21<sup>st</sup> Century Act' ('MAP-21'). However, the County had previously set aside funding to support completion of the National Scenic Byway Program designation. While funding for future Scenic Byway projects may not be available at this time in MAP-21, the National Scenic Byways designation itself has significant ongoing value for tourism, influencing travelers' route selection decisions and thereby increasing visitation to Mono County. The county's *Economic Development Element* cites results of a survey of US 395 travelers who visited Mono County, where 43% indicated they were much more likely to use a national scenic byway. An additional 52% indicated that they were 'somewhat more likely' to use a national scenic byway; only 6% of respondents were less likely. The *Corridor Management Plan* has been integrated into the Regional Transportation Plan, which includes the following recommendations: (a) US 395 - safe winter access countywide; increased passing opportunities; adding adequate shoulders to US 395 to enable safe bike use; and the development of sufficient revenue sources to meet these needs. (b) SR 120: continued adequate maintenance, including timely road openings following winter closures.<sup>11</sup>

#### 5.12.3.4 Mono County Ridgeline Design Guidelines

The Mono County Design Guidelines provide recommended standards for developments proposed on natural ridgelines. The guidelines call for views to be preserved to the extent possible, structures to be situated away from visually prominent areas, provision for a vertical separation between the top of ridgeline and the top of any structure, terracing of structural forms, design of manufactured slopes to include varied contours, and native vegetation to reduce erosion.<sup>12</sup>

#### 5.12.3.5 Aesthetic Conditions on the Project Site

Project site visibility is strongly influenced by the differential elevations of surrounding lands. The Tioga [workforcecommunity](#) housing village is proposed to be developed south of the flag pole area on a gently sloping pad with an average elevation of 6,900'. Grading will transfer approximately 60,800 cy of cut material from the housing pad to the future hotel site (where it will be compacted and deposited as engineered fill), and will lower the west side of the housing pad elevation by about 8 feet. Floor elevations of the easternmost [workforce](#) units will be roughly the same as existing topography, though modified for building pads and roads and parking.

The highest elevations on the [workforcecommunity](#) housing pad at present is 6,955 feet, on the southwest corner. South, west and southeast of the housing site is a 7,000' ridgeline elevation that blocks views of the housing area from most locations along US 395 except for a roughly ¼-mile segment of US 395 between Picnic Grounds Road to the point where the divided portion of US 395 ends (just short of the SR 120 turnoff). The ridgeline can be seen in Exhibit 5.12-3, which provides a photograph of existing conditions from US 395 just north of Picnic Grounds Drive (a location from which the housing would be visible).

<sup>10</sup> Mono County, Administrative Draft Character Inventory & Design Guidelines, US 395 Scenic Byway Corridor Communities Design Idea Book, September 2014, Opticos Design: <https://gis.mono.ca.gov/site/projects/395ScenicByway>.

<sup>11</sup> Mono County RTP, 2005, [https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/9617/rtp\\_w-appdx\\_2015\\_final.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/9617/rtp_w-appdx_2015_final.pdf).

<sup>12</sup> Mono County, *Design Guidelines*, undated.



**EXHIBIT 5.12-3. Existing Site View from US 395 at Picnic Grounds Rd.**

**Flagpole**

The 7,000 foot contour line also flares to the west, passing below the existing hilltop housing units (which are at an elevation of about 7,040') and crossing over SR 120 at a location about 1,000 feet from the US 395/SR 120 intersection. The housing area is not visible from any point along SR 120. This ridgeline blocks views of the housing area from all points along SR 120, down to and including the intersection. The hillside continues to rise behind the 7,000' ridgeline, reaching about 7,080' at the southwestern property line and continuing to rise into the Yosemite foothills.

Exhibit 5.12-4 shows the existing site view as seen from the Epic Cafe parking area that overlooks US 395. Many existing site features are visible from this vantage point, including the green rooftop of the deli, and the Vista Point access road up to the flag pole (note that the flag pole is also visible from this vantage point, though not shown in Exhibit 5.12-4).

Exhibit 5.12-5 is a photograph of the existing site as seen from the South Tufa Beach parking lot. As shown, the Tioga site is a minor element when seen from this location, due both to distance (the site is about 5 miles from South Tufa Beach) and the dominant Sierra Nevada backdrop.





EXHIBIT 5.12-4. Existing Site View from Epic Cafe Parking Lot Vista Pt Dr. to flagpole, and Deli



Exhibit 5.12-5. Existing Site View from South Tufa Beach. Flagpole



The Tioga Mart site (but not the proposed [workforcecommunity](#) housing area) is visible from the Mono Lake Scenic Visitor Center, a key facility supporting Mono Basin tourism. The roughly 1.25-mile separation distance and difference in elevation (the Visitor Center is about 400' lower in elevation than the Tioga site) diminish the prominence of daytime views, particularly against the Yosemite foothills. At night, however, the Tioga site is readily visible from the Community Center due to the lighting provided in each of the Mobile Gas Station islands. The site (but not the housing area) is also visible from Mono Lake Park and the educational boardwalk, although the separation distance (4+ miles to Mono Lake Park) substantially minimizes the view.

The project site – including the proposed [workforcecommunity](#) housing area -- is directly visible from the southern half of the Lee Vining Airport runway, and from surrounding properties across US 395 to the east including the U.S. Pumice Company and Lee Vining Airport. Use of these lands is primarily industrial, and visitation numbers are low. The proposed housing area is also visible from the southern and eastern portions of Mono Lake, but the view is diminished by distance (over 1 mile from Mono Lake at the closest point).

#### 5.12.4 REGULATORY SETTING

##### 5.12.4.1 Federal Regulations

**Bureau of Land Management.**<sup>13</sup> BLM administers the National Back Country Byways program, established in 1989 as a component of the National Scenic Byways Program. Since many BLM-designated byways cross other federal, state, county and private lands, designation and management can vary based on the agency responsible for byway management. BLM currently manages 54 designated National Back Country Byways totaling just under 3,000 miles in 11 western states. In addition, approximately 60 National Scenic Byways or State-designated scenic byways (nearly 2,500 miles) traverse BLM lands in 7 states. BLM has jurisdiction over a large land area east of Mono Lake, but does not manage any lands on or adjacent to the project site (the closest BLM jurisdiction is about 5 miles to the east).<sup>14</sup>

**United States Forest Service (USFS).**<sup>15</sup> The National Forest Scenic Byway system, created in 1987, consists of 138 National Forest Byways, each administrated by the designated USDA Forest Service Chief. The goal of the National Forest Scenic Byway system is to enhance rural community tourism by providing access to scenic and historic viewpoints. Although the byway system is a federal program, many of the byways are administered and maintained under state, county or local jurisdiction. These byways are designated jointly with FHWA, USFS and State Departments of Transportation. They are also eligible for special project assistance and funding through both DOT Federal Lands and other Scenic Byways programs. Five Mono County routes are designated as scenic byways; SR 120 West into Yosemite Valley; SR 120 East to Benton; SR 158 June Lake Loop; SR 203 to Minaret Vista, and Rock Creek Road.

USFS also manages the Mono Basin National Forest Scenic Area. As discussed in the Baseline Setting, the Scenic Area was created in 1984 with signing of the California Wilderness Act (§304). The Act required preparation of a Comprehensive Management Plan, completed in 1989, that provides guidance, policies and direction for the protection of geologic, ecologic, cultural, scenic, and other natural resources in the Scenic Area, while allowing recreational, scientific, and other activities consistent with that goal.<sup>16</sup> The Tioga site is located about 1000 feet outside of the Mono Basin National Forest Scenic Area boundary,

##### 5.12.4.2 State Regulations.

**Caltrans Scenic Highway Program.** California's Scenic Highway Program is administered by Caltrans to preserve and protect scenic highway corridors from changes that would diminish views of the natural landscape. A scenic corridor is typically identified using a motorist's line of vision within a reasonable boundary. The State Scenic Highway program was

<sup>13</sup> BLM Website: [http://www.blm.gov/wo/st/en/prog/Recreation/recreation\\_national/byways.html](http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/byways.html), accessed 3-24-15.

<sup>14</sup> BLM California Maps: <https://www.blm.gov/maps/frequently-requested/california>

<sup>15</sup> USFS Website: <http://www.fs.fed.us/recreation/programs/tourism/TourUS.pdf>, accessed 3-24-15.

<sup>16</sup> USFS, *Mono Basin National Forest Scenic Area Comprehensive Management Plan*, 1989: <http://www.monobasinresearch.org/images/legal/scenicareacmp.pdf>.

developed in 1963 to “protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.” Caltrans designates State Scenic Highways throughout California. The designation of a scenic highway [involves multi-agency participation and](#) depends on a variety of factors, including “how much of the landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler’s enjoyment of the view.” The scenic highway designation applies to a specific scenic corridor of the highway. The designation provides benefits to scenic resources along the highway, some of which include protection from incompatible uses, mitigation of activities within the corridor that detract from the highway’s scenic quality, and preservation of hillsides. As previously mentioned, there are two officially designated State Scenic Highways in Mono County: U.S. 395, from the Inyo County line north to Walker (not including highway segments that pass through communities), and SR 89 near Topaz, as it climbs from U.S. 395 into the Sierra to the Alpine County line. Sections are statutorily eligible for this designation include SR 120 to Tioga Pass, SR 158 (the June Lake Loop), SR 203 through the town of Mammoth Lakes to the Madera County line, and SR 108 over Sonora Pass.

#### 5.12.4.3 Regional and Local Regulations

**Mono County General Plan.** Chapter 8 of the Mono County General Plan Land Use Element sets forth regulations for the Scenic Combining District & State Scenic Highways. As discussed more fully under Impact 4.10(a) below, this district regulates development in scenic areas outside communities with the goal of minimizing visual impacts; use of the S-C district is also encouraged in other scenic areas, and all development within 1,000’ of a scenic highway (not including land inside communities) is subject to provisions of the Scenic Combining District. Note that the term ‘Scenic Highway’ is a state designation, whereas the S-C District is a County regulation. The Mono County Conservation/Open Space Element contains provisions requiring that visual impacts be mitigated to less than significant levels unless a Statement of Overriding Considerations is adopted by the Mono County Board of Supervisors, and most of the Mono County Area Plans include regulations to protect and enhance visual and aesthetic resources. The General Plan includes a section that sets forth height restrictions and reclamation requirements for cell towers, including impact mitigation strategies and identification of preferred treatments (including mono-pines, rocks, water tanks, windmills, barns and clock towers). The County has also adopted signage regulations specifically intended to minimize impacts to the visual and aesthetic resources of Mono County.

#### 5.12.5 SIGNIFICANCE CRITERIA

Consistent with Appendix G of the CEQA Guidelines, the proposed RTP/General Plan update project will be considered to have a significant impact on scenic and aesthetic resources if it will:

- a) Have a substantial adverse effect on a scenic vista or scenic resources including trees, rock outcroppings, and historic buildings within a state scenic highway?
- b) Substantially degrade the existing visual character or quality of public views of the site and surroundings?
- c) Create a new source of substantial light or glare that would adversely affect day or nighttime views?

#### 5.12.6 ENVIRONMENTAL IMPACTS AND MITIGATING POLICIES AND ACTIONS

**IMPACT 5.12(a,b):** Would project implementation have a substantial adverse effect on a scenic vista or scenic resources including trees, rock outcroppings and historic buildings in a state scenic highway? Would project implementation substantially degrade the existing visual character or quality of public views of the site and its surroundings?

**SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACT.** [Potential project impacts on aesthetic resources was by far the concern most frequently raised in the DSEIR comment letters. Many of the letters requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent, and many suggested design elements that should be evaluated for this purpose. Suggested design elements included screening berms, generous landscaping, additional grading to lower the elevation and profile of housing, reduced step down of pads or use of a level ground elevation to facilitate clustering, use of colors and materials to minimize contrast, replacement of 2-story](#)

units with 1-story units to lower building profiles, and other suggestions. Many of the comments requested modifications to entirely eliminate or significantly minimize project views from US 395, South Tufa and other locations.

The proposed housing design has been substantially modified in response to the suggestions and recommendations offered by the community. The modified plan is herein referred to as "Alternative 6" or as the 'Modified Plan.' Based on discussions in this section, as well as the considerations outlined in Topical Response #3 (Alternatives), Alternative 6 is identified in this FSEIR as the preferred alternative. The FSEIR/DSEIR impact assessment below has been modified to consider potential impacts associated with new Preferred Alternative 6.

Alternative 6 incorporates multiple design modifications to lessen project visibility from offsite locations. Substantive changes that have been made in the modified concept plan include the following elements:

1. **FORM, NUMBER AND ORIENTATION OF HOUSING STRUCTURES:** As shown in Exhibit 4-1, the modified plan shows a total of 11 residential structures, which is 4 fewer structures than were shown in the original Concept Plan. In place of the more rectilinear forms shown in the original plan, units in the modified plan are rectangular (some are almost square) in shape, with the narrowest building wall oriented toward US 395; in the original plan, the longest building walls were oriented to US 395. Additionally, the Modified Plan provides additional separation between the buildings to reduce massing. In combination, the changed form, number and orientation of housing structures substantially reduce the surface area of walls and roofing with an eastern exposure. These modifications also substantially increase the surface area of roofing with a southerly exposure, thus enhancing the efficiency of the solar panels to be located on all south-facing roofs.
2. **NUMBER OF HOUSING 'ROWS':** Alternative 6 shows 2 rows of housing structures (each with an adjacent downgradient parking area) whereas the original plan had four rows of housing structures, with parking between the upper and lower 2 rows. The reduced number of housing structures and housing rows allowed for a small reduction in the overall footprint of the housing complex.
3. **REVEGETATION OF DISTURBED AREAS:** The entire housing footprint will be graded in one phase, and all of the graded lands (except for the area to be constructed in Phase I) will be planted directly following grading. A new Mitigation Measure has been developed with specific details regarding the revegetation of temporarily disturbed lands. The new Mitigation Measure includes requirements for preservation and reuse of topsoils, for use of screening trees with irrigation and plant protection to attain optimal tree growth and health and visual screening, use of bitterbrush as a chief component of the planting palette, use of a specific seed mix on lands adjacent to roads, weed controls, and monitoring for 5 years with remedial actions if and where warranted. The full text of Mitigation BIO 5.3(a-6) is provided in FSEIR/DSEIR §5.3, and in the MMRP (FSEIR/DSEIR §10).
4. **LANDSCAPED BERMS.** An analysis was conducted to determine whether a consolidated landscaped berm below the lower row of units (i.e., on the downslope hillside east of the housing development) would provide for additional screening. It was determined from the line-of-sight drawings that a downslope berm would not eliminate either the 1-foot roofline view from US 395, or the view of the upper two-story units as seen from Navy Beach. Since the addition of berms in this location would require additional grading and earthwork and leave a short-term berm scar, without providing any additional lessening of visibility from offsite locations, this option was eliminated from further consideration.

Alternative 6 retains the landscaped berm (also shown on the original plan) that provides visual screening between the housing area and the full-service restaurant, and incorporates a new landscaped berm below each of the residential parking lots to block direct view of project lighting from offsite locations and to provide additional screening.

Alternative 6 also incorporates new 3-high berms below each of the main residential parking lots. These berms will be landscaped to further screen the residential units, block direct views of residential lighting from US 395, and filter the indirect glow of night lighting. The Conceptual Landscape Standards (see Table 7-12) require that screening trees and shrubs be planted on the berms to provide a visual break of the views of the facilities and to reduce the appearance of residence height and bulk as seen from the US 395.

- 5. REPLACEMENT OF SOME 2-STORY ELEVATIONS WITH 1-STORY ELEVATIONS:** Whereas the original concept plan showed all 11 housing structures with 2 stories, six of the 11 housing structures in the Modified Plan are proposed as 1-story structures. The proposed 1-story structures comprise all of the lower (i.e., southeastern-most) buildings. The 5 housing structures on the upper row will remain as 2-story buildings. The roofline exposure of the 6 structures on the lower row would be substantially attenuated by the change from 2-stories to 1 story, as described more fully below under 'Grading.'
- 6. GRADING:** Graded elevations along the easternmost housing grading line have been lowered by an average of 2 feet, to more fully "sink" the units into the hillside (see Exhibit 4-2, the grading plan for Alternative 6). Additionally, Alternative 6 shows 2 rows of housing structures (each with the parking area adjacent and downgradient) whereas the original plan had four rows of housing structures, with parking between the upper and lower 2 rows. Cross sections are provided with the Modified Concept Plan to show the line of sight between the units and US 395. As shown in Exhibit 4-3, the lower pad elevations allowed views from US 395 to be largely eliminated, with only 1' of roofline (for the 1-story easternmost units) visible from US 395.
- The lowered profile, in combination with the redesign of the most prominent structures as 1-story building rather than 2-story structures, also minimizes the line of sight (and thus site visibility) from Navy Beach. As shown in Exhibit 4-4, the project site would be entirely screened from view at the South Tufa parking lot, due to an intervening ridgeline. Views of the lower six 1-story units would also be entirely screened from view at Navy Beach; however, all of the 5 two-story upper structures would remain visible from this vantage point and from the South Tufa Beach, though at a distance, since South Tufa and Navy Beach are separated from the site by about 4 miles).
- 7. COLORS AND MATERIALS:** The original Tioga Inn Specific Plan requires that "All exterior materials shall be in harmony with the theme of a rustic, alpine appearance; roof materials shall be of dark muted colors, such as and not limited to "earthtone" or "green." Visible chimney materials shall be limited to stone or wood in conformance with appropriate fire codes. Tones shall be muted or earthtone in theme...Dark or neutral colors found in the immediate surroundings should be used for vertical surfaces and structures." Specific Plan Amendment #3 will include a stipulation that all east-facing walls shall be painted in 'Shaker Gray' and all roofs will be constructed of materials with a dull finish and dark, muted colors.
- 8. RELOCATION OF DAY CARE CENTER.** In the original plan, the Day Care Center occupied a prominent central location in the housing complex. Alternative 6 relocates the Day Care Center to the north end of the housing complex where it will be better screened from offsite view.
- 9. PHASING:** Phase 3 of the new phasing plan is comprised sole of units located on the upper (westernmost) row of housing structures. As noted in Topical Response #7 (Phasing), the structures in this row are the most visible of the units, due to their location at an elevation higher than the western row, and the fact that all are of two-story design (structures in the lower eastern row are all of one-story design). If housing demand is ultimately lower than projected and fewer than 100 units are constructed, the structures eliminated from construction will be drawn from the most visible group.

**Scenic Resources.** The Tioga [WorkforceCommunity](#) Housing project site is located in or adjacent to four formally designated scenic resources as detailed in the baseline and summarized below:

- (a) US 395 is a designated State Scenic Highway<sup>17</sup>
- (b) SR 120 is a designated County Scenic Highway (and eligible for designation as a State Scenic Highway)
- (c) The site is located less than ½-mile from the Mono Basin National Forest Scenic Area (southwestern boundary)
- (d) The site is located in the Mono County Scenic Combining District

Overall, the project area is characterized by high visual quality and high visual sensitivity. To assess potential visual impacts of the [original](#) proposed Tioga [WorkforceCommunity](#) Housing Project, the three existing site photographs

<sup>17</sup> Caltrans noted in its DSEIR comment letter that the project is at the fringe of the Lee Vining community, an area omitted from Scenic Highway designation.

presented in the baseline discussion (5.12-3 from US 395, 5.12-4 from Epic Cafe in Lee Vining, and 5.12-5 from South Tufa Beach) were used to develop photosimulations of the project appearance at build-out. The photosimulations were created by superimposing proposed project elements over the baseline photographs. The superimposed project elements are dimensionally correct and incorporate color schemes, roof heights and orientations that conform to standards contained in the Specific Plan. The simulations do not depict [Alternative 6, nor do they show the project](#) elements that were previously approved and have not changed, except as 'ghost structures'; the reader is referred to the 1993 FEIR to view the detailed photosimulations prepared for those earlier elements. Finally, the simulations were not superimposed onto the 1993 FEIR simulations because the housing project is not visible from the vantage points used in the 1993 FEIR.

The simulations reflect several key points, noted previously and summarized briefly herein. First, the grading plan requires removal of 60,800 cy of soil from the housing pad. A [small](#) portion of the excavated material will be used to create [a](#)-low screening berms along the southeast slope [and below each of the two main housing parking lots](#); [most of](#) the remaining cut material will be used to create a foundation pad for the hotel. The grading excavation and berm construction will screen [a](#)-portions of the [first floor of the](#) housing structures from offsite locations, [as described in the visual simulations, but views of the second stories will be direct](#). Following construction, the southern and eastern slopes below the housing area will be revegetated with bitterbrush, a native shrub, [and all disturbed soils will be revegetated in accordance with new Mitigation BIO 5.3\(a-6\)](#) (please see §5.3, Biology, for additional discussion of [revegetationthe bitterbrush planting](#) plans). [Plant materials](#) ~~The bitterbrush~~ will be irrigated during summer with water from the subsurface effluent irrigation system [until established. ; irrigation will stimulate growth, since bitterbrush is slow growing.](#) At maturity, the [bitterbrush](#) plants [and other landscaping materials \(which are normally 2 to 6 feet high and up to 8 feet in width\)](#) will provide additional screening, eliminating [most](#) views of the [lower floor of the workforce-proposed](#) housing from most locations.

During construction, the visible project elements will include grading (for the housing units, to realign the access road, for the new water storage tank and propane tank, and for the new wastewater treatment plant and expanded septic system), demolition (of the existing water storage tank, and the 6 existing [workforce](#)-cabins), and reconstruction of the Gas Mart to incorporate a third gas pump island with an underground storage tank and overhead canopy with lighting). Following construction and through the life of the project, visible project elements will include limited views [from Navy Beach of the second story of the upper \(western\) row portions of the workforcecommunity](#) housing units, [and views of the upper 1-foot of roofline for units on the lower \(eastern row\) from US 395.](#) ~~There will be with~~ essentially no daytime offsite views of the remaining elements. Night-time views will be more substantially altered due to ambient illumination from lighting for the housing units and for the third gas pump island. Note, however, that [Alternative 6 incorporates a new Outdoor Lighting Plan requirement \(discussed later in this section under Impact 5.12\(c\), and](#) the ~~current~~ Specific Plan proposal incorporates the County's Dark Sky lighting regulations. [The Dark Sky; these](#) regulations ~~(which were not a part of the 1993 Specific Plan, and)~~ will now apply to all unbuilt site uses, including those that were approved in 1993 [\(whether they but have not yet been constructed or not\)](#). Discussion below evaluates the impact on scenic resources of these changes, based on Caltrans' criteria for designated scenic highways. Impacts pertaining to night-time views are considered in Impact 5.12(c).

**Caltrans Scenic Highway Visual Impact System.** [This environmental analysis uses](#) Caltrans' ~~uses the~~ Visual Impact Assessment (VIA) system to assess potential impacts to the visual environment associated with projects along designated scenic highways.<sup>18</sup> The VIA system uses a questionnaire to evaluate visual impacts of proposed projects. [The project site is at the southern fringe of the Lee Vining Community, an area omitted from the Scenic Highway designation. However,](#) ~~t~~The VIA questionnaire [provides a useful framework for analyzing visual impacts and](#) is presented, with responding information [for Alternative 6](#), in Table 5.12-3. VIA responses are based on a point system in which a higher number signifies a greater impact.

TABLE 5.12-3. Caltrans Visual Impact Assessment Questionnaire and Responses			
ITEM	VISUAL DIMENSION	RESPONSE	EXPLANATION AND DISCUSSION
CHANGE TO VISUAL ENVIRONMENT			

<sup>18</sup> 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.

1	<p><b><i>Will the project result in a noticeable change in the physical characteristics of the existing environment?</i></b></p> <p>Consider all project components and construction impacts - both permanent and temporary, including landform changes, structures, noise barriers, vegetation removal, railing, signage, and contractor activities.</p>	<p><i>High (3 pts)</i>  <i>Moderate (2 pts)</i>  <i>Low (1 pt)</i></p> <p><b>MODERATE = 2</b></p>	<p>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 <a href="#">workforcecommunity</a> housing and the new water storage tank) will be visible.</p> <p>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. For this reason, the visual impact of the proposed new tank is expected to be somewhat less than the overall visual impact of the existing tank (which will be demolished).</p> <p><del>Portions of the</del> <a href="#">The WorkforceCommunity</a> Housing will also be visible from <a href="#">certain vantage points</a>. <del>Due to changes associated with Preferred Alternative 6, the a roughly 1/4-mile segment of US 395 south of the project site. A schematic renderings in the DSEIR are no longer accurate in their portrayal of project views. However, new line-of-sight exhibits have been prepared for Alternative 6 from US 395, from South Tufa (the parking lot), and from Navy Beach. The line-of-sight studies indicate that project visibility from these locations has been substantively reduced through the design modifications of Alternative 6. Views from US 395 have been modified such that only the upper 1-foot of roofing would be visible from this scenic highway. has been prepared to show views of the project site from that location before and after construction of the workforce housing. As shown, the overall housing profile is higher than the surrounding topography (even with grading). The visible portion is limited to the southeastern-most units, and V</del>visibility would be muted to an extent by use of the <del>modified</del><a href="#">previously approved</a> design palette, which requires <a href="#">that all roofs be constructed of materials with a dull finish and dark, muted colors. earth-tone colors and natural materials (wood, stone).</a> Additional muting of the visual impact would be provided by bitterbrush-dominant sage scrub landscaping of the southeastern-facing slope.</p> <p>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 panel visibility (and associated light and glare) would be most noticeable from US 395 south of the project site (in the vicinity of Picnic Grounds Road), as would direct light exposure from the third gas pump island (which would be visible from Lee Vining), and the 'glow' from lights in the <a href="#">workforcecommunity</a> housing village. These potentially</p>
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			significant light sources would be reduced 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). Overall, the <a href="#">workforce</a> -housing is anticipated to cause a moderate change in the physical characteristics of the existing environment.
2	<p><b>Will the project complement or contrast with visual character desired by the community?</b> 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?</p>	<p><i>Low compatibility (3 pts)</i>  <i>Mod. Compatibility (2 pts)</i>  <i>Hi Compatibility (1pt)</i></p> <p><b>MODERATE = 2</b></p>	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 <a href="#">workforce</a> -housing is anticipated to result in a moderate level of contrast with the visual character desired by the community.
3	<p><b>What level of local concern is there for the types of project features (e.g., <a href="#">workforce</a>-housing, infrastructure improvements, 3<sup>rd</sup> gas pump island) and construction impacts that are proposed?</b> Certain project improvements can be of special interest to local citizens, causing a heightened level of public concern, &amp; requiring a more focused analysis.</p>	<p><i>Hi Concern (3 pts)</i>  <i>Moderate (2 pts)</i>  <i>Low (1 pt)</i>  <i>Negligible (0)</i></p> <p><b>LOW = 1</b></p>	In comments on the Notice of EIR preparation, the community generally expressed support for the type of features now proposed, particularly for the <a href="#">workforcecommunity</a> housing and conservation features (subsurface irrigation, solar).
4	<p><b>Will the project require redesign or realignment to minimize adverse change or will mitigation, such as landscape or architectural treatment, likely be necessary?</b> 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?</p>	<p><i>Need Redesign (3)</i>  <i>Extensive Mitigation (2)</i>  <i>Mitigation Likely (1)</i>  <i>No changes (0)</i></p> <p><b>NO CHANGES = 0</b></p>	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 workforce housing component. The grading plan for the workforce housing incorporates excavation to lower the pad elevation (and thus housing visibility) from surrounding viewpoints. The proposed landscape plan has been updated to mitigate project impacts associated with the loss of open space acreage, to require use of native or native-compatible species, and to optimize the bitterbrush habitat to offset prior (unrelated) sage scrub habitat losses from fire. The updated landscaping features are the only changes proposed to the Specific Plan section governing 'Design.' If additional feasible design changes or mitigations are identified to enhance

			benefits or minimize impacts, they will be incorporated into this project.
5.	<b>Will this project, seen collectively with other projects, result in cumulative impacts in overall visual quality or character?</b> Identify any area projects (Caltrans & local) that have 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.	<p><i>Cumulative Impacts likely in 0-5 years (3)</i>  <i>Cum imp likely 6-10 yrs (2)</i>  <i>Cum Imp unlikely (1)</i></p> <p><b>CUMULATIVE IMPACTS LIKELY WITHIN 0-5 YEARS = 3</b></p>	<p>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 developed.</p> <p>The new 150-bedroom <a href="#">workforce</a>-housing proposal will provide affordable living space for future employees of the hotel and full-service restaurant, 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 <a href="#">workforcecommunity</a> 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.</p>
<b>VIEWER SENSITIVITY</b>			
6.	<b>What is the potential that the project proposal will be controversial within the community, or opposed by any organized group?</b> 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.	<p><i>Hi Potential (3)</i>  <i>Moderate Potential (2)</i>  <i>Low Potential (1)</i>  <i>No Potential (0)</i></p> <p><b>MODERATE=2</b>  <b>HIGH=3</b></p>	NOP comments received from the community indicate general support for the concept of <a href="#">workforcecommunity</a> housing, but significant concerns about the proposed number of <a href="#">workforce</a> -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 <a href="#">and DSEIR</a> comment letters, the concerns regarding local impacts may remain and the potential for controversy within the community is considered to be moderate.
7.	<b>How sensitive are potential viewer-groups likely to be regarding visible changes proposed by the project?</b> Consider the number of viewers in each group, probable viewer expectations, activities, viewing duration and	<p><i>Hi Sensitivity (3)</i>  <i>Mod. Sensitivity (2)</i>  <i>Low Sensitivity (1)</i></p>	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, <sup>19</sup> 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

<sup>19</sup> 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.

	orientation. This information may be scoped by applying professional judgment and using information from Caltrans, local agencies & community representatives familiar with community sentiments and concerns.	<b>HI SENSITIVITY = 3</b>	<p>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.</p> <p>Residents of Lee Vining are likely to be highly sensitive to visible changes associated with the project, and tourists are likely to have a low level of sensitivity to the visible changes of proposed elements. In whole, the sensitivity of viewer groups is considered to be moderate.</p>
8.	<b><i>To what degree does the project's aesthetic approach appear to be consistent with applicable laws, ordinances, regulations, policies or standards?</i></b> 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	<p><i>Low Consistency (3)</i> <i>Mod. Consistency (2)</i> <i>Hi Consistency (1)</i></p> <p><b>HI CONSISTENCY = 1 PT</b></p>	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.	<b><i>Are permits going to be required by outside regulatory agencies (i.e., Federal, State, or local)?</i></b> 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.	<p><i>Yes (3 pts)</i> <i>Maybe (2 pts)</i> <i>No (1 pt)</i></p> <p><b>YES = 3 PTS.</b></p>	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.	<b><i>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?</i></b>	<p><i>Yes (3 pts)</i> <i>Maybe (2 pts)</i> <i>No (1 pt)</i></p>	Based on the considerations above (the high degree of viewer sensitivity, the anticipated moderate level of visual impacts, a more detailed visual analysis of the project may be helpful. Schematic renderings <del>were</del> <a href="#">have been</a> prepared to assist in the assessment of visual impacts <a href="#">associated with the original project design, and line-of-sight studies have been prepared to assist in assessment of the visual</a>

Consider the proposed project features, possible visual impacts, and probable mitigation recommendations.	<b>MAYBE = 2 PTS</b>	<a href="#">impacts of new Preferred Alternative 6.</a>
<b>TOTAL SCORE: 20 19</b>		
<p><b>SCORING CRITERIA:</b></p> <p>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).</p> <p>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.</p> <p><b>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.</b></p> <p><b>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.</b></p> <p>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.</p>		

The [updated scoring and](#) considerations outlined above in Table 5.12-3 [reflect additional information gained through the DSEIR review and comment process. The retroactive scoring does not change the outcome, since the DSEIR did provide visual simulations, did provide for public review, and did conclude that the project would have a significant, unavoidable adverse impact on aesthetic resources, light and glare, in combination with additional information in the Minor Level Visual Impact Assessment \(see Appendix O\), indicate that visual impacts of the proposed Tioga Workforce Housing project will be noticeable and the average response of all viewer groups will be moderate.](#)

**Mono County Scenic Combining District Regulations.** Mono County regulates development activity in scenic areas outside of established communities through the Scenic Combining District (Chapter 23 of the Mono County General Plan Land Use Element). The regulations are specifically designed to minimize potential visual impacts. Table 5.12-4 compares the proposed project elements with requirements of the Scenic Combining District.

<b>TABLE 5.12-4. Tioga Project Compliance with Scenic Combining District Regulations</b>	
<b>REGULATIONS</b>	<b>COMPARISON WITH PROPOSED PROJECT</b>
<b>08.030 Standards-General.</b> Development shall be restricted by the following general standards.	
<ul style="list-style-type: none"> <li>Visually offensive land uses shall be adequately screened through the use of extensive site landscaping, fencing, and/or contour grading;</li> </ul>	The Tioga <a href="#">WorkforceCommunity</a> Housing project incorporates contour grading, berms and landscaping to minimize the visibility of the proposed housing units.
<ul style="list-style-type: none"> <li>Earthwork, grading and vegetative removals shall be minimized;</li> </ul>	Earthwork will be minimized, and all grading will be balanced on the project site. No soils will be imported to or from offsite locations for any of the unbuilt land uses.
<ul style="list-style-type: none"> <li>Site disturbances shall be revegetated with plants and landscaping that are in harmony with the surrounding environment; a landscape plan shall be submitted;</li> </ul>	The landscaping and revegetation plan uses only native and native-compatible plant materials that complement existing onsite plantings. Bitterbrush will be a key landscaping element with the goal of replenishing high quality deer forage lost to fire.
<ul style="list-style-type: none"> <li>Existing access roads shall be used when possible; construction of new roads shall be avoided except where essential for health and safety;</li> </ul>	Realignment of the road up to the hilltop housing units will reduce the maximum road gradients and thereby reduce safety hazards associated with winter ice.
<ul style="list-style-type: none"> <li>The number, type, size, height and design of onsite signs shall be strictly regulated according to the</li> </ul>	All signs will conform to the Specific Plan regulations, which are based on county sign regulations.

County sign regulations;	
<ul style="list-style-type: none"> <li>The design, color and materials for buildings, fences and accessory structures shall be compatible with the natural setting</li> </ul>	Onsite buildings, fences and accessory structures will continue to utilize design, color and materials that were specified in the 1993 Tioga Inn Specific Plan. No changes are proposed.
<ul style="list-style-type: none"> <li>All new utilities shall be installed underground per Chapter 11, Development Standards – Utilities;</li> </ul>	Underground utilities will include the package treatment plant, subsurface irrigation system and septic leach field.
<ul style="list-style-type: none"> <li>Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety.</li> </ul>	All exterior lighting shall be shielded, indirect, and limited to that required for security and safety, consistent with the Dark Sky Ordinance requirements.
<b>08.040 Standards-State Scenic Highway 395.</b> New development outside communities visible from Scenic Hwy 395 shall be additionally restricted by the following standards:	
<ul style="list-style-type: none"> <li>Natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants;</li> </ul>	The project uses contour grading, landscaping and berms to minimize visibility of structures. Earthwork will be balanced on site to avoid soil import or export. Existing plant materials will be protected during construction, and native and native-compatible plant materials will be used for all new landscaping. Most of the realigned access road will follow an old road cut, and grading will be limited to that needed to reduce winter ice hazards for residents of the hilltop housing units.
<ul style="list-style-type: none"> <li>New structures shall be situated where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area;</li> </ul>	All new project elements have been sited to minimize visibility from US 395 and other offsite locations. <a href="#">WorkforceCommunity</a> housing units are <a href="#">in close proximity</a> clustered and surrounding areas to the south and east will remain in a largely natural state, with added (and irrigated) bitterbrush plantings to restore habitat and scenic values.
<ul style="list-style-type: none"> <li>To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations;</li> </ul>	None of the proposed uses are sited on ridgeline locations.
<ul style="list-style-type: none"> <li>Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors;</li> </ul>	<a href="#">The upper 1-foot of some of the WorkforceCommunity</a> housing rooftops will be visible from US 395. The Specific Plan requires that roof materials <a href="#">have a dull finish and</a> be of dark muted colors, and that visible chimney elements be limited to stone or wood. Tones shall be muted or earth-tone in theme.
<ul style="list-style-type: none"> <li>Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures.</li> </ul>	All exterior materials are required to harmonize with the theme of a rustic alpine appearance. Structures must use the color palette, design themes and architectural elevations set forth in the Specific Plan.
<ul style="list-style-type: none"> <li>Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from Scenic Highway 395;</li> </ul>	All light sources will comply with the County's Dark Sky Ordinance requirements, including fixtures that are shielded, down directed and not visible from US 395.
<ul style="list-style-type: none"> <li>Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended; and</li> </ul>	Fences and screening will conform to the Specific Plan standards for design, color and materials. Landscaping will be used to minimize offsite views of the proposed housing.
<ul style="list-style-type: none"> <li>Sign colors and shape shall be compatible with the natural surroundings. They shall be small in scale. No sign shall be placed or constructed such that it silhouettes against the sky above the ridgeline or blocks a scenic view. The number, type, size, height and design of on-site signs shall strictly comply with County sign regulations.</li> </ul>	No additional highway signage is proposed with the current project. Onsite signage will be small in scale and limited to directional signs that comply with the Specific Plan and are consistent with the intent of the Scenic Combining District.

<b>o8.050 Uses permitted.</b> All uses permitted in the basic land use designation with which the scenic combining district is combined shall be permitted.
<b>o8.060 Uses permitted subject to Use Permit.</b> All uses permitted in the basic land use designation with which the scenic combining district is combined shall be permitted, subject to securing a use permit
<b>o8.070 Permit issuance.</b> The general standards listed in Section 8.03 shall be applied by the Planning Division during review of an application. No permit shall be issued until the project complies with the standards for this district

The considerations outlined above in Table 5.12-4 indicate that the proposed project will comply with requirements of the Scenic Combining District be generally Tioga [WorkforceCommunity](#) Housing project will be noticeable and the average response of all viewer groups will be moderate.

**Original Plan Photosimulations.** ~~Exhibit 5.12-4 shows the existing site view as seen from the Epic Cafe parking spaces that overlook US 395. Many existing site features are visible from this vantage point, including the green rooftop of the deli, the Vista Point access road up to the flag pole (note that the flag pole is also visible from this vantage point, though not shown in Exhibit 5.12-4). The proposed workforce housing would not be visible from this vantage point, because the units are located behind, and at an elevation lower than, the intervening ridgeline.~~

~~Exhibit 5.12-5 is a photograph of the existing site as seen from the South Tufa Beach parking lot. As shown, the housing area is directly visible from this location, and also from Panum Crater. However, the site is a very minor element when seen from these locations, due to distance (the site is about 4 miles from Panum Crater, and 5 miles from South Tufa Beach) and the dominant Sierra Nevada backdrop.~~

Three photo simulations were prepared to depict views of the Tioga site before and after development of the proposed Housing [under the Original Plan](#). The photos showing existing conditions were presented previously for views from US 395 (see Exhibit 5.12-3), existing views from Epic Cafe in Lee Vining (Exhibit 5.12-4), and existing views from South Tufa Beach (Exhibit 5.12-5).



Exhibit 5.12-6 presents a photosimulation showing the view from US 395 at Picnic Grounds Drive if the project [was/is](#) approved and developed as [originally](#) proposed. The housing units are clearly visible from this perspective. Based on Caltrans' visual impact assessment guidelines (Table 5.12-3), the impact of the visual change from this location can be described as follows: views from this perspective would represent a noticeable change. Although landscaping would be provided to minimize visual impacts, the change would contrast with (rather than complement) the visual character desired by the viewing community. Local viewer groups would be very sensitive to the visible changes, and the proposed residential use would be of significant interest and controversial within the local community. In combination with other approved but as-yet undeveloped site elements (particularly the promontory restaurant, which would also be visible from this perspective) the changed view would be cumulatively significant. The aesthetic approach would be consistent with applicable regulations and standards and subject to a number of local and state agencies reviews and approvals.



Project Photosimulation US 395  
Exhibit 5.12-6

Exhibit 5.12-7 presents a photosimulation showing site views from the Epic Cafe which is located at the southernmost end of the Lee Vining community at an elevation of approximately 6,800 feet (near the highest point in Lee Vining). As shown, the ~~workforce~~ housing development would not be visible from this location due to the higher elevation ridgeline (about 6,940') that blocks views of the ~~workforce~~ housing from Epic Cafe and other areas in downtown Lee Vining. Although the housing would not be visible, this vantage point does provide a clear and direct view of the future hotel and promontory restaurant, and the existing deli and Vista Point Drive access road leading from the deli to the flagpole. Based on Caltrans' visual impact assessment guidelines, the impact of the visual change pertaining to the ~~workforce~~ housing units, as seen from this location, can be described as follows: views from this perspective would not change. There would be no effect on the visual character desired by the community, and no need for mitigating element. The housing component cannot be, as seen from this location, would not contribute to cumulative impacts.



Project Photosimulation From Epic Cafe

Exhibit 5.12-7



Exhibit 5.12-8 presents a photosimulation showing site views (of the [original](#) project [designs approved](#)) from South Tufa Beach. The proposed housing units and previously-approved hotel and promontory restaurant are all visible from this perspective, but the impact is substantially attenuated by distance and by the dominant Sierra Nevada backdrop. Based on Caltrans' visual impact assessment guidelines, the impact of the visual change from this location can be described as follows: the changed viewscape from this perspective would be noticeable but minor. The change would contrast with (rather than complement) the visual character desired by the viewing community. Local viewer groups would be sensitive to the visible changes, and the proposed use (residential and the proposed use (residential units) would be of significant interest and controversial within the local community. In whole, the project impact on scenic and visual resources will be **significant and adverse**.



Project Photosimulation From South Tufa Beach  
Exhibit 5.12-8

**Alternative 6 Line-of-Sight Studies.** Cross sections have been prepared to show the line of sight between the Alternative 6 housing complex and offsite locations including US 395, the parking lot at South Tufa and Navy Beach. The Concept Plan developed for Alternative 6 is shown on the following page as Exhibit 5.12-9. Exhibit 5.12-10 shows the line-of-sight between the Alternative Housing Complex and US 395. The line-of-sight analyses showing housing visibility from the South Tufa parking lot and from Navy Beach are provided in Exhibit 5.12-11.





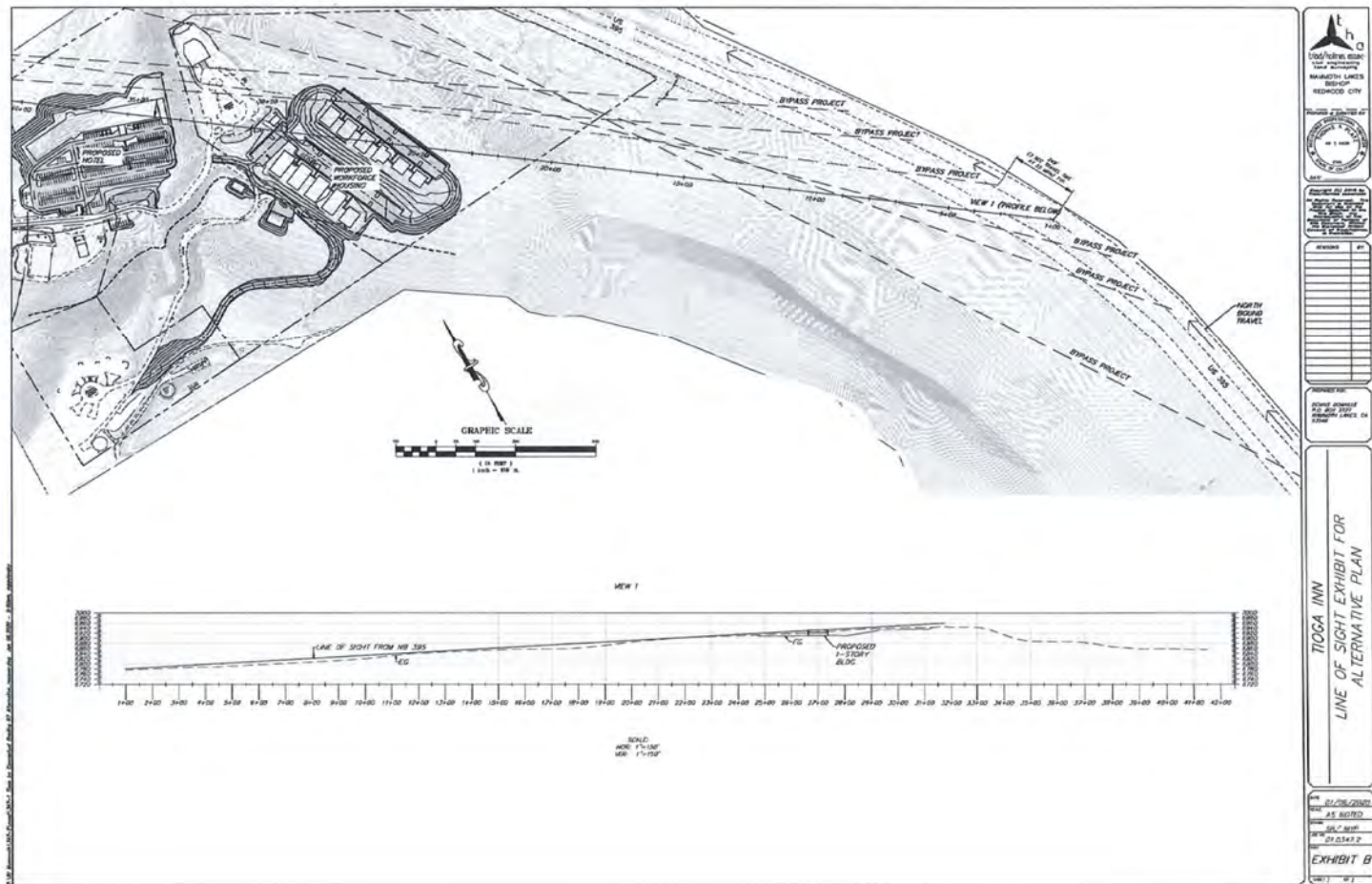


EXHIBIT 5.12-10. Alternative 6 Line-of-Sight to US 395

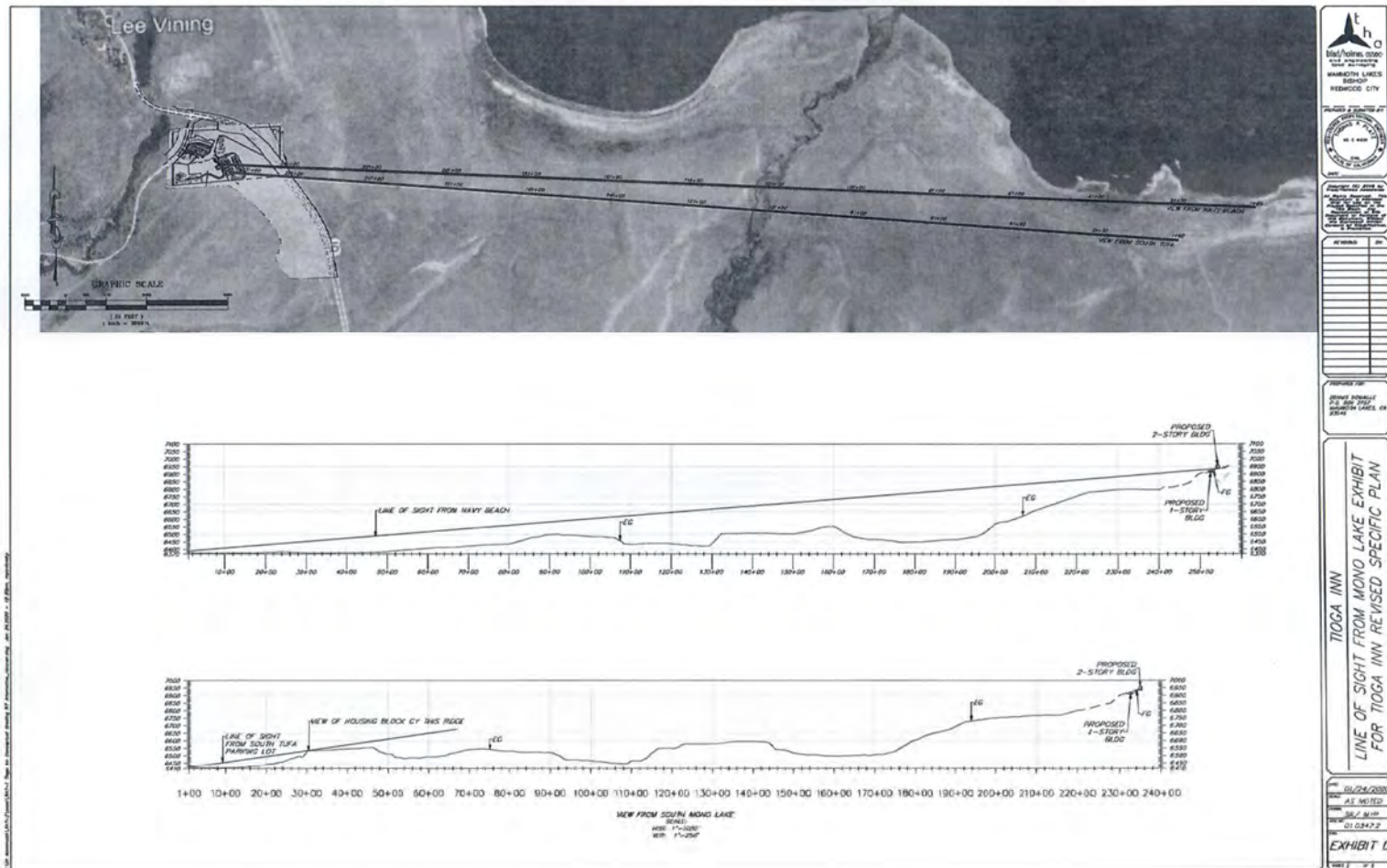


EXHIBIT 5.12-11. Alternative 6 Line-of-Sight to South Tufa and Navy Beach



As shown in Exhibit 5.12-10, project views from US 395 are largely eliminated, with only 1' of roofline visible from US 395; the exposed 1' of roofline is on the 1-story easternmost units. Project views from US 395 are substantially less prominent under Alternative 6 than in the original project design (as shown in Exhibit 5.12-6).

As a result of modifications provided in Alternative 6, views of the project from the South Tufa parking lot are entirely blocked by an intervening ridgeline. The elimination of housing views under Alternative 6 contrasts sharply with the distant but prominent views of housing in the original plan from this vantage point. Alternative 6 is thus a significant improvement over the original project design with respect to the south Tufa parking lot. Thus the project views

Under Alternative 6, the second story of several of the upper western row of two-story structures would be visible from Navy Beach. No original plan photosimulations were prepared from this location, and it is thus not possible to compare the original plan with Alternative 6. However, given that the original plan was comprised entirely of two-story units, some of which were at a higher pad elevation, it is probable that the project would have been more prominently visible from Navy Beach under the original plan than would occur with Alternative 6.

**Square Footage of Housing Units.** In tandem with the exterior design modifications, Alternative 6 incorporates changes to the unit interiors to increase the square footage for the studio units, and the 1- and 2-bedroom units. The added square footage will enhance the livability of units for future occupants. The units are now sized to meet the maximum requirements shown below (based on criteria used by the Oregon Department of Housing and Community Services). The reduction in project visibility from offsite locations was accomplished simultaneously with the increased unit sizes through the design modifications identified above and described more fully in Topical Response #1.

<b>TABLE 5.12-5. Tioga Community Housing Unit Sizes</b>				
	<b>STUDIO</b>	<b>1-Bedroom</b>	<b>2-bedroom</b>	<b>3-bedroom</b>
<u>Tioga Unit Sizes as shown in DSEIR Concept Plan</u>	<u>320</u>	<u>470</u>	<u>650</u>	<u>1,000</u>
<u>Tioga Unit Sizes as proposed in the FSEIR Modified Plan</u>	<u>350</u>	<u>600</u>	<u>800</u>	<u>1,000</u>
<u>Square footage change between DSEIR Plan and Alternative 6</u>	<u>+9.4%</u>	<u>+27.7%</u>	<u>+23.1%</u>	<u>-0-</u>

**Summary.** The design modifications shown in newly proposed Alternative 6 would substantively lessen project impacts on scenic and visual resources. Project views from all offsite locations would be minimized and, in some cases, eliminated altogether. The project would nonetheless remain visible from some key visitor locations, and it is concluded that impacts on scenic resources under Alternative 6 would be significant and adverse.

## **MITIGATION MEASURES – SCENIC RESOURCES AND VISUAL CHARACTER**

**MITIGATION AES 5.12(a,b) (Screening Design Features).** All landscaping, landscape irrigation, building materials and design elements used in development of the proposed project elements shall be selected and applied in a manner that screens or minimizes offsite views of project elements to the maximum feasible extent, consistent with other mitigation requirements outlined in this EIR. Even with implementation of Mitigation AES 5.12(a), project impacts on scenic and visual resources will be **significant and unavoidable**.

**IMPACT 5.12(c):** Would project approval create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**LESS THAN SIGNIFICANT IMPACT.** Because the property is about 200 feet above lake level, portions of the site can be readily seen from locations around the lake and in the community of Lee Vining. Visible portions include the gas station, and during night-hours, lighting from the gas pump island canopies can be seen at great distances, even though the lights are down-focused, due to their higher elevation.

Two of the proposed project elements (the third gas pump island, and the [workforcecommunity](#) housing) would be additional sources of light and glare; the other proposed elements (propane tank, road realignment, expanded leach field and new subsurface treated wastewater irrigation system, and changes in the parcel and open space boundaries, and replacement water tank) would have security lighting (only) or no lighting.

The third gas pump island would be located on the north side of the two existing gas pumps and about 25' closer to Mono Lake. If implemented, this element would increase the number of lights, as well as their proximity to and visibility from surrounding areas including the Mono Lake Visitor's Center, the Community Center, and many other viewpoints.

Structures in the proposed [workforcecommunity](#) housing village would be visible from a fairly limited number of locations, but those locations include South Tufa beach (the most heavily visited of all Mono Lake facilities) as well as Panum Crater and other sites within a visual cone extending eastward of US 395 in the vicinity of Picnic Grounds road. Lighting from the [workforcecommunity](#) housing units would be visible from a much wider area as a visible 'glow' above and around the screening landforms. With up to 150 bedrooms, this added source of light and glare would have potential to adversely impact nighttime dark sky conditions in the area.

The potentially significant light and glare impacts would be [substantively](#) reduced, [but not](#) to less than significant levels, through mandatory compliance with 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).. Broadly, the regulations protect night sky views and limit glare by restricting unnecessary upward projection of light. Other purposes include energy conservation, safe travel, avoidance of nuisance lighting, and protection of the nighttime environment. The regulations are mandatory for new outdoor lighting, and are also applied retroactively to existing outdoor lighting whenever part of a new application. Exemptions are limited to seasonal displays, vehicle lights, temporary lights, lighting mandated by state or federal agencies, and low-wattage address lights. For all other lighting the regulations specifically prohibit glare, light trespass and light pollution, require proper maintenance, minimize allowed contrast in lighting levels, prohibit low-pressure sodium and mercury vapor lamps, limit accent lighting, and require full cut-off luminaires with the light source downcast and fully shielded. Significantly, the prohibitions also require that "*No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that spills over into neighboring properties or the public right of way. Light trespass is prohibited.*" (§23.070, Prohibitions). Outdoor lighting plans are required for new applications (as part of the Design Review process) and also required for all new outdoor lighting installations on commercial, industrial, public and institutional properties and any other application as deemed necessary by the Community Development Director. In support of energy conservation, the ordinance requires that lighting be turned off for all non-essential outdoor commercial and residential uses, and encourages use of timers, dimmers and photocell controllers.

The Mono County Scenic Combining District also sets forth standards for lighting including: Exterior lighting shall be shielded and indirect and shall be minimized to that necessary for security and safety (§08.030(B), General Standards), and light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from State Scenic Highway 395 (§08.040(F), State Scenic Highway Standards).

The applicant plans to install solar panels on all structures with southerly-facing roofs.<sup>20</sup> Electricity from the solar panels would be used to offset use of electricity supplied by SCE. Pursuant to PRC §21080.35, certain solar systems are exempt from CEQA review requirements, including any solar energy project that would be located on the roof of an existing building, or on an existing parking lot. The exemption would not apply to the [workforcecommunity](#) housing project, and thus visual impacts are considered herein. The southerly-facing roofs of the housing would not be visible from Lee Vining or Lee Vining Canyon, or from the north and east and west view sites on Mono Lake. Views from points along the south shore of Mono Lake (South Tufa Beach, Panum Crater and others) would be limited since the south-facing orientation of the solar panels would be perpendicular to those viewpoints. The potential for adverse light and glare would be most pronounced from the segment of US 395 south of the site (around Picnic Grounds Road), which would

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<sup>20</sup> Mono County Land Use Element §11.020 notes that solar thermal and solar photovoltaic systems that generate power for no less than 80% onsite consumption are eligible for ministerial permitting in keeping with the California Solar Rights Act, provided the systems comply with all California Building Code requirements.

have a direct view onto the south-facing roof slopes of the [workforcecommunity](#) housing units. Depending on the orientation of the sun, glare may also be a significant factor for views from this vantage point.

[A number of the DSEIR comment letters expressed concern that lighting associated with the Community Housing project would adversely impact dark night skies, particularly due to the elevation of the project site above most of the Mono Basin and the attendant difficulty of effective 'shielding' of onsite light sources. Many letters stated that dark night skies are essential for photographers, and integral to the experience of residents and visitors to the Mono Basin.](#)

[As discussed in above, lighting on the project site will be subject to requirements of the Mono County General Plan Chapter 23 Dark Sky Regulations. The Dark Sky Regulations are comprehensive, adaptive, and designed to meet six specific objectives that include:](#)

- [• To promote a safe and pleasant nighttime environment;](#)
- [• To protect and improve safe travel;](#)
- [• To prevent nuisances caused by unnecessary light;](#)
- [• To protect night sky views;](#)
- [• To phase out existing nonconforming fixtures; and](#)
- [• To promote lighting practices and systems to conserve energy.](#)

[The Regulations were developed with the intent to meet these six objectives, even under challenging site conditions. The Tioga site poses challenging conditions not only because it is at an elevation higher than most of the Mono Basin scenic resources, but also because the gas station is open for 24-hours a day and thus requires lighting for safety, and because it is located in an area recognized for exceptional natural beauty and formally-designated scenic resources.](#)

[Chapter 23 requires use of lighting that minimizes contrasts in lighting levels between a project site and adjacent properties \(which are, in this case, undeveloped\). Chapter 23 includes the following partial list of requirements: \(a\) all lighting must be aimed downward or toward structures and retrofitted if needed to prevent glare, light trespass and light pollution, \(b\) use of low pressure sodium and mercury vapor lamps is prohibited due to energy use, and \(c\) outdoor lighting fixtures must use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane.<sup>21</sup>](#)

[Chapter 23 also requires that an outdoor lighting plan be submitted in conjunction with design review, CUP applications, subdivision approvals, and building permits for any new structures. However, Mono County anticipates that the Project may not be subject to these requirements. To ensure that the significant concerns pertaining to project lighting are fully addressed, a new mitigation measure AES 5.12\(c\) has been incorporated into the project as part of FSEIR preparation.](#)

[Mitigation AES 5.12\(c\) requires the project applicant to submit a detailed Outdoor Lighting Plan, and Mono County has authority to require additional information. The nature of the required additional information would be identified when and as needed to ensure that project lighting achieves the dark sky objectives, as applied to the exceptional circumstances of this site and this region.](#)

[In addition to the Dark Sky requirements, the Tioga project is located within the 'Scenic Combining District' and subject to the standards therein. This overlay District regulates development in important scenic areas, and includes the following specific standards, all of which will apply to the proposed project:](#)

[\*"New development outside communities visible from State Scenic Highway 395 \[US 395\] shall be additionally restricted by the following standards:\*](#)

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<sup>21</sup> Exceptions: fixtures with a maximum output of 100 lumens (equivalent to 1 10-watt incandescent bulb) may be left unshielded if the bulb is obscured from offsite view with a semi-translucent or frosted glass with an opaque top; and fixtures with a maximum output of 600 lumens (equivalent to 1 40-watt bulb) shall be fully or partially shielded using a solid or semi-translucent barrier provided the lamp is obscured from offsite view, produces no direct glare, and has an opaque top; and floodlights that do not meet the definition of 'full cutoff' may be used if permanently down-directed and no light projects above horizontal and fitted with external shielding to prevent glare and offsite light trespass.

- A. The natural topography of a site shall be maintained to the fullest extent possible. Earthwork, grading and vegetative removals shall be minimized. Existing access roads shall be utilized whenever possible. Existing trees and native ground cover should be protected. All site disturbances shall be revegetated and maintained with plants that blend with the surrounding natural environment, preferably local native plants;
- B. New structures shall be situated on the property where, to the extent feasible, they will be least visible from the state scenic highway. Structures shall be clustered when possible, leaving remaining areas in a natural state, or landscaped to be compatible with the scenic quality of the area;
- C. To the extent feasible new subdivisions shall not create parcels with ridgeline building pad locations;
- D. Roofs visible from State Scenic Highway 395 shall be a dull finish and in dark muted colors;
- E. Vertical surfaces of structures should not contrast and shall blend with the natural surroundings. Dark or neutral colors found in immediate surroundings are strongly encouraged for vertical surfaces and structures;
- F. Light sources in exterior lighting fixtures shall be shielded, down-directed and not visible from US 395;
- G. Fencing and screening shall not contrast in color, shape and materials with the natural surroundings. The use of landscaping to screen utility areas and trash containers is strongly recommended; and
- H. Signs shall be compatible with the natural surroundings in color and shape. They shall be small in scale. No sign shall be placed or constructed in such a manner that it silhouettes against the sky above the ridgeline or blocks a scenic viewshed. The number, type, size, height and design of on-site signs shall be strictly regulated according to the County sign regulations."

As noted in Mitigation AES 5.12(c) below, additional lighting measures will be imposed by Mono County that conform to Scenic Combining District standards, including use of landscaping to shield offsite views of lighting and prohibition of architectural or landscape uplighting. Suggestions included in DSEIR comment letters, including window treatments and light colors that minimize impacts to birds and wildlife<sup>22</sup> may also be considered during the Scenic Combining District compliance review.

Mandatory compliance with requirements of Mitigation AES 5.12(c), the Chapter 23 Dark Sky Ordinance, and the Scenic Combining District standards, will not reduce potential project impacts on minimize the impact of new sources of light and glare to a less than significant level, but will ensure that light and glare from the Tioga Community Housing Project is reduced to the maximum feasible extent. from the Tioga Workforce Housing Project. Moreover, the requirements would also apply to outdoor lighting on existing elements of the Tioga site, as well as previously approved but not-yet constructed elements including the hotel and full-service restaurant. Light and glare impacts from these uses would be reduced as a result of project approval. However, even with these mitigating elements, it is anticipated that the project will have a **significant and unavoidable adverse impact** on light and glare.

### **MITIGATION MEASURES – LIGHT AND GLARE**

**NEW 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;
- (b) accent lighting shall be limited to residential accent lighting required for safety, and any up-lighting shall be prohibited;

<sup>22</sup>Alan Bade and Wendy Gollop recommended, in their comment letter dated 21 August, that exterior lighting "should not be blue-rich light...the warmer wavelengths have much less impact on birds...the spectral output should minimize blue emission (CCT<3000K)"; they also suggested consideration of bird friendly glass including "acid-etched glass, UV grids, Frit and films...to reduce the probability of bird impacts. The rule of thumb is to have no more than a 2"x4" space of clear glass, with at least 1/8" etched or UV printed lines."

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

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.

**AES 5.12(c) (Light and Glare).**—Mandatory compliance with the County's Dark Sky Regulations per *Land Use Element* Chapter 23 will reduce light and glare impacts to the maximum feasible extent (though not to less than significant levels) and no further mitigation measures are recommended herein.

#### 5.12.7

#### SIGNIFICANCE AFTER MITIGATION

The modified design elements reflected in new Preferred Alternative 6 will, in combination with mandatory compliance with requirements of Mitigation AES 5.12(c), the Chapter 23 Dark Sky Ordinance, and the Scenic Combining District standards, substantively reduce project impacts on aesthetic resources and on light and glare, but not to less than significant levels. The selection, application and use of appropriate landscaping, landscape irrigation, building materials, solar installations, lighting and design elements will reduce project impacts on scenic and visual resources and light and glare, but not to a level that is less than significant. The project impacts on scenic qualities and visual resources and light and glare are considered to be **significant and unavoidable**.



## TIOGA INN WORKFORCECOMMUNITY HOUSING DRAFT SUBSEQUENT EIR



### SECTION 6.o CUMULATIVE EFFECTS

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#### 6.1 INTRODUCTION AND SUMMARY

CEQA Guidelines §15130(a) requires an EIR to analyze whether impacts resulting from a proposed project are cumulatively considerable; in turn, CEQA §15355 defines a cumulative impact as “*two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*” This chapter evaluates cumulative impacts that could result in association with implementation of the proposed Tioga WorkforceCommunity Housing Project. Cumulative impacts comprise the range of environmental changes that could occur in response to the incremental effect of the proposed project plus other closely related past, present and/or reasonably foreseeable future projects, including individually minor but collectively significant effects that may occur over time.

#### 6.2 METHOD OF ANALYSIS

CEQA Guidelines §15130(b) states that the discussion of cumulative effects must “*reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone.*” Two methods are identified for the assessment of cumulative effects:

- A list of past, present and probable future projects producing related or cumulative impacts (including, if necessary, projects outside the control of Mono County); or
- A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that evaluates conditions contributing to the cumulative effects (for example, a general plan, an RTP, or prior CEQA assessments).

#### 6.3 RELATED PROJECTS

According to staff of the Mono County Community Development Department,<sup>1</sup> there are no current projects or reasonably foreseeable future projects in the Mono Basin at this time. However, several key elements of the 1993 Tioga Inn Specific Plan have been approved but not yet developed. These previously approved but as yet undeveloped projects are virtually certain to occur, and do have potential compound or increase the environmental impacts associated with the proposed Tioga WorkforceCommunity Project. The previously approved but as yet undeveloped projects include the 120-room Tioga Inn, and the full-service promontory restaurant with seats for up to 100 guests.

#### 6.4 CUMULATIVE IMPACTS

Potential cumulative impacts of the proposed WorkforceCommunity Housing Project are described in Table 6-1. As indicated therein, potentially significant cumulative impacts include exposure to mudflows from volcanic eruption, impacts to sensitive and migratory species, safety impacts associated with turning movements from SR 120 to northbound US 395, safety impacts associated with pedestrians and cyclists traveling between the site and Lee Vining, and impacts on scenic quality and visual character.

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<sup>1</sup> Personal communication with Wendy Sugimura and Gerry LeFrancois, 11 July 2018.

**TABLE 6-1: Potential Cumulative Effects of the Tioga ~~Workforce~~Community Housing Project**

TOPICAL ISSUE	POTENTIAL EFFECTS OF HOTEL & RESTAURANT AS IDENTIFIED IN THE 1993 FINAL EIR	EFFECTS OF THE <del>WORKFORCE</del> COMMUNITY HOUSING PROJECT	CUMULATIVE EFFECTS OF THE PROJECTS TOGETHER
<b>Geology and Soils</b>	The 1993 Final EIR determined through onsite trenching that there are no earthquake faults on the project site. Based on these results, the Final EIR concluded that impacts would be less than significant with implementation of specified mitigation measures. Impacts on erosion and sedimentation were found to be less than significant; no mineral resource impacts were identified.	Drawing on geotechnical studies completed for the 1993 FEIR, the current DSEIR concludes that seismic impacts would be less than significant with mitigation. The potential for significant erosion and sedimentation would be reduced to less than significant levels through implementation of a Low Impact Development BMP program. The current EIR analysis identified no impacts on the availability of known mineral resources.	No cumulatively significant impacts to geologic and soil resources have been identified.  <b>CONCLUSION: Less than significant cumulative impact. The project would not have cumulatively significant impacts on geology and soils.</b>
<b>Hydrology and Water Quality</b>	Water well drawdown studies conducted by Kleinfelder for the 1993 Final EIR determined that use of the project well would not result in a drawdown of community water sources. The 1993 Final EIR found that the potentially significant impacts associated with the onsite drainage and septic systems would be avoided through mandatory plan review and approval by LRWQCB and Mono County Health Dept. Based on these findings, the 1993 FEIR concluded that the project would not result in significant adverse impacts to hydrology or to water quality.	Analyses conducted for the current Supplemental Draft EIR included a well stress test conducted by SGSI to assess potential impacts of project water consumption on Lee Vining Creek and area wells. Results indicate that the project would not adversely impact surrounding water resources, provided specific mitigations are implemented. Findings of the hydrology assessment and the Anti-Degradation Analysis also indicate that with mitigation, the project would not violate applicable water quality objectives, or conflict with Mono Lake standards as an Outstanding National Resource Water Body, or violate wastewater treatment standards, or cause substantial erosion, siltation, flooding or polluted runoff. Analyses found no significant risk of flooding from rainfall, dam failure, or inundation resulting from seiche or tsunami.	Both the proposed and previously approved project elements will be subject to current standards and criteria for water quality, sanitation and flood protection. Overall resource demands will be higher under the cumulative scenario, but current standards are more restrictive than in 1993, and analyses presented in this EIR indicate that these cumulative demands will not rise to a level of significance.  Project approval would increase the cumulative exposure of people and structures to improbable but potentially significant mudflows from a winter volcanic eruption. This impact is not incremental, is not specific to the project or to the project site, and cannot be mitigated.  <b>CONCLUSIONS: Less than significant cumulative impacts on hydrology and water quality. Significant unavoidable exposure to mudflows from volcanic eruption</b>
<b>Biological Resources</b>	The 1993 Draft EIR found that the project would adversely affect deer populations in a number of ways including habitat degradation, competition for scarcer resources, greater vulnerability to predators, changed migration routes, and increased stress and physiological impacts resulting from the changes. Mitigation measures included the establishment of open space areas that would continue to be available for	Impacts to shrublands on the project site will be temporary and associated with installation of the subsurface irrigation system. Direct impacts to the Masonic rockcress and few-flowered woollystar populations are very unlikely. The project area currently supports nesting birds including part of a locally dense nesting population of Brewer's sparrows. Nesting birds are protected under CDFW code and Migratory Bird Treaty provisions, and mitigations will reduce impacts to less than significant levels. Project mitigations will reduce	Upon full implementation of the previously approved and the proposed new Tioga Inn project elements, the fragmented shrublands communities of the property will be permanently reduced to about 75% of their current distribution, with about half of these stands situated in a clearly isolated position between the project and the highways. In addition, 20% of remaining cover will have been temporarily disturbed. Table 6.2 below summarizes direct and cumulative acreage permanent impacts to native plant communities on the project site.

	<p>grazing, routing of onsite trails to avoid deer forage areas, reduction in the use of heavy equipment during migration periods, prohibition against off-road vehicle access, and provision for kennels and pet areas to limit pets from roaming freely.</p> <p>The vegetation and rare plant survey concluded that no rare or endangered plants, plants of special concern, or other significant plant communities would be impacted by the project.</p> <p>The DEIR identified one significant cumulative effect on biological resources: <i>"Increased use of habitats within and adjacent to the project area which are less suitable for migration, foraging and fawning. This could also create excessive crowding and increased competition for resources which could result in over-utilization of the adjacent habitats. This is potentially a significant cumulative environmental effect."</i></p> <p>The mitigation measure and cumulative impact were again stated in the Final EIR summary discussion of major findings, but the mitigation measures were not included in the Final EIR Summary Table E, and the cumulative effect on the deer herd was not identified in the FEIR discussion of cumulative Impacts (FEIR page 84).</p>	<p>impacts to the American badger population, a species of concern, to less than significant levels. Surveys conducted in 2017 found recent sign of burrowing by American badger, which is a CDFW Species of Concern.</p> <p>Mule deer were observed on-site, and will be adversely impacted by proposed project elements. The project incrementally narrows one possible route that mule deer could use to move into and out of Lee Vining Canyon during migration, and the new elements will add noise, night lighting, and free-roaming pet dogs to habitat that formerly was available for relatively unobstructed deer use. Forage and concealing cover will further diminish, contributing to a long-decline in local deer use; impacts are significant and potentially unavoidable.</p>	<table><tr><th colspan="3">TABLE 6-2. Direct &amp; Cumulative Acreage Impacts to Native Plant Communities on the Project Site.</th></tr><tr><th></th><th>Big Sagebrush Scrub</th><th>Great Basin Mixed Scrub<sup>2</sup></th></tr><tr><td>Existing Acreage</td><td>57.9</td><td>12.6</td></tr><tr><td>Impact of 1993 Approvals</td><td>4.0 acre loss</td><td>0.8 acre loss</td></tr><tr><td>Impact of Current Project</td><td>6.5 acre loss (18.0%)</td><td>No loss (6.0%)</td></tr><tr><td>Cumulative (combined) Impact</td><td>10.5 acres (18.1%)</td><td>13.4 acres (6.3%)</td></tr></table> <p>With respect to mule deer, the analysis indicates that past land use changes (particularly the widening of US 395) and habitat loss and fragmentation have substantially marginalized the value of local resources. The cumulative effects of approved but as-yet undeveloped and proposed new land uses will create significant new physical barriers to deer movement, primarily through increased daily human activity, new noise sources and night lighting, and harassment from pets.</p> <p><b>CONCLUSION: SIGNIFICANT cumulative impact on sensitive and migratory species.</b></p>	TABLE 6-2. Direct & Cumulative Acreage Impacts to Native Plant Communities on the Project Site.				Big Sagebrush Scrub	Great Basin Mixed Scrub <sup>2</sup>	Existing Acreage	57.9	12.6	Impact of 1993 Approvals	4.0 acre loss	0.8 acre loss	Impact of Current Project	6.5 acre loss (18.0%)	No loss (6.0%)	Cumulative (combined) Impact	10.5 acres (18.1%)	13.4 acres (6.3%)
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Cultural Resources	No significant adverse cultural resource impacts were identified in the 1993 Final EIR. The FEIR included a mitigation calling for use of standard procedures for contact and site assessment in the event that resources were discovered during construction.	New surveys were conducted for the current SDEIR. Results indicate that (a) there are no significant archaeological sites in the project area, (b) no paleontological resources have been found or reported, and (c) there are no known human remains or tribal burial grounds on the site. This EIR provides a mitigation measure requiring that interested tribes be notified prior to earthwork and invited to observe earthwork at any time, that work must stop if resources are unearthed, that construction plans must include advisory statements; and that NAHC	No cultural resources were found on the project site during the current environmental review, and no records of previously recorded sites were found. Further, no significant adverse cultural resource impacts were identified in the 1993 Final EIR. Based on these findings, and the mitigation measures and protections provided herein, it is concluded that the project would not result in cumulatively significant impacts to cultural resources.																		
			<p><b>CONCLUSION: Less than significant cumulative impacts on cultural resources.</b></p>																		

		protocols will be followed if human remains are found. These provisions would reduce to less than significant levels the potential to impact undocumented burial sites.	
<b>Land Use, Recreation &amp; Open Space</b>	The 1993 Final EIR concluded that the Tioga Inn project would not disrupt or divide an established community, or conflict with an applicable land use plan or policy or regulation, or conflict with established recreational uses in the area. No mitigation measures were recommended, and no cumulative effects were identified.	Analyses in this SEIR conclude that the project would not disrupt or physically divide an established community, or conflict with an applicable land use plan or policy or regulation, or cause deterioration due to increased use of recreational facilities, or require that new recreational facilities be constructed, or adversely impact the acreage of open space or preserve lands. No significant effects are anticipated, and no Land Use mitigation measures are proposed.	<p>No significant adverse impacts to land use and recreation have been identified in either the 1993 Final EIR or in the current Subsequent Draft EIR. It is concluded that the project would not result in cumulatively significant adverse impacts to land use, or to recreational resources.</p> <p><b>CONCLUSION: Less than significant cumulative impact on land use, recreation and open space.</b></p>
<b>Population and Housing</b>	The 1993 Final EIR concluded that the Tioga Inn project would have less than significant potential for growth inducement. The Final EIR anticipated that a majority of the more than 100 new employment positions would be hired from the existing Mono County labor pool, and that the 10 new dwelling units would house about 25 new residents. The FEIR noted that no individuals would be displaced from their home due to the project, since the site was undeveloped at the time of the original approvals. No mitigation measures were proposed, or cumulative impacts identified, for population, housing or employment.	The current Subsequent Draft EIR concludes that the <del>WorkforceCommunity</del> Housing project would not have the potential to induce significant population or housing or employment growth in the Mono Basin. The estimated 300 new project residents would represent about 14% of the General Plan build-out population for Mono Basin as a whole. Build-out employment is estimated in this EIR to be 187 job positions, 1 of which is directly attributable to the current project (i.e., the <del>workforceCommunity</del> housing manager). The current analysis notes that the project would displace residents of 6 existing cabin units that are slated to be demolished, but the residents would be relocated into the new <del>workforce</del> -housing units and not displaced from the site. No mitigation measures are proposed for population, housing or employment.	<p>The 1993 FEIR approvals and the proposed project would result in onsite employment for an estimated 187 individuals, and onsite housing for an estimated 325 residents. The 37 existing Tioga employees represent roughly half of the total 74 employment positions in Lee Vining. The approved but as yet undeveloped Tioga elements would employ an additional 150 individuals, representing roughly 200% of the existing employment in Lee Vining; only 1 of the new jobs would be related to the proposed <del>WorkforceCommunity</del> Housing project. The estimated 35 existing Tioga residents represent more than one third the current residential population of Lee Vining (100 residents as of 2016). The proposed Tioga <del>WorkforceCommunity</del> Housing project would increase the onsite resident population by an estimated 290 people. Project-related growth would represent about 12% of the future Mono Basin 'build-out' population increases that are allowed in the <i>Mono County General Plan Land Use Element</i>. The project would be within allowed future population and housing increases, and consistent with long-term employment goals.</p> <p><b>CONCLUSION: Less than significant cumulative impact on population, employment, and housing.</b></p>
<b>Public Health, Public Safety</b>	The 1993 Final EIR indicated that project facilities would result in onsite use and storage of hazardous materials, and found this impact to be less than significant due to project conformance with regulations governing the use, storage and	The project would result in onsite use and storage of hazardous materials include 4 new fuel pumps, 1 new underground storage tank, and a new 30,000-gallon propane tank. Regulatory compliance would reduce the additional hazards to less than significant levels.	The project applicant submitted required forms for FAA review during October 2018. Following completion of an aeronautical study, FAA issued a Determination of No Hazard to Air Navigation. Results of the study indicated that the previously approved restaurant is the structure of greatest concern, and that this

	disposal of the hazardous products. The FEIR found no project impacts on emergency response or on emergency evacuation plans.	<p>FAA indicates that although the project site penetrates into the Lee Vining Airport Obstruction Zone, the project will not require installation of obstruction lights to alert pilots to the ground obstruction zone.</p> <p>No significant impacts were identified with respect to emergency response and evacuation, natural hazards or wildland fire, and the site is not included on any Cortese lists.</p>	<p>structure would exceed FAA obstruction standards but would not be a hazard to air navigation provided FAA is notified within 5 days after the construction reaches its greatest height (or if the project is abandoned). Marking and lighting were not found to be necessary for aviation safety.</p> <p><b>CONCLUSION: Less than significant cumulative impacts on public health and safety.</b></p>
<b>Public Services, Energy &amp; Utilities</b>	The 1993 FEIR stated that the Tioga Inn project would contribute incrementally to the use of nonrenewable resources, and shorten the landfill lifespan by increasing solid waste loads. The impact was found to be less than significant because the project would incorporate low-flow fixtures & irrigation elements, and other energy and water-conserving devices that would reduce consumption. No mitigation measures were proposed.	The current SEIR concludes that proposed conservation features would reduce energy consumption to less than significant levels, and that project impacts on schools and landfill capacity would be less than significant with no mitigation required. Project impacts on social services in Mono County would also be less than significant. However, impacts pertaining to safe pedestrian access between the site and Lee Vining are potentially significant and there is no assurance that the proposed mitigation would be feasible.	<p>The impacts pertaining to unsafe pedestrian and bicycle access between the project site and Lee Vining is a potentially significant cumulative impact. Both the 1993 project and the current project will generate resident and visitor populations seeking to travel by foot between the site and Lee Vining, Increased pedestrian use will compound public safety hazards already identified in the project area, and place added burdens on public safety and police resources.</p> <p><b>CONCLUSION: SIGNIFICANT cumulative impact on public safety.</b></p>
<b>Traffic and Circulation</b>	The 1993 Final EIR found that the project would add fewer than 1,300 vehicles per day on an annual average basis and found that the increases would be less than significant. No adverse effects were identified with respect to internal circulation or proposed parking provisions.	The current SEIR finds that the proposed Amendment #3 would comply with applicable traffic regulations, and would have less than significant impacts on congestion management plans and policies. The analysis identifies conditions at the intersection of US 395/SR 120 as significant and adverse due to unsafe turning movements, and identifies the significant adverse impact pertaining to existing and projected increases in unsafe pedestrian and bicycle access between the project site and Lee Vining (also noted in the above discussion of Public Services)	<p>Cumulative impacts on Vehicle Miles Travelled are calculated to be 3,<del>651,802,277.4</del> miles annually, but there are no thresholds yet in place to determine whether the cumulative impacts are significant and adverse.</p> <p><u>The direct and cumulative impacts</u> pertaining to unsafe turning movements from SR 120 onto northbound US 395, as well as the above-cited unsafe pedestrian and bicycle access between the project site and Lee Vining, are potentially significant, <u>and adverse impacts that</u> will be compounded by the increased traffic and pedestrian activity associated with <u>the proposed Amendment #3</u>.</p> <p><b>CONCLUSION: SIGNIFICANT cumulative impact on turning movements from SR 120 to northbound US 395, and on the safety of pedestrians and cyclists travelling between the site and Lee Vining.</b></p>
<b>Air Quality, Green-house Gases</b>	The 1993 FEIR noted that CalEPA was considering the designation of Mono Basin as nonattainment for particulates due to dust, and found that the project would contribute particulates during construction. The FEIR concluded that long-term operation would	The current SEIR finds that proposed Amendment #3 would not have a significant adverse impact on air quality standards or criteria pollutants, and would not expose sensitive receptors to substantial pollutant concentrations. The project would not generate objectionable odors. Construction and	<u>The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO<sub>2</sub>e emissions, are summarized in the CalEEMod2013.2.2 output files found in DSEIR/FSEIR Appendix E. Total operational and annualized construction emissions are identified below in Table 6-3.</u>



not exceed air quality thresholds, but that wood-burning stoves in the 10 residences could, in combination with other area woodstoves, impact visibility even though the woodstoves would comply with then extant regulations. The cumulative reduction in visibility was identified as a potentially significant cumulative impact of the 1993 project.

operational greenhouse gas emissions would be well below the reference standards, and the project incorporates a significant number of the actions and measures adopted in the Resource Efficiency Plan to reduce GHG emissions.

**Table 6-3. Operational Emissions MT CO<sub>2</sub>e for Direct & Cumulative Land Uses**

<u>Consump- tion Source</u>	<u>Proposed Project Only*</u>	<u>Cumulative Projects Only**</u>	<u>Total Proposed &amp; Cumulative Projects</u>
<u>Area Sources</u>	<u>72.6</u>	<u>0.0</u>	<u>72.6</u>
<u>Energy Utilization</u>	<u>202.3</u>	<u>503.6</u>	<u>705.9</u>
<u>Mobile Source</u>	<u>651.2</u>	<u>1,319.5</u>	<u>1,970.7</u>
<u>Solid Waste Generation</u>	<u>23.1</u>	<u>92.9</u>	<u>116.0</u>
<u>Water Consump- tion</u>	<u>20.6</u>	<u>15.6</u>	<u>36.2</u>
<u>Construc- tion</u>	<u>16.4</u>	<u>17.4</u>	<u>33.8</u>
<b>Total</b>	<b>986.2</b>	<b>1,949.0</b>	<b>2,935.2</b>
<b>Guideline Threshold</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>

\*no wood burning fireplaces

\*\*hotel and restaurant

As shown in Table 6-3, total project GHG emissions would be below the proposed SCAQMD significance threshold of 3,000 MT adopted for use in evaluated project impacts. Direct and cumulative GHG emissions are thus less than significant, and no mitigation is required.

**CONCLUSION: Less than significant cumulative impact on air quality.**

Cumulative project conditions were modeled to assess operational impacts, as shown in Table 6-3. As shown, even with the cumulative projects, operational emissions in opening year 2023 will be less than significant.

**Table 6-3: Cumulative Daily Operational Impacts (lbs/day)**

<b>Source</b>	<b>ROG</b>	<b>NO x</b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM - 10</b>	<b>PM 2.5</b>
<b>Area*</b>	8.5	1.6	8.9	0.0	0.2	0.2
<b>Energy</b>	0.2	1.5	1.2	0.0	0.1	0.1
<b>Mobile</b>	3.8	22.8	31.5	0.1	7.1	1.9
<b>Total</b>	<b>12.5</b>	<b>25.9</b>	<b>41.6</b>	<b>0.1</b>	<b>7.4</b>	<b>2.2</b>
<b>Threshold</b>	<b>55</b>	<b>55</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

It is unlikely that all projects would be under simultaneous construction. Nevertheless, construction emissions for the hotel and restaurant were calculated and added to those of

			<p>the project as a worst case condition. Results are shown in Table 6-4.</p> <p><b>Table 6-4: Construction Activity Emissions</b> <b>Maximum Daily Emissions (pounds/day)</b></p> <table><tr><th>Construction Emissions</th><th>ROG</th><th>NOx</th><th>CO</th><th>SO<sub>2</sub></th><th>PM<sub>10</sub></th><th>PM<sub>2.5</sub></th></tr><tr><td>Proposed Project</td><td>19.0</td><td>50.0</td><td>46.4</td><td>&lt;0.1</td><td>17.2</td><td>9.8</td></tr><tr><td>Hotel &amp; Restaurant</td><td>21.1</td><td>20.9</td><td>21.8</td><td>&lt;0.1</td><td>7.6</td><td>4.3</td></tr><tr><td>Total</td><td>40.1</td><td>70.9</td><td>68.2</td><td>&lt;0.1</td><td>24.8</td><td>14.1</td></tr><tr><td>Thresholds</td><td>75</td><td>100</td><td>550</td><td>150</td><td>150</td><td>55</td></tr></table> <p>As shown in Table 6-4, cumulative construction emissions would be less than significant even if all construction were to occur during the same calendar year.</p>	Construction Emissions	ROG	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	Proposed Project	19.0	50.0	46.4	<0.1	17.2	9.8	Hotel & Restaurant	21.1	20.9	21.8	<0.1	7.6	4.3	Total	40.1	70.9	68.2	<0.1	24.8	14.1	Thresholds	75	100	550	150	150	55
Construction Emissions	ROG	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>																																
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Total	40.1	70.9	68.2	<0.1	24.8	14.1																																
Thresholds	75	100	550	150	150	55																																
Noise	The 1993 Final EIR noted that the project would introduce new noise sources into an area with very low pre-project ambient noise levels. The noise impacts were found to be consistent with county standards, and therefore less than significant. No mitigation was required or proposed.	The project will comply with noise standards during construction and through long-term use and occupancy. In the unlikely event that blasting is required, the project would comply with county requirements to analyze potential impact and development mitigation measures to ensure compliance with adopted standards. The nearby Lee Vining Airport is a limited use facility that serves only general aviation pilots and has no aviation fuel services. The level of use has increased over time, but is now and is expected to remain low.	<p>Cumulative noise impacts during construction will be less than significant. Traffic related noise levels will be higher under the cumulative condition, but would again be less than significant. Noise generated during onsite concerts is expected to decay to background levels within 320 feet of the source, and would not create significant adverse noise levels offsite, at the existing or planned residential units, the full service restaurant, or at the hotel.</p> <p><b>CONCLUSION: Less than significant cumulative impact on noise.</b></p>																																			
Aesthetic and Scenic Values	The 1993 Final EIR identified impacts to visual quality as a significant and unavoidable adverse impact of project implementation. Mitigation measures included use of design and development standards for the construction, operation and ongoing maintenance of the project.	<p>The proposed <del>workforce</del> housing project is the most visible of the newly proposed project elements. The housing component will be visible from points on the south shore of Mono Lake, including several of the most popular visitor locations (South Tufa Beach, Navy Beach and Panum Crater). Due to distance (3+ miles from the closest south Mono Lake viewing point at Panum Crater, locations) and design (the housing unit pad will be lowered to create a screening berm), the housing component will not have a significant adverse effect on aesthetic and scenic values from these locations.</p> <p>The housing and associated solar panels will also be visible from a roughly ½ mile segment of the US 395 Scenic Highway</p>	<p>Implementation of all previously approved and current proposed project elements will significantly increase the visual intrusion of human elements in the project area.</p> <p>Project elements will be visible from points on the south shore of Mono Lake, including several of the most popular visitor locations (South Tufa Beach, Navy Beach and Panum Crater). Due to distance (3+ miles from the closest south Mono Lake viewing point at Panum Crater, locations) and design (the housing unit pad will be lowered to create a screening berm), the natural features will continue to dominate the scenic environment, and the housing component will not have a significant adverse effect on aesthetic and scenic values from these locations; distance would also obscure views from the north and eastern shores.</p>																																			

		<p>corridor in the vicinity of Picnic Grounds Drive. The separation distance at this location is less than 2000 feet, and the view is direct. The visual impact in this area will be minimized as a result of the screening berm created when the housing pad is lowered, and the short distance from which the units will be visible from US 395. However, this new visual element, in combination with the previously approved and highly visible hotel and full service restaurant, will add to the significant and unavoidable project impacts on visual quality that were recognized in the 1993 Final EIR, as well as new light and glare impacts from the solar panels on most structures.</p>	<p>The promontory restaurant and (to a lesser extent) <del>workforce</del> housing elements will also be visible from parts of the US 395 scenic corridor. Separation distances in this area are less than 2000' and views are direct. <del>Workforce</del>Community housing views will be somewhat attenuated by grading and landscaping. However, this new visual element, combined with the previously approved and highly visible hotel and full service restaurant, will add to the significant cumulative impacts on scenic resources and visual quality, as recognized in the 1993 Final EIR.</p> <p><b>CONCLUSION: SIGNIFICANT cumulative impact on scenic resources, light and glare, and visual quality.</b></p>
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## TIOGA ~~COMMUNITY~~WORKFORCE HOUSING PROJECT REVISED DRAFT/FINAL SUBSEQUENT EIR



### SECTION 7 ALTERNATIVES

#### 7.1 INTRODUCTION AND CEQA REQUIREMENTS

CEQA requires that an EIR analyze a range of reasonable alternatives to a project, or to the location of a project, that would feasibly obtain most of the project objectives while avoiding or substantially lessening one or more significant environmental effects of the project. CEQA Guidelines §15126.6(b) states that the discussion of alternatives should focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.

CEQA Guidelines §15126.6(c) states that the range of alternatives should include those that could feasibly accomplish most of the basic project objectives and could avoid or substantially lessen one or more of the significant effects. The EIR should also briefly describe the rationale for selecting the alternatives, and identify any alternatives that were considered by the lead agency but rejected as infeasible. Among the factors that may be used to eliminate alternatives from detailed consideration are: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant effects.

CEQA Guidelines §15126.6(c) states that the EIR should provide sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project, and allows use of a matrix to display major characteristics and significant effects of each alternative.

#### 7.2 ~~NOP~~ COMMENTS ON ALTERNATIVES AND PROJECT MODIFICATIONS

##### 7.2.1 ~~NOP~~ Comments on Alternatives

A Notice of Preparation was circulated to the public and responsible and trustee agencies during October and November of 2016 to solicit comments on the EIR scope, and recommendations for a reasonable range of project alternatives. Numerous NOP comment letters were received, including several that requested consideration of various project alternatives. Following receipt of the NOP comment letters, the project applicant modified the project proposal. The modifications included two changes that responded directly to issues raised in the NOP comment letters, including:

- (1) Deletion of the proposal to add a 3<sup>rd</sup> floor to the hotel, and
- (2) Deletion of the proposal to increase seating in the full service restaurant

The modifications also increased the proposed number of ~~workforce~~ bedrooms from 80 to 150, with the goal to provide sufficient housing to accommodate a majority of the projected 187 future onsite employees.

NOP comments addressed to the hotel and full-service restaurant are no longer applicable, and thus not considered in this alternatives analysis. Similarly, this EIR does not address alternatives to existing uses on the project site (including the deli, the convenience store and hilltop housing, summer concerts and events).

The alternatives identified for consideration in the NOP comment letters included: (1) revisit the alternatives considered in the 1993 EIR; (2) consider a reduction of the ~~workforce~~ housing units by at least half to reduce impacts on traffic, water consumption and the Lee Vining economy; (3) consider conservation alternatives with green construction, graywater reuse, clustering of residential units, native landscaping, screening of onsite uses, and provisions to minimize light pollution; and

(4) evaluate the No Project alternative and other options that could minimize project impacts. The NOP is provided in Appendix A1. Copies of the NOP comment letters are provided in Appendix A2, and EIR §1.0 (Introduction) provides a summary of key points raised in the NOP comment letters.

### 7.2.2 DSEIR Comments on Alternatives

Potential project impacts on aesthetic resources was by far the concern most frequently raised in the DSEIR comment letters. Many of the letters requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent, and many suggested design elements that should be evaluated for this purpose. Suggested design elements included screening berms, generous landscaping, additional grading to lower the elevation and profile of housing, reduced step down of pads or use of a level ground elevation to facilitate clustering, use of colors and materials to minimize contrast, replacement of 2-story units with 1-story units to lower building profiles, and other suggestions. Many of the comments requested modifications to entirely eliminate or significantly minimize project views from US 395, South Tufa and other locations.

The housing design has been substantially modified in response to the suggestions and recommendations offered by the community. The modified plan is herein referred to as "Alternative 6" or as the 'Modified Plan.' Based on analyses provided in the FSEIR, Alternative 6 is now the preferred alternative and the proposed project. Substantive changes in the modified Alternative 6 concept plan are briefly discussed in §7.5.6 (Alternative #6), and described in greater detail in DSEIR/FSEIR §3.0 (Project Description). Alternative 6 is also now identified as the Environmentally Superior Alternative, as discussed in §7.6.

## 7.3 FACTORS GUIDING SELECTION OF ALTERNATIVES

### 7.3.1 Potential Significant Adverse Environmental Effects

As noted, the CEQA Guidelines state that the discussion of alternatives should focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the project. The significant environmental impacts associated with implementation of the Draft RTP/General Plan Update, as identified in this EIR, include:

- **SOILS AND GEOLOGY/VOLCANIC HAZARDS:** The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is considered to be potentially significant, and unavoidable.
- **BIOLOGICAL RESOURCES:** Impacts on migratory species are considered to be significant and potentially unavoidable.
- **PUBLIC SAFETY:** Significant and potentially unavoidable impacts on police services and transportation related to the safety of pedestrians and cyclists travelling between the site and Lee Vining.
- **TRAFFIC AND CIRCULATION IMPACTS:** Potentially significant and unavoidable impacts associated with turning movements from eastbound SR120 to northbound US395.
- **AESTHETIC RESOURCES/VISUAL IMPACTS:** Impacts to scenic resources in a state scenic highway, degradation of visual character or quality, and reduced daytime and nighttime views due to added sources of light and glare.

### 7.3.2 Project Objectives

The CEQA Guidelines state that the range of alternatives should include those that could feasibly accomplish most of the basic project objectives and could avoid or substantially lessen one or more of the significant effects. Failure to meet most of the basic project objectives is among the factors that may be used to eliminate alternatives from detailed consideration.

As stated in the 1993 Final EIR, the project objective was to: "provide central Mono County with an inclusive resort facility that can draw upon north-south traffic traveling through Mono County as well as Yosemite-oriented visitor traffic traveling over Tioga Pass. The facility is to provide a complete range of services for the Mono Basin visitor including accommodations, meals, vehicle fuel, supplies, meeting/banquet rooms, and business center facilities. The resort hotel is designed to serve both the transient traveler and those whose destination includes the Mono Lake Basin or Yosemite National Park. The project is also intended to serve local residents with meeting facilities, a swimming pool that can be used by school swim teams and area swim clubs, and a full-service restaurant. Implementation of the Specific Plan is intended to add to the area's economy through increased employment opportunities, provision of additional needed motel rooms during peak months, and provision of additional rental



*housing. Visually, the objective of the project is to blend into the natural setting through careful structure siting, and architecture and landscaping complementing the environment.”*

The 1993 objectives remain valid with the current project, joined by the additional objectives below:

- To provide sufficient ~~workforce~~ housing on the project site to accommodate a majority of employees of the hotel, the full-service restaurant and other onsite land uses;
- To lower energy costs and increase the energy- and water-efficiency of existing and future uses on the site;
- To ensure that infrastructure sizing is adequate to meet existing and future needs.
- To provide additional gasoline services consistent with demands.

## 7.4 SELECTION OF ALTERNATIVES

### 7.4.1 Alternatives Considered in this EIR

Five alternatives ~~were~~ considered in the ~~Draft~~ ~~is~~ SEIR. The alternatives were selected with the intent to respond to NOP requests, and consider alternatives that might reduce significant project impacts while accomplishing project objectives. The five alternatives are identified below and briefly defined in the paragraphs that follow:

- No Project Alternative
- Alternatives Considered in 1993
- Reduced Development Alternative
- Modified Cluster Design Alternative
- Modified Apartment Design Alternative

Alternative 1: No Project Alternative. Under Alternative 1, the County would not approve the proposed Tioga Inn Specific Plan amendment #3. The No Project Alternative would preclude (a) construction of up to 150 ~~workforce~~ housing bedrooms, (b) a third gas pump island, (c) a new 30,000-gallon propane tank, (d) a replacement water storage tank, (e) construction of a new wastewater treatment system with subsurface irrigation using treated effluent, and an expanded septic system, and (f) modifications to several parcels and open space areas. All existing entitlements would remain in place.

Alternative 2: Alternatives Considered in the 1993 EIR: The 1993 EIR considered 4 alternatives including the No Project Alternative, a residential use alternative, an optional siting alternative, and an alternative with a different mix of uses. In response to an NOP comment letter, the 1993 alternatives are reconsidered in Alternative 2.

Alternative 3: Reduced Development Alternative: This alternative would reduce the number of ~~workforce~~ housing bedrooms by half, resulting in a proposal for up to 75 ~~workforce~~ housing bedrooms. Based on factors set forth in EIR §5.6 (Population and Housing) and EIR §5.8 (Public Services), this would result in about 50 ~~workforce~~ housing units, with a resident population of approximately 150 and a K-12 student population of about 31.

Alternative 4: Modified Cluster Design Alternative: This alternative would configure the ~~workforce~~ housing units in a tighter cluster with additional setback from the promontory restaurant. This layout would reduce the overall footprint, and provide additional separation between the residences and public uses.

Alternative 5: Modified Apartment Design Alternative: This alternative would modify the design layout of the proposed ~~workforce~~ housing units. Rather than the layout as now proposed (which includes a mix of individual structures housing studio, 1-bedroom, 2-bedroom and 3-bedroom units), this alternative would envision one or two apartment-style structures to house all units.

### 7.4.2 Alternatives Rejected from Further Consideration in this EIR

No alternatives to the proposed project have been rejected from further consideration in this EIR.

## 7.5 ASSESSMENT OF PROJECT ALTERNATIVES

### 7.5.1 Alternative #1: No Project Alternative

Under Alternative 1, the County would not approve the proposed Tioga Inn Specific Plan amendment #3. The No Project Alternative would preclude the construction of up to 150 ~~workforce~~ housing bedrooms, a third gas pump island, a second propane tank, a replacement water storage tank of the same size and general location, an expanded septic system and construction of a new graywater system, and modifications to the boundaries and acreage of several parcels and designated open space areas. No discretionary planning initiatives on this site would occur until and unless subsequent proposals are formulated, evaluated under CEQA, and considered for approval by the Mono County Board of Supervisors and other responsible and trustee agencies. The Specific Plan and development entitlements granted in 1993, as well as the subsequent entitlements gained through Specific Plan Amendments #1 and #2, would remain in place.

The No Project Alternative would avoid or minimize some but not all of several of the significant impacts identified in this EIR. Impacts that would be minimized include (1) a reduction in the number of people exposed to volcanic hazards; (2) a reduction in the number of people exposed to unsafe pedestrian and cycling conditions between the project site and Lee Vining, and (3) a reduction in visual impacts from the US395 Scenic Corridor and from the NFSRA; none of the significant environmental factors would be made worse by the No Project Alternative. The No Project Alternative would meet three of the project objectives, including the use of architecture, siting and landscaping that blends into the natural setting, optimizing customer views, and strengthening the area economy (the latter two objectives would be met through prior approvals). The No Project Alternative would prevent attainment of the remaining project objectives including the provision of a full range of tourist services, onsite housing to accommodate most workers, increased energy and water use efficiency, upgraded infrastructure, and additional gas services.

### 7.5.2 Alternatives #2a, 2b, and 2c: Alternatives Considered in the 1993 Draft EIR<sup>1</sup>

The 1993 Final EIR evaluated five project alternatives. The alternatives are identified below, and again evaluated as part of this Subsequent EIR in the paragraphs that follow.

**The No Project Alternative:** Assumptions were that the No Project Alternative would entail continued agricultural grazing use, with construction of one single family home. The EIR concluded that the no project alternative would avoid the significant project impacts on visual resources, but would create new adverse impacts pertaining to grazing. This option was rejected because it did not achieve defined project objectives.

- **CURRENT SEIR: The No Project Alternative is addressed above in §6.5.1 and not reconsidered herein.**

**Residential Use Alternative:** Two residential options were considered, one with fifteen 5-acre lots (each with a private well and septic system), and one with sixty lots and shared water and sewage disposal systems. The fifteen lot option had an estimated build-out population of 36; 143 residents were estimated for the sixty lot option. Both residential options were judged to have significant visual impacts without achieving any defined project objectives; the residential use alternative was rejected for these reasons.

- **CURRENT SEIR: The 1993 Specific Plan approval and subsequent site development have foreclosed the option to develop the site as a whole for residential uses. Residential development is, however, a central component of the current SEIR. Whereas the 1993 EIR evaluated two market rate single-family residential development options, the current focus is on development of attached high-density residential units to provide affordable housing for site and area employees. The option to develop this site for single family housing is no longer a feasible alternative, and no further assessment is provided herein.**

**Optional Siting Alternative:** The 1993 Optional Siting Alternative involved redesign of the project layout so that the restaurant would be located behind the hotel, the hotel would be moved southward away from the US395/SR120 scenic corridors, and the convenience store would be placed behind and screened from view by the hotel. This alternative was identified as environmentally superior to the proposed project because it would reduce (but not eliminate) the significant

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<sup>1</sup> He 1993 EIR identified the alternatives as Alternative 1: No Project; Alternative 2: Residential Use (now identified as Alternative 2a); Alternative 3: Optional Siting (now Alternative 2b); Alternative 4: Different Mix of Uses (now Alternative 2c).

and unavoidable project impacts on visual resources. The Optional Siting Alternative was rejected because it would not meet the project objective to deliver outstanding views from the site.

- **CURRENT SEIR:** Although the project as approved in 1993 did not incorporate elements of the optional siting alternative, the convenience store (now developed) is not visible from US 395, and has only limited visibility from SR 120. The location of the hotel and full-service restaurant elements have not changed since the 1993 Specific Plan approval. Because these uses are not yet developed, it is still potentially feasible to consider alternative siting layouts.

The newly proposed ~~workforce~~ housing, in combination with the hotel and full-service restaurant, will occupy most of the remaining undeveloped portions of this project site. The layout alternatives would therefore center on exchanging locations of the three uses (i.e., placing the ~~workforce~~ housing on the hotel or restaurant site, and placing the hotel on the restaurant or ~~workforce~~ housing site, etc.).

Placement of the two-story ~~workforce~~ housing units on the two-story hotel site would increase visual impacts from SR120 due to the larger footprint of the ~~workforce~~ housing development, without reducing visual impacts from US 395. Similarly, placement of the 30' maximum height ~~workforce~~ housing units on the 20' maximum height full-service restaurant site would increase visual impacts from US 395 and many locations on Mono Lake, again due to the larger footprint of the ~~workforce~~ housing compared to the full-service restaurant. None of the alternative placement options would reduce potentially significant impacts, and none would meet the project objective to deliver outstanding views. Moreover, the current proposal does not reopen prior entitlements for the hotel and restaurant uses. For all of these reasons, the Different Mix Alternative is rejected from further consideration.

**Different Project Mix:** This 1993 alternative considered a different mix of uses (for example, hotel-restaurant-residential) and design options, such as including the full-service restaurant inside the hotel. The alternative was rejected because none of the options were judged to reduce visual impacts to less than significant levels and none would achieve overall project objectives.

- **CURRENT SEIR:** All of the currently proposed uses (i.e., ~~workforce~~ housing, water tank, propane, third gas pump island, road realignment) are proposed to address needs of this project. The ~~workforce~~ housing will provide affordable living spaces for project employees in a region that has little affordable housing available; the gas pump island will reduce congestion around the existing pump islands during peak periods; the new water tank will incorporate updated materials and design to replace the aging existing tank, and the roadway realignment will enhance safe access to the hilltop residential area. Moreover, all of the proposed uses will follow design guidelines that were established in the 1993 Specific Plan, to visually unify original and new project elements. There is no alternative mix of uses that would similarly respond to existing needs, and there is no alternative design option that would retain the aesthetic character created in the original Specific Plan. For these reasons, the Different Mix Alternative is rejected from further consideration.

**Alternatives Screened from Further Consideration** The 1993 EIR provided brief mention of 4 additional alternatives that were identified but not analyzed. The 4 additional alternatives included (a) use of a different site (rejected due to the lack of available alternative sites), (b) a project with only the restaurant (rejected because infrastructure costs would be infeasible for restaurant-only use of the site), (c) a project with only the convenience store (rejected because the then-existing economy would not support a free-standing gas station/convenience store outside of Lee Vining without other site attractions), and a project with only the hotel (rejected because hotel-only use would increase traffic).

- **CURRENT SEIR:** Although feasible in concept, the option to use a different site for the proposed employee housing is precluded by the very limited supply of developable land in the project region, and by the cost of available properties. Feasibility of ~~workforce~~ housing on this site is directly linked to the fact that the land is available, is already owned by the applicant, and is proximate to the employment. The convenience store/gas station only alternative would technically be feasible since other uses have not yet been developed, but this option would fail to respond to the significant existing demand for increased tourism facilities and would not override existing entitlements (all Specific Plan land uses would remain in place). The restaurant-only and hotel-only options have been rendered infeasible by site development since the 1993 EIR was prepared.

### 7.5.3 Alternative #3: Reduced Development Alternative

This alternative considers a reduction in the number of proposed ~~workforce~~ housing bedrooms. Based on factors set forth in EIR §5.6 (Population and Housing), a 50% reduction in the ~~workforce~~ housing component would result in 75 fewer ~~workforce~~ housing bedrooms, 50 fewer ~~workforce~~ housing units and 150 fewer future onsite residents.

As shown in Table 6-1, the reduced development alternative would be as successful as the no project alternative at minimizing environmental impacts, particularly with respect to Land Use, Traffic, Air Quality, Biology, Geology, Safety and Hazards, Aesthetic Values, and Noise. Environmental impacts that would be adversely affected by this alternative include GHG Emissions and Traffic (due to increased employee commuting, Land Use (anticipating that this alternative would reduce the acreage designated for Open Space-Preserve compared to the project as proposed), Hydrology (since the reduced development alternative would likely retain the existing septic treatment and disposal system, without landscape irrigation options), and Population/Housing (since the reduced development alternative would halve the available ~~workforce~~ units, necessitating that employees find offsite housing).

With respect to Project Objectives, the reduced development alternative would be less effective than the project at meeting all but two objectives (provision of additional gasoline services to meet demands, and energy efficiency).

This alternative would be more effective than the proposed project at avoiding or minimizing significant adverse impacts. Impacts that would be lessened include (1) a reduction in the number of people exposed to volcanic hazards; (2) a reduction in the number of people exposed to unsafe pedestrian and cycling conditions between the project site and Lee Vining, and (3) a reduction in visual impacts from the US395 Scenic Corridor and from the NFSRA. In turn, this alternative may increase GHG emissions and traffic impacts due to increased employee commutes. None of the significant environmental factors would be entirely avoided by the Reduced Development Alternative, and none would be exacerbated by this alternative.

#### 7.5.4 Alternatives #4 and 5: Modified ~~Cluster~~ Design Alternatives (~~Cluster and Apartment~~)

This alternative would modify the design layout of the proposed ~~community~~<sup>workforce</sup> housing units. As now proposed, the housing layout includes 16 separate 1-story and 2-story structures each housing a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units. The units are distributed over an area of approximately 8 acres that is directly southeast of and visible from the promontory restaurant site, but separated from the remaining public areas (gas pumps, store, and hotel) by an intervening ridge. The units are distributed in a loosely clustered design that features two rows of units on a higher tier (elevation around 6,950') and two rows along a lower tier (at an elevation of approximately 6,915').

~~The cluster alternative is one of two possible design alternatives considered herein for the workforce housing. The Cluster Alternative One option would be to configure the units in a tighter cluster with additional setback from the promontory restaurant. This layout would reduce the overall footprint (and thus the profile from offsite locations), and would also provide additional separation between the residences and public uses (and thus the privacy for workforce housing residents). Modified building orientation might increase solar exposure and enhance energy efficiency. This option was rejected because it would require significantly more grading (and jeopardize the goal to balance cut and fill onsite), without significantly reducing visual effects or resident benefits.~~

Among the alternatives considered, only the 'Cluster' alternative was evaluated in the context of a sketch plan (see Exhibit 7-1 on the following page) that was prepared specifically for the environmental review process. Goals of the 'Cluster Alternative' design effort were to develop a layout that would minimize aesthetic impacts by clustering the housing units, and thereby respond to the County's preference for clustered development over dispersed development where feasible. Additional goals of the plan were to achieve a lower overall profile, lessen the project's environmental impacts, and provide a more unified location along the southernmost property boundary for the family units and associated playground and daycare facilities.





~~The cluster alternative was successful in lowering the overall profile of the housing area; it achieved this goal by designing only the family units as two-story complexes; the remaining units were shown as single-story structures housing 4-6 units each. Additionally, in terms of overall appearance, this design was considered to have a more attractive appearance and to better blend with the surrounding area than the proposed plan. The alternative also succeeded in providing a more unified and protected area for family housing. This was achieved by placing all of the family units, and the associated day care and play areas, along the southern property boundary and thus farther from the public spaces (such as the restaurant and hotel).~~

~~The Cluster Alternative was ultimately rejected for a number of reasons. First, this alternative did not achieve the goal of a reduced footprint, and in fact required a slightly larger development footprint due to the increased number of (albeit smaller) units. Moreover, although the design was considered more visually attractive, it was not successful at reducing overall aesthetic impacts to a less than significant level, and thus did not achieve a primary purpose of the Alternative review process.~~

~~Additional factors were identified in evaluating the Cluster Alternative. The dispersed arrangement of individual structures was not suited to the use of solar panels. It placed many of the smaller residential units at distance from the residential parking lot and thus required more sidewalks; in icy winter conditions, these features would make it more difficult to maintain plowed walkways and would also make it harder for residents to access their cars. There was also a concern that the nonfamily parking area would be inconsistent with anticipated future EV charging station requirements pertaining to the distance between units and dedicated parking.~~

~~Again due to the dispersed layout, the Cluster Alternative required substantially more retaining walls to support the structures over the larger hillside area. For the same reason, landscaping for the Cluster Alternative was largely confined to the residential perimeter with only limited opportunities for landscaped between structures compared with the proposed plan. The Cluster Alternative also required more grading than the proposed plan. The Cluster Alternative was determined in the DSEIR to be environmentally superior to the proposed project, largely due to the more aesthetic appearance and the 'tighter' clustering of units. The alternative was rejected because the aesthetic advantages were not sufficient to reduce aesthetic impacts to less than significant levels, and it was also recognized that the tighter clustering of units did not reduce overall footprint. For all of the above reasons, the Cluster Alternative was not recommended to replace the project as proposed.~~

#### **7.5.5 Alternative #5: Modified Apartment Design Alternative**

Another design option, Alternative 5, would be to construct two or three apartment-style structures to house all 150 bedrooms. This option would potentially reduce the amount of grading, and would further reduce the overall ~~workforce~~ housing footprint. However, the larger mass of the apartment-style buildings would potentially be more visible from offsite locations than the smaller clustered unit designed. The apartment design option was rejected because it would be less adaptable in accommodating workforce demographic changes over time, less amenable to phasing, less family-friendly, costlier to construct (due to additional code compliance requirements) and thus potentially less affordable to workers, and likely to increase visual impacts.

~~Modified Design Alternative 4 would be similar to the proposed project in terms of environmental impacts. The reduced footprint of the cluster design alternative would reduce impacts on biological resources (compared to the proposed project), but would increase impacts on geology due to the anticipated imbalance between cut and fill and the resulting potentially need to import or export fill materials.~~

~~With respect to Project Objectives, the modified design alternative (clustering only) would be more effective than the proposed project in achieving architecture, siting, and landscaping that blends into natural setting. The modified design alternative (clustering) would also be more effective at minimizing one potentially significant adverse impact since the enhanced clustering associated with this alternative would reduce (but not eliminate) the significant adverse impacts on aesthetic and visual resources.~~

As shown in Table 7-1, Modified Design Alternative 5 would also be similar to the proposed project in terms of environmental impacts. This alternative would be less effective than the proposed project in achieving an architectural, siting, and landscaping design that blends into the natural setting, and less effective than the proposed project in terms of minimizing the significant visual impacts of the project.

#### **7.5.6 Additional Alternatives Suggested in Comments on the DSEIR**



Several comment letters suggested consideration of an alternative that would place the housing elsewhere on the Tioga site, along with additional elements such as subsurface parking, reduced number of parking spaces, clustering and separation, fewer units, and other mitigating design ideas. Several of the concepts were explored in the response to Comment Letter #12 (Mono Lake Committee), Comment II.C, as provided below.

Options for placement of housing units elsewhere on the project site are limited. The proposed siting is the only feasible location east of the prominent bluff. Potential options would thus focus on the west side of the bluff, nearer the deli and hotel. One potential alternative would be to place the units on Parcel 4, in the area of the existing hilltop access road. Housing placement in this location would leave the slope east of the bluff in its natural state, and thereby avoid visual impacts to South Tufa Beach and other areas impacted by the current proposed location. It may be possible to use the existing and proposed hilltop access roads to serve the housing units, thereby eliminating or reducing the need for a separate road system to serve the Community Housing. The units would be at least partially screened from Mono Lake vistas to the north by the intervening hotel, and fully screened from Mono Lake vistas to the east. Drawbacks are that (1) the area of the existing hilltop access road has a steep slope, and would require extensive grading to create buildable pads, and (2) units constructed on this slope would have potentially significant visibility from SR 120 and the Yosemite gateway intersection at SR 120/US 395.

A second potential alternative would be to place the housing units on Parcel 1, directly north of the hotel, on land that is currently proposed for the wastewater treatment plant and shallow wastewater disposal field. The suggestion to provide underground hotel parking could reduce the overall hotel/parking footprint by more than half, potentially freeing enough acreage on the northwest corner to accommodate both the shallow wastewater disposal field and the Community Housing. This analysis assumes that the underground parking would occupy two stories (replacing two thirds of the grade-level parking), each about 10' in height, and that the hotel pad would be shifted approximately 120' southward to create additional space for housing on the north. Natural grades on the hotel pad as currently planned fall roughly 40 feet from the access point to the northern hotel rooms. The shift southward would reduce the natural fall by half (roughly 20'), suggesting that it may be possible to construct the underground parking levels without significant excavation. The scenario would preserve as open space the acreage currently proposed for housing, and would have the significant benefit of eliminating the adverse aesthetic impacts of housing exposure to South Tufa and other areas to the east. The primary drawback to this alternative is that it would significantly increase the density of above-grade uses on Parcel 1 at a key viewpoint (the SR 120/US 395 intersection) and the housing would be visible from a larger area of the Mono Basin than the project as proposed, particularly with the new Concept Plan Modifications as described in Topical Response #1.

More significant excavation would be required to accommodate housing on the corner parcel directly southeast of SR 120/US 395, particularly as envisioned by MLC (i.e., where the units would be shielded from highway views). Natural grades at the northwest corner of Parcel 1 are about 6840-6850', and ground elevations are about the same as road elevations along SR 120 in this area. Use of the planned primarily 2-story housing design would require that ground surface be excavated in this area by about 40 feet in order to lower rooftops to the elevation of the adjoining highway. Lowering the housing units to this depth would require pumping to lift drainage and sewage to facilities, increasing the risk of failure in the event of a power outage. Access to natural light would be reduced, likely increasing power costs for heating and lighting. The housing area would be more prone to icing in winter, with higher snow drifts. Use of a 1-story housing design would reduce excavation requirements, but occupy more acreage on a parcel with limited building area. Any alternative that relocated housing to the northwest corner would also have potentially significant visual exposure from SR 120, US395, and the SR 120-US395 gateway, even with the combination of berms and grading suggested by MLC. Importantly, the roughly 10-acre parcel on the southeast corner of SR 120/US395 is owned by LADWP, and LADWP has indicated to the project proponent that this site is not available for purchase or for project use.

The proposed alternative would not substantively lessen impacts on deer movement, since the proposed project has less than significant direct impacts on deer movement as now proposed, and the significant adverse cumulative effects would remain significant and adverse even with the relocation. The alternative would eliminate the significant aesthetic impacts on views from the southeast, but at the cost of new significant aesthetic impacts on views from the SR 120-US395 gateway and other locations to the northeast.

Comment II.C.2 also recommends an alternate location as a means to resolve fire safety concerns, due to the distance between the housing and the single Vista Point access road. This concern will be addressed through new and amended FSEIR and

Specific Plan provisions including creation of a secondary access route, and preparation of a Public Safety Evacuation Plan (please see discussion in Topical Response #6).

Underground parking would reduce the housing area footprint and create new opportunities for aesthetic mitigation. However, underground parking is costly, and would constrain the goal of maintaining housing affordability. Moreover, significant design modifications are incorporated into a new Alternative 6 that lessen project impacts on aesthetic resources. Consideration was also given to the MLC suggestion that the overall footprint could be reduced by using a parking standard lower than 2 spaces per unit, potentially allowing a reduced parking requirement for the studio and 1 bedroom units. Since the requirement for 2 spaces per unit is a countywide standard, a determination was made to retain the requirement for 2 spaces per unit. At the same time, it is understood that the standard can be modified through a future Specific Plan amendment if results of a parking study show that parking need can be met with fewer than 2 spaces per unit.

The most frequently cited alternatives addressed design modifications to lessen aesthetic impacts. The design suggestions are addressed in this FSEIR through new Alternative 6, as discussed in updated FSEIR/DSEIR §3.0 (Project Description).

## **7.6 NEW PROPOSED ALTERNATIVE 6**

Potential project impacts on aesthetic resources was by far the concern most frequently raised in the DSEIR comment letters. Many of the letters requested that the project design be reconsidered with the goal to minimize visual and aesthetic impacts to the maximum feasible extent, and many suggested design elements that should be evaluated for this purpose. Suggested design elements included screening berms, generous landscaping, additional grading to lower the elevation and profile of housing, reduced step down of pads or use of a level ground elevation to facilitate clustering, use of colors and materials to minimize contrast, replacement of 2-story units with 1-story units to lower building profiles, and other suggestions. Many of the comments requested modifications to entirely eliminate or significantly minimize project views from US 395, South Tufa and other locations.

The proposed housing design has been substantially modified in response to the suggestions and recommendations offered by the community. The modified plan is herein referred to as "Alternative 6" or as the "Modified Plan" (see FSEIR/DSEIR §5.12 for concept plans and aesthetic analysis). Based on analyses provided in the FSEIR, Alternative 6 is now the preferred alternative, and the proposed project.

Substantive changes in the modified Alternative 6 concept plan are briefly identified below, and described in greater detail in DSEIR/FSEIR §3.0 (Project Description). Key elements include:

- Changed form and orientation of Housing Structures
- Reduction from 15 to 11 in the number of housing structures
- Reduction from 6 to 4 in the number of rows of housing/parking:
- Lowering of graded pad elevations in some areas to more fully "sink" the units into the hillside
- Formal revegetation plan for areas disturbed by earthwork:
- Replacement of 6 of the 2-Story buildings with Single Story Buildings
- Relocation of the Day Care center to the north end of the housing complex
- Added details regarding landscape screening of project elements, including two new landscaped berms:
- Additional specifications regarding paint colors and roof materials

Preferred Alternative 6 also incorporates secondary access, provides a first segment toward a future connectivity project linking the site to Lee Vining, details a Phasing Plan that allows construction of the most visible units only if and when occupancy of the Phase 1 and 2 units reaches 80%, verifies that the Day Care center will be staffed and available for use by residents of the Mono Basin as well as project residents, provides formal onsite bus access routes and stops for both ESTA and ESUSD and new pathways linking project elements to the YARTS bus-stop on SR 120, provides EV charging facilities and defibrillators for the housing complex, designates a protected 'open space-preserve' corridor along US 395 and dominant bitterbrush plantings to reduce direct project impacts on deer to less than significant levels, and incorporates other elements that that were added in response to the input provided.

[Alternative 6 would require more grading for the housing area \(67,920 cubic yards compared to 60,800 cubic yards\), but all cut materials would be used onsite and thus the impact on geology is substantially the same. Alternative 6 would also provide additional screening of project views, and thus lessen visual impacts, but not to a level below significance.](#)

## 7.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE: [Alternative 6 Reduced Development](#)

CEQA §15126.6 requires, if the environmentally superior alternative is the 'no project' alternative, that the EIR shall also identify an environmentally superior alternative among the other alternatives. In practice, this requirement is understood as a requirement to identify the environmentally superior alternative. The environmentally superior alternative is the alternative that accomplishes the largest number of objectives, and most effectively avoids or eliminates potentially significant adverse impacts, and is associated with the fewest adverse environmental impacts when compared to the proposed project.

A comparative analysis of the proposed project and each of the project alternatives ([including Preferred Alternative 6](#)) is provided in Table 7-1 below. The table assigns a score of "0" to the proposed project and "-1," "0," or "+1" to denote how each of the alternatives compares to the proposed project in terms of meeting objectives, lessening the severity of environmental effects, and avoiding significant project impacts. A score of "0" indicates that the alternative would have the same level of impact as the proposed project. A score of "+1" indicates that the alternative would have a better (or reduced) impact when compared to the proposed project. A score of "-1" indicates that the alternative would have a worse (or increased) impact when compared to the proposed project. The project alternative with the highest total score is considered the environmentally superior alternative.

**TABLE 7-1: Comparison of DSEIR Project Alternatives with New Proposed Project Alternative 6<sup>2</sup>**

	#1: No Project Alternative	Other Alternatives Considered in 1993			#3: Reduced Development Alternative	#4: Cluster Design Alternative	5: Apartment Design Alternative	6 <a href="#">Alternative 6 Modified Design</a>
		#2a: Residential Use Only	#2b: Redesigned Site Layout	#2c: Alternate Mix of Uses				
ENVIRONMENTAL IMPACTS								
Land Use	-1	0	-1	-1	-1	0	0	<a href="#">0</a>
Traffic/ Circulation	+1	+1	0	+1	-1	0	0	<a href="#">0</a>
Air Quality/GHG	0	0	0	+1	-1	0	0	<a href="#">0</a>
Biology	+1	0	0	0	+1	+1	0	<a href="#">0</a>
Geology	+1	0	0	0	+1	-1	-1	<a href="#">0</a>
Hazards	+1	+1	0	0	+1	0	0	<a href="#">0</a>
Cultural	0	0	0	0	0	0	0	<a href="#">0</a>
Hydrology	-1	-1	0	0	-1	0	0	<a href="#">0</a>
Aesthetics	+1	+1	-1	0	+1	0	-1	<a href="#">+1</a>
Recreation	0	-1	0	0	0	0	0	<a href="#">0</a>
Agriculture	0	0	0	0	0	0	0	<a href="#">0</a>
Population/ Housing	-1	0	0	-1	-1	0	0	<a href="#">0</a>
Public Services	+1	0	0	0	+1	0	0	<a href="#">0</a>
Noise	+1	0	0	0	+1	0	0	<a href="#">0</a>
<b>SUBTOTAL</b>	<b>+4</b>	<b>+1</b>	<b>-2</b>	<b>0</b>	<b>+2</b>	<b>0</b>	<b>-2</b>	<a href="#">+1</a>
PROJECT OBJECTIVES								

<sup>2</sup> The table assigns a score of "-1," "0," or "+1" to denote how each of the alternatives compares to the proposed project in terms of meeting objectives, lessening the severity of environmental effects, and avoiding significant project impacts. A score of "0" indicates that the alternative would have the same level of impact as the proposed project. A score of "+1" indicates that the alternative would have a better (or reduced) impact when compared to the proposed project. A score of "-1" indicates that the alternative would have a worse (or increased) impact when compared to the proposed project. The project alternative with the highest total score is considered the environmentally superior alternative.

Provide full range of tourist/traveler/ resident services	-1	-1	0	-1	-1	0	0	0
Optimize Customer Views	0	-1	-1	-1	-1	0	0	0
Strengthen area economy	0	-1	0	-1	-1	0	0	0
Architecture, siting, landscaping blends into natural setting	0	0	-1	0	+1	+1	-1	+1
Onsite housing to accommodate most workers	-1	0	0	0	-1	0	0	0
Increased energy and water use efficiency	-1	-1	0	0	0	0	0	0
Upgrade infrastructure sizing to meet needs	-1	-1	0	0	-1	0	0	0
Meet demand for additional gas services	-1	-1	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>-5</b>	<b>-6</b>	<b>-2</b>	<b>-3</b>	<b>-4</b>	<b>+1</b>	<b>-1</b>	<b>+1</b>
<b>AVOIDANCE OF SIGNIFICANT EFFECTS</b>								
Volcanic Hazards	+1	+1	0	0	+1	0	0	0
Pedestrian Hazards	+1	0	0	0	0	0	0	0
Visual Impacts	+1	+1	0	0	+1	+1	+1	0
Traffic Impacts	0	0	0	0	-1	0	0	0
Cumulative Deer Impacts OTHER?? Bio??	+10	0	0	0	0	0	0	0
<b>SUBTOTAL</b>	<b>+3</b>	<b>+2</b>	<b>0</b>	<b>0</b>	<b>+1</b>	<b>+1</b>	<b>-1</b>	<b>0</b>
<b>TOTAL</b>	<b>+2</b>	<b>-3</b>	<b>-4</b>	<b>-3</b>	<b>-1</b>	<b>+2</b>	<b>-4</b>	<b>+2</b>

Scoring provided in Table 7-1 indicates that the No Project Alternative, with a net score of +3, would be the environmentally superior alternative. The No Project Alternative has not been recommended or selected due to the importance placed on providing sufficient affordable housing to accommodate all onsite workers. The 'Cluster Design Alternative,' with a net score of +2, would also be more effective than the proposed project in terms of achieving overall impact reduction, fulfillment of project objectives, and minimizing significant unavoidable impacts. Although more effective overall at minimizing impacts and avoiding significant effects, the Cluster Alternative has not been recommended or selected because it would require significantly more grading and jeopardize the goal to balance cut and fill onsite, without significantly reducing visual effects or resident benefits.

Results of Table 4-3 indicate that Alternative 6 would be environmentally superior to the project as proposed and equivalent to the No Project Alternative and to the Cluster Alternative (all of which have a total score of +2). In brief, Alternative 6 would be equivalent to the project in terms of meeting project objectives. Alternative 6 would offer many of the advantages previously described for the Cluster Alternative, in that it too would lower the overall profile of the housing area; would offer more attractive appearance and better blend with the surrounding area than the proposed plan. But Alternative 6 would better avoid the drawbacks associated with the Cluster alternative in that it would result in a slightly reduced footprint, better accommodate the use of solar panels, require fewer sidewalks and better accommodate the placement of EV charging stations

in close proximity to the housing units. For all of these reasons, Alternative 6 is the Environmentally Superior Alternative, and is also identified in this DSEIR/FSEIR as the preferred project alternative.

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## TIOGA ~~COMMUNITY INN~~ ~~WORKFORCE~~ ~~HOUSING~~ ~~PROJECT~~ ~~REVISED~~ DRAFT/~~FINAL~~ SUBSEQUENT EIR



### SECTION 8.o GROWTH INDUCING IMPACTS

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#### 8.1 INTRODUCTION AND CEQA BASIS

CEQA §15126.2(d) requires that an EIR discuss ways in which a proposed project could foster economic growth or population growth, or the construction of additional housing, including projects that may remove obstacles to population growth and activities that may encourage and facilitate other activities with potentially significant effects. Activities identified in this section include *"projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."* In general, growth inducing projects include activities that would stimulate an economy, or require construction of new infrastructure, or involve development in previously undeveloped areas.

#### 8.2 DISCUSSION

The proposal to develop ~~workforce~~ housing on the project site is itself a response to an economic stimulus created by approval of the 1993 Specific Plan. The 1993 approval paved the way for the construction of new infrastructure, development in a previously undeveloped area of the Mono Basin, and creation of new jobs and tourism opportunities that represented an economic stimulus for growth.

The 1993 approvals included all employment-generating uses on the project site, but only enough housing to accommodate workers from the initial land uses (the convenience store, the gas station, and the deli). The 1993 approvals did not include entitlements for sufficient housing to accommodate workers in the hotel and full-service restaurant.

Since the 1993 approvals were granted, the supply of housing opportunities, ~~and particularly workforce housing opportunities,~~ has narrowed, ~~and,~~ the need for ~~employee~~ ~~workforce~~ housing has become an increasingly high priority issue in Mono County. Under current conditions, it would be challenging to secure adequate staffing for the previously-approved hotel and full-service restaurant without an ~~employee~~ ~~affordable~~ housing program.

It is reasonably foreseeable that the additional labor force created by residents of the Tioga ~~workforce~~ housing project will create a stimulus for future growth in the Lee Vining region. This possibility is strengthened by the fact that the project will have enough units to house essentially all of the anticipated future employees (150 bedrooms to accommodate an estimated 150 new employees), units will be designed to accommodate families, and employment generating uses are anticipated to be seasonal in nature. At least some of the bedrooms will accommodate household members who are available to fill jobs outside of the project site, which will have potential to induce new employment growth. The children of onsite employee residents will attend local schools, establish local relationships and be more likely to become future residents and/or visitors to the region as they enter adulthood. The seasonal nature of onsite uses will free employees to work at other jobs during the winter months, augmenting economic growth and inducing

further economic development. The new project residents will place added demands for services, facilities and goods thereby stimulating growth in Lee Vining area services and businesses.

The roughly 35 people currently living on the Tioga Mart site represent about one third of the total Lee Vining population according to the most recent population estimates. If approved as proposed, the project would generate an additional 300 residents, which would triple the Lee Vining area population. The increase is proportionally significant, particularly with reference to the 2016 Lee Vining population estimate of 98, which reflects a decline from the estimated 2010 population of 222. However, discussion presented in EIR §5.6 (Population and Housing) indicates that the estimated 300 new residents in the Tioga WorkforceCommunity Housing project would represent approximately 12% of the adopted Mono Basin build-out population increases, as outlined in the Mono County General Plan.

Analyses in sections throughout this EIR indicate that project approval and implementation would result in both direct and cumulative impacts to the environment, some of which are potentially significant and unavoidable. Among the significant and unavoidable effects of the proposed Tioga WorkforceCommunity Housing are impacts on migratory and resident species, increased exposure of people and structures to catastrophic mudflows, increased unsafe deer crossings in and around US395/SR120, significant hazards to the safety of pedestrians and cyclists traveling between the project site and downtown Lee Vining, significant hazards to motorists turning northbound onto US395 from east-bound SR120, additional burdens on public safety and police resources pertaining to the unsafe pedestrian and vehicular movements; and significant unavoidable impacts on light and glare as well as the scenic and visual character of the project region. The potential impacts of the project are summarized in EIR §2.0 (Executive Summary), and the potential cumulative impacts of the project are discussed in EIR §6.0 (Cumulative Impacts).

The significant adverse impacts of the Tioga WorkforceCommunity Housing Project are, with one exception, consistent with the significant adverse impacts of General Plan implementation as identified in the General Plan Final EIR.<sup>1</sup> The one exception pertains to traffic: whereas the General Plan EIR did not identify significant adverse traffic impacts, the project is associated with a significant adverse traffic and safety impact associated with northbound turning movements onto US395 from eastbound SR120. However, this significant adverse traffic and safety impact is associated with the prior 1993 approvals, and will occur whether the proposed WorkforceCommunity Housing project is or is not approved. The possibility of mitigation for this impact (which involves obtaining grant funding for improvements to achieve safe vehicular and pedestrian movement in the vicinity) is associated only with the project proposal.

Discussion in EIR §5.5 (Land Use) indicates that the economic development stimulus associated with this project would be broadly consistent with goals and objectives of the *Mono County General Plan*, the *Mono Basin Community Plan*, and the *Mono County Economic Development Strategic Plan*, all of which emphasize the importance of tourism (and associated workforce-housing) as the primary source of employment countywide. The project would also be generally consistent with the constraints and opportunities identified for Lee Vining in the Mono County General Plan, particularly with respect to the community support for enhancing existing resources (as opposed to new development), providing workforce-housing opportunities, incorporating green building practices, and increasing job opportunities.

### 8.3 SUMMARY

The proposed Tioga WorkforceCommunity Housing Project would have potential to induce further growth in the project region. Such growth would: (a) be within the range of General Plan population forecasts for the Mono Basin; (b) place added demands on services but generally fall within service providers' ability to respond; (c) result in direct and cumulative environmental impacts, some of which would be significant and unavoidable but have already been

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<sup>1</sup> Significant unavoidable impacts identified in the General Plan EIR included: Impacts to biological resources (including special status species, riparian habitats, wetlands, wildlife movement and biological protection ordinances), impacts pertaining to geology (exposure to seismic effects and unstable geologic structures, soil erosion, and loss of mineral resources), impacts pertaining to health and safety (release of hazardous materials, emergency response, exposure to fire hazards, and exposure to avalanche and rockfall and volcanism), impacts to cultural resources (historic, prehistoric, paleontological and sacred), impacts to hydrologic resources (water quality objectives, waste discharge requirements, water supplies and erosion from drainage), recreation (impacts to facilities), aesthetic impacts (to scenic resources, visual character and light and glare), and impacts to public service (including impacts to police and fire and schools).

identified in the General Plan and/or are associated with the prior 1993 approvals and would occur with or without the proposed ~~Workforce~~ ~~Community~~ Housing project; and (d) contribute to economic development in a manner that is generally consistent with goals and objectives of the General Plan and Mono Basin Community Plan, and consistent with county economic development and affordable housing policies. Based on these findings, it is concluded that the project is growth inducing, but would not induce growth beyond planned population or housing or employment forecasts for this region.

**TIOGA ~~COMMUNITYINN~~ WORKFORCE HOUSING PROJECT  
REVISED DRAFT/FINAL SUBSEQUENT EIR**



**SECTION 9.0  
SUMMARY OF UNAVOIDABLE  
AND IRREVERSIBLE ENVIRONMENTAL IMPACTS**

**9.1 INTRODUCTION AND CEQA REQUIREMENTS**

CEQA Guidelines §15126 requires that an EIR consider all phases of a project when evaluating potential impacts on the environment, including planning, acquisition, development and operation. As part of this analysis, the EIR must also identify a) significant environmental effects of the proposed project, b) significant environmental effects that cannot be avoided if the proposed project is implemented, c) significant irreversible environmental changes that would be involved in the proposed project should it be implemented, d) growth-inducing impacts of the proposed project, e) mitigation measures proposed to minimize significant effects, and f) alternatives to the proposed project. CEQA Guidelines §15126 recommends that these subjects be addressed in separate sections or paragraphs of the EIR and also requires, where the subjects are not discussed separately, that a table be provided to show where each subject is discussed. This EIR discusses each subject separately in the sections listed below in Table 7-1:

<b>TABLE 9-1: Sections of this EIR that Address Long-Term Project Impacts</b>	
<b>SUBJECT</b>	<b>EIR SECTION</b>
Cumulative Effects	§6.0
Alternatives to the Proposed Project	§7.0
Growth-Inducing Impacts of the Proposed Project	§8.0
Significant and Unavoidable Adverse Effects of Proposed Project	§9.2
Significant Irreversible Environmental Changes	§9.3
Mitigation Measures Recommended to Minimize Significant Effects	§2.0 (Executive Summary) §10.0 (Mitigation Program)

**9.2 POTENTIALLY SIGNIFICANT AND UNAVOIDABLE ADVERSE EFFECTS**

Table 9-2 identifies the full range of potentially significant and unavoidable adverse impacts associated with implementation of the proposed Tioga ~~WorkforceCommunity~~ Housing Project.

<b>TABLE 9-2: POTENTIALLY SIGNIFICANT PROJECT IMPACTS</b>		
<b>EIR SECTION &amp; SUBJECT</b>	<b>POTENTIALLY SIGNIFICANT EFFECTS</b>	<b>SIGNIFICANT &amp; UNAVOIDABLE?</b>
<b>§5.1 Geology and Soils</b>	Exposure of people & structures to seismic effects	No
	Cause substantial soil erosion	No
	Exposure of people & structures to unstable geology	No
	Soils unsuited to alternative wastewater systems	No
<b>§5.2 Hydrology</b>	Violation of Water Quality Objectives	No
	Violation of Waste Discharge Requirements	No
	Availability of adequate Water Supplies	No
	Erosion and Siltation from altered Drainage	No
	Exposure of People and Structures to 100-year Flood	No
	Risk of Dam Failure	No

	Risk of Seiche, Tsunami, Mudflow	✓
§5.3 Biological Resources	Impact Candidate, Sensitive or Special Status Species	No
	Impact Riparian Habitat	No
	Impact Federally Protected §404 Wetlands	No
	Interfere with Fish or Wildlife Movement or Migration	✓
	Conflict with Local Biological Protection Ordinances	No
	Conflict with an adopted Habitat Conservation Plan	No
§5.4 Cultural Resources	Impacts to prehistoric or historic resources	No
	Impacts to Paleontological Resources	No
	Impacts to Sacred Lands	No
§5.5 Land Use & Recreation	Physically Divide a Community	No
	Conflict with an Applicable Land Use Plan	No
	Impact Recreational Facilities or Open Space	No
	Impact the acreage or use of designated Open Space	No
§5.6 Population, Housing, Employment	Induce Substantial Population Growth	No
	Displace Residents or Housing	No
§5.7 Health & Safety Hazards	Potential for Release of Hazardous Materials	No
	Activities on Known Hazardous Materials Sites	No
	Exposure to airport hazards	No
	Inadequate emergency response	No
	Exposure to wildland fire risks	No
	Exposure to avalanche, rockfall, storms, volcanism	No
§5.8 Utilities, Energy & Public Services	Impacts on police, fire, schools, other services	✓
	Result in Wasteful, Inefficient Energy Consumption	No
	Adequacy of landfill capacity	No
§5.9 Traffic and Circulation	Compliance with Plans & Ordinances	No ✓
	Conflict with VMT Thresholds	No
	Impacts associated with Intersection Hazards	✓
§5.10 Air Quality & Greenhouse Gases	Conflict with Air Quality Plan, Standards, Impact Sensitive Receptors	No
	Create Objectionable Odors	No
	Generate GHG, Conflict with GHG-Reduction Plan	No
§5.11 Noise	Cause a Significant Increase in Ambient Noise Levels	No
	Expose People to Groundborne Vibration or Noise	No
	Expose People to Significant Airport Noise	No
§5.12 Aesthetics, Light & Glare	Impact Scenic Resources, Visual Character	✓
	Create New Sources of Light and Glare	✓

### 9.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The proposed Tioga ~~Workforce~~~~Community~~ Housing Project would result in the irreversible consumption of nonrenewable resources. Resources anticipated to be irreversibly committed over the life of the project include, but are not limited to, lumber and other related forest products; sand, gravel, and concrete; petrochemicals; construction materials; steel, copper, lead, and other metals; and water supplies. Impacts to sensitive biological resources and migrating deer, already significant due to prior development and fire, would be compounded by the current project. Potentially significant impacts associated with unsafe pedestrian/cycling activities in the project area, and unsafe turning movements at US395/SR120, would be reversible through implementation of identified mitigation measures, but neither the applicant nor the County has authority to adopting or enact the mitigating actions. Impacts to the scenic highway and visual character of this region would be lessened by the growth of landscape elements, but not reduced to less than significant levels.

## **TIOGA COMMUNITY WORKFORCE-HOUSING PROJECT** **REVISED DRAFT/FINAL SUBSEQUENT EIR**



### **SECTION 10**

## **MITIGATION MONITORING & REPORTING PROGRAM**

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### **10.1 CEQA BASIS**

CEQA Guidelines §15091(d) requires lead agencies to adopt a program for reporting on monitoring the changes it has made in a project or made a condition of project approval to avoid or substantially lessen significant environmental effects. These 'mitigation measures' must be fully enforceable, generally through permit conditions or agreements. CEQA Guidelines §15126.4 describes how mitigation measures are to be addressed in environmental documents. Key elements of these requirements include:

1. **ATTRIBUTION:** The discussion of mitigation measures must distinguish between measures that are proposed by the project applicant, and other measures proposed by the lead agency or responsible or trustee agencies, or other relevant entities.
2. **EFFECTIVENESS:** Mitigation measures must be considered reasonably capable of reducing adverse impacts, and measures are to be provided for each significant effect identified in the environmental document.
3. **SIGNIFICANT EFFECTS ONLY:** Mitigation is not required for impacts found to be less than significant. Where several measures are available, the EIR should discuss the basis for selecting a particular measure.
4. **NO DEFERRAL:** Mitigation measures must be formulated as part of the environmental review and may not be deferred until a future time; however, the specific details of a mitigation measure may be developed at a later stage if necessary, provided the lead agency commits to the measures, adopts performance standards to be met, and identifies the type of actions that will meet adopted standards.
5. **SECONDARY IMPACTS:** If a mitigation measure would cause impacts in its own right, those impacts must be disclosed and analyzed though in less detail than significant effects of the project.
6. **ENFORCEABILITY:** The measures must be fully enforceable through legally binding instruments.
7. **NEXUS:** There must be an essential nexus between the mitigation and a legitimate governmental interest.
8. **PROPORTIONALITY:** The mitigation measure must be roughly proportional to the impacts of the project.
9. **LEGALITY:** If a measure cannot be legally imposed, it need not be discussed or analyzed.

CEQA Guidelines §15091 describes the relationship between project approvals and the mitigation of identified significant effects. This process requires the lead agency to make written findings, supported by substantial evidence, for each of the significant effects of a project, accompanied by a brief discussion of the basis for each finding. Possible findings include:

- a) **CHANGES HAVE BEEN MADE:** Changes have been incorporated into the project that will avoid or substantially lessen the significant impacts identified in the environmental document.
- b) **CHANGES ARE THE RESPONSIBILITY OF ANOTHER AGENCY:** The identified mitigation is the responsibility of another public agency and not the lead agency, and the measure can and should be adopted by the other agency. Note that this finding may not be made where the Lead Agency (in this case, Mono County) has concurrent jurisdiction with another agency to deal with the identified feasible measures or alternatives.
- c) **CHANGES ARE NOT FEASIBLE:** The identified mitigation measure or alternative is not feasible due to specific economic, legal, social, technological or other considerations.

### **10.2 FINAL SUBSEQUENT EIR MODIFICATIONS**

In compliance with requirements of CEQA Guidelines §15091 and §15126.4, this section compiles mitigation measures developed through the Final Subsequent EIR. In response to comments received during FSEIR preparation, this Mitigation Monitoring and Reporting Program incorporates many changed mitigation requirements including new, amended and



[deleted measures. All revisions are shown in "Track Changes" for ease of identification. A clean final version will be prepared for use by Mono County following Board of Supervisors decisions regarding certification of this Final EIR.](#)

[With one exception pertaining to FAA,<sup>1</sup> all mitigation measures herein will be enforced by Mono County, and all \(including FAA\) are compiled into a single Table 7-1. This FSEIR deletes the Mitigation Measures presented in DSEIR Table 10-2 as the responsibility of other agencies \(with the exception of FAA\), and also deletes the recommended Mitigation Measures that were presented in DSEIR Table 10-3. None of the mitigation measures in this FSEIR are considered infeasible.](#)

### 10.3 MITIGATION MONITORING AND REPORTING OVERVIEW

It is anticipated that the compilation of mitigation measures for the Tioga Workforce Housing Project may change as a result of comments received through the agency and public review process and/or through modifications recommended by the Mono County Planning Commission and/or adopted by the Mono County Board of Supervisors. Following completion of the Final Subsequent EIR, and before considering final project approval, Mono County will prepare 'Findings' that make one or more written findings for each of the significant project effects. Each findings will be accompanied by a brief explanation of the rationale for the finding consistent with CEQA Guidelines 15091 (as described above in §10.0. As part of the Findings, Mono County will adopt a program (i.e., The Mitigation Monitoring and Reporting Program) for reporting on or monitoring the enforceable changes that it has required in the project or made a condition of project approval in order to avoid or lessen the identified environmental impacts. Mono County will be required to specify the location and custodian of all documents that comprise the full record of proceedings upon which the Board of Supervisors' decision is made. The full record shall include the Draft SEIR, comments on the Draft SEIR, responses to comments, the Final EIR, the Findings, the Mitigation Monitoring and Reporting Program and, if adopted, the Statement of Overriding Considerations.

### 10.4 STATEMENT OF OVERRIDING CONSIDERATIONS

As part of the determination whether to approve a project, CEQA Guidelines §15093 requires the decision making body to balance the benefits of a project (including local, region-wide or statewide economic, legal, social, technological or other benefits) against the unavoidable significant environmental impacts and risks of that project. If the specific benefits are found to outweigh the unavoidable adverse environmental impacts, the adverse environmental impacts may be considered 'acceptable.' In cases where the lead agency approves a project with significant unavoidable adverse impacts, the agency must state in writing the specific reasons that support its action based on substantial evidence in the Final EIR and/or other information in the full record. The Statement of Overriding Considerations is included in the record of the project approval, and mentioned in the Notice of Determination. The Statement of Overriding Considerations is included with (and may not substitute for) the written Findings.

### 10.5 RESPONSIBLE AGENCY, REGULATORY AND CODE COMPLIANCE STANDARDS

If approved by the Mono County Board of Supervisors, the project will be required to comply with the requirements of all Responsible and Trustee agencies with permit authority; these agencies are anticipated to include the Lahontan Regional Water Quality Control Board, the SWRCB Division of Drinking Water, Caltrans, the California Dept. of Fish and Wildlife, the California Department of Forestry, Mono County Dept. of Environmental Health, Lee Vining Fire Protection District, and the FAA.. These agencies may impose conditions of permit approvals in addition to the Mitigation Measures contained in this EIR. The agencies with permit authority are normally responsible for ensuring compliance with conditions of approval.

The project will also be subject to a number of uniform code requirements and standard conditions of approval, many of which have been established to safeguard environmental resources, and/or to promulgate environmental goals and objectives. If the proposed project is approved, compliance with these measures will be mandatory (not discretionary). As such, these measures do not conform to the strict definition of mitigation. Although regulatory standards and codes are not generally incorporated into this mitigation program, the County will be required to ensure that the project is in full compliance with all relevant requirements.

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<sup>1</sup> [FAA will verify compliance with requirements outlined in the FAA Determination letter dated 12/7/2018, as well as any and all other FAA requirements that may apply to the Tioga Specific Plan Amendment #3 and appurtenant structures on the project site.](#)

To facilitate compliance with the requirements of CEQA Guidelines §15091 and §15126.4, this section presents a compilation of alternatives developed through the Draft Subsequent EIR. Each alternative is listed under its relevant category including:

- (1) ~~**Measures that the Lead Agency is responsible to enforce.**~~ A majority of mitigation measures in this EIR have been included for the purpose of avoiding or substantially lessening significant impacts, and will be enforced by Mono County. Table 10-1A lists the mitigation measures in this category that will reduce impacts to less than significant levels, and Table 10-1B lists the mitigation measures that will reduce impacts but not to less than significant levels (i.e., unavoidable impacts). The three significant and unavoidable project impacts include (1) risk of mudflow, (2) impacts to scenic resources, and (3) new sources of light and glare.
- (2) ~~**Measures that are the responsibility or purview of another public agency.**~~ Table 10-2 lists the measures that are the responsibility of agencies other than Mono County, and that can and should be adopted or implemented by the other agencies if feasible (see Table 10-2).
- (3) ~~**Recommendations.**~~ Table 10-3 lists all recommendations that were developed during the course of the environmental review process. The listed recommendations will not avoid or substantially lessen the identified significant environmental effects, and compliance is not required. The recommendations are offered for consideration only.

This EIR contains no mitigation measures that are considered infeasible.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
<b>GEOLOGY AND SOILS</b>		
GEO 5.1(a-1)	<b>Soils:</b> Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.	Prior to issuance of Grading and/or Building Permits by Mono County
GEO 5.1(a-2)	<b>Debris Flows:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
GEO 5.1(a-3)	<b>Seismicity:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
<del>GEO 5.1(b)</del>	<del><b>Low Impact Development:</b> The Low Impact Development Best Stormwater Management Practices Program (LID BMPP) outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan. A Low Impact Development Best Management Practices Program (LID BMPP) shall be implemented during all construction stages, including pre-construction and post-construction practices for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: (1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment laden waters on the construction site; and (6) regular inspection and maintenance of all equipment used during construction. The project shall comply with requirements to obtain a General Construction Stormwater Permit, and prepare a Stormwater Pollution Prevention Plan.</del>	
GEO 5.1(c)	<b>Supplemental Geotechnical Studies:</b> 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 modifications.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
<b>HYDROLOGY AND WATER QUALITY</b>		
HYDRO 5.2(a-1)	<b>Slope Restoration and Monitoring:</b> <del>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 weeds, sequester carbon, enhance aesthetic values and to</del>	To be included as a condition of approval in the building permit issued by Mono

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	<del>provide forage and shelter for wildlife. A Revegetation Plan shall be prepared as described in Measure BIO 5.3(a-1). This Plan shall include a map of all temporarily disturbed areas in the Project and shall outline how all temporary impacts to water resources and upland areas will be restored (recontoured) to approximate pre-project grade and drainage conditions. The Plan shall provide performance criteria and measures, and adaptive management procedures to be taken in the event hydrologic goals are not being met. Annual reports of monitoring results prepared for transmittal to Mono County prior to December 1 shall include evaluation of drainage performance relative to Plan criteria, and photographs of drainage features, for a period of no less than three years.</del>	County. County to oversee monitoring results and plan changes if and as needed.
HYDRO 5.2(a-2)	<b>Buffer Zone and Exclusion Fencing:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDRO 5.2(a-3)	<b>Minimal Vegetation Clearing:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDRO 5.2(a-4)	<del><b>Spill Prevention and Response:</b> The Spill and Leak Best Management Practices Program outlined in Mitigation HYDRO 5.2(a-7) shall be implemented through the life of the Tioga Specific Plan. The purpose of Spill and Leak Mitigation HYDRO 5.2(a-7) is to prevent hazardous materials spills and to minimize the discharge of pollutants from unplanned releases, through appropriate recognition and response procedures. A Spill Prevention and Response Plan shall be prepared that outlines project best management practices to prevent hazardous material spills, and the steps to contain and cleanup a hazardous material spill should one occur.</del>	Plan to be filed with and approved by Lee Vining FPD and CalFire prior to Building and/or Grading permit issuance for new gas pumps and propane tanks.
HYDRO 5.2(a-5)	<b>Onsite Storm Flow Retention:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
HYDRO 5.2(a-6)	<b>Low Impact Development Stormwater BMPs:</b> <u>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</u>	To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Department to oversee BMP implementation.

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
	<u>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. Measures to be implemented are listed below:</u>		
	<b>Low Impact Development Features of the Tioga Community Housing Project</b>		
	<b><u>NATURAL DRAINAGE CONTROLS</u></b>	<u>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</u>	
	<b><u>RUNOFF COLLECTION &amp; TREATMENT</u></b>	<u>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.</u>	
	<b><u>ONSITE FLOW RETENTION</u></b>	<u>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</u>	
	<b><u>INFILTRATION</u></b>	<u>Use of rock swales &amp; collection features to enhance filtration of pollutants.</u>	
	<b><u>RUNOFF SEPARATION</u></b>	<u>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</u>	
	<b><u>ROAD DESIGN</u></b>	<u>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.</u>	
	<b><u>CLUSTER DESIGN</u></b>	<u>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</u>	
	<b><u>VEGETATION RETENTION</u></b>	<u>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</u>	
	<b><u>SCREENING</u></b>	<u>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</u>	
	<b><u>WATER USE FOR LANDSCAPING</u></b>	<u>The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</u>	
HYDRO 5.2(a-7)	<b>Spill and Leak BMP Plan:</b> <u>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.</u>		To be included as a condition of approval in the LRWQCB Board Order for the WWTP, and in Grading and/or Building Permits issued by Mono County. Mono County Health Department and LRWQCB to oversee BMP compliance.
	<b>Spill and Leak Best Management Practices Plan of the Tioga Community Housing Project</b>		
	<b>SPILLS</b>	<u>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.</u>	
		<u>Drip pans &amp; funnels shall at all times be readily available to gas station customers &amp; staff for use when draining or pouring fluids.</u>	
		<u>At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times WHERE? for use by gas station customers and staff</u>	

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
		<u>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff &amp; 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.</u>	
	<b>LEAK CONTROLS</b>	<u>Drip pans &amp; funnels shall at all times be accessible and readily available for use with stored vehicles.</u>	
		<u>Drip pans shall be placed under the spouts of liquid storage containers.</u>	
	<b>TRAINING</b>	<u>All gas station employees, and the housing manager, shall be trained on spill &amp; leak prevention practices annually.</u>	
		<u>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</u>	
	<b>FUELING</b>	<u>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</u>	
		<u>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.</u>	
		<u>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</u>	
		<u>Rags and absorbent materials shall at all times be readily available for use by gas station staff &amp; customers in case of leaks and spills.</u>	
		<u>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.</u>	
	<b>WASTE TREATMENT PLANT</b>	<u>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 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.</u>	
	<b>WASHING</b>	<u>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided &amp; designated on the project site.</u>	
		<u>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.</u>	
		<u>Detergents sold &amp; used at the gas station shall be biodegradable and free of phosphates.</u>	
<b>HYDRO 5.2(b-1)</b>	<b>Septic Tank Decommissioning:</b> 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.		To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Dept. to oversee septic tank decommissioning; LRWQCB to oversee leachfield sizing.



TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
HYDRO 5.2(b-2)	<b>Leachfield Percolation Standards:</b> 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, <u>based on information provided by the well logs drilled within 600 feet of the anticipated disposal location. The location and percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MP 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 the LRWQCB permitting process.</u>	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee leachfield location based on percolation rates.
HYDRO 5.2(b-3)	<b>Effluent Treatment Standards:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to verify compliance.
HYDRO 5.2(b-4)	<b>Title 22 Compliance:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits. DDW to determine whether Title 22 applies.
HYDRO 5.2(b-5)	<b>Groundwater Quality Monitoring:</b> <u>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 (WWTP) 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.</u>	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee implementation.
HYDRO 5.2(b-6)	<b>Nitrogen Removal:</b> <u>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.</u>	To be included as a condition of approval in the Grading and/or Building Permits. LRWQCB to oversee implementation.
HYDRO 5.2(c-1)	<b>Groundwater Level Monitoring:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits. Mono County Health Dept. to oversee monitoring results and plan changes if and as needed.
HYDRO 5.2(c-3)	<b>Well Pump Video Survey:</b> <u>To determine the degree of corrosion, the buildup of organic material and/or precipitates in the perforated intervals, and the current depth of the sediment fill in the bottom of the casing, the well pump may be removed and a video survey performed at the discretion of the applicant.</u>	
HYDRO 5.2(c-2)	<b>Well Monitoring for Sand Content:</b> <u>Monitoring for possible pumping of sand may be performed on a semi-annual basis at the discretion of the applicant.</u>	
BIOLOGICAL RESOURCES		

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
BIO 5.3(a-1)	<b>Shrubland Revegetation:</b> 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 ( <i>Eriogonum microthecum</i> , <i>E. fasciculatum</i> , or <i>E. umbellatum</i> ), 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 href="#">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.</a>	To be included as a condition of approval in the building permit issued by Mono County. County to oversee monitoring results, and plan changes if and as needed.
BIO 5.3(a-2)	<b>Rockcress Avoidance:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
BIO 5.3(a-3)	<b>Nesting Bird Survey:</b> 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.	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County. CDFW, in consultation with Mono County and project applicant, to review bird survey results and reporting, and to determine whether added protections are needed.
BIO 5.3(a-4)	<b>Badger and Fox Survey:</b> A pre-disturbance denning badger <a href="#">and denning fox</a> 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 <del>500</del> 5300 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 <a href="#">or fox</a> dens will be buffered by a minimum distance of <del>500</del> 5300 feet, until the biologist finds that den occupation has ended. <a href="#">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.</a>	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County. CDFW, in consultation with Mono County and project applicant to review bird survey results and reporting, and to determine whether added protections are needed.
BIO 5.3(a-5)	<b>Pet Enclosure, Pet Leashing, Eviction for Noncompliance:</b> 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	To be included in the CC&Rs (Covenants, Conditions & Restrictions) developed for the Housing project, and strictly enforced

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
	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.		by the Housing Manager. Mono County shall be provided a copy of the complying CC&Rs and tenancy agreement prior to Certificate of Occupancy issuance.
BIO 5.3(a-6)	<u>Revegetation of Temporarily Disturbed Areas: The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:</u>		To be included as a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.
	<u>TOPSOILS</u>	<u>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.</u>	
	<u>SCREENING</u>	<u>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.</u>	
	<u>BITTERBRUSH</u>	<u>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 feet of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.</u>	
	<u>SEED MIX ADJACENT TO ROADS</u>	<u>The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (<i>Chrysothamnus viscidiflorus</i>, 1-2 ft maximum ht) and 2) desert peach (<i>Prunus andersonii</i>, 2 ft), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.</u>	
	<u>WEED CONTROL</u>	<u>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.</u>	
	<u>MONITORING</u>	<u>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</u>	

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES			VERIFICATION TIMING AND RESPONSIBILITY
		<u>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.</u>	
BIO 5.3(a-7)	<b>Signage:</b> 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, at the access points from Vista Point Drive into the gas station and into the hotel, and at the access road leading to the full-service restaurant.		To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County.
BIO 5.3(d-1)	<b>Shielding of Night Lighting:</b> 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.		To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County.
BIO 5.3(d-2)	<b>Burn Area Restoration:</b> 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 ( <i>Purshia tridentata</i> ), 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 ( <i>Eriogonum microthecum</i> , <i>E. fasciculatum</i> , or <i>E. umbellatum</i> ), 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.		To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County. County to oversee monitoring and reporting program, and County to oversee revegetation plan changes if and as needed.
BIO 5.3(d-3)	<b>Protected Corridor along US 395:</b> Mule deer mortality along US 395 adjacent to the project site shall 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 located outside of the approved hotel and restaurant uses.		To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County.
BIO 5.3(d-4)	<b>Waste Receptacles:</b> 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.		To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County. To be included in the Community Housing CC&Rs and strictly enforced by the Housing Manager.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
BIO 5.3(d-5)	<del>Deer Passage:</del> Caltrans installation of a deer passage along the US395 culvert at Lee Vining Creek would significantly reduce the frequency of unsafe deer crossings in the project area, and associated collision hazards to deer and to motorists. Caltrans has installed deer crossings at other streams along the migratory portion of US395, with significant benefits. If the Tioga Workforce Housing Project is approved, the applicant will collaborate with Mono County Community Development Department to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program. A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and the community of Lee Vining. This access route will be designed to incorporate a deer passage in the vicinity of the US395 culvert at Lee Vining Creek, following a study to determine the best location.	
CULTURAL & TRIBAL CULTURAL RESOURCES		
CULT 5.4(a)	<p><b>Discovery of Archaeological Resources:</b> <u>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.</u></p> <p><u>Additionally,</u> all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources <u>which would require implementation of the procedures described below.</u> 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, <del>and are</del> <u>Tribal monitors</u> are invited to observe the work at any time <del>without compensation,</del> <u>either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers.</u> 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 <u>Tribal cultural resource experts assisted by</u> a qualified archaeologist. <u>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.</u> Work shall not resume in the defined area <del>until the archaeologists conducts</del> sufficient research and data collection <u>are conducted</u> 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.</p> <p>All feasible recommendations of the <u>Tribal cultural resource experts and</u> 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. <u>Because archaeological resources are likely to also be tribal cultural resources,</u> evaluation and recommendations shall be developed in collaboration with the Kutzadika'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. <u>Post-discovery,</u> the</p>	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	tribal monitor shall receive reasonable compensation <sup>2</sup> for time and travel costs, <u>beyond the 50-hour limit allocated for pre-discovery monitoring</u> . 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.	
<b>CULT 5.4(b)</b>	<p><b>Discovery of Paleontological Resources:</b> 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.</p>	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.
<b>CULT 5.4(c,d)</b>	<p><b>Discovery of Human Remains:</b> 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 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.</p> <p>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.</p> <p>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,</p>	To be included as a condition of approval in the Grading and/or Building Permits issued by Mono County.

<sup>2</sup> 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.



**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY															
	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.																
<b><u>LAND USE AND PLANNING</u></b>																	
LU 5.5(b-1)	<u>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.</u>	To be included as a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.															
LU 5.5(b-2)	<u>ESTA/ESUSD Bus Stops: The 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. The 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.</u>	ESTA & ESUSD bus stop and turnaround areas to be included as a condition of approval in the Building Permits. Mono County CDD to oversee implementation.															
<b><u>POPULATION AND HOUSING</u></b>																	
POP 5.6(a-1)	<p><b>Phasing Plan:</b> Construction of the Community Housing Units shall conform to the following phasing milestones:</p> <table border="1"> <thead> <tr> <th colspan="3"><u>Community Housing Phasing Plan</u></th></tr> <tr> <th><u>PHASE</u></th><th><u># OF UNITS</u></th><th><u>SCHEDULE</u></th></tr> </thead> <tbody> <tr> <td><u>1</u></td><td><u>30</u></td><td><u>The 30 Phase 1 units and child care facility in Phase 1 would 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.</u></td></tr> <tr> <td><u>2</u></td><td><u>40</u></td><td><u>Construction of the 40 Phase 2 units would begin at the time that the hotel building permit application is deemed complete by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 &amp; 2 units available when hiring begins for previously-approved commercial job positions.</u></td></tr> <tr> <td><u>3</u></td><td><u>30</u></td><td><u>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). All Phase 3 units will be in the westernmost row of units..</u></td></tr> </tbody> </table>	<u>Community Housing Phasing Plan</u>			<u>PHASE</u>	<u># OF UNITS</u>	<u>SCHEDULE</u>	<u>1</u>	<u>30</u>	<u>The 30 Phase 1 units and child care facility in Phase 1 would 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.</u>	<u>2</u>	<u>40</u>	<u>Construction of the 40 Phase 2 units would begin at the time that the hotel building permit application is deemed complete by the Mono County Community Development Department. The goal is to have all 70 of the phase 1 &amp; 2 units available when hiring begins for previously-approved commercial job positions.</u>	<u>3</u>	<u>30</u>	<u>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). All Phase 3 units will be in the westernmost row of units..</u>	Phasing Plan to be included as a condition of approval in the Grading Permits. Mono County CDD to oversee implementation.
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<b><u>PUBLIC HEALTH AND SAFETY</u></b>																	

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
SFTY 5.7(c)	<b>Air Navigation Safety:</b> The project shall comply with established regulations set forth by the Federal Aviation Administration (FAA) (i.e., <a href="#">Title 14, Chapter I, Subchapter E, Part 77</a> ) and by the California Department of Transportation-Aeronautics Division (i.e., §21659 of the California Public Utilities Code), and FAA Advisory Circular 150-5300 13A.	FAA to verify compliance requirements per Determination letter dated 12/7/2018, and any other FAA requirements that apply to Tioga Specific Plan Amendment #3 and appurtenant structures on the site.
SFTY 5.7(d)	<b>Encroachment Permit:</b> <a href="#">An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.</a>	To be included as a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
<del>SFTY 5.7(d)</del>	<del><b>Emergency Evacuation:</b> A public safety evacuation plan shall be prepared for use by onsite residents and businesses in the event of a natural disaster.</del>	
HAZ 5.7(e-1)	<b>Fire Protection:</b> 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.): <ul style="list-style-type: none"> <li>• Maintenance of adequate defensible space for all homes;</li> <li>• Use of noncombustible materials for decks, siding and roofs;</li> <li>• Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers</li> <li>• Routine clearing of leaf &amp; needle litter from roofs, gutters and foundations;</li> <li>• Routine clearing of flammable vegetation away from power lines near homes;</li> <li>• Routine clearing of weeds &amp; flammable vegetation to at least 30' from propane tanks;</li> <li>• Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers;</li> <li>• Routine thinning of vegetation along access roads and driveways;</li> <li>• Provision of turnarounds at the end of all driveways and dead-end roads; and</li> <li>• Reflective address markers on all driveways and homes.</li> <li>• Receive a will serve letter from the Lee Vining Fire Protection District.</li> </ul>	To be included as a condition of approval in the Building and/or Grading Permits issued by Mono County.
HAZ 5.7(e-2)	<b>Fire Hydrants:</b> 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.	To be included as a condition of approval in the Building and/or Grading Permit issued by Mono County, with input from Lee Vining FPD.
PUBLIC SERVICES AND UTILITIES		
SVCS 5.8(a-1)	<b>Pedestrian Safety:</b> <a href="#">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</a>	To be included as a condition of approval in the Grading and/or Building Permits.

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
	<u>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.</u>	Mono County CDD to oversee implementation.
SVCS 5.8(a-1)	<b>Pedestrian Safety:</b> If the Tioga Workforce Housing Project is approved, the applicant will collaborate with Mono County Community Development Department to submit a Sustainable Communities grant application under the Rural Innovation Project Area (RIPA) program. A priority use of program funds, if awarded, will be to develop a safe pedestrian and cycling access route between the project area and the community of Lee Vining.	
SVCS 5.8(a-2)	<b>Defibrillators:</b> 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.	
SVCS 5.8(a-3)	<b>Shuttle Service:</b> A shuttle service shall be provided between the project site and Lee Vining, beginning when the Tioga Inn hotel receives an occupancy permit. The shuttle service will be staffed by qualified drivers, will be equipped with ADA-compliant features, and will follow established routes with regular minimum drop-off and pick-up times. The shuttle service will be available for use by hotel guests and residents of the Community Housing Complex.	To be included as a condition of approval in the hotel occupancy permit. Mono County CDD to oversee implementation.
TRAFFIC AND CIRCULATION		
TFFC 5.9(a-5)	<b>Access Rights:</b> The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.	To be included as a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
TFFC 5.9(a-6)	<b>Encroachment Permit:</b> An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.	To be a condition of approval in the Grading and/or Building Permits. Caltrans to oversee implementation.
TFFC 5.9(a-7)	<b>YARTS Access:</b> 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.	To be a condition of approval in the Grading and/or Building Permits. Mono County CDD to oversee implementation.
TFFC 5.9(a-1)	<b>YARTS Shuttle Passes:</b> At discretion of applicant, consider providing free YARTS shuttle and ESTA bus passes during the peak summer season to Tioga Inn guests and employees.	

**TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT FSEIR/DSEIR MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES		VERIFICATION TIMING AND RESPONSIBILITY
<del>TFFC 5.9(a-2)</del>	<del><u>Vista Point Entry:</u> To reduce conflicts between vehicles traveling along Tioga Road (SR 120), vehicles accessing the Caltrans' parking apron, and vehicles entering the Tioga Mart site, it is recommended that Caltrans consider implementing a designated point of ingress and egress for the apron parking area.</del>	
<del>TFFC 5.9(a-3)</del>	<del><u>Apron Parking:</u> To enhance safety and utilization of the apron adjoining the Tioga Mart site, it is recommended that Caltrans work with the project owner to modify the apron parking arrangement so as to maintain adequate sight distance for vehicles entering and exiting the Tioga project site.</del>	
<del>TFFC 5.9(a-4)</del>	<del><u>Relocation of YARTS Stop:</u> To enhance transit use, it is recommended that YARTS and Caltrans consider relocating the existing YARTS bus stop to improve sight distance at the intersection of the project site access road and SR 120. Bus stop relocation may also minimize the potential for conflicts between busses and vehicles parking on the apron and/or entering the project site.</del>	
<del>TFFC 5.9(c-1,2)</del>	<del><u>Intersection Signalization or Roundabout:</u> It is recommended that Caltrans consider installing a traffic signal or a roundabout at the US 395/SR 120 intersection. This change would serve to enhance vehicle safety and improve the peak-hour level of service at this intersection.</del>	
AESTHETICS		
AES 5.12 (a,b)	<u>Screening Design Features:</u> All landscaping, landscape irrigation, building materials and design elements used in development of the proposed project elements shall be selected and applied in a manner that screens or minimizes offsite views of project elements to the maximum feasible extent, consistent with other mitigation requirements outlined in this EIR.	To be verified by Mono County CDD prior issuance of Building Permits.
AES 5.12 (c)	<p><u>Outdoor Lighting Plan:</u> 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:</p> <p>(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Ch. 23.050.E (1, 2 &amp; 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;</p> <p>(b) accent lighting shall be limited to residential accent lighting required for safety, and up-lighting shall be prohibited;</p> <p>(c) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and</p> <p>(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.</p> <p>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:</p> <p>(a) A written narrative to demonstrate lighting objectives</p> <p>(b) Photometric data</p>	Outdoor lighting plan to be approved prior to submittal of building plans. Mono County Public CDD to oversee implementation.

TABLE 6-1. TIOGA COMMUNITY HOUSING PROJECT ~~FSEIR/DSEIR~~ MITIGATION MONITORING AND REPORTING PROGRAM

## MITIGATION MEASURES

## VERIFICATION TIMING AND RESPONSIBILITY

(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 motion sensors to trigger exterior lighting, and landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, and prohibited from allowing 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.

~~AES 5.12 (c)~~ **Dark Sky Regulations:** Mandatory compliance with requirements of the Dark Sky Ordinance and Scenic Combining District will minimize the impact of new sources of light and glare from the Tioga Workforce Housing Project. Moreover, the requirements would also apply to outdoor lighting on existing elements of the Tioga site, as well as previously approved but not yet constructed elements including the hotel and full service restaurant. Lighting and glare impacts from these uses would be reduced as a result of project approval. However, even with these mitigating elements, it is anticipated that the project will have a **significant and unavoidable adverse impact** on light and glare.