

To: Mono County Planning Department

December 4, 2007

From: June Lake Advocates

Subject: Public Comment Regarding the June Lake Rodeo Grounds Proposed Specific Plan Environmental Scoping

- Exhibit:
- (1) Letter to Mono County Community Development Department, attention Scott Burns from Stanford Legal Clinics, Deborah Sivas, dated December 22, 2005
 - (2) LAND EXCHANGE AGREEMENT R5-5400-150 between United States of America and Mammoth Mountain Ski Area, dated November, 1987
 - (3) Letter from Dept of Fish and Game to Dennis Martin, Supervisor, Inyo National Forest, dated June 12, 1989
 - (4) Letter from Scott Burns, Mono County Community Development to Bill Bramlett, USFS, dated October 18, 1988

We appreciate the opportunity, on behalf of the June Lake Advocates, whose membership is comprised of 618 members, to review and comment on the environmental aspects of the Rodeo Grounds Proposed Specific Plan (PSP). The June Lake Advocates membership consists of full and part time residents, property owners, business owners, and visitors to the June Lake area who are the significant core contributors to the economic base of June Lake.

Our comprehensive review and comments from our membership, for the most part, have been consolidated into this document.

The PSP appears to ignore and violate the Mono County General Plan, the June Lake 2010 Area Plan and the June Lake Design Guidelines and claims precedence over the General Plan. The County needs to state that the PSP violates the current General Plan and that the General Plan will have to be changed. Also, clarify that the General Plan has precedence over the (PSP). Will the County initiate a referendum process for voter approval of a General Plan change?

Additionally, we have not found any reference to the Community Design Guidelines that carefully assessed the balance between the unique mountain character and the Rodeo Grounds development. We expect the County Planning department to identify and mitigate the differences.

The PSP must comply with state and local regulations, to wit:

In Accordance with Government Code Section 65450-65457, and the Mono County General Plan, Land Use Elements, Specific Plan sections, II-2, the Specific Plan

must be consistent with the Mono County General Plan/June Lake 2010 Area Plan and the June Lake Design Guidelines.

Comments regarding other aspects of the PSP deficiencies will be submitted during the public review and comment phase of this project.

In addition to the environmental legal requirements outlined in Exhibit (1), the June Lake Advocates are certain that it is necessary to additionally include the following environmental analysis in the Environmental Impact Report (EIR) for the subject planned development in order to determine the supportable size and scale of the Rodeo Grounds Project:

1. Ground Water:

Determine the cumulative impact of additional planned and anticipated ground water well extraction on the June Lake Loop ecosystem, fisheries, riparian vegetation, watershed and water supply including the impact on Rush Creek and Mono Lake.

Currently we are aware of four planned ground water well drilling projects:

- (1) Two wells for the Rodeo Grounds development
- (2) One well for the June Lake PUD to supplement current shortfalls for the June Lake Down Canyon area
- (3) One well for the June Lake PUD to supplement anticipated shortages for the June Lake Snow Creek Village system
- (4) Numerous wells to provide water for major expansion planned for the June Mountain Ski Resort snow-making facilities

It is anticipated that most of these water extractions will require US Forest Service approval, ownership determination, LADWP authorization and affected downstream dependant approvals. Approvals should only be made on an assessment of total environmental impact, not on a piecemeal, case-by-case basis.

The Water Supply Assessment (WSA) required under SB610, must state whether the ground water basin has been adjudicated, whether the proposed related withdrawals will result in over draft of the basin and must describe any efforts to eliminate any long-term overdraft in the basin. Ground water extraction can lead to depletion of surface water sources, a primary resource for the Loop's economy; e.g., the influx of tourists and visitors during the fishing season.

Since records of the amount of ground water extracted from the basin appear to be vague or non-existent, it is critical to determine the amount of available ground water in the basin. Accurate estimates of consumption and volumetric replenishment rates need to be addressed before use authorizations are granted. "Substantial evidence" shall be compiled to prove there is enough

water to support buildout. These specifics need to be included in the Environmental Impact Report (EIR).

The June Loop is a glacier formed moraine not volcanic. If the origin of underground water basins is from June or Gull Lake, Snow, Fern, Reversed or Rush Creeks then extracting this ground water is the same as taking surface water which will deplete streams and lakes. This may require new licensing authorizations from the LADWP.

2. 25% OPEN SPACE:

Exhibit (2) page 15, paragraph H, Land Trade Agreement between the United States of America and Mammoth Mountain, stipulates that "Under Alternative A, the 90 acres within the Rodeo Grounds would be open for development within the constraints placed upon the site by power line and highway easements and zoning requirements that call for at least 25% of the land to be left as open space".

Mathematically, 25% of 90 acres leaves 67.5 acres for development. However this must be further reduced by 3.5 acres for SCE, thereby yielding only 64 useable acres.

This means that at 10 units per acre, the maximum development can only be 640 units.

3. SNOW MAKING:

Snow Making needs to be addressed in the PSP. Determine the impact of planned extensive expansion of snowmaking capacity for June Mountain on the June Lake Loop ecosystem, fisheries, riparian vegetation and water supply including impacts on Rush Creek and Mono Lake.

There are documented adverse affects of snow making on the environment. "Downhill Slide" authored by Hal Clifford, pg 182 states "Snowmaking, in other words, creates or exacerbates drought conditions in streams, sometimes prolonging normal late-summer low flows for months." Page 184 further states that "Snowmaking is creating deserts out of our rivers," per David Carle, executive director of the New Hampshire environmental group Conservation Action Project. "[Water withdrawals have] been found to be harmful in every industry except skiing, ..."

Snowmaking is also a polluting activity. Most equipment is powered by air and noise pollution-generating diesel generators. Limits should be established to prevent over pollution.

Minimum stream flow limits shall also be established to prevent total dewatering or surface water reductions caused by snowmakers in order to sustain trout fishery and healthy water systems.

4. INCONCLUSIVE WATER STUDIES:

The water studies conducted by ECO:LOGIC and Wagner Bonsignore in June 2006, appear to be inconclusive and lack “supportable evidence” as required by SB221 and SB610 as far as determining, with scientific proof, the impacts of using ground water wells and surface water on down stream water supplies. A more thorough analysis, including comprehensive isotope testing, is believed necessary in order to determine exact water flow dynamics.

Formal water agency, June Lake Public Utility District and Los Angeles DWP, service agreements shall also be in place prior to project construction start.

The ECO:LOGIC water studies were only based on 499 units and need to be reevaluated based on the latest proposal for 833 units or latest revised quantity.

Numerous water study disclaimers need to be quantified and resolved to the satisfaction of the concerned community. For example, the water studies state: “Snow Creek is insufficient for all months”, “Flow in Fern Creek...do not appear to be sufficient during low flow periods”, “Snow Creek flow appear to be insufficient to meet projected increased demands associated with buildout”.

If the developer is unsure about an adequate water supply for this project, which appears to be the case based on all of the disclaimers stated in the ECO:LOGIC Technical Memos, the Developer and County should request assistance from the State Water Resource Control Board for additional analyses.

5. METHODOLOGY/MODEL-BUILDING WATER ESTIMATES:

Again, the June Lake Advocates is requesting to be included in both the development of forecast models and water consumption estimates based on population (per capita), not acreage. The 2006 Water Technical Memo parameters appear to have used water usage calculations significantly below State, Mammoth and Mono Lake court ruling standards.

6. CLIMATE CHANGE:

The global warming solutions act (AB 32) and Executive Order S-3-05 both outline the serious threat to California’s welfare posed by climate change. The EIR should thoroughly evaluate both the project and the projects alternatives’

to determine the impact on climate change due to their greenhouse gas emissions. Development of the project should be in a manner consistent with achievement of AB 32's goals. The EIR should also consider the likely impacts of climate change on the project and its alternatives other impacts. Areas of particular concern are the impact of reduced snowpack, changes in availability and timing of water supplies, increased wildfire hazards and anticipated increased gas emissions resulting from additional automotive traffic locally and from Southern California to new Rodeo Grounds housing.

7. ELECTRICAL/PROPANE DISTRIBUTION:

Evaluate the impact of the tentative substation, distribution system and the site on the environment including safety precautions. An EIR is required to determine the impacts and mitigation prior to the development of the substation and distribution system.

Considerations for utilizing geothermal, biofuel and natural gas for heating and power should be thoroughly analyzed for inclusion into the EIR.

Disclosure of plans for Propane Tank Farms and distribution with legally safe specified distances shall be provided for public review.

8. SCENIC HIGHWAY:

In relation to the tentative future over-the-highway 158 ski-lift gondola, appropriate Federal, State and County agencies shall be consulted to ensure compliance and consistency with Scenic Highway/ Corridor designation regulations and preservation of scenic values.

9. DEER HABITAT:

In accordance with Exhibit (3), paragraph 2, "Off- site mitigation to compensate for the loss of summering deer habitat can readily be accomplished on the adjacent June Mountain Ski Area through a variety of means to increase carrying capacity through meadow preservation/enhancement, herbaceous seeding, and increased fawning cover, etc." Adverse impacts on Deer fawning and migration shall be mitigated to reduce wildlife-human conflicts and loss of habitat. There needs to be an in-depth plan, approved by the Department of Fish and Game, to mitigate the loss of fawning habitat and migration routes.

10. SPRING PROTECTION:

In accordance with Exhibit (3), paragraph 1, "The spring and its immediate surrounding area will be left undeveloped and set aside as a natural habitat niche to be maintained for salamanders, small birds, and mammals, and for

use by other wetland species”. The spring is located east of Northshore Drive near Highway 158. A specific detailed plan needs to be developed to safeguard the undeveloped natural habitat for salamanders, small birds, mammals and other wetland species.

11. VISUAL ENVIROMENT/RIDGELINE:

A favorable feature of the June Lake environment is it’s striking natural beauty. What measures will be taken to mitigate unsightly and unnatural views imposed by project elements from various locations and avoid ridgeline building? Area 2 and 3 in the proposed PSP show lots on and near ridgelines. Exhibit 4, page 2, states “Preservation of scenic view associated with ridge lines and shorelines area through the usage of landscaping, site planning and design standards”. How is the County going to enforce the no ridgeline building requirements? Detailed adverse impacts on ridgeline vistas needs to be disclosed on a building-by-building basis. Computerized renderings of visual sight lines from various places based on building heights need to be provided in order to adequately evaluate the proposed plan.

12. ENVIROMENTAL FRIENDLY:

The PSP states that the Rodeo Grounds will be an environmentally friendly project, but leaves that definition and task discretion to the developer. This appears to be ambiguous and the public needs to be included in the process.

13. PEOPLE AT ONE TIME (PAOT):

The PSP must make a clear, definite, and accurate statement of density in terms of PAOT, which shall not exceed that allowed by the June Lake Area Plan.

The average and maximum PAOT must be stated and known in order to provide for:

- Completion of a valid EIR
- Consistency with the June Lake Area Plan and County General Plan
- Correct calculations of water usage
- Accurate estimates of sewage flow
- Adequate traffic circulation plan
- Adequate parking
- Assess public safety-police and fire protection
- Mitigation of impacts on environment and wildlife

14. “TRANSFER OF DENSITIES”:

The “Transfer of Densities” statement language in section 5.2 of the PSP shall be removed and the developer shall follow the legal densities as outlined in the local Area Plan.

15. BUILDING HEIGHTS:

As stated in the June Lake 2010 Area Plan, Mono County General Plan and the June Lake Citizen Design Guidelines that were adopted by the Board of Supervisors in 2002, building heights are restricted to 35 feet residential and commercial to 60 feet. Given the spectacular scenic resources throughout the June Lake Loop, it appears contrary to public interest to authorize building heights exceeding those adopted in the General and Area Plans. The proposed skyscraper high rise building heights and masses do not fit the unique mountain character of June Lake and the PSP needs to be revised to comply.

As stated in the PSP, 1.1, page 5 of 46, the PSP is out of compliance because it requires a General Plan amendment for building heights that exceed allowable limits.

Benno Nagar, Intrawest, Vikki Magee-Bauer, Supervisor, Carl Williams, June Mountain, Dan Roberts, Dale Bromberger, Rob Morgan, Jerry Allendorf and others were members of the community who developed the 2002 June Lake Citizen Design Guidelines that the Mono County Board of Supervisors adopted in 2002 that limits building heights to 35 feet (June Lake Design Guidelines, page 27).

16. CULTURAL:

How will the potential impact to Historic Site 05-04-590 and/or 05-16-51-590, that the Forest Service finds to be eligible for the National Register of Historic Places, be mitigated? (CEQA 15064.5) A certified archaeologist and a culturally affiliated Native American must monitor ground-disturbing activities of this project.

17. TREES:

The tree replacement policy appears to allow the developer to cut down trees and pay only the “timber” value of the tree. Since the value of the trees to the community has no relation to timber value, this option should be eliminated. Who approves the policy? Why not require a one for one replacement, taking size into account, with the number of replacement trees based on a ratio of the size of the tree removed to the size of the replacement trees?

Enough new trees need to be planted to absorb more than the total new emissions caused by this large project.

18. WOOD STOVES:

We were advised by the developer that there would be no stove or fire places in the development. Where is this called out in the PSP? If these statements are not accurate, where will wood burning facilities be located and what volume of emissions will result?

19. GREY WATER:

Appendix 1, A3 Grey Water, A3.4.4, states that gray water will enter the river and wet lands. This plan needs expert analysis and voter and LADWP approval.

20. WATER QUALITY:

Coordinate with Sierra Nevada Alliance to mitigate poor water quality documented in their March 2006, State of Sierra Waters, A Sierra Nevada Watersheds Index.

21. WATER AND SEWER CONSTRUCTION SCHEDULE:

In accordance to Exhibit (4), page 2, paragraph 9, “Documentation that confirms that adequate water supplies and sewer facilities exist over and above the capacities needed to serve buildout of the Village and Down Canyon, prior to commencing construction in the West Village and Rodeo Grounds. New construction shall take place only after provisions for adequate water supplies and sewer capacities are developed”. The sewer and water expansion construction shall be completed prior to Rodeo Ground project start.

22. SUMMER SEASON OVERLOAD:

According to our County Supervisor, it is our understanding that Resorts, boat rentals and support facilities are currently at capacity during summer months. Specifically, what are the negative impacts to our natural resources with the influx of the masses, resulting from this large development, to our shorelines, trails and wildlife habitat? What are the plans to mitigate the dilemma of people exceeding natural resource habitat during the summertime?

23. EXPRESSED SOLIDARITY:

The PSP states that the PSP supports the goals and objectives of the June Lake 2010 Area Plan, however, nowhere does the plan indicate specifically how the PSP will comply with the many details of the June Lake 2010 Area Plan, General Plan and Design Guidelines. The County shall insist that the PSP is specific in compliance with germane elements of these plans.

24. EMISSIONS:

Low emission vehicles shall be stipulated for use during construction and ongoing transportation to help offset the increase of emissions generated by this large project.

We are sincerely optimistic that the Mono County Planning Division will support the people whom they represent and enforce the aforementioned plans and guidelines developed by the community, developers and consultants which were approved by the Board of Supervisors.

Please guarantee that the Proposed Specific Plan does not compromise the scenic qualities and rural lifestyle which is the basis of our economy and way of life.

On behalf of our members, we thank you for the opportunity to participate in the public EIR process for the proposed Rodeo Grounds project. We hope that the decision makers, after reviewing all of the submitted comments, will come to a conclusion that represents the voice of the whole community and not just a few business owners. We are major stake holders in this development and preserving the future of the June Lake Loop.

Sincerely,

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cc: LADWP
Cal Trout
Save Mono Lake Committee
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